

EAST AFR. PROT.
No. 36090

36090
3 OCT 08

No. 11
18/11
1908
11 Sept.

(Subject.)

Memorial of R. G. Farrant

at previous Paper.

Praying for reconsideration of his case, & reinstatement in former position of Dist. Comm. -
London - Cannot recommend

(Minutes.)

Mr. Read

The facts of this case are set out on 9/8/08. Mr. Farrant was an official of the S.E.A. Co. and was ultimately placed in a responsible position for which he was not fitted. Here he committed numerous irregularities, but, from the ill of the Treasury, the various extenuating circumstances prevented them from being grave irregularities. It is clear however that we could not put him again in his old position, & he cannot even be entrusted with the ordinary powers of his present position - Dist. District Commissioner.

Reply that Mr. Farrant's memorial has been received & carefully considered, but that Lord Alceve reports that he is unable [to find] him out any hope of being able to meet Mr. Farrant.

Chas & Co

General Dept so present?

H. J. R.

3/10

P.T.O.

at previous Paper.

1908
11 Sept.

Mr Cox

I think with the Govt that the portion is most unsatisfactory, but after talking the matter over with Mr Harris I ~~don't~~ ^{don't} think there would be any use in going to the Treasury again, & asking them to reconsider the decision previously arrived at $\frac{830}{87}$, and to allow ~~him~~ ^{Mr Harris} to retire.

Also the fact that he has been reduced to the post of a least 5th class (mine) would materially affect his pension & make retirement much harder for him than it would have been two years ago -

Reply as proposed, but at the same time take the opportunity of asking the Govt what Mr Farnall's age is.

[2] he is near the retiring age that might be a reason for reconsideration.]

T.C.H. 12/10

Colonel Seely

so please

A.B.C.

12/10

for 11.12.10 done

C O
36090

Governor's Office

Nairobi

3 03 08

11th September 1908

EAST AFRICA PROTECTORATE

Confidential (97)

Encl. 1.

My Lord,

I have the honour to submit a memorial to Your Lordship's address from Mr. R.G.Farrant praying for a reconsideration of his case and that hopes may be held out to him of restoration to his former position of District Commissioner.

The facts of the case were reported in my Despatch, confidentially, of the 13th November 1906. I am unable to support Mr. Farrant's request to be reinstated. He is, I have already reported, not fit for the duties of a District Commissioner and I think it most unfortunate that he should have been placed in that position and that when this fact was realised by the matters brought to notice in my despatch above referred to the Lords of the Treasury were unable to accept the proposal made to allow him to retire on a pension.

Mr. Farrant has been employed since his reduction in

H.M. PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,
DOWLING STREET,
LONDON. S. W.

in Hut tax collection and odd work in the Nairobi District, and we have been unable to entrust him again with judicial powers.

He has a long service in East Africa under the old Company and under Government, and the case is I consider an unfortunate one.

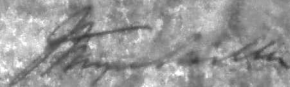
I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,



To His Majesty's Secretary of State for the Colonies

The humble Memorial of Robert George Farrant Assistant District Commissioner Nairobi respectfully sheweth:-
(1) That your Memorialist came to Mombasa from India in February 1891 and entered the service of the Imperial British East Africa Company in which he became Assistant District Superintendent, Kismayu, in August 1892; and was afterwards appointed Assistant Collector in the same District, in July 1895, on the transfer of the Territories of the East Africa Company to the East Africa Protectorate, and promoted to Collector in 1896; in May 1899 was appointed Acting Sub Commissioner Jubaland for 18 months.

In March 1901 he was appointed Collector Fort Hall District and in October of the same year was transferred in the same capacity to the Vanga District.

During his service in Jubaland he was engaged in the Juba River Expedition against the Somalis for which he received the Ashanti medal with clasps, and later in 1898 the East Africa medal and clasp.

(2) That your Memorialist was granted furlough to England in 1905 and on his return was posted to Kitui District as Collector. While in charge of this District he was placed under suspension with effect from the 24th, September 1906 in consequence of a report which had been submitted by his assistant Mr. C. S. Hemsted, during your Memorialist's temporary absence from Kitui, in which it was stated that he had received a large sum of money, about Rs2,500, of which no account had been rendered. This charge had been investigated by a Court of Enquiry which was convened at Nairobi in October 1906, to which your Memorialist explained that on his taking over the District from Mr. Skene that Officer had handed over to him a sum of about Rs2500. as goat bag money (saying it was to be used for improvements on the station)

and which was at the time counted over by Mr. Hemsted himself and that about Rs:200 had subsequently been collected from the same source, but that the fund had never amounted to the sum stated by Mr. Hemsted. In accordance with a custom which had prevailed in this and other Districts this money had not been credited to Government either by your Memorialist or by his predecessors, but had been treated as a special or separate fund, out of which payments were made from time to time on wages, transport animals, etc; Receipts for all the more important payments were produced before the Court, and your Memorialist understands that the charge was eventually withdrawn on the ground that however irregular the procedure it had for some time been a customary practice in the Kitui and some other Districts, and that there was no reason to believe that the money had not been expended on Public Service, although not properly shown in the accounts.

(iii) That on the conclusion of the proceedings in the Court of Enquiry your Memorialist was ordered to return to Kitui, with Judge Bonham Carter, who was directed to examine his judicial work. This comprised some 300 Civil cases which had been registered during the ten months of your Memorialist's incumbency and also a number of Criminal cases. Among the latter were some, mostly petty, which had been dealt with summarily by your Memorialist, under great pressure of his work. The irregular procedure had been followed in these cases which was reported by Judge Bonham Carter and in consequence of this report, your Memorialist was reduced from the rank of Collector, to Assistant Collector and transferred to Nairobi in the position which he now occupies. This seems very hard because your Memorialist was punished for errors in only one of the numerous branches of duty which he had to carry out and not on a general survey of his capacity. It was also a most difficult side of his work because there was no Bar to

R. S. Farrant

help him in Kitui as at Mombasa, Nairobi and elsewhere, and he had to work according to the Indian Civil Procedure which, it is admitted has been out of date for years, and has been amended by the Governor General of India in Council.

Your Memorialist therefore humbly suggests that unless dishonesty is proved against a Government Official he should not be permanently punished for faults in one branch of his duties. His mistakes should be pointed out to him and he should be given a trial to avoid them.

- (IV) That your Memorialist acknowledges unreservedly and with great regret the irregularities in his Criminal Procedure which were thus disclosed, but humbly pleads the circumstances in which he was placed as extenuating, even though they may not wholly excuse such irregularities.

The Kitui district of which he was in charge, is one of exceptional size, and is practically isolated being distant seven days journey from Nairobi, without any connecting roads without telegraphs, and without a doctor.

In this immense District, so unfavourably situated, your Memorialist was the only Officer with Magisterial powers, and was working continuously under the greatest pressure.

He had represented the difficulties under which he laboured to Judge Hamilton and had asked that the Assistant Collector might be empowered to try petty cases, but it had not been possible to arrange this. Application was subsequently made for a Summons Clerk, but this also was not granted, so that your Memorialist was compelled to perform all his judicial work, which as already stated included 800 civil cases in ten months, with no assistance then that of a Goanese writer. In addition he had much other Administrative work to do, as the Assistant Collector was ordered to Machakos from time to time, and was in bad health when he came to Kitui.

Your Memorialist was thus left to do the best he could.

J. Hamilton

R. J. Pursey

singlehanded, and was compelled to try summarily many cases which he was unable to leave to the chiefs, many of whom he had found powerless to enforce their decrees, so that the natives were constantly appealing to him for justice which they were unable to obtain from the Elders of the Akamba. Riot, disorder, and bloodshed would have been inevitable if he had declined to take up these cases and had left them to Chiefs for disposal, but if he entertained them at all, it was only possible to deal with them summarily and in the way that he did.

(V) Your Memorialist would point out that in the Vanga District from which he had been transferred to Kitui, and which was only about a quarter of the size of the latter and much more favourably situated, he had the services of a much larger staff, and he respectfully submits the weakness of his staff as compared with the work to be done and with what has been found necessary in other Districts, was the main cause of whatever irregularities may have occurred in his Criminal Procedure. Since his reduction the Kitui District has itself been divided into two separate Administrative charges, each under a District Commissioner, so that it has now been recognized that the entire District is too heavy a charge for a single officer; and a Headman's ordinance has been brought into force in order to enable the District Commissioner to deal with the native cases more effectually.

(VI) In conclusion your Memorialist desires to represent that his service in East Africa has now exceeded 17 years, during which he has been employed successively in Kisumu, Fort Hall Vanga and Kitui Districts, in positions of responsibility almost all of which has involved serious hardships and a nearly continuous isolation from Europeans. In the course of this service his health has more than once broken down

and the quality of his work may no doubt have been affected not only by this cause and the high pressure under which it has often been conducted without effective assistance, but also by the rarity of his opportunities of intercourse with other officers of the Administration. Such hardships are a condition of service which he at all times cheerfully accepted, but it is with dismay that he now finds himself after spending 17 of the best years of his life in this service, subjected not only to the stigma of degradation in rank, but also to a reduction in emoluments which leaves but a bare subsistence allowance for himself and family without any means of providing for the education of his children, while he has been afforded no hope of an eventual improvement in his position and prospects.

(VII) Your Memorialist therefore humbly prays that your Lordship will be pleased to reconsider his case, with special regard to the circumstances in which the irregularities in his procedure in the Kitui District occurred, and also to the length and nature of his service in East Africa, and to the position in which he and his family are now placed, and trusts that on such reconsideration it may be held that the faults which he has committed have now been adequately punished, and that some hope may be held out to him of restoration at no distant date to the pay and position which he formerly enjoyed in the service of the Protectorate. Surely the punishment already meted out is not justice tempered with mercy, because as it stands, it hits your Memorialist's pension as well as his pay and prospects and therefore it is a double punishment. Should Your Lordship therefore be pleased to reinstate your Memorialist he will endeavour by hard and conscientious work to show that his being given another trial is a merciful act which the Government will have no cause to regret, and your Memorialist

R.S. Farrant R.G. Farrant

as in duty bound will ever pray.

R.G. Farrant

R.G. Farrant

Forwarded to His Excellency the Governor for favour of
transmission to the Secretary of State for the Colonies.

R.G. Farrant

Nairobi

R.G. Farrant

9th September 1908

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DRAFT

Governor

Sir George Suttles Klaf
Sap. Prot.
Confidential

16 October 1908

MINUTE.

- Mr. McAuley 15 Oct
- Mr. Macpherson
- Mr. Just.
- Mr. Andrews.
- Mr. Cas.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Stely.
- The Earl of Crewe.

Sir,

I have the honour to
ack the receipt of your despatch
conf of the 11th ult.
enclosing a memorial from
Mr. R. J. Sarrant praying
for his restoration to his
former position in the
service of the Protectorate