

DOMESTIC

EAST AFR. PROT.

NO.

8773

8773

3 MAR 03

(Subject.)

Pensions of legal Officials

See no reason for grant of addition
of years for proposal such as to
favorable period in case of legal
officer.

General Dept. (Minutes.)

Aug 3-82

16/3

Mr Cox.

In principle I am not sure that the
Freemasons are not right in the case of a
new Protectorate especially, the F.O. affairs
quite a young lot of men who really have
no claim to an addition of years.

But I am afraid the decision will
be rather a bomb shell and, even after telling
it over with the Treasury, and hearing their staff
say they don't like it, I am also sure that it
can't except it without further explanation.
When the Treasury speak of "No friends"

colonies & they mean those which are under
British protection. It may also mean they admit
that in N Nigeria we acted without their consent
in the usual rate, & in the case of N Nigeria
which is still a Protectorate, the ~~King of~~ ~~Baro~~ ~~Coquimbo~~
proclamation of 1901 for the first goes and does
affirms the right of an addition for protection fees
so that the real result of the Treasury ruling
will be to exclude legal fees - in the Protectorates
in the S of Africa as long at any rate, as
there are no state debts. - from the brief of a
butcher & who is known as a universal.

As regards the Protectorates themselves the
treasury does not interfere. But practically,
but it is to be left for law officers to one
of them to decide if a government official does
or doesn't have the privilege in question
wherever he serves.

These answers appear to be from

1 - except the ruling on state debts, and
leave the law to the law officers.

2 - accept the principle as a temporary
and think that in future with full facts
shall go at it & easily carry the privilege
in absence of sufficient qualifications.

3 - I do not think the ruling of the S of Africa
applies to the ~~King of~~ ~~Baro~~ ~~Coquimbo~~ as he ~~is~~ ~~was~~ a
Dipper until his name is the Protectorate in

question has been decided since 1885.

Practically I incline to (2) - the fact
being that only in certain cases will there
be more "protection" than fees,
and a permissive rule covers those.
This practically meets the point.

Cath.

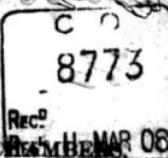
2/1/13

H. J. Hopwood

I do not point out Mr. Agius' argument at all which is the other
point & say that as Mr. Elgin's
opinion their procedure ruling will
not coincide to "efficiency of legal
administration". Mr. Elgin
recognises that so far as these Protectorates
have grants in aid the Treasury
are able by practice such as this
to control the administration but
that Mr. Elgin desires to place it on
record that to the difficulties placed
in the way of efficiency experienced
officials from other colonies in
S Africa.

are alone responsible
H. H. B.
- 26/3
Draft
J. H. B.
- 26/3

In the reply to this Letter the following
Number should be quoted.



2263

66

10 March 1908.

Sir,

I have laid before the Lords Commissioners of His Majesty's Treasury Mr. Cox's letter of the 3rd ultimo (1907-8), in which the Earl of Elgin suggests that an addition of years should be made for pension purposes to the service of legal officials of the East Africa Protectorate.

In reply I am to point out that, since the issue of the Treasury Minute of 20th December 1888, it has been Their Lordships' practice to place any newly-created legal offices, whether in the Home or in the Foreign Service, under Section 4 of the Superannuation Act, 1859, without any addition of years, and that there is no provision for an addition of years for professional qualifications in any of the pension regulations of the African Protectorates, except in those of Northern Nigeria, which were framed on the analogy of the pension laws of the neighbouring Colonies and were not submitted for Their Lordships' approval.

It does not appear to Their Lordships that in these circumstances the legal officials of the East Africa Protectorate, who have all accepted their appointments on the basis of the existing regulations, could have had any reasonable expectation of such addition of years, and They regret that in all the circumstances They see no reason

for

The Under Secretary of State,
Colonial Office.

for assenting to the grant of such additions.

I am,

Sir,

Your obedient Servant,

D. Smith

J. M.

Trees: 10725/E. A. P. & C. L. D.

9/22

DRAFTSECRETARY
TO THE TREASURY.

Downing Street,

30 April, 1908.

Sir,

MINUTE.

I am directed by the Earl of Crewe

Mr. Harris 21/4

Mr.

Mr. Just.

Mr. Adams.

Mr. Cox (2)

Mr. Lucas

X Sir F. Hopwood

Mr. Chisholm

The Earl of Elgin.

Col. Seely

The Earl of Crewe

E. 29. IV.

to acknowledge the receipt of your letter
(No. 2253/1908) of the 10th of March, con-
veying the decision of the Lords Comis-sioners of the Treasury that no addition of
~~professional qualifications~~
years can be granted to the pensionableservice of ~~the~~ legal officials ^{of} the East
Africa Protectorate.2. In accepting this decision, which
will be conveyed to the Officers who have
raised the question, Lord Crewe desires to
reserve, with their Lordships' concurrence,On verbal instructions
and for the minute.

the

Copy of draft on 598,
and this draft to
F.P. L.

See back page

the right to grant such an addition in
the case of any official who may be trans-
ferred to the service of one of the Pro-
^{n. Eastern Africa}
tectorates from a Colony or Protectorate

in which he has learned to expect the right
of such an addition for such professional
qualifications. Otherwise the effect of
the decision would be to preclude the Secre-
tary of State from transferring to one of
these Protectorates an experienced legal
official who has learnt to expect the privi-
lege of addition for professional
qualifications in any Colony or Protect-
orate in which he serves, and such a result
would be detrimental to the best interest
of the administration of the Colonies.

3. Lord Crewe would be glad if you
would explain to the Lords Commissioners
of the Treasury that the addition in ques-
tion has become practically universal in

the

the Crown Colonies, and would be conceded
by the Secretary of State in any case where
there was no need to refer to their Lord-
ships: so that the result of their Lord-
ships' ruling would be to exclude legal
officers in the Protectorates in Eastern
Africa from the benefit of the practice
just so long as those Protectorates remain
partly dependent on a grant-in-aid.

I am, &c.

JFM