

1911

EAST AFR. PROT

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REC'D
NOV 16 11

36959

Name

Date

Petition to His Highness

28 Oct.

Last previous Paper

Submit petition setting forth circumstances in which his appl. in Customs Dept. was terminated & praying for reinstatement or pension also for salary for period during which he has been kept out of office & for cost of passages to & from India

Mr. Butler

Send two petitions (keeping duplicate) to the Governor, requesting that he please may be informed that all such petitions should be forwarded through the Governor

MS 17

W. Fiddes

So proceed

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Subsequent Paper

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J. M. Gracias,

NOV 11

Messias & Co.,

Mombasa.

Mombasa,

28th October 1911.

Sir,

I beg to enclose herewith a petition in duplicate, to His Majesty The King, which I respectfully beg to request you will be pleased to place before His Majesty. A copy of this letter together with that of the petition has been sent to His Excellency the Governor of the East Africa Protectorate for his information.

I shall feel obliged by your returning to me the original enclosures to the petition when done with to my address given above.

I have the honour to be,

Sir,

Your most obedient servant,

J. M. Gracias

J. M. Gracias

The Principal Secretary of State
for the Colonies,
Downing Street,
London, S.W.

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J. M. Gracias,

NOV 11

M. J. Rodrigues & Co.,

Mombasa,

Mombasa,

28th October 1911.

Sir,

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J. M. Gracias

The Principal Secretary of State
for the Colonies,
Downing Street,
London, S.W.

Duplicate

403

36959
NOV 11

J. H. Grading, Co.

c/o A. J. Jennings & Co.

Mombasa.

Mombasa,

28th October 1911.

Sir,

I beg to enclose herewith a petition in duplicate, to His Majesty The King, which I respectfully beg to request you will be pleased to place before His Majesty. A copy of this letter together with that of the petition has been sent to His Excellency the Governor of the East Africa Protectorate for his information.

I shall feel obliged by your returning to me the original enclosures to the petition when done with to my address given above.

I have the honour to be,

Sir,

Your most obedient servant,

J. H. Grading

Principal Secretary of State

for the Colonies,

Downing Street,

London, E.C.

c/o A. M. Jeevanjee & Co.,

Bombay, British East Africa,

October 25th 1911.

To

His Most Excellent Majesty George the Fifth,
 by the Grace of God King of the United King-
 dom of Great Britain and Ireland, and of the
 British Possessions beyond the Seas, Defender
 of the Faith, Emperor of India.

Through

The Right Honourable,

The Secretary of State for the Colonies,

Downing Street,

London, S. W.

YOUR MAJESTY,

With the profoundest respect and sincerest apology,
 I venture to take the liberty to appear before Your
 Majesty this humble petition in the sanguine hope that,
 after having failed to receive justice from the Govern-
 ment of the East Africa Protectorate, the Injustice and
 wrongs, which have been done to me, may find redress
 at the hands of Your Majesty.

I am an old servant of the East Africa Protecto-
 rate and have worked in the Customs Department for
 more than 15 years. Lately, in the month of March 1911,
 I was obliged, owing to a serious illness, to resign
 my employment, as the Medical Board, which was
 appointed to report on my health, wanted to take me
 into the Native Hospital by force; although I begged
 of them to allow me to remain with my wife and children,
 who had arrived from India two days before I received

the

the Board's orders through the Chief of Customs (marked A.V.).

I assured the Board that my wife would be able to take care of and nurse me better than the single Syahill Servant, who had got to look after all the patients alone in the Hospital. I wrote and asked the Chief of Customs to request the Medical Board to reconsider their decision, as the Hospital had got no cooking arrangements worth having nor proper attendance and as I could not make up my mind to lose the care and comforts of my wife, whom I could rely upon, and trust myself into the hands of an untrained negro attendant, but all my suggestions and entreaties were in vain. Your Majesty will, I respectfully presume, observe that, placed as I was between two extremes, that of losing my life or my employment, and having consequently been under a severe mental strain, I saw no other alternative than that of resigning my Post and trusting to Justice to deal with the merits of my case, rather than receive dismissal which threatened.

In the month of December 1909 I was dangerously sick, suffering from a very severe attack of hemorrhoid and malaria. The Government Doctor, who had the charge of the Subordinate Staff at the time, treated me for 37 days but without any effect. At last, when my complaint was in its highest stage, he held a Board on his which suggested my going into the Hospital, to which I have referred above, to undergo an operation. I consulted that same day two private practitioners, who, seeing the imminent danger I was in, recommended an immediate change to India, without losing time. I spoke to the Government Doctor about this the next day, but he would not accept the opinion of private doctors, although one was an English man, Dr. Fishbourne, and

the other a Portuguese, Dr. Robinson. I told him that I could not make up my mind to undergo an operation, as the death of my cousin, who was in the Government service, and who had been operated upon for the like complaint by a Government doctor at Fort Hall, was quite sufficient for me not to submit myself to a personal experiment. But he, he would not be moved, and I was simply lost not knowing what to do, as there was no body to help me, the Chief of Customs Mr. Major having been absent from Bombay on an inspection tour in the North, and I had to leave for India without losing time in order to save my life. I wrote to the Acting Chief of Customs requesting him to arrange for Sick-Leave for me by wire, but no notice was taken of my condition or appeal, and the only reply I got, by a minute on my letter, ^{was} that I must accept the treatment suggested by the Medical Board, which was to undergo an operation. There was a steamer for India three days after this, and I wrote to His Excellency the Governor explaining everything, and to the Acting Chief of Customs and the President of the Medical Board informing them that I was leaving for India, as it was absolutely necessary for me to do so, in order to put myself under some able treatment, without losing any more time, and as I left for Bombay on the 1st of February 1910.

The change of climate, sea sickness and only 11 days' treatment in Bombay put me perfectly right without any operation. Dr. Childs, the Medical Officer for the East Africa Protectorate in Bombay, gave me 3 months' sick-leave which was approved of by His Excellency the Governor, but in spite of this I got neither my passage to Bombay and back, nor my salary for

for these three months. I received a letter from the Chief of Customs marked B^o informing me that I must have both at the time I left for India I had put in 50 months service and was practically entitled to 3 months' Privileged leave, which I would have earned if I had been able to work for 3 months more. Such leave is not limited by any period of service, and when a Government servant is given sick-leave by a Government doctor he always gets his passage and salary.

I was perfectly all right when I returned from India in May 1910, but the hard work I had to do while I was in charge of the Kilindini Customs brought on a relapse of both the hemorrhoids and malaria, which have reduced me to the condition which is now the subject matter of this my humble petition to Your Majesty.

In order that Your Majesty may understand what I mean by hard work, I here beg to state that the New Customs Ordinance imposes Twelve Hours' Duty, from 6 A.M. to 6 P.M., on nearly Two Thirds of the Customs Staff in the Out-Door Branch which comprehends the Godown and Tally Clerks and Baggage Inspectors, without providing for any compensation for the Extra work done by the Staff for the Public. The general work hours in this Branch are from 7 A.M. to 12 Noon and 2 P.M. to 5 P.M. except on Saturday afternoons and Sundays when clerks are allowed overtime if they work. All the other Government Offices work from 8.30 to 12.30 and 2 P.M. to 4 P.M. and I am not aware if there is any good reason for overworking the Customs Staff without compensation. The Shipping Companies taking advantage of the new Ordinance make use of it mostly for the clearance of Passengers' baggage through the Customs, very often for Shipping Cargo, and in many cases for Landing Goods.

On applying to His Excellency the Acting Governor for

My Pension I received the reply marked "C" through the Chief of Customs, who states "I regret to have to inform you that as you have resigned without a Medical Certificate you have forfeited ~~yourself~~ from PENSION OR GRATUITY in spite of YOUR FIFTEEN YEARS' SERVICE".

I most humbly beg to submit, YOUR HONOUR, that the Medical Board would not and probably will not grant me a CERTIFICATE only because I could not carry out their wishes to go into hospital, for reasons already stated by me.

The last Medical Board, to which I have referred above, is the THIRD BOARD that has been held on me during the last SEVEN years. The Chief of Customs, who was my Immediate Officer, is, I submit, better aware of the condition of my health than the Medical Authorities, who have had chances to see me only when I became seriously ill, and the following remarks made by Mr. Major, the Chief of Customs, are conclusive proofs of the UNDESIRABLE STATE OF HEALTH in which I have been for the last SEVEN years:-

When I first became sick this last year, the Chief of Customs, seeing that I derived no benefit from the treatment I was receiving from the Government doctor, and that I had become sick again only a few months after my last sick-leave, wrote to the SENIOR MEDICAL OFFICER on 10/1/21, enclosing copies of my letters. "I enclose a copy of a telegram I have sent to the P. M. O. and copies of letters I have received from Mr. Gracias Senior First Grade Customs Officer in the Customs Department.

Mr. Gracias is an old servant of the State and his continued ill health justifies the Medical Authorities in certifying to his physical unfitness for further service. He will be able to qualify for a PENSION. As you are aware Mr. Gracias has already been medically reported on both here and in India. I enclose a copy of a certificate issued by

Dr.

Mr. Childs of Bombay. The finding of the previous E.A.P. Board is, I have no doubt, recorded in your Office. I do not possess the original of this minute by way of Customs, but I had a chance to take a copy of it as it was attached to other papers in connection with the case, and which was sent to me for my information.

Again the Chief of Customs, Mr. Major, in an official remark in the certificate marked "B", which he gave after my resignation: "Specially however, owing to ill-health he has been unable to perform his duties efficiently".

In the month of April last, when I thought I was fairly well, I applied once more to His Majesty by the Governor, Sir Percy Sutherland, requesting him to reconstitute me in my former position in the Customs, as I could not see his way to appoint me a pension, and stating that I, being an ailing man and not having got a penny of assistance to support, could not afford to look both my EMPLOYER and MY PENSION, to which I received the following reply marked "C" to the effect that nothing more could be done for me.

The certificate from the late Chief of Customs Mr. Harbison, which I have marked "D", and that from the present Chief Mr. Major marked "E" amply testify to the merits of my work in the Customs Department and to my personal character and abilities, and I have had to state, YOUR MAJESTY, that the best part of my life has been spent in YOUR MAJESTY'S SERVICE, and that not owing to ill health I am not in a position to be able to start a new career.

Finally I most humbly beg to request that YOUR MAJESTY may be most graciously pleased, in recognition of my long and faithful services, to reconstitute me in my former position in the Customs Department, or to grant me a PENSION for which, I respectfully submit, I have laboured

FOR THE LAST FIFTEEN YEARS, the whole of which time was devoted to Public Service.

Whichever way it will please YOUR MAJESTY to decide, I also beg to request that YOUR MAJESTY may be pleased to sanction the payment of any money that may be due to me in SALARY or PENSION for the time that I have been kept out of Office, as also the payment of my EXPENSES to India and back on my last SICK-LEAVE and MY SALARY for that time, to which I have already referred herein, and which have been refused to me.

I extremely regret that I do not possess copies of any of the letters I wrote, in connection with this case, to His Excellency the Governor, the Chief of Customs and the Judicial Board. I beg Your Majesty may be pleased to return the originals of replies and certification which are enclosed herewith.

Being a thousand pardons for the trouble which this my petition is likely to cause to YOUR MAJESTY and praying to ALMIGHTY GOD, WHO IS THE RULER OF THE UNIVERSE, for YOUR MAJESTY'S long life,

I most humbly beg to remain,

Sir,

YOUR MAJESTY'S,

Most humble and dutiful servant,

J. W. D. D. D.

A copy of this petition has been sent to His Excellency the Governor of the East Africa Protectorate for his information.

"A"

No. G/286.

Mr. J. M. Gracias,
1st Grade Customs Officer,
Mombasa.

The Medical Board held on the 27th instant has
recommended that you go into Hospital.

Will you therefore proceed to the Native Civil
Hospital as soon as possible?

(Sgd.) F. W. Major
Chief of Customs.

Custom House,
Mombasa 30th January 1911.

No. 6/247

Mr. Gracias,

Your petition has been submitted for the consideration of H. E. the Governor.

I am to point out to you that as you absented yourself from duty without leave your engagement with the Government can be treated as terminated as from the date on which you left the Protectorate.

In view, however, of the mental strain which I am convinced from your extraordinary action you must have been undergoing and having regard to your past services & I have appealed to H. E. to exercise some leniency in dealing with your case.

H. E. has ordered that you be severely reprimanded and cautioned. You can return to Mombasa and resume your duties on production of a report on the state of your health from a properly qualified Medical Practitioner in Bombay, if such report is satisfactory.

You will be required to pay your own passage back to Mombasa with loss of salary for the whole period you have been absent from duty including the time you were on the sick list in Mombasa.

(Sgd.) F. W. Major
Chief of Customs.

Custom House

Mombasa 24th February 1910.

G/309

Custom House
Mombasa, 13th February 1911.

Sir,

Your letter of the 1st instant has been placed before the Acting Governor and His Excellency has been pleased to accept your resignation as from that date.

I regret to have to inform you that as you have resigned without a Medical Certificate you are debarred from pension or gratuity in spite of your 15 years service.

I am etc., etc.,

(Sgd.) F. W. Major

Chief of Customs.

J. M. Gracias,

Mombasa.

S. I. C.

I enclose a copy of a telegram I have sent to the P.M.O. and copies of letters I have received from Mr. Gracian Senior 1st Grade Customs Officer in the Customs Department.

Mr. Gracian is an old servant of the State and his continued ill health justifies the Medical Authorities in certifying to his physical unsuitness for further service. He will be able to qualify for a pension. As you are aware Mr. Gracian has already been medically reported on both here and in India. I enclose a copy of a certificate issued by Dr. Dhillon of Bombay. The findings of the previous R. A. P. Board as I have no doubt recorded in your office.

(Id.)

S. I. A.

"E"

CUSTOMS DEPARTMENT,

Mombasa,

March 13th 1911.

This is to certify that Mr. Joaquin Malago Gracias was appointed Customs Officer in 1896 at Rs.80/- per mensem and that his salary at the time of leaving the service was Rs.300/- per mensem.

Mr. C. Palmer, under whom Mr. Gracias worked, reported as follows:-

"Mr. Gracias has proved to be an intelligent, willing and conscientious worker in whatever branch of the Customs Service he has been tried. He is very energetic and eager to please. I should think that he has bright prospects before him. I wish him well".

Mr. Marsden reported as follows:-

"Mr. Gracias has a good knowledge of Customs work in out stations, very reliable and can be depended on when dealing with the public".

Mr. Gracias possesses a thorough knowledge of Customs Routine and his services have been of value to the Department. Recently however, owing to his state of health, he has been unable to carry out his duties efficiently.

(Sgd.) F. W. Major,
Chief of Customs.

APPROVED.

(Sgd.) E. J. Monson
Secretary,

East Africa Protectorate,

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P. No. 319/10.

The Secretariat,

Cairo.

April 18th 1911.

Sir,

With reference to your letter of the 31st ultimo I am desired to inform you that His Excellency regrets he cannot do anything more for you either as regards a pension or gratuity or your re-appointment to the Customs Department.

I have etc., etc.,

(Sgd.) W. J. Monson,

SECRETARY.

Mr. J. M. Gracia,

Bombay.

Mr. J. M. Gracias,
Lami.

Before leaving East Africa on my transfer to Calcutta I have much pleasure in giving you a few lines recording the good work which you have done during the 12 years that you have served under me.

The intelligent interest which you have taken in your work as Superintendent of Customs, Lami, has been of the very greatest assistance to me, and I trust you will continue to be of equal service to my successor Mr. Major.

(Sgd.) A. Marsden
Chief of Customs.

Custom House,
Mombasa, 11th April 1906.

Oct 24 1891

Sir,

Have the honor to transmit to you

the accompanying petition

of Mr. J. M. Graves to Her the

King & to request that you will

inform Mr. Graves that ^{all} his

such petitions should be forwarded
for the ~~King~~

through you. ~~The enclosure to
Mr. Graves's petition should be
returned to him.~~
Thank

DRAFT

EAP

No 684

Gen. Sec. E.P.C. Ground

MINUTE.

Mr. Kenning 22/11

Mr. Butler 23/11

Mr. Fiddes.

Sir H. Just.

Sir J. Anderson.

Lord Lucas.

Mr. Harcourt.

1255/11-12
and

Mr. Graves Oct 28
submit to the King and
in 1891
Duplicate here