

EAST AFR. PROT.

30690

No.

30690

No.

part 441

(Subject.)

1905

3 Aug

previous Paper.

Police Insps

Maaden & Reilly

They appear to have been engaged under the Regs for gazetted officers instead of under the Police Act as his point may be noted for future apps.

(Minutes.)

Mr. Condoles

It was definitely decided by the F.O. that Maaden should have the privileges of gazetted officers. We certainly cannot go back on it in this case.

The Indian Police Act (1911) draws a line between Insps & higher officers - the former are appointed by the Inspr. & may be dismissed or reduced by him. Sub Insps in places where Maaden & B. G. ...

regarded as on the same category
as their superior officers with the
result that we get a superior class
of men and probably it will
be in C. Africa

But I say that the position
of Messrs Madden & Ruddy
must be governed by the terms
of their appt. Had by the
Act. so far as they are in
conflict, that he should consult
his legal adviser as to whether
any legislation is necessary in
order to regularise their appts
and say that when a new
law is passed he should
highlight to advise as soon
as he is in the conditions in
which I am not affected
in the 1908

Mr. Lee
Mr. Reed is away 20
on leave. I give in earnest
alter the terms of the
men's engagement. What I
intended was only that
it ~~should be~~
if the appt. was irregular so
that it did not lapse on them
the former ^{John} officers under
the Indian Act. but the
matter shd be regularised.

MR 24/8

Procedo hinc

atome
1802

25/8

On trying to draft. I find it
impossible to continue exactly what
was the F.O. offered to them
even if with Mr. Lee's
insurance fund & the
to Public health factors

MR 30/8
I have got no answer to this
of the subject of the draft to the
of the subject of the draft to the
MR 30/8

Papers received
referred
15/9 1908

30690

Pic^o

COMMISSIONER'S OFFICE 05

EAST AFRIC PROTECTORATE

No. 111

MOMBASA.

21

August, 2nd, 1905.

Sir,

With reference to your despatch No. 225 of May 18th,

I have the honour to transmit to you herewith a copy of a despatch from the Acting Inspector General of Police reporting that Messrs. Madden and Reilly, late Royal Irish Constabulary, have been engaged in error under the regulations laid down for gazetted officers. Instead of being on the Police Act. They are therefore entitled to better leave rules than their colleagues who rank with the subordinate staff.

I presume it is now too late to change the terms of their agreements, but I should be glad if this point were considered in the event of future appointments.

I have the honour to be,

Sir,

Your most obedient,

W. H. Murray

W. H. Murray, Secretary of State

for the Colonies.

Downing Street,

London, S.W.

Mombasa,

30690

July 20th 1905.

Sir,

In continuation of my letter No. 24 reporting the arrival of Messrs. Madson and Reilly late Royal Irish Constabulary, I wish to bring to your notice the fact that these men seem to have been engaged presumably in error on the regulations laid down for gazetted officers vide leave rules and regulations which were presented to them before volunteering for service in the East Africa Protectorate, which I attach for your perusal, whereas Police Inspectors should be engaged under the Police Act and be subject to leave rules and regulations as laid down for the subordinate staff.

These men have joined the East Africa Police under the impression that the rules laid down for gazetted officers were applicable to them.

I have etc.,

(Sd.) H. W. Andersen.

AG- Inspector General of Police.

For Issuance,

1905.

Comma
30690

t. A. P.

23

Amos 42515

DRAFT

t. A. P. No 433
Comma P. D. Stewart

September
28 August '05

MINUTE.

- Mr. ~~W. M. ...~~ 18/9
- Mr. ~~W. ...~~
- Mr. ~~Amos~~
- Mr. ~~Car~~
- Mr. ~~Caosa~~
- Mr. ~~Graham~~
- Mr. ~~M. Oymannay~~
- The Duke of Marlborough.
- Mr. Lytton.

proam

Recd 33221

Sir

When the honor
 beech. the receipt of
 your des. No 441 of
 the 3rd Augt
 on the subject of
~~W. M. ...~~
 that the position of
~~W. M. ...~~
 Messrs Madden
 of the ...
 appointed ...
 of Police in the
 last year ...
 I getta from
 your des. that the

Warner has been
to appear for the
Inspector General to
oppose such officers
under act of the Police
Act of 1861,
setting aside what
they can be dismiss-
ed by the Inspector
General under rules
sanctioned by the Local
Govt.

As the Messrs Madden
& Shelly were informed
that they were offered
permanent employment
with pension rights
in accordance with
the terms of the F.O.
memorandum of the
1st Sept 1900, con-
cerning pension that

[Per F.O to Dublin 2nd
11th Jan 21 & 8 Feb)

they must be treated as
in every respect as if
superior officers & are
subject to the rules as to
dismissal affecting such
officers.

You should consult
your legal advisers as
to whether any & what
legislation is
in order to regularise
this appl. of ~~the~~ ~~officer~~
~~Messrs Madden &~~
~~Shelly~~

33221
4. I will refer to your
desp No 445 ^{of 11th inst} you will
now have received
my desp No 307 of the
19th of July ^{inst} regarding
you not to make
any new local appls
to the force for the
present.

5. I hope Shelly & Madden

to modify the selection
of the new Inspector
General who should
report at an early
date on as to the conditions
in which Inspectors
had been appointed in former

In the meantime I
should be glad to receive
copies of any rules
made for the Police
under s. 7 of the Indian
Police Act of 1861, &
of any other laws or
rules affecting the
Police

I am

18269.

25

17th September, 1905.

SIR,

In compliance with the request contained in your
letter of the 30th ultimo to the Inspector General, Royal
Irish Constabulary, I am directed by the Lord Lieutenant
to transmit, herewith, the attached copy of the corres-
pondence with the Foreign Office in reference to the ap-
pointment of Messrs. Madden and Welly to the East Africa
Protectorate Police.

I am,

SIR,

Your obedient servant,

J. B. Cunningham

Secretary of State

Foreign Office,

London, E.C.

30th. March, 1905.

26

Sir,

Referring to your letter of the 8th. ultimo, on the subject of the proposed appointment of two members of the Royal Irish Constabulary to the Police Force of the East Africa Protectorate, I am directed by the Lords Justices to acquaint you, for the information of the Secretary of State for Foreign Affairs, that the Inspector General of the Royal Irish Constabulary having been communicated with on the subject, has submitted the names of the two following candidates who have been pronounced by the Surgeon of the Force to be fit for service in a tropical climate:-

(1) Acting Sergeant Angus Madden, No. 56708, age 29 years 2 months; service in the Royal Irish Constabulary 10 years 5 months; and service in the present rank 2 years 4 months. He has no records, favourable or unfavourable. He obtained promotion to his rank as a result of a competitive examination conducted by the Civil Service Commissioners in literary subjects, and by a Board of Officers in police subjects.

(2) Constable William J. Peilly, No. 56456, age 29 years 7 months; service in the Force 10 years 9 months. He has one favourable record for good police duty and no unfavourable record. He is at present attached to the Royal Irish Constabulary Band, but for 7 years he performed the ordinary duties of a Constable in different Counties in Ireland.

Under Secretary of State,

Foreign Office,

Whitehall,

London, W.

(2).

Ireland.

Both men are unmarried, and are considered by their officers in every way suitable for the appointments in question. Acting Sergeant Madden is the only Non-Commissioned Officer who volunteered.

As regards the last paragraph of your letter, I am to add that service in the Royal Irish Constabulary is pensionable.

I am,

Sir,

Your obedient servant,

J. P. Dougherty.

Foreign Office.

February 8, 1905.

Sir,

I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter 1703 of the 26th ultimo respecting the proposed appointment of two members of the Royal Irish Constabulary to the Police Force of the East Africa Protectorate.

The double set of regulations, enclosed in the letter from this office of the 21st. ultimo, was sent for general information, and it is regretted that they should have led to misapprehension. It will be observed from paragraph 1 of the regulations of 16th. May, 1903, that those regulations are applicable to the subordinate staff of the Protectorates, other than those persons appointed by the Secretary of State. They will not cover the case of the men now to be selected for the East Africa Police, who will be governed by the regulations bearing date 1st. September, 1903.

Lord Lansdowne assumes that service in the Royal Irish Constabulary is of a pensionable character.

Yours faithfully,

Your most obedient humble servant,

Herbert H. Hill.

The Under Secretary,

Dublin Castle.



29 10

Chief Secretary's Office,
Dublin Castle,
29th. January, 1905.

SIR,

I am directed by the Lord Lieutenant to acknowledge the receipt of your further letter of the 21st instant, in which the Secretary of State offers permanent appointments in the Police Force of the East Africa Protectorate to two members of the Royal Irish Constabulary, with permission to count towards pension, on retirement from the Protectorate Police force, their service in the Royal Irish Constabulary.

It is observed that section 7 of the Regulations dated 15th. May, 1903, deals only with previous service under the Government of India or in any of the Protectorates or Colonies; but His Excellency assumes that the Marquess of Lansdowne will cause any steps to be taken that may be necessary to give effect to the decision in the present case.

The Inspector General points out that, in the Regulations dated 1st. September, 1900 dealing with pensions, which accompanied your letter of the 30th ultimo, it is provided that the terms of the Superannuation Act of 1876 relating to pensions for service in unhealthy places shall apply to appointments in the East Africa Protectorate, whilst section 3 of the Regulations dated 15th. May, 1903 lays down that the provisions of the Act quoted shall not apply to a person pensionable under those regulations. The former

Secretary of State,
Foreign Office.

former Regulations also provide for retirement without a medical certificate on attainment of 50 years of age, whilst the latter (section 6) fix the age at 60 years or upon the completion of 40 years' service. The Inspector General asks to be informed which set of regulations is to be regarded as applying to the posts under consideration.

Yours,

Yours,

Your obedient servant,

J. P. Dougherty

Foreign Office,

Jan 21, 1905.

I am directed by the Marquess of Lansdowne to acknowledge the receipt of your letter 436 of the 15th instant regarding the appointment of members of the Royal Irish Constabulary to the posts of Police Inspectors in the East Africa Protectorate.

In the circumstances set forth in your letter His Lordship is willing to offer permanent employment with pension rights to such members of the Royal Irish Constabulary as may be selected for these appointments.

Quite, however, to one of the vacant posts having been filled locally, only two members of the Royal Irish Constabulary will be required.

Regulations governing the pension rights of officers employed under the administration of the East Africa Protectorate are enclosed for your information as well as general regulations respecting the Protectorate service.

I am, Sir,

Your most obedient humble servant,

Leman Hill

The Under Secretary,

Dublin Castle.

Uganda and East Africa Protectorates.

Regulations Approved by the Secretary of State with the concurrence of the Treasury.

Pensions and Gratuities for the Subordinate Staff.

1. PERSONS in the service of the Uganda and East Africa Protectorates other than those appointed by the Secretary of State, shall for all purposes connected with pensions or gratuities, be divided into two classes, viz:-

Class I. Persons drawing salary at the rate of 125 rupees per month and upwards.

Class II. Persons drawing salary at a lower rate than 125 rupees per month.

2. The Superannuation Act 1859 and any Act amending the same, shall as far as may be practicable, and except in so far as these Regulations provide otherwise, apply to the grant of pensions or gratuities to persons subject to these Regulations in like manner as the said Acts are applied in the case of officers of the Protectorate. Provided always that the decision of the Commissioner in ^{any} question or dispute that may arise shall, subject to any directions of the Secretary of State, be final.

3. A person in Class I is entitled to a pension or a gratuity according to the scale for the time being in force in His Majesty's Civil Service as laid down in "The Superannuation Act, 1859", or any Act amending the same: Provided that no pension or gratuity shall be paid to ^{such} any person in respect of any pay at a rate exceeding 400 rupees a month, and provided also that the provisions of "The Superannuation Act, 1870", shall not apply to a person pensionable under these Regulations.

4. In the event of an person in Class I retiring before he has qualified for a pension the Commissioners may, upon the production of a medical certificate of failure of health, recommend him for a gratuity not exceeding one month's salary in respect of each completed year of service.

5. A person in Class II is not entitled to a pension, but the Commissioner may recommend him for a gratuity on the scale prescribed by section 4 of the Superannuation Act 1837 on his retiring.

6. Any person subject to these Regulations shall be allowed to retire without the necessity of producing a medical certificate upon attaining the age of 60 or upon the completion of forty years service.

7. Previous Government Service in India, or in any of the Protectorates or Colonies directly administered by the Foreign or Colonial Offices shall, if pensionable, and if immediately followed by service in Uganda or the East Africa Protectorate, count for pension or gratuity.

8. Payments in respect of pensions or gratuities granted under these Regulations shall be apportioned amongst the several Governments and Protectorate Administrations concerned, in accordance with the principles laid down in the Rules framed by the Treasury on the 24th July 1892 under Section 1 of the "Superannuation Act, 1837".

9. Pensions or gratuities shall be submitted to the Lords Commissioners of His Majesty's Treasury for sanction, and, when sanctioned, shall be made a charge upon the Protectorate revenues. Due provision shall be made year by year in the Protectorate Estimates for payments in respect of pensions or gratuities falling due in each year, but no special fund shall be set aside for the purpose.

10. Nothing in these Regulations shall give, or be construed to give, to any person an absolute right to compensation for past services, or to any pension or gratuity under these Regulations, or to deprive the Commissioner of the power and authority to dismiss any person from the public service without compensation.

Approved:

Lansdowne,

His Majesty's Principal Secretary of State
for Foreign Affairs.

Foreign Office, May 15, 1903.

East Africa and Uganda Protectorates.

Regulations for Leave of Absence of Officers

THE officers of this Administration are, for the purposes of these Regulations divided into two classes :-

Class I.

All Officers who are in receipt of a sterling salary of not less than 250*l* per annum exclusive of allowances, and whose appointments have been directly sanctioned by the Secretary of State.

Class II.

Other Officers sub-divided into two sections :-

Section (A).

All European officers whose annual salaries do not amount respectively to 250*l* per annum and all officers who are domiciled in Asia or Africa but not in any of the following Protectorates, viz: Zanzibar, the East Africa Protectorate, Uganda, the British Central Africa Protectorate, or in the German, Italian, or Portuguese territories in East Africa.

Section (B).

Officers domiciled in Zanzibar, the East Africa Protectorate, Uganda, or the British Central Africa Protectorate, or in the German, Italian, or Portuguese territories in East Africa.

Officers of the first class come under the Regulations which have received the sanction of the Secretary of State, and will be entitled to first-class passages to London Europe generally, any British possession or Colony, or to any other country provided the cost of passage does not exceed that to London. Any excess of passage money over the cost of a passage to London must be paid for by the officers themselves.

Members of Class II Section (A) will be entitled to one month's leave of absence per annum on half pay, which may be accumulated for four years only, together with a second class passage to India or Europe, provided that in the case of officers proceeding to India or elsewhere in Asia, the cost of such passage shall not exceed the cost of a second class passage by sea to Calcutta and in the case of officers proceeding to Europe, America, or any British colony or possession outside Asia shall not exceed the cost of a second class passage by sea to London.

Members of Class II (B), will be entitled to one month's leave of absence per annum on half pay, which may be accumulated for two years only, together with a second class passage to Zanzibar, or port in the East Africa Protectorate, or in German, Italian, or Portuguese territory in East Africa. Special arrangements may be made in the case of natives of the Uganda and British Central Africa Protectorates, or of the interior of the East Africa Protectorate. Leave is reckoned from the date of an officer's leaving the coast until his return thereto, except in the case of officers proceeding on or returning from leave by mail steamers which do not call at any port in the East Africa Protectorate, when Zanzibar will be considered as the point of departure and arrival.

In the event of an officer under Class II section (A) being killed, owing to illness or proceeding on leave before he has become entitled to accumulated leave of absence, a proportion of the expenses of his journey, second class, in no case exceeding £100 and a similar allowance on his return to his post may be granted him by the Secretary of State.

Chief Secretary's Office,

Dublin Castle,

11th January, 1905.

Sir,

With reference to your letter of the 30th ult. and the accompanying copy of a Despatch from His Majesty's Commissioner of the East Africa Protectorate, suggesting that three members of the Royal Irish Constabulary should be appointed to vacant posts in the Police force of the Protectorate, I am directed by the Lord Lieutenant to state, for the information of the Marquess of Lansdowne, that His Excellency has consulted the Inspector General of the Royal Irish Constabulary upon the proposal in question.

The Inspector General is prepared to call for volunteers from his force for the posts referred to; but with reference to the last paragraph of Captain McCaskill's letter of the 19th November, 1904, I am to state that the practice of "seconding" members of the Royal Irish Constabulary for temporary service in Colonial and other forces is considered by the Irish Government to be open to serious objection.

A similar proposal to that now under review was made by the Colonial Office in July 1903 when temporary appointments in the Trinidad Police Force were offered to men of the Royal Irish Constabulary. On that occasion an arrangement was eventually arrived at between the Colonial Office and the Treasury by which permanent appointments in the Trinidad Police were offered to the Royal Irish Constabulary, the Treasury at the same time issuing a declaration that the revenue of Trinidad was a public fund

within the meaning of section 4 of the Superannuation Act, 1892, thus enabling members of the Royal Irish Constabulary transferred to appointments in that colony to reckon their service in the Royal Irish Constabulary towards pension on their final retirement.

The Inspector General is of opinion that, unless some definite assurance be given that service in the Royal Irish Constabulary will count towards pension in the case of the appointments now offered, it would be useless to call for volunteers from his force.

I am,

Sir,

Your obedient servant,

J. C. Dougherty.

Foreign Office,

December 30, 1904.

Sir,

I am directed by the Marquess of Lansdowne to transmit to you a copy of a despatch from His Majesty's Commissioner for the East Africa Protectorate, suggesting that three members of the Royal Irish Constabulary should be appointed to vacant posts in the Police Force of the Protectorate.

Lord Lansdowne would be glad to be informed whether members of the Constabulary could be engaged for the three posts in question on the conditions stated in the enclosure to Sir D. Stewart's despatch, and subject to the leave and pension regulations of the Protectorate, of which copies are enclosed.

I am,

Sir,

Your most obedient humble servant,

E. Forst.

The Under Secretary,

Dublin Castle.

Commissioner's Office,

Mombasa,

November 28th. 1904.

My Lord,

I have the honour to transmit herewith for Your Lordship's favourable consideration, a copy of a despatch from the Inspector General of Police asking that, in view of the dearth of suitable local candidates for employment as Inspectors of Police, three members of the Royal Irish Constabulary may be appointed to the vacant posts.

I have etc.

(in the absence of Sir D. Stewart)

John Ainsworth.

The "Argyll" of Lansdowne.

Mombasa,

16th. November, 1904.

Sir,

I have to inform you that there are three vacancies for the posts of Inspector of Police which cannot I consider be satisfactorily filled locally. I have personally seen most of the applicants.

I therefore request that the Foreign Office be asked to apply for three men from the Irish Constabulary.

As the designations are very different in the Irish Constabulary it is important that it be made clear that the rank of Inspector in the East Africa Police is a non-casual rank. Also in order to avoid any misunderstanding it would be advisable to state that the East Africa Police is a native police force.

The sanctioned pay, etc., of an Inspector is as follows -

£150 to start with.

£10 when proficient in the language and codes, and the salary then rises by £10 a year to £250. He also receives second class passages home on leave and is provided with his uniform and with quarters when available.

The men from the Irish Constabulary should be unmarried men of not more than about 30 years of age, Non-commissioned officers if possible, but at any rate to have some experience and to be men with a good education.

The last named qualification is important in view of the fact that they will have to learn the language of the country and the Penal and Procedure Codes together with

His Majesty's Commissioner

other laws in force in the Protectorate, and moreover will frequently find themselves in charge of the police in a station.

The best arrangement in my opinion would be for the men not to come permanently in the first instance but to be seconded for one year.

I have etc.,

J. McCaskill, Captain,
Inspector General of Police.