

DESPATCH

EAST AFR. PROT.

C.O.  
28259

Recd  
26 23 AUG 1913

28259

No. 404

909

July

Previous Paper.

27231  
Uganda

Free Quarters

Is for consid<sup>n</sup> a memo: by Mr. Advocate resp<sup>s</sup> the interpretation to be put upon the term "Free Quarters". Thinks officers of E.A.P. sh<sup>d</sup> receive the same treatment as officers in West Africa.

See 27231 Uganda.

HAB.

Sept 14.

Subsequent Paper

18/1/13

Governor's Office,

Nairobi,

July 24th 1909.

EAST AFRICA PROTECTORATE.

No. 404

(Incl. 1)

C O  
8259  
23 AUG 09

159

My Lord,

u  
24930/8

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 195 of April 15th respecting the interpretation to be put upon the term "Free Quarters", and to transmit herewith a copy of a Memorandum by the Crown Advocate on the subject. I may mention that though Mr. Combe had not, as he states, seen the file himself, Mr. Young who was acting for him last year noted it without comment on July 28th 1908.

Mr. Combe  
Jul. 14th

2. I am extremely reluctant to traverse in any way the view expressed by Sir James Hayes Sadler in his despatch No. 299 of June 17th 1908 but the Executive Council, which was not consulted when that despatch was written, has recommended a reference to Your Lordship and I do not feel justified in refusing to act in accordance with their recommendation.

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24930/8

3. Without entering into the general principles which should regulate the payment or non-payment of certain outgoings by officials in respect of the residences they occupy, I am strongly of opinion that officers

H. R. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

Governor's Office,

Nairobi,

July 24th 1909.

EAST AFRICA PROTECTORATE.

No. 404

(Incl. 1)

C.O  
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My Lord,

*4/24930/8*

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 195 of April 15th respecting the interpretation to be put upon the term "Free Quarters", and to transmit herewith a copy of a Memorandum by the Crown Advocate on the subject. I may mention that though Mr. Combe had not, as he states, seen the file himself, Mr. Young who was acting for him last year noted it without comment on July 28th 1908.

*Mr. Combe  
Jul. 14th*

2. I am extremely reluctant to traverse in any way the view expressed by Sir James Hayes Sadler in his despatch No. 289 of June 17th 1908 but the Executive Council, which was not consulted when that despatch was written, has recommended a reference to Your Lordship and I do not feel justified in refusing to act in accordance with their recommendation.

*4/24930/8*

3. Without entering into the general principles which should regulate the payment or non-payment of certain outgoings by officials in respect of the residences they occupy, I am strongly of opinion that officers

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

officers of this Protectorate are entitled to receive as favourable treatment in this respect as their confreres serving on the West Coast of Africa.

4. It seems only equitable that whatever interpretation may be held to attach to the term "Free Quarters" in the latter instance should apply equally in the former, and the fact that the case has not previously been represented to Your Lordship in this light should not, I submit with all deference, be permitted to prejudice the question.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

J. J. Galle

INCLOSURE

In Despatch No. 402 of 24. 7. 1909

C.O.  
28259

161

23 AUG 09

This is the first time that I have seen this file from the contents of which it appears that Sir James Hayes Sadler invited the Secretary of State to order that the Officers serving in this Protectorate should be required to pay rates and taxes leviable in respect of the Government Quarters occupied by them, notwithstanding that by the terms of their engagement they are to be exempt from the payment of such charges. In the Secretary of State's despatch 189 of April 1909 the meaning of the term "free quarters" is correctly explained, and the Secretary of State as one would suppose, states that he has no intention of depriving Officers of a portion of the consideration offered to them as an inducement to accept service in this Protectorate.

It seems that Sir James Hayes Sadler's invitation was made and accepted under a misapprehension of the facts. It is not the fact that Officers have considered that the term "free quarters" meant quarters free of rent, but not of rates and taxes which may be imposed for Municipal or similar purposes. Neither have those who have ever considered the question ever imagined that they would be required to pay such charges assessed on Government Quarters provided for their occupation in accordance with the terms of their engagement. It is true that Officers residing in Nairobi have of necessity either voluntarily paid to the Township Committee small sums in respect of services rendered in doing conservancy work at the houses occupied by them, which services would otherwise have been performed by servants employed by the Officer. This payment has been made in accordance with an arrangement entered into some years back between Mr. Ainsworth then Sub-Commissioner of Nairobi as representing the African Community and the Town Committee.

Officers have also paid a small sum monthly to the Railway Department for water supplied for their use at the quarters occupied by them. Cases have arisen where Officers who have accepted these services have objected to paying for them on the ground that they by the terms of their engagement were entitled to free quarters and my opinion has been invited as to whether they were under an obligation to pay for the services rendered. In these cases I have expressed the opinion that since they had accepted services for which, as they were aware, payment was expected of them in accordance with an arrangement made by Mr. Ainsworth, it was not open to them refuse payment.

There is a very wide distinction between the payment for services rendered and accepted and the payment of rates and taxes leviable in respect of premises occupied by the Officer on the terms of his engagement. I regret that the misunderstanding which has arisen should not have been corrected before and I hope that the true facts may be laid before the Secretary of State in order that an injustice may not be done to the Officers of the Protectorate.

*J. H. C. [Signature]*

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CROWN ADVOCATE.

14-7-09

oag / 20259 Sal.

~~Sec~~

DRAFT.

Sal N. 594

For Guiana

ansd 16/9-10

JWS

30 Sept

~~Sept 2009~~

MINUTE.

in,

Mr. Parkman 2079

Mr. Butler 2960

Mr. Fiddes.

Mr. Just.

Mr. Cox.

Sir C. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Crewe.

I have the honour to  
ack. the receipt of Mr. Parkman's  
desp. N. 402 of the 26th of  
July, on the question of  
the interpretation of  
the term "free quarters":

2. In my desp. N. 189  
of the 21st. of April 1908,  
it was ~~in effect~~ laid  
down that <sup>the term</sup> "free quarters"  
was to be held to mean  
quarters free of rent,  
but not of rates &  
similar outgoings. The

2/1/10

is that officers appointed after the 21<sup>st</sup> of April 1908 should <sup>pay all such</sup> ~~himself~~ ~~be~~ ~~the~~ ~~cost~~ ~~of~~ ~~such~~ ~~rates~~ and ~~similar~~ ~~outgoings~~ ~~as~~ ~~incurred~~ ~~then~~ or have since been imposed or may be imposed in the ~~future~~ on the ~~rest~~ ~~of~~ ~~free~~ ~~quarters~~ allotted to them.

insert at bottom of page 1.

I should be glad to receive

the particulars of rates & similar the & outgoings in

question as requested in the 4<sup>th</sup> para of my despatch N<sup>o</sup> 195 of the 15<sup>th</sup> of April last

which officers appointed since the 21<sup>st</sup> of April 1908 are called upon to pay in respect of their quarters.

I have