

EAST AFR. PROT.
No. 16425

C.O.
16425
Rec.
8 MAY 08

167
1908
16ape.
100108

(Subject)

Guarantee Fund
Contributed by R.E. Officers

Leads for submission to Gov. printed
by Director of Surveys, and contribution.

(Minutes)

Gen. Dept. This is a ^{trillion} ~~million~~ ^{business} ~~business~~
I think you will have left
Maj.

Mr. E.H. Cox

I sent 43703/7 to your Secy
last week with a minute stating the decision
arrived at on the reply to the Comdnr of the
Machinery respecting the systems of "guarantee" in
the Colonies &c. That decision was to the effect
that as no general uniform system can at present
be provided for the Colonies, each case should
be dealt with in the Hqs of Div according to its
particular circumstances. The system of Public Officers
Guarantee fund, like those existing in some of the
W. Africa & the Indian Colonies, was to be encouraged.

Copy sent to Mr. Cox 3 May 10
100108

... incidentally demand about 1st or 2nd
 I attach to Gray with the draft letter, under
 these officers, nothing was said about the
 addition of 1/2 million to the sum a case
 I am afraid we often omit to tell our
 own officers about gray's security; but such
 encouragement is wise where we have a set
 of these years' agreement.

I think I should refer this to the
 Army Council also in that the attitude
 of these officers as regards their so-called honor
 is so ridiculous as to be incredible, and
 wish that some reference be addressed
 to them, but that on the question of actual
 Sec of State is inclined to think that there
 is a ground for referring the premium paid
 or required, whether the U.S. take that view.

W. H. C.

5 Nov

in relation

I agree that the demand of these
 officers is ridiculous. It is matter of
 course to take security from all persons
 entrusted with public money. Further, I
 presume that their offer took employment
 of civil nature on equal or terms. They
 cannot have it both ways. They are
 either civil or not. If they are they
 must be bound by the ordinary rules.

1864 5/11 P.D.O.

We went through all this in the
case of military officers serving
N. Nigeria. I would not
with the W.O. but would
with the W.O. as a result
of the N. Nigeria
which should be
planning that the
security is an ordinary
matter of business.

And, if (as I gather from
the preceding minutes) the
officers in question no longer
come to give security, I would
do nothing about the structure,
but I leave them to raise
a point if they think fit after
having had the real state of the
matter explained to them.

My chief reason for not
going to the W.O. is that the
whole system of reporting officers,
whether civil or military, to
give security seems to me
unnecessary, and difficult to
justify.

W. A. D. 21
at once

all 90.

2919

66 N.A.

look on

25376

Secretary's Office

Whitehall

EAST AFRIC PROTECTORATE

April 21st 1908.

No. 107

(Incl. 1)

C. O.
16425

My Lord,

At the request of the Commissioner of

Lands I have the honour to submit a letter and enclosure from the Director of Surveys protesting against officers of the Royal Engineers being required to subscribe to the Government Fund.

Mr. Smith
No. 10

The whole question of the security to be taken from officers of the Protectorate for the faithful discharge of their duties has been under consideration for some time and my views and proposals are contained in my despatch No. 495 of the 31st November last. When the question was first raised by Captain Knox two years ago I

tried

H. M. PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,

DOING STREET,

LONDON, S.W.

230
43703/14

175
105

tried to explain to him that there was nothing
personal in the matter and that the principle
was one with which all officers not in military
employment at the time were required to comply
by the Colonial Regulations.

3. At the same time I cannot express any
surprise at the view taken by commissioned
officers of His Majesty's Army.

I have the honor to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,

A. H. H. H.

C. O.
16425

REC
8 MAY 08

No. 16
Director of Surveys Office,
Calcutta, 10th April, 1908.

Sir,

I have the honour to request you to recall to His Excellency's recollection that Captain Knox first asked for redress of this matter as long ago as the 14th June, 1900.


I have accordingly the honour to request His Excellency to forward in due course the enclosed letter and correspondence to the Secretary to the Army Council.

It is under Section 42 of the Army Act that I make this request.

I have the honour to be,

Sir,

Your obedient servant,


Major, R.E.,
Director of Surveys.

SECRETARY TO THE ADMINISTRATION,

(THROUGH THE HONBLE COMMISSIONER OF LANDS.)

List of references to Director of Surveys
letter No. 1 of the 10th April, 1908

-----00000-----

1. Director of Surveys to Secretary Army Council dated 10.4.08
2. From Captain Knox, R.E. dated 10.4.08
3. From Director of Surveys to Secretary No. 18 4/23.3.08
4. Honble Comdr of Lands No. 504 4/30.3.08
5. Treasury No. 79/6 4/9.6.06
6. Director of Surveys No. 0/30 4/25.5.06
7. Director of Surveys No. 0/34 4/23.5.06
8. Treasury No. 279/4 4/21.5.06
9. Director of Surveys No. 14/25 4/16.5.06
10. Treasury No. O.S. 279/282 4/11.5.06
11. Director of Surveys to H.M.'s Commissioner No. 18 4/14.5.06.

From,

Major G.N. Smith, R.N.,
Director of Surveys,
British East Africa,

408

To,

The Secretary to the Army Council.

Nairobi,

British East Africa, 10th April, 1906.

Sir,

Under section 42 of the Army Act, I have the honour to request you to place before the Army Council the following complaint with a view to obtaining redress. A perusal of the correspondence enclosed will show that Lieutenant Cox brought his case before Captain Knox, who was at that time, previous to arrival here, his commanding officer, on 10th June 1906.

Captain Knox endeavoured without success to obtain redress. It will be seen that Captain Knox also was equally concerned and equally aggrieved.

On my arrival here, a little later, Captain Knox informed of his action. I understood that the matter would be referred home and that our respective grievances would not recur so that in deference to the provisions of Section 42 of the Army Act, which states that an officer should not be disposed to push to extremities his right to bring his complaint before the Sovereign, I let the matter rest.

Now however, when nearly two years have elapsed and when the impugment of my own honour and that of the officers under my command has resulted it appears to me to be necessary to take that action which is my right under section 10 of the Army Act by referring the matter to His Majesty's Army Council.

My complaint is as follows:

On arriving in this country I and Captain Knox, Royal Engineers, and Lieutenant Cox, Royal Engineers, now under my command, had stopped from our pay respectively sums of money to cover the cost of premia to insure against our own dishonesty. Such stoppage being called a "Fidelity Guarantee". I am of opinion that such a guarantee impugns our characters as officers and gentlemen. A similar stoppage has recently been made in the same manner.

I have the honour to explain that we have never signed any agreement admitting of this charge. Nor were we informed of any liability to this deduction when our appointments were offered to us.

I have the honour to draw attention to His Excellency's minute of 18th June, 1906, His Excellency's words to the following effect "Whilst you are drawing Civil pay you are subject to Civil Regulations" have been negatived by a subsequent decision, for we are not permitted to draw travelling allowance to which the Civil employees of the Protectorate are entitled under the Civil Regulations.

Accordingly, having for nearly two years failed to obtain redress, I beg leave to place the honour

of myself and the officers mentioned in the hands
of His Majesty's Army Council.

The case of the Non-commissioned officers under
my command is somewhat different. I have the honour
to request a decision as to whether the deduction
for Fidelity Guarantee made from the pay they re-
ceive from the Colonial Office is legal under section
136 of the Army Act. They receive no pay from Army
Funds.

I have the honour to be,

Sir,

Your obedient servant,

J. H. M.
Major, R.E.,
Director of Surveys.

EAST AFRICAN PROTECTORATE

SECRETARIAT MINUTE PAPER NO. 200
1908

From Whom

From Subject

Premiums for "Guarantee of Fidelity"
respecting

date 1.4.08

MINUTES.

Papers prior to 1908 inserted,

Letter from [redacted] and Comr 30.3.08
with enclosures

(2)

Y.H.

The question was referred home on
November 21st, 1907. We have had no reply
yet.

(2d) W.J.M. 1.iv.08. ad F.J.J.
3.iv.08

(3)

Memorandum of London

The whole question has been referred home
by despatch in Novr last & pending advice
receiving orders we are bound to act on
existing instructions. Await reply from

G.C.

G.C.08

signed

Dir. Survey. For perusal ad J.H.

MINUTE BOOK 1900-1901 continued.

(5)

See also through the copy of book.

See separate letter of 1900.

at 12.15. 1900 12.4.00

From

Captain G.S. King, R.E.

To,

Officer Commanding

Royal Engineers, Nairobi.

Nairobi, E.A. Africa,

18.7.06.

Sir,

1. On arriving in the East Africa Protectorate in April, 1905 the R.E. Officers were forced to pay a sum of money to the local treasurer to cover the cost of premia to insure against their own dishonesty.

2. Under para. 11 King's Regulations, I, as Commanding Officer at the time, submitted the case to the Officer administering the Protectorate:- on my own as well as on Mr. King's behalf. It appeared to me that our characters as officers and gentlemen were impugned.

I was informed that the matter was under consideration in England.

3. In March of this year these "fidelity guarantees" were again stopped from our pay.

4. It is 2 years since I first submitted the case and as I am now told that no instructions have been received from England relieving us of the payment, I feel obliged to ask you to enquire of the Council whether they consider it compatible with the honour of an officer of His Majesty's Army to be obliged to this course.

I have etc

signed G.S. King, Capt. R.E.,

From

Major J. S. Knox, R.E.

To,

Officer Commanding

Royal Engineers, Nairobi.

Nairobi, S.E. Africa,

12.3.06.

Sir,

1. On arriving in the East Africa Protectorate in April, 1906 the R.E. Officers were forced to pay a sum of money to the Local Treasurer to cover the cost of premiums to insure against their own dishonesty.
2. Under para 41 King's Regulations, I, as Commanding Officer at the time, submitted the case to the Officer administering the Protectorate, - on my own as well as on Mr. Cox's behalf. It appeared to me that our characters as officers and gentlemen were impugned.

I was informed that the matter was under consideration in England.

3. In March of this year these "fidelity guarantees" were again stopped from our pay.
4. It is 2 years since I first submitted the case and as I am now told that no instructions have been received from England relieving us of the payment, I feel obliged to ask you to enquire of the Army Council whether they consider it compatible with the honour of an officer of His Majesty's Army to accept this charge.

I have etc

signed J. S. Knox

No. 18 Director of Surveys Office,
 Karachi, 20th March, 1908.

Sir,

I have the honour to forward for the consideration of His Excellency a letter I have received from Captain Knox, Royal Engineers, on behalf of himself and Lieutenant Cox.

I have the honour to point out that I also have been stopped a fidelity guarantee and I appeal to His Excellency under paragraph 417, King's Regulations since my honour also has been impugned in a precisely similar manner as to that of my officers.

I have the honour to request His Excellency to direct the refund of these "Fidelity guarantees".

I have the honour to point out that the stopping of these amounts is a breach of agreement on the part of the government, since we were offered salaries of specified amount and no agreement that we have signed admits of any reduction being made. Moreover the decision of the Secretary of State that I and my officers are not to receive travelling allowance conclusively shows that the ordinary rules of the Protectorate towards its civilian employees do not apply to us.

Further

SECRETARY TO THE ADMINISTRATION
 THROUGH HONOURABLE COMMISSIONERS OF LANDS.

I would now I submit that the execution of a
fidelity from officers of His Majesty's
Army is not only derogatory to their honour but also
unnecessary. Should such an officer be guilty of a
breach of fidelity there is plenty of power under
the Army Act for the Government to dispense with
their services; and in such cases this would involve
loss of pension.

I have the honour to appeal to His Excellency
for redress.

I have the honour to be,

Sir,

Your obedient servant,

signed G.E. Smith, R.E.,

director of Surveys.

COFY.
Reg. No. 505.

Office of the Commissioner of Lands,
Nairobi,
20th March, 1906.

Your Excellency,

I have the honour to forward a representation from Major Smith and the other officers of his Corps (the Royal Engineers) serving under him on the question of the fidelity guaranteed demanded from them.

They have put forward a strong case for exemption.

As the rule regarding such guarantee applies to all officers in the Protectorate, I venture to ask Your Excellency to reconsider the whole matter and to make one more representation to the Secretary of State that this undeserved slur upon a service of gentlemen may be removed.

I have served in other parts of the British Empire, but nowhere else have I had a deliberate insinuation cast on me of possible dishonesty.

Surely, Sir, the best policy for the Government is to trust its officers; believing that the great majority are honest, and knowing that, of the few

EXCELLENCY

SIR GOVERNOR

S.A.P. SECRETARY

NAIROBI.

S.P.F.

Reg. No. 506.

Office of the Commissioner of Lands,
Nairobi,
20th March, 1906.

Your Excellency,

I have the honor to forward a representation from Major Smith and the other officers of his Corps (the Royal Engineers) serving under him in the question of the fidelity guaranteed demanded from them. They have put forward a strong case for exemption.

As the rule regarding such guarantee applies to all officers in the Protectorate, I venture to ask Your Excellency to reconsider the whole matter and to make one more representation to the Secretary of State that this undeserved slur upon a service of gentlemen may be removed.

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Surely, Sir, the best policy for the Government is to trust its officers, believing that the great majority are honest, and knowing that, of the few

HIS EXCELLENCY

THE GOVERNOR

U.S.A. PROTECTORATE

W. I. R. S. S.

who do not so, the greater number will be kept without
 any fear of unpleasant consequences, such
 as dismissal and loss of pension rights.

It would be interesting to know how many cases
 have occurred in the last ten years of officers in
 the Colonial Service squandering Government money, and
 of these cases, in how many it had been found neces-
 sary to realize the guarantee from the Insurance
 Company.

If the cases have been very few, as I feel sure,
 is it wise to irritate a whole service by telling
 its officers that the Government does not trust them?

Let us suppose that the Government might suffer
 some loss in a few cases, surely it is better to
 suffer it than to distrust hundreds of deserving
 officials.

If it is deemed advisable to have some insurance
 fund for such cases, I venture to suggest that the
 premiums of such funds should be paid out of public
 funds without the knowledge of the services. The
 annual payments would surely be small in amount,
 much smaller than the sum of those deducted at
 present from the salaries of unwilling officers.

I have the honour to be,

Your Excellency's

Most obedient servant,

(Sd) J. Montgomery,

Commissioner of Trade

who are not so, the greater number will be kept straight by fear of unpleasant consequences, such as dismissal and loss of pension rights.

It would be interesting to know how many cases have occurred in the last ten years of officers in the Colonial Service squandering Government money and of these cases, in how many it has been found necessary to realize the guarantee from the Insurance Company.

If the cases have been very few, as I feel sure, is it wise to irritate a whole service by telling its officers that the Government does not trust them?

Let us suppose that the Government might suffer some loss in a few cases, surely it is better to suffer it than to distrust hundreds of deserving officials.

If it is deemed advisable to have some insurance fund for such cases, I venture to suggest that the premiums of such funds should be paid out of public funds without the knowledge of the services. The annual payments would surely be small in amount, much smaller than the sum of those deducted at present from the salaries of unwilling officers.

I have the honour to be,

Your Excellency's

most obedient servant,

(Sd) J. Montgomery,

Commissioner of Lands

COPY.

The Treasurer
Bombay June 2nd, 1906.

Survey No. 75/6

Sir,

With reference to your letters Nos. 0/34 and 0/35 of the 23rd and 25th May respectively in regard to guarantee premiums I have the honour to state that these are payable by all officials under section 16 of the Regulations for the employment of officers, a copy of which may be obtained from the Secretary to the Administration, if you have not already been supplied with one.

I have the honour to be,

Sir,

Your most obedient servant,

signed. Henry P. Bapic.
for Treasurer

The Deputy Director of Surveys,
Trigonometrical branch,
Mumbai.

1/87

15.6.06

412
COPY.

No. 0/35

Director of Surveys Office,

Calcutta, 25th May, 1904

Sir,

I have the honour to request that you will be good enough to supply me with a copy of the "Instructions received from the Secretary of State" referred to in your letter to me Survey No. 279/4

I have the honour to be,

Sir,

Your most obedient servant,

signed G.S. Knox, Captain, R.E.,

By Director of Surveys.

The Treasurer,

East India Protectorate,

MEMORANDUM

SECRET

No. 0

Director of Bureau Office,

Harlow, 13th May, 19

Sir,

I, and Lieutenant S.V. Cox, R.N., an officer under my command have each received from you a request, dated 16th instant, for payment of Rail-15, for premiums paid by you to some Law Society.

We both deny all liability and I should be glad of an explanation of the meaning of the request.

I have the honour to be,

Sir,

Your obedient servant,

signed: G.S. Knox, Captain, R.N.,

The Treasurer,

East Africa Protectorate.

SECRET

COPY.

Survey No. 279/4

The Treasury,

Nobess May 21st, 1906.

Sir,

I have the honour to acknowledge the receipt of your letter No. 14/25 of 18th May, 1906 on the subject of a deduction of 15s. 11d. made from C.S.M. Cox's pay.

In reply I have the honour to inform you that the deduction was made on account of the premium payable to the Law Guarantee and Trust Society for guaranteeing C.S.M. Cox's fidelity for the year 1906, viz 1 per cent on £2000 for the period from 16 March to 31st December 1905.

Guarantee premia are paid to the Society by the Crown Agents and recovered locally from the officers' salaries in accordance with instructions received from the Secretary of State.

I regret therefore that I am unable to repay the amount in question to C.S.M. Cox.

I have the honour to be,

Sir,

Your most obedient servant,

signed G.C. Bowering

Treasurer.

Colonel G.S. Knox, R.E.

Director of Surveys.

Nairobi.

2 of 2-1/17

25.5.06

No. 24/22

Director of Surveys Office

Harare, South Rhodesia

Sir,

Comp. Sergt-Major H. Cox, R.S., has passed to me as his Commanding Officer, your letter to him No. O.S.279/2nd.

I observe that you have deducted fifteen shillings and eleven pence from the pay of this soldier.

This deduction is an offence under the Army Act, and I shall be obliged if you will pay G.S.M. Cox, R.S., this sum before the departure of the next mail for England and also be so good as to inform me by what authority it has been withheld from him.

I have the honour to be,

Sir,

Your obedient servant,

signed: F.S. Knox, Captain (R.S.)

Do. Director of Surveys.

Treasurer,
East Africa Protectorate.

Through the Asst. of SURVSR.

The Treasury,

Nairobi May 11th, 1906.

O.S.No. 279/282.

Sir,

With reference to your life certificate dated Nairobi 30th April 1906, I have the honour to inform you that your salary as noted below amounting to £27-17-11 has been paid to the National Bank of India Limited, Nairobi, as requested.

Half salary from 16th March to 3rd April 1906 @ £142-10 per annum £ 7- 6- 4

Full salary from 4th to 30th April 1906 @ £205 per annum £21- 7- 0

£28-13-10

Less

Guarantee premium from 16th March to 31st December 1905 as provided in the regulations for the employment of officers

£ 0-15-11
£27-17-11

I have the honour to be,

Sir,

Your most obedient

signed : Henry P. Regis.

Per Ore

Sergeant Major H. Cox, R.N.,

Nairobi.

curr. 2

Director of Surveys Office,
Lahore, 15th June 1906.

Sir-

1. The Treasurer has informed me that a provision for "guarantee of fidelity" has been stopped from the pay of the Non-commissioned officers under my command.
2. He has also requested me and Lieutenant Cox, R.E. to see which similar provision for the Crown Agents of the Colonies was agreed to have "insured" our fidelity without reference to us.
3. He informs me in his letter No. 57/6 dated 6th instant that these emolument are made under section 13 of the "Regulations for employment of Officers".
4. I beg to point out that the regulation referred to excludes provisions "all civil affairs" and would thus appear not to apply to military work and that in my opinion the deduction in their case is illegal under section 13c of the Army Act.
5. Lieutenant Cox, R.E., considering his Honour as an officer and a gentleman impugned by this very practical way of showing that his common honesty as doubted, has, in honor by the "King's Regulations and Orders of the Army" placed his honour in my hands as his commanding officer.

My honour is equally impugned with that of Lieutenant Cox, R.E.,

His Majesty's Commissioner
Commander-in-Chief,
EAST AFRICA PROTECT.

6. I subsequently sought an explanation from the Treasurer; and he had explained as quoted in paragraph above and further says that a Committee recently appointed recognized that a mistake had been made, and that this objection would in future years not be taken from the military officers and men on the same way.

7. On this understanding, and though still feeling very sore on the subject, I agreed with the Treasurer that, (subject to your approval as the guardian of the honour of the military officers, and the rights of the soldiers serving under you in this Protectorate) I should not refer this painful matter for the decision of the Army Council.

8. I shall be glad to know that my action meets with your approval.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Signed: G.S.Knox, Captain, R.E.,

Acting Director of Surveys.

426
Minutes to ... of, 14th June, 1906.

Actg. Director of Surveys.

I do not think you quite understood the position. Whilst you are drawing civil pay you are not subject to civil regulations, with which the Army Act has nothing to do.

There is nothing derogatory in the Fidelity security, which is applied generally throughout our Colonies, and from which Military officers, as such, are not held to be exempt by the Colonial Office. I must therefore ask you to pay the premium required by the Treasurer.

signed J.H.S.

15/6/06.

H.N.C.

Noted.

signed G.K. Capt.R.S.,

Actg D of S. 16.6.06.

Gov
1825/1908

Sea Protectorate

AFRICA PROTECTORATE

LOWLAND DISTRICT

DRAFT

1908

RESIDENTIAL COLONEL

SIR J. HAYES SADDLER, M.C., M.A., F.R.S.

MINUTE.

Mr. Smith 25/11/08

Mr. Harris 25 Sir,

W. Reed 3 Dec

Mr. Just.

Mr. Antrobus, J. J.

Mr. Cox

Sir C. Lucas

Sir F. Hornwood

Col. Seely

The Earl of Cromer

I have had under my consideration
in connection with the general question of
taking security from public officers your
despatch No. 167 of the 16th of April 1908
transmitting a letter addressed by the Direc-
tor of Surveys to the Secretary of the Army
Council protesting against the application
to the Secretary of the Army
to issue warrants for the seizure
of the property of the public officers
mentioned in the above-mentioned despatch.

2. It will be seen on reference to

article 102 of the Colonies Act 1898

7/11/10 1243/10

Just seen
 obligation to ~~write to~~

In these circumstances, I have
 advised that ~~Mr. Smith~~
~~will see things with his letter~~
~~should your answer to be forwarded to the~~

and Council, and request you will so inform

~~him~~ when communicating

what I have written in the 2nd
 of his the question a bolded paragraph

of this dispatch.

I have