

EAST AFR. PROT.

No. 33093

C O  
33093REC<sup>d</sup>  
SEP 16 07

No. 350

1907

2 Aug

Last previous Paper.

(Subject.)

Mr P Shearman Turner  
Asst Registrar of Titles

In case of roads in the O. Tonks, Solicitor  
by whom the work was employed, complaining of his  
being removed in the matter the Tonks has accepted  
certain terms in respect of the Turner's passage money will be  
paid in full.

(Minutes.)

Private Secretary  
Mr Antadde

It is not I think usual  
for us to consult private employers  
before offering the app't to their  
employe's, that matter is left  
to be adjusted between employer  
& employe. At the same time  
Mr Tonks, whom I have seen  
& who appeared to be a moderate  
generous person has something  
of a grievance in that he feels  
Mr Turner's fees go out of  
his admission fee, & also loss  
his services within a small

of his arrival.

I think Mr. Tooke might be told  
that the Prof. P. was unaware of the  
Prof. P. will say whether this is so  
that Mr. Turner was in his employment  
& that it would be impracticable to  
engage in such <sup>before the day of the</sup> ~~work~~ <sup>business</sup>  
applications for Colonel's employment  
here since their application accepted  
other employment & that it would  
appear that the question of the  
remuneration would be the employer  
by the acceptance of Govt. employment  
was to be adjusted in the general  
view at least between employer &  
employee.

The Governor says that the question of  
Mr. Turner's passage will be dealt  
with locally. It means that  
the passage money will be paid  
to Mr. Tooke. I think we may

agree. M. H. G.

of his arrival.

I think Mr. Toke might be told  
that the Prof. P. was unaware [the  
Prof. P. will say whether this is so]  
that Mr. Turner was in his employment  
& that it would be impracticable to  
inquire in such <sup>an</sup> ~~case~~ <sup>of</sup> ~~the~~ <sup>his</sup>  
affairs for ~~current~~ employment  
here since their application accepted  
other employment & that it would  
appear that the question of Lt.  
Turner's removal to the employer  
by the renunciation of Govt. employment  
was to be adjusted in the general  
and at least between employer &  
employee.

The Government that the question of  
Mr. Turner's ~~removal~~ <sup>removal</sup> with the debt  
with ~~the~~ <sup>the</sup> ~~debt~~ <sup>debt</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~Government~~ <sup>Government</sup> that  
the passage money will be paid  
to Mr. Toke. I think we may

agree. M. G. G.

*Mr. Tomke*  
~~Mr. Tomke~~

We were quite aware that Mr. Tomke had engaged Mr. Turner in the circumstances stated, and that that Mr. Tomke had gone out to practice on his own account. In these circumstances, had we known them, the appointment would not have been offered without consulting Mr. Tomke. Mr. Tomke has no doubt a real grievance, and I think regret should be expressed for the inconvenience which has been unwittingly caused. Although as a general rule the principle of the inconvenience caused to an employer by the acceptance of government employment is one to be adjusted between employer and employe, when the employer has just brought the employe from England at much expense and trouble he is fairly entitled to some special consideration.

The Government was definitely instructed to "do the best", without being left any alternative. It would have been better to add "if you see no objection" or some such proviso. This was done in a recent Southern Nigeria case, and the Governor did object.

If Mr. Turner is not liable to refund the passage-money to Mr. Tomke, I think the Government should do so. This is a precedent for West Africa.

*Edo 15/11*

*I agree throughout with Mr. Stanley. Proceed as he proposes. We have had similar difficulties in West African cases.*

*11th Sept. 1900*  
*at once*

C. O.  
33093

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Governor's Office,  
16 SEP 07

Nairobi,

August 19th 1907.

EAST AFRICA PROTECTORATE.

No. 359

(Incl. 1.)

My Lord,

With reference to Your Lordship's telegram of July 24th instructing me to offer the appointment of Registrar of Titles at the Coast to Mr. P. Shearman Turner I have the honour to transmit herewith a copy of a letter which I have received from Mr. O. Tonks, one of the leading solicitors in Mombasa, by whom Mr. Turner was employed as an assistant, complaining of his being ignored in the matter.

As regards Mr. Tonks' complaint that he received no intimation of the fact that I was offering the appointment to Mr. Turner, I have caused a letter to be written to him explaining that I had fully intended to inform him of what was being done and that it was regretted that through an

unfortunate

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

Governor's Office,  
16 SEP 07  
Nairobi,

AUGUST 19th 1907.

EAST AFRICA PROTECTORATE.

No. 359

(Incl. 1.)

My Lord,

With reference to Your Lordship's telegram of July 21st, instructing me to offer the appointment of Registrar of Titles at the Coast to Mr. F. Shearman Turner

I have the honour to transmit herewith a copy of a letter which I have received from Mr. C. Tonks, one of the leading solicitors in Mombasa, by whom Mr. Turner was employed as an assistant, complaining of his being ignored in the matter.

As regards Mr. Tonks' complaint that he received no intimation of the fact that I was offering the appointment to Mr. Turner, I have caused a letter to be written to him explaining that I had fully intended to inform him of what was being done and that it was regretted that through an

unfortunate

H. M. Principal Secretary of State  
for the Colonies,  
Downing Street,  
London, S. E.

unfortunate oversight this was omitted, but that no discourtesy whatever was intended.

Mr. Tonks has accepted and expressed himself as satisfied with the explanation.

As however Mr. Tonks' main ground of complaint is that he was not informed that negotiations about the appointment were pending between Your Lordship's Office and Mr. Turner, and that he has been deprived without warning of an Assistant, in the acquisition of whose services he was put to considerable expense, I forward his letter at his request for Your Lordship's information.

The question of Mr. Shearman Turner's passage money will be dealt with locally.

I have the honour to be,

With the highest respect,

My dear Sir,

Your Lordship's most obedient,

Wm. G. Smith

*Wm. G. Smith*

Mombasa,  
Dec.

July 16 1898 07

Sir,

I desire to place on record a protest against the way I have been treated in connection with the offer of the appointment of Registrar of Titles made by Your Excellency on the 16th instant to my assistant Mr. P. Shearman Turner. After considerable trouble and expense I have been able to secure the services of Mr. Shearman Turner, a man of wide experience and with whom I am in every way satisfied, and who fully justified both the trouble and the expense I have undergone.

In less than a month after his arrival in this country, he receives direct from Your Excellency the above offer without any intimation to me.

The expenses that I have refer to above are his first class fare out, his admission fee here, his salary and various outlays, besides these I have gone to the expense of having my office considerably altered in order to meet the necessity of having another man in my office.

I have also introduced Mr. Shearman Turner to my clients as my assistant, and the fact that he is now leaving me within a month of his arrival is almost bound to, in some way, damage my reputation. I have been practising in East Africa as solicitor and pleader for the past 8 years and it has been my endeavour to carry out my work, although not retained for the moment, not only for the benefit of my clients, but also for the benefit of the country and where circumstances would allow to help the Administration.

Your Excellency will remember that I was in Nairobi on the day your letter was written to Mr. Shearman Turner and saw Your Excellency both before and after that date, and although

Yours

Excellency  
The Governor,  
Nairobi.



Your Excellency must have known of this appointment and that the Government were endeavouring to secure Mr.

Wheeler's services absolutely no intimation was given me either by word of mouth or by letter.

I do not wish, although I am entitled, to in any way stand in Mr. Wheeler's way of accepting the appointment, but I feel very deeply that I have been ignored in this matter, and I consider that at least before the Government had further approached my assistant they might have treated me with ordinary courtesy and have approached me either as some reflection that the appointment was going to be offered, and I understand from your letter to Mr. Wheeler that the offer of the appointment came direct from the Colonial Office. I have the honour to request Your Excellency to kindly forward this letter to the Secretary of State in order that my protest may be noted.

I remain etc.,

Yours faithfully,  
Osmond Tonks.

Your Excellency must have known of this appointment and that the Government were endeavouring to secure Mr. [Name] Turner's services absolutely no intimation was given to me either by word of mouth or by letter.

I do not wish, although I am entitled, to in any way stand in Mr. [Name] Turner's way of accepting the appointment, but I feel very deeply that I have been ignored in this matter, and I would say that at least before the Government had been approached my assistant they might have treated me as an ordinary country and have approached any other as some reflection that the appointment was going to be offered. As I understand from your letter to Mr. [Name] [Name] that the offer of the appointment came direct from the [Name] of the [Name] I have the honour to request Your Excellency to kindly forward the letter to the Secretary of State in order that the protest may be [Name].

I am, etc.,

80/- Oswald Jones,

Low  
33093

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19 September 1907

Dear Sir,

I have the honor to acknowledge

DRAFT.

Genl. Order Part No 534

1. m

Lt. Col. J. Hays Saddle CB

MINUTE.

Mr. Bottomley 18/9

Mr. Ellis

Mr. Just

Mr. Atrobus

Mr. Cox

Mr. Lucas

Sir F. Hopwood

Mr. Churchill

The Earl of Elgin.

to me of your despatch  
no. 359 of the 19<sup>th</sup> of  
August on the subject of  
R. P. Herman Turner's  
applt. as Registrar of  
Titles in the Coaststrip.  
2. When I selected Mr  
Turner  
for the applt. I  
had no info that he  
was in Mr. Tork's  
employment, and it was  
unpaid.  
I thought that he had  
gone to West Africa to  
practice on his own  
account. I shall be glad  
if you will communicate  
to Mr. Tork a expression  
of my regret for the

• Towels the cost of his <sup>147</sup>  
passage to Montana I  
shall be prepared to  
repay to the amount they  
had from Gov't funds.

R