

EAST AFR. PROT.

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Instructions have been issued about Army Reserves. They shall not be recalled as members of the Volunteer Reserve. There is not sufficient number of the law necessary to have an Army Reserve. It is in contravention of these instructions. Reports as to application of military law to Reservists in the Protectorate.

General Dept

The points raised in the despatch will need consideration. Perhaps you will write through the Dept.

His
Deob

Mr. G. ...

This despatch and other replies so far received to the General up to Sept. raise questions which are so connected together as to be somewhat. Questions of expediency that we must ascertain the wishes of the War Office before sending any instructions to Blomfield.

when referring to the 100 (?) we should state the
views of the Secretary of State on the points raised
& should refer to the history of the

I think it will
be more important to make the subject
fully explicit and then to deal with the
geographical features of the area in
detail for the present. It does not seem to
be very long.

Mr. Harris
Mr. Cox

But I think it is important to express the opinion
that points raised in this subject
are matters for our legislative advisers

25th
9/12

Mr. Fox

Approved H. B. C.

At once (13)

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE

October 19th 1910.

My Lord,

In reference to paragraph 1 of your Lordship's Circular despatch of the 11th ultimo, I have the honour to report that instructions will be issued to the effect that Army Reservists shall not be enrolled as Members of the East Africa Volunteer Reserve. The Governor has the power to discontinue the service of any Member of the Volunteer Reserve. I do not consider that any amendment of the law is required to prevent an Army Reservist joining the Volunteer Reserve in contravention of such instructions.

2. The question raised by paragraph 2 of Your Lordship's despatch is whether a Reservist called up in this Protectorate for permanent service would be subject to Military Law in this Protectorate so that he could be more readily dealt with. The Secretary of State has expressed the opinion that he may be considered to have a British Garrison in this Protectorate, and that the Reservist called up would be subject to the Military Law prescribed by the Army Act.

THE RIGHT HONOURABLE
THE EARL OF CREWE, K.G.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, E.C.

I am not prepared to differ from that opinion, but
 as I do not feel quite certain as to what is meant
 by the expression "Garrison" I submit the follow-

ing: "In this Protectorate we have no British
 Regiment nor any force which, as a whole, is subject
 to the Military Law of the Army Act. Our local
 Military law is to be found in the King's African
 Rifles Ordinance 1894 which provides for the consti-
 tution, government and discipline of the King's
 African Rifles. Our only regular military force
 is the King's African Rifles established under and
 constituted in accordance with the provisions of
 such Ordinance."

4. The first question to be considered is
 whether an Army Reservist called up in this Protec-
 torate and ordered to report to and obey the orders
 of the Officer Commanding the Troops in this Pro-
 tectorate would become subject to the Military Law
 as enacted or applied by the King's African Rifles
 Ordinance. In my opinion he would be subject to
 such law.

The provisions of the Ordinance relating to
 discipline relate only to persons subject to the
 Ordinance, that is, to European Officers and Non-
 Commissioned Officers appointed to or attached to
 the Regiment and to the Native officers, Non-Com-
 missioned Officers and Privates of the Regiment. I
 am unable to satisfy myself that an Army Reservist
 ordered to report to and obey the instructions of
 the Officer Commanding the Regiment would, by reason
 of such order, become a person subject to the

Ordinance and liable to punishment under the Ordinance if he failed to report himself or to obey the orders of the Commanding Officers.

6. The further question now arises as to whether an Army Reservist called up in this Protectorate would be subject to Military Law so that he could be here dealt with under the Army Act, if not subject to Military Law under the local Ordinance.

7. I have no doubt that a Reservist called up in this Protectorate and ordered to report to, and obey the orders of, the Officer Commanding the King's African Rifles in this Protectorate could be here dealt with under the Army Act if he failed to report himself or was otherwise guilty of a breach of discipline. The only doubt in my mind is whether the King's African Rifles, a Force constituted under a local Ordinance, is a British Garrison within the meaning of Regulation 154 of the Regulations for Mobilisation 1909, and that it is not necessary specially to direct that the Reservists residing in this Protectorate shall, when called up, report themselves to the orders of the Officer Commanding in this Protectorate the King's African Rifles. I would suggest that the Army Council should be invited to satisfy themselves on this point.

I have the honour to be,
Your obedient servant,
G. G. G.

GOVERNOR.