

Superintention but as the Gov
suggests we should do in this
case - Mr. Maraden's case.
charges against Mr. Muir are
rather of the latter part of a
pretty fair defence and I think
the facts point rather to an in-
-fidelity of temper between
the two officers, than any such in-
-capacity or Mr. Muir's part
as would justify compulsory re-
-tirement.

Mr. Maraden will
be all probability accept the
job at Calcutta which has been
offered to him, & I recommend
that Mr. Muir be summoned
to this office & suitably admonish-
-ed, & on his promising to attend
-want to give another chance
under the new head of the

Customs Dept. 20th 4/10
Mr. Arthur. I agree H. J. R.
4/10
at once
above
H. J. R.
Mr. Muir
return

Great amount
 of money will be
 collected for the
 the institution
 than the operation of
 the day in other
 days in the
 not in the
 there of some very
 a kind of temperance
 have been that
 religious for the
 measure the education
 in the country - Five

of the institution
 has been the
 the day in the
 of the institution
 Dear Mr. Jackson
 I am not certain
 whether the
 to be the
 in fact, the
 in the
 with the

Wm. Lloyd Garrison
 Boston 10/2

Governors Office

Nairobi

6 September 1907

East Africa Protectorate

Confidential (50)

My dear Sir,

I have the honor to acknowledge the enclosed papers received from the Chief of Customs.

The question of the appointment of a Deputy to the Chief of Customs, and of a partial reorganization of the Department I am taking up, and I shall address your Lordship on these matters by separate despatch.

What has now to be considered is Mr. Sturges' report as to the ~~position~~ ~~of~~ ~~his~~ ~~present~~ position for the position of his present Assistant.

In the Spring of last year, when Mr. Sturges was in the position of Assistant Secretary of State for the Colonies, he was in the position of Assistant Secretary of State for the Colonies.

Received
July
July
16 July

Assistant Secretary of State
for the Colonies
Whitehall
London

Mr Marsden was proceeding on leave,
 I was unable owing to the adverse
 reports of Mr Marsden both as to
 his fitness and his personal relations
 with his chief, to allow Mr Muir
 to act as Chief of Customs and
 Captain Alcock was appointed to act
 in that capacity during Mr Marsden's
 absence.

3 When in England Mr Marsden
 personally expressed to the Colonial
 Office his opinion of Mr Muir, and
 on his return I directed him to
 submit after three months a
 confidential report on the
 in which Mr Muir discharged his
 duties. I left East Africa in
 the following December and this
 confidential report has not appeared
 to have been furnished, though

Mr. Marsden has constantly explained to me of the difficult position in which he is placed by having Mr. Muir as his principal Assistant.

In the receipt of Mr. Marsden's confidential report of July 3rd last, I informed him that if ^{after} the experience gained of Mr. Muir's work since he (Mr. Marsden) returned from leave, he considered his ^{unfit} for the position he holds, he should submit a full report on the matter and give Mr. Muir an opportunity of making any objection he might wish to ~~make~~ ^{proceed} on leave.

The result is: Mr. Marsden's report of the 15th July and Mr. Muir's report of explanation of the 15th 3rd inst. The position is one of some difficulty.

On the one hand there is no
 specific charge alleged against Mr. Muir
 which of itself would justify his
 removal. On the other hand, the
 constant complaints by the Chief of
 his Department of inefficiency, and
 lack of loyalty and support, which
 cannot but be detrimental to the
 interests of a large revenue bearing
 Department. Apart from Mr. Muir's
 declared opinions I gather from
 enquiries I have made that the
 feeling of the mercantile community
 in Vancouver is not favorable to
 Mr. Muir, and the leading merchant
 of that town gave the following
 opinion on this point:—
 "Muir's case cannot remain in this
 stage. Mr. Muir is responsible
 for the working of the Customs
 Department."

Department, and he reports that
 his Principal Assistant is
 inefficient and that his work
 is hampered instead of being
 assisted by his presence.

Under these circumstances it is
 clearly for the good of the Service
 that Mr. Mear should not return
 to his duties under Mr. Marden,
 and unless he can be provided
 with a post elsewhere, where he
 could start afresh in new
 surroundings, I would recommend
 that he be given the benefit
 of ~~retirement~~ the Superannuation
 Act (if any) on the grounds of
 inability to discharge efficiently the
 duties of his office.

I have the honor to be,
 Sir,
 Your obedient servant

J. W. Mear

Department; and he reports that his Principal Assistant is inefficient and that his work is hampered instead of being assisted by his presence.

Under these circumstances it is clearly for the good of the Service that Mr. Meier should not return to his duties under Mr. Marshall, and unless he can be provided with a post elsewhere, where he could start afresh in new surroundings, I would recommend that he be given the benefit of Section 2 of the Staff Act (No. 10) as the ground of inability to discharge efficiently the duties of his office.

I have the honor to be, Sir, your obedient servant

J. W. B. Sullivan

REC
3 OCT 07

Memorandum 354

8th July 1907

Your Excellency

Both in writing and by inter-
view I have on more than one
occasion informed Your Excellency
that I do not consider Mr. Muir
a fit and proper person to be
my principal assistant, partly
owing to his distobdience, and
indifference to comply with my
wishes, partly owing to his want of
tact, creating conflicts with the
Public.

In consequence of this I require
personally to perform much work
which should be delegated to
him, and thus my time for the
more important supervision of
my Department is much encroached
on. With the very considerable
increase of work in the Customs
Department it is more important
than ever that each member of it
should be put in his duties
and perform them cheerfully
and

and failure to do so creates a pernicious effect on the junior members of it. Under pressure of circumstances I am therefore compelled to request Your Excellency to consider whether the Muir can be transferred elsewhere or failing that be accorded the benefit of Sec. 3 of the Superannuation Act of 1887. His continuance in my Department is a very serious obstacle to its smooth working and I submit with all respect and regard to myself

Signed J. Mansden
 Chief of Customs

H. B. The Governor
 and Commandant in Chief
 of the

C.O.
35074
3 OCT 07

Mombasa 356
July 13. 1907

Your Excellency

I have now the honor
to forward officially an ap-
plication by Mr Muir that he
may be designated Deputy Chief
of Customs.

This I previously forwarded with
a confidential letter on the 3rd
inst. wherein I stated that I
did not consider Mr Muir
suitable to act as my deputy
and I now at your request
make my remarks in an official
form in order that Mr Muir may
have an opportunity of replying.

My principal reasons are -

1. A marked disinclination to
carry out my wishes and a
tendency to argue instead of to
obey.
2. A difficulty in expressing him-
self clearly in official correspondence.

What

which throws a good deal of extra work on myself and on my other assistants

3. A want of tact in dealing with the financial firms and the staff.
4. Mr. Muir, as I have before pointed out, is not fitted by temperament for Customs work, his inclination being more for duties of a mechanical turn such as Public Works, and the more the work of the Department increases the more pronounced his unsuitability appears.
5. For him to remain in his present position is not only unfair to the Customs Department but bars the promotion of the other assistants who have been specially trained in this work in the London Customs and who under ordinary circumstances would look for promotion if they do their work well.
6. I am therefore compelled by circumstances to request your Excellency to consider the propriety of transferring Mr. Muir elsewhere or failing that that he be accorded the benefit of Sec 2 of the Superannuation Act of 1887.

7. His continuance in this Department does not tend to its welfare and I feel sure that he himself does not feel that the work he is doing is by any manner of means congenial to him.

I have
 etc.

Signed

A. Mansden
 Chief of Customs

the Governor
 Commander in Chief
 Navaho

Inclusive No: 3 in Col. Sadlers' despatch confidential (88) of 5 Sept. 1907.

C O
35074

REC'D
16 JULY 1907
OCT 07

Your Excellency,

I have the honour to inform your Excellency that my request for a higher status in the Department is due to Mr. Marsden's endeavour to include me as one of the Accountants in the new Customs Ordinance instead of by my proper designation.

In reviewing Mr. Marsden's proposal I have reasons against my promotion. I must regret the necessity to say personally before you Mr. Marsden tells me that I should have a natural disinclination to carry out an order to proceed to the Department. I said that I hardly saw the necessity for the second in the Department residing at

H. E. the Governor
Nairobi

Kisumu where I should be out of touch with the work at the head office.

My duties at Kisumu proved so inadequate that I nearly completed a long route for ferries, and a ferry service between old and new Kisumu. I deny that I delayed my departure although there was no other accommodation than the Dak bungalow. My time was occupied nearly to the last day in getting out a plan for the proposed new Custom House.

3 If I have shown other disinclination in my duties, it has been solely due to my desire to avoid interference with my family allotted to the other bungalow and that in one occasion only. As for my tendency to forget if discussion is understood as a general one should be able to

look for military precision in the organization of the Department.

I have often dissented, but such dissension has been rightly or wrongly due to my interest in the work of the Department.

A good one disagreement. Mr. Chandler desired to indent for a new steam crane, fitted with electric lighting gear (not an electric crane). In the place of this he allowed me to specify a type of steam crane without, but which successfully meets other particular requirements.

Again in opposition to his wishes, but in order to allay the irritation amongst the engineers caused by Mr. Chandler's action in getting the very latest of Soudgey, I suggested

to Mr Jackson by telegram that
 the way should be sold by the
 our way expert valuer and broker
 he had formerly conducted successfully
 way sales during the time that
 I acted for Mr Marsden and I
 therefore preferred him to an
 outside broker who might collude
 with the merchants I was not
 to have been acting contrary to
 Mr Marsden's wishes by Mr Marsden
 as was stated and the only instructions
 he left prior to his departure for
 Uganda were those given personally
 to Sorathio
 of Messrs ~~Brothers~~ Brothers the
 agent for whom Mr Marsden was
 manager in Dar es Salaam and has been
 the recipient of many favours from
 Mr Marsden such as the Government
 Proclamation

to Mr Jackson by telegram that
 the way should be sold by Tansley
 our way apart, rather and broker
 he had formerly conducted successfully
 way sales during the time that
 I acted for Mr Marsden and I
 therefore preferred him to an
 outside broker who might collude
 with the merchants I was not
 to have been acting contrary to
 Mr Marsden's wishes by Mr Marsden
 as was stated and the only instructions
 he gave prior to his departure for
 Uganda were those given personally
 to Sorathico
 Mr Sorathico was formerly the employer
 of Messrs Forwood Brothers the
 firm for whom Mr Marsden was
 manager in Dar-es-Salaam and has been
 the recipient of many favours from
 Mr Marsden such as the Government
 Trolley

Trading, blue, contract, and, 55.

John, withholding, 1 stroke, 2

In commanding, in these, 100

It is not, such, to induce

Marsden's rectitude, as they show

more of traiting idiosyncrasies.

4 Mr Marsden has always preferred

to deal personally with the bulk

of the correspondence; otherwise there

would have been little else for him

to do, and as for the extra

correspondence devolving upon the

other Assistants, owing to mine

lacking lucidity, the accusation

would meet with their acquiescence.

5 In safeguarding revenue, it is

necessary to act counter to the

merchants' preconceived ideas of

regulations. Amongst the foreign

forms, it is known that, in fact, the

than that I have during Mr. Marsden's absence raised the local values of hides and skins for the purpose of taking duty but I have heard no charge of unfairness.

I joined the Department in 1904 and from to 1905 when the Company Staff was organized, the rough work fell to me. Mr. Marsden seldom permitted departmental interests to conflict with his own. "Fairness to all" is a Customs motto, and doubtful concessions should have been avoided as such indeed often to demand a "quid pro quo".

As regards the Staff, I have experienced difficulty in working them. In awarding annual increments to the Staff Mr. Marsden has never consulted the Company Staff directly in that matter.

preferring to take the advice of
 his Parson's clerk, and in the
 framing of the Estimates, the
 same procedure obtained.

The Marquis' animosity, I have
 undoubtedly reacted on my control
 of the non-European staff, and
 the European merchants, I have
 always received every assistance.

His action in sending them to call
 on merchants at their offices may
 have been tactful, but hardly
 enhanced their social standing
 with the mercantile community,
 which is largely foreign.

7. Differences ~~have arisen~~ with Mr
 H. Wilson ~~of Messrs Smith, Mackenzie~~
 & Co. who previously complained
 of my lack of tact. I had
 occasion to write a letter of
 complaint regarding the quality
 of the coal supplied to the SS
 of the ~~SS~~ Tata

taken last year. A large percentage
 of the coal was dust and sand
 which meant waste, and difficulty
 in keeping a sufficient head of steam.
 This had evidently been going on
 for some time, but owing to the
 practice of replacing officers with
 those from the British India Steam
 Navigation Co. and so report was
 forwarded by the Chief Engineer
 until the Captain complained.
 The quality of the coal should have
 been first class for the contract
 price paid.

The present coal contract was
 made by ~~Mr. Harnden~~ Harnden and Wilson
 when the ~~ship~~ was staying at
~~Harnden~~ Harnden and no communication
 passed through me. There was
 no reason why the coal should
 not have been supplied by the
 Crown Agent. This contract with
 this consignment of coal for the

Railways; and if this had been done it would have resulted the procedure was stopped to the other competing line as they had the freight contract for carrying Government cargo.

8. My mechanical abilities (if being entitled to an Architect and Surveyor can be so termed) have proved very useful to Mr Marsden and departmentally when repairs and alterations to buildings and steam cranes required attention.

Mr Marsden formerly appreciated my knowledge of engineering, but latterly he has proposed to consult with merchants respecting the proposed new scheme at Kaituma.

9. Mr Mitchell has already presented me terms of engagement - viz £200 by £20 annual interest to £500 and Mr Marsden should not have

made my position the excuse for forwarding his application. Mr. Dodd has already endeavoured to get clear from his agreement and Mr. Thompson refused to renew his agreement under any conditions. Captain Pidcock was absent to the Marsden when I joined the Department and I remember that he begged Sir Arthur Hardinge to give him separate duties as Post Officer in order to leave the Marsden control. Mr. Marsden has made repeated efforts to regain control of the Post Office Department, and although he had previously acted for the Post Office during his absence in ~~France~~ and sanction was again ~~accorded~~ to act. Mr. Marsden was appointed acting Post Officer.

¹⁰ The charge of disloyalty is one of personal feeling. Arrangement was only suggested when his self-interest ~~was~~ ^{was} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~Department~~ ^{Department}.

including and flourishes became
 to everybody. I had imagined
 that his anxiety had calimated
 when your Excellency delegated
 Captain Piddock to act for him,
 but on his return he informed
 me "I intend to treat you with
 justice officially, but I am no
 longer your friend and shall stand
 in the way of your promotion."

Mr. Marsden's attempt to again make
 me pay the balance of my gharry
 boys was frustrated. Sir Donald
 Stewart had ruled that I was to
 have a gharry ~~and~~ I resided at
 Adelaide.

16. I in ~~and~~ always have been
 willing to carry out my duties
 with diligence, and I would beg
 to remind your Excellency that
 you were pleased to remark that
 you were glad to hear that I
 was

was doing my work satisfactorily
in assisting against Piracy.

I have never complained to the
Head of the Government of the
Mandate methods, but as he has
requested me to reply to his
asservations I comply, and
desire to again express my regret.

I have the honor to be
Your Excellency's
most obedient

servant

(54) E. J. Mearns

Acting Chief of Customs

Year
35074

S.A.P. 371

68

DRAFT

9.11

J. J. Moore to
J. J. Moore (part)
J. J. Moore (part)

9 October

Mr. Reed & [Signature]

Re I am directed by
the Lord of the High
Commissioner to
present you to
present yourself at
this office on the
date on which that
you may have
opportunity of presenting
any any application
you may wish to
offer with reference
to an information
which has been
received as on the one
occasion which you

Gov 3507A

Yours & Frederick 4/27

DRAFT.

East Africa Prot. (2)

W. Col. J. Mayer, Saddler, C.S.
MINUTE.

- Mr. [Name] 7/11
- Mr. Read 7/11
- Mr. Jus.
- Mr. Astrobua
- Mr. Cor.
- Mr. Lucas
- Mr. F. Hopwood
- Mr. Church
- The Earl of Elgin

I have the honor to
ack. the recd. of your
despatch, no. [unclear]
of the 6th of September,
on the subject of the
petition of [unclear]
for the position of
Asst. Secy of Customs
& The complaints made
against [unclear]
Secy of Customs
to be [unclear] very general
in character, and the
former's explanation is
on the whole satisfactory.
The facts found, in my
opinion, to be incompatible
with the [unclear] between
the two officers in the [unclear]

1. d. 11. 28765

the personal objection
to Mr. Muir's return to
the East Africa Protectorate,
and I have accordingly
decided, as I informed
you by tel. of the
7th of November, ¹⁹¹³ to
allow him to return at
the end of his leave of
absence. He has been
suitably admonished,
and has undertaken
to work in harmony with
the new Chief of Customs.