

EAST AFR. PROT.  
28278

DESPATCH.

8273

23 AUG 1908

Number No.

51 KAR

1909

27 July

Previous Paper.

24 233

Copy sent to Mr. W. G. 420 21/6/10  
Copy sent to Mr. W. G. 255 21/6/10  
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K.A.R. Draft Order

Submits memo by Col Jewell showing alterations considered desirable. Sec 45 will require alteration to admit of grant of Military Pensions. Inquires whether it is intended to effect formation of Reserve by separate legislation.

Col. Jewell

H. J. A.

24/VIII

Mr. Read.

The last two amendments (i.e. to sect 48 (1)(A) and sect 50)

I agree with -

The other amendments I do not agree with -

With reference to sect the remarks on sect 27 about Pensions, I certainly wd. like to see men done well who have had to be invalided out of the service for wounds. Could nothing be done in the way of having cases considered on their merits & the Gov. given power to grant a pension if he thought it desirable to do so?

See my remarks under C.O. 27233.

24 12 9 09

Mr. Read. With regard to the question of pensions for men invalided out of the service on account of wounds, I think that the Ord. sh. not be delayed for this. We shall have to look up...

A. & E. W. - 2306/27 - 2000-11-08

Subsequent Paper

76 381/10

presidents & if there seems to be a good  
case, refer the matter to the Treasury.

The matter can be dealt with in a separate  
Ord<sup>ce</sup>, if necessary.

H. J. R.

13/18

her head

Item 3 of des<sup>p</sup> I cannot see any necessity for amending  
Sec 45. It does not conflict with sec 4  
of Ord<sup>ce</sup> of 1909 and the 2 sections can and  
should be read together. If however it is  
desired to consolidate them, that is  
another matter.

The other questions arising on this paper are  
I think all settling.

H. J. R. 14/5

H. J. R. = for comment

at once.

H. J. R.

14/18



*S. O. P.*

8278

Governor's Office, 23 AUG 09

Nairobi.

EAST AFRICA PROTECTORATE.

July 27th 1909. <sup>199</sup>

No. 51 K.A.R.

(Incl. 1)

My Lord,

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 351 of the 25th ultimo with reference to the draft Ordinance for the King's African Rifles.

2. The draft was considered by Colonel Llewellyn and Colonel Mackay and I submit a Memorandum by the former shewing the alterations that are considered desirable.

3. In addition to the above alterations the Crown Advocate has drawn my attention to the fact that Section 45 of the draft Ordinance will require to be altered in order to permit of the establishing of Military Prisons in the Protectorate as provided in the King's African Rifles Amendment Ordinance 1909, Ordinance No. 1 of 1909.

4. I also observe that no provision is made in

H.M. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

*4/20*  
*1909*  
*W. J. Llewellyn*

in the draft Ordinance for the formation of a Reserve to the local battalion and I should be glad to be informed if it is intended to effect this by separate legislation.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

J. J. Jahan

23 AUG 09

Suggested Amendment.

delete and substitute.

If the Commanding Officer shall consider at any time that he is inefficient or undesirable.

Men sometimes become worthless or undesirable or are found to be worthless or undesirable more than six months after attestation and yet do not commit any specific offence which would justify discharge for misconduct.

These two schedules should in my opinion coincide and the schedule inserted in Sec. 26 (2) is the more concise and better - worded.

delete the whole

- (a)
- (b)
- (c)
- (d)

and substitute

- (a) Imprisonment for any term.
- (b) Confinement to Barracks for more than seven days.
- (c) Fine in any sum exceeding 3 days' pay.
- (d) Corporal punishment.

In connection with this Section I submit that a Section should be included in the Ordinance which shall provide for the pensioning of soldiers discharged from the King's African Rifles on account of wounds.

Para

charge when  
it for  
vice or on  
dismissed.  
23 (e)

conduct  
26 (1)

duties on  
charge etc.  
27

Para 138 Regulations for the King's African Rifles provides for compensation to such persons in the form of gratuities but in my opinion and in that of Colonel Mackay gratuities are inadequate compensation in these cases. Colonel Mackay in writing to me on this subject says " At the present time both in Mombasa and Zanzibar a number of men maimed in the Uganda Mutiny and the other Expeditions in the Protectorate are simply beggars on the streets. The Native is a very improvident person and the sum given as a gratuity very soon disappears and the helpless man becomes a beggar on the streets." and I have had a somewhat similar experience in Nyasaland.

Substitute

" three years "  
for  
" two years "

If

Soldiers confined in Civil Prisons are allowed the privilege accorded to Civil prisoners of earning a remission of one third of their sentence by good conduct I consider that the power of Courts Martial should

be

be increased from two to three years for the offences set forth in Section 37: a soldier being accustomed to discipline earns the good conduct marks in most cases without difficulty and the power of the Court is thus limited practically to the award of 16 months Imprisonment. A case recently occurred within my knowledge when a soldier of the King's African Rifles was handed over by his Commanding Officer for trial before a Civil Court because the power of the Court Martial was inadequate for the purpose of dealing with his offence and it is obviously not in the interests of discipline that such procedure should be necessary.

delete

To prevent soldiers evading the consequences of drunkenness by absenting themselves until sober Commanding Officers, in dealing with cases of absence, will decide from the knowledge of the individual soldier's character and the attendant circumstances whether the absence is, or is not, to be considered

I am not in favour of the recent amendment regarding fines for drunkenness and having had no opportunity of stating my views before this scale was adopted I will proceed to do so :- This scale is in my opinion too lenient and too complicated,

Amendments  
 Drunkenness  
 40  
 & (3)

as due to this cause.

If they decide that it has  
so arisen, their decision is  
to be recorded at the time,  
and marked in the soldier's  
defaulters sheet with the  
letter "D"

(3) The Offence of drunkenness  
may be dealt with and summarily  
punished by the Commanding  
Officer as follows:-

- (a) For the first and second  
offence the offender shall  
be admonished or confined  
to barracks, but no fine shall  
be inflicted;
- (b) For every subsequent offence  
the offender shall be fined  
according to the following  
scale:-
- (1) For the third and every  
subsequent offence, if  
within three months of  
the preceding offence, 9  
days' pay; if within 6  
months but over 3 months,  
6 days' pay; if within 9  
months but over 6 months  
3 days' pay, and if over 9  
months no fine.

It is modelled apparently  
upon the old King's  
Regulations on the subject,  
the corresponding Regulations  
now in force in the Army  
(K.R.512) are much more  
stringent and simple.

I think it is very important  
in dealing with Nyasaland  
soldiers that this form of  
offence should invariably be  
rigorously dealt with, the  
Natives of Nyasaland are  
fortunately not yet addicted  
to consumption of gin and  
other spirits but in view of  
what has happened in this  
respect in South and West  
Africa it seems to me  
important that everything  
possible should be done to  
deter them from adopting this  
vice and in places such as  
Nairobi and Zanzibar they  
are undoubtedly exposed to  
temptations to which they are  
unaccustomed in regard to  
drinking.

The scale recently adopted  
allows a man "two free  
drinks" if I may be permitted  
to use such an expression,

and



(11) An act of absence without leave, marked with the letter "D", committed after the first two instances of drunkenness during a soldier's service will be reckoned as an instance of drunkenness for the purpose of computing the fine for a subsequent instance of drunkenness, but a fine cannot be awarded for absence without leave: such, ~~finer~~ to be levied by stoppages from the offender's pay.

(c) Where a soldier is liable to a fine, and four preceding instances of drunkenness are recorded against him within the previous twelve months, an amount of three days' pay shall be added to the amount of the fine laid down.

add

The offence of drunkenness may be dealt with and summarily punished by the Commanding Officer as follows:-

(a) for the first offence the offender shall be admonished or confined to barracks but no fine shall be inflicted.

and it is the spirit if not the wording of the regulations that the soldier shall not actually be punished for his first two offences of drunkenness. I consider however, as I mentioned before, that Nyasaland soldier should invariably received some punishment for an act of drunkenness in order to deter him as much as possible from committing the same offence again.

The amended section also provides for the insertion of letter "D" in defaulter sheets and its consequences, this procedure has been discontinued in the British Army and no mention of it is made in King's Regulations 512, presumably it was not found to be satisfactory and I think it could well be omitted from the King's African Rifles Ordinance. In conclusion I submit that the provision in the original K.A.R. Ordinance Sec. 40 (2) was suitable in as much as it enacted that fining should be according to such scale

Suggested Amendments.

Remarks.

(u) for the second and every subsequent offence the offender shall be fined according to such scale as the Governor or Commissioner may approve, such fines to be levied from the offender's pay but no single award is to exceed 12 days' pay.

scale as the Commissioner may approve. There appears to be no especial reason why the scale should be always the same or why the same scale should obtain throughout the K.A. Rifles.

An Ordinance which permits the scale to be adapted to the characteristics of the native serving in a Battalion and the prevalence of drunkenness in the corps appears to me the best and I therefore submit an amendment to the draft although this question has only recently been dealt with in a Colonial Office Despatch

Substitute

three years for two years.

This in consequent upon my recommendation regarding Sec. 37.

add after the word deserter " and as a reward for recruiting."

Colonel Mackay asks that the words may be added and I concur in his suggestion

Line 2 after the word elapsed

some additional words of this nature are evidently necessary

add " since the award"



not be delayed long  
for consideration of the  
this question of  
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business for men  
involved out of the  
services for on account  
of wounds. I fully

recognise <sup>the</sup> ~~business~~  
the <sup>of the question</sup> importance of ~~this~~  
~~question~~ <sup>if necessary,</sup> shall

be prepared, to ~~consider~~  
deal with it in by  
~~it as the subject of~~

means of a separate ordinance,  
subject to the <sup>concurrence</sup> ~~consent~~  
of the Sec. of the

Treasurer, whom  
it would of course be  
necessary to consult in the matter.

4. The amendment  
to Section 25 of the Act,  
as proposed in para 3  
of <sup>the</sup> ~~the~~ <sup>business</sup> ~~business~~  
of ~~your~~ <sup>your</sup> ~~order~~ <sup>order</sup>, is not

in my opinion  
unfavourable. <sup>the section</sup> ~~it~~ does  
not conflict with section  
4

not be delayed by  
for consideration of the  
this question of  
persons for men  
involved out of the  
service for an account  
of wounds. I fully

recognize <sup>the</sup> ~~importance~~  
~~the~~ <sup>importance</sup> ~~of the question~~ <sup>of this</sup>  
~~question~~ shall  
if necessary,

be prepared, to consider  
it <sup>deal with it in by</sup>  
~~as the subject of~~

means of a separate ordinance,  
subject to the <sup>concurrence</sup>  
of the Sec. of the

Treasurer, whom  
it would be necessary to consult in the matter  
4. The amendment

to Section 21 of the Ord.  
as proposed in para 3  
of the <sup>Memorandum</sup>  
of your despatch, is not  
in my opinion  
unfavourable. <sup>the section</sup>  
as it does  
not conflict with Section  
4

in the final part  
of the <sup>lecture</sup> ~~your~~ <sup>showed for the</sup> ~~subject~~ <sup>of a</sup>  
separate ~~special~~ ordinance, and

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~~should be drafted~~  
~~for~~ providing for  
this Reserve  
submitted to me  
for my consent

DRAFT.

MINUTE.

- Mr.
- Mr.
- Mr. Fiddes.
- Mr. Just.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- Lord Crewe.

I have  
I shall address  
you later on this  
subject.

I have