

1932.

Kenya

No. 18207

SUBJECT C0533/425

Office of Chief Native Commissioner.

Status, Functions etc.

Previous

17188/31.

see 27001/32 & 4.

Subsequent

3169/33.

74  
The  
E. African Dept  
I have had to take  
the packet with the  
provisions

Sir. Skelton  
Saw, thank you Sir. C. Bottemley<sup>2</sup>  
Wes. 13.4.32  
To see  
of Mr.  
13.4.32

Sir. S. Wilson

You will remember my speaking to you the other day about the selection of a C. N. C for Kenya, a matter to which you know, I attach great importance, as did the Joint Comtee.

Cable, who has just been in to see me opened out on the subject. He spoke very frankly about men whom he knows & likes personally.

Watkins he rules out as crochety, Wade & La Fontaine he regards in that order as first class <sup>principal</sup> ~~main~~ officers but neither of them, he thinks, have a sufficient independence of character, while the experience of both is confined to Kenya.

He goes all out for Mitchell to bring in to Kenya his experience of Ruwanda & especially of Tanganyika.

under Cameron. I do not know him personally or his full record but he certainly made a good impression on the Joint Comtee.

This for your information

W

Walt

13 4 32

The question of filing the app. of C. M. C. & his status & responsibilities was discussed at the Conference today with the Govt regarding the Joint Cameron's report. The Govt approves the acc. draft bel. check she na. Eo W. Allen

17/6 advance

T. B. 302  
two

To Gov Kenya Tel P. & P.

24/6 17. 6. 32

2 Gov. Byrnie - p.p. tel - 22/6/32  
States that he wishes to progress views  
and will recommend Wade by next  
air mail - as to status of post as  
compared with that of Col. Secy.

I attach a note on the question  
of the assurance from the S of S which  
the former involves regarding the  
status and responsibility of  
the Col Secy.

H.S. Ross M.A.  
27/6/32

A great deal of water has flowed  
since the Governor's despatch of 16th inst 1932.  
The Report of the J. Council is a new  
& important factor. In drafting an  
his J.C. Report an assurance has  
been given in the lines asked for at  
the end of the Tel.

L.V. Allen  
27/6/32

27001/32

3 Sir. Keuda - P.S. Conf. - 24/6/32 4  
considers that the duties of the post of  
Chief Native Commissioner should be carried out by a  
Senior Officer of the Kenya Administrative Service,  
the post to be regarded as interchangeable with posts  
of Provincial Commr Grade I & to carry same salary  
- £1350 but with a pensionable allowance of £100  
attached to it. Strongly recommends Mr Wade for the  
substantive appointment, with effect from 1 July 1932.

There are three matters requiring attention  
in this despatch:-

- (1) The selection of Mr. Wade as Chief Native  
Commissioner. This has already received the  
Secretary of State's approval. (See No.1 on file).
- (2) The status of Chief Native Commissioner.  
(para.2 of despatch). The S. of S's ruling on this  
point is included in the comprehensive despatch of  
the Joint Committee's report which the S. of S. has  
now approved and which it is hoped to send off by  
next week's air mail.
- (3) Emoluments of the post. It is difficult to  
see any advantage in the arrangement proposed by  
the Governor, that the post should be interchangeable  
with those of Provincial Commissioner grade 1, while  
at the same time carrying a pensionable allowance of  
£100 a year. The incorporation of the allowance  
with the salary seems preferable from every point of  
view. In more prosperous times one would have felt  
inclined to suggest that the enhanced status to be  
accorded to the Chief Native Commissioner calls for  
a higher salary than £1450 which, as the Governor  
points out, is the same as that of the post of  
Commissioner of Lands and Local Government. The  
Colonial Secretary, of course, receives £2,200.

Draft Telegram herewith.

X  
Draft from the fact that Sir Keuda  
wishes a pensionable allowance, to be  
attached to the post.

of C.C. must be a permanent  
matter. If the former means  
that there is to be another  
P.C. Grade I shall act, that  
is easily arranged.

I see no objection to the  
C.C.C. having the same  
emoluments as the C. of  
Land etc. and yet having a  
special position.

? Feb. as proposed.

Wed. 7.7.32

Sec of State  
(through Sir R. Hamilton)

May this telegram go?

B.H.

8.7.32

S of S  
It wd, I think, be in accordance with the  
views of the Joint Comtee if this appointment  
were to be made slightly more outstanding.  
In spite of hard times I wd suggest £1500.  
Sir C. Blyden with whom I have discussed  
agrees. No 11

Dec 11 1932

no objection to £1500.00

B.H.

11.7.32

The salary shd be £1450.  
The new Chief Native Commissioner  
will have the special  
status laid down in my  
Despatches. But I can't  
raise his salary to £1500  
when I am paying drastic  
reductions, or to a new  
but still a King.

P.C.

11/7

Copy filed in  
the file of P.C.

4 To Sec. Tel. No. 146 - 31st - 12-7-32

5. Extract from S. G. M. Dept. to Mr. Kenya.  
No 499 - 12/7/32 2700/32 EA.  
As sent on  
tax as certior  
2700/32 EA  
On circulation  
14. Circulated for action  
as on draft of No 4.  
R 291, 12/7/32

6. Col. G. Kemp - 19 July 1932  
Spoke to Mr. Robinson; Personal Dir. have  
noted. C.A. are being informed on  
Mr. Wade's Personal File (4114 EA)

Sir S. Bottomley

I spoke to you on the question  
of publication of Mr. Wade's app't as  
C.N.C.

It appears that no special publicity  
was given to Mr. Hammett's app't at the  
post in 1921.

? It will be enough if Mr.  
Beckett-Platt is seen - this paper so that  
he may deal with enquiries ("East  
Africa" is fairly sure to ask).

Sir S. Bottomley

I agree. To make a special  
display of the app't would only

Review as to  
any G.O. (if not  
accomplished on  
T.F.)

Proposed  
arrangements to see

23/7/32

will be possible who will say that  
we have not gone far enough

C. G. B.  
25.7.32

I agree -

P.H. G.  
at once

25.7.32

Mr. Beckett-Platt

Pl. in foregoing minutes

P. Beckett  
25.7

Mr. Johnson

I had the opportunity <sup>of meeting</sup> when speaking  
to Mr. Johnson of E. Africa to tell  
him of Mr. Wade's app't, warning  
him that we were uncertain  
whether it had actually been  
announced in E.A. He was  
most interested, & pleased to know  
that Mr. Wade had got the job.

C. Beckett-Platt  
24/7/32

Pl. by

P. Beckett  
29.7.32

G. O.

7

46

Mr. Priestman

14/7  
15/8

Mr. ~~xxxxxx~~

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

18207/32

18

19 July, 1962.

DRAFT. Comm

KENYA.

CONFIDENTIAL.

GOV.

(4)

Insert text of No 4 →

Sir, ~~With reference to your letter of 14/7/62~~  
I have etc. to ~~refer to~~ <sup>confirm my</sup>

~~Sir Philip Cunliffe-Lister's~~

telegram No.146 of the 13th July which read as follows: -  
~~approving the appointment of Mr. A. de~~

~~V. Wado, O.B.E., as Chief Native Commissioner.~~

As regards the status of the office I would now refer you to that section of Chief Native Commissioner has been defined in para.67 of Sir Philip

<sup>my</sup> Cunliffe-Lister's despatch No.499 of which comments upon the 13th July, from which it will be para.37 of the Joint Committee's Report <sup>2</sup> apparent that an arrangement by which the post should be interchangeable with those of Provincial Commissioners, Grade 1, would not be compatible

(Extract at 5)

compatible with the permanent  
enhanced status <sup>here</sup> accorded to the  
holder, as a result of the  
recommendations of the Parliamentary  
Joint Select Committee on Closer  
Union in East Africa. If the  
intention of the ~~suggestion~~ in para. 3  
of your Confidential despatch No. 88  
of the 24th June is that a  
Provincial Commissioner, Grade 1,  
should act for the Chief Native  
Commissioner on leave, this is a  
matter which can easily be arranged.

No. 3.

I have, etc,

(for the Secretary of State)  
(Signed) R. W. HAMILTON.



K. M. Y. A.

CONFIDENTIAL. (1)

5A  
DOWNING STREET,

13 July, 1932.

Sir,

I have the honour to refer you to the section of my despatch No. 499 of the 11 July which deals with the recommendations in paragraph 27 of the Report of the Joint Select Committee on Closer Union in East Africa regarding the position of the Chief Native Commissioner.

2. The system which I have there laid down was foreshadowed in paragraph 16 of my Confidential despatch of the 22nd December 1931 in which I suggested that it would be advisable that the arrangements proposed should be committed to writing. I had in mind written instructions issued by yourself, but I have not incorporated this suggestion in my public despatch under reference for fear it might embarrass you to give publicity to the intention, at any rate at this stage. I should however be glad if you would consider the question of issuing such instructions to give effect to my decision in a form which may if necessary be published, and furnish me with a copy so that I may make public use of them should the necessity arise.

I have the honour to be

Sir,  
Your most obedient  
humble servant,

GOVERNOR,

BRIGADIER GENERAL,

(Signed) P. CUNLIFFE LISTER

Extract from paragraph 4 of 12/7/52  
5/9/52 despatch No 499 To Govt Kenya  
on 27/01/52 E.H.

Paragraph 87. Chief Native Commissioner.

The observations of the Joint Committee upon the status of the Chief Native Commissioner in Kenya relate to <sup>an</sup> important feature of the machinery of the administration of native affairs and the direction of native policy. As already pointed out, the Committee has not advised any departure from the unitary system and it will therefore be necessary to maintain the position of the Colonial Secretary as chief Executive Officer under the Governor and also to guard against the risk of placing Administrative officers in a position where they might receive conflicting instructions from the Colonial Secretary and the Chief Native Commissioner. I agree with the members of Kenya that it would be in theory, and in practice, entirely wrong that the Chief Native Commissioner should be placed under the Governor in the absence of any assurance of conversational independence between the Governor and the Chief Native Commissioner. I also agree that the closest sympathy and co-operation between the Colonial Secretary and the Chief Native Commissioner is essential to the furtherance of the welfare of the native population. Subject to these considerations regard it as desirable that the greatest possible effect should be given to the proposals of the Joint Committee. I

gather

10

gather that the Committee attached primary importance to the suggestion that the Chief Native Commissioner should have direct access to the Governor. I know that personal access is in practice available to him, as indeed to all Heads of Departments, and I am aware of the privileges which the Chief Native Commissioner enjoys as a member of the Executive Council. But, after full consideration, I have come to the conclusion that the solution lies in a definite arrangement, that, while the views and proposals of the Chief Native Commissioner should, as at present, be submitted to the Governor through the Colonial Secretary (who naturally has a close interest in many of them) the Chief Native Commissioner's opinion should not be disregarded nor his proposals overruled until he has had an opportunity of personal discussion with the Governor. Such a system will in my opinion give the Chief Native Commissioner the enhanced status desired by the Committee, while, at the same time, ensuring co-ordination of his work with that of the Colonial Secretary. I have already made it clear that the adoption of this system is not intended to involve any diminution in the status or responsibilities of the Colonial Secretary.

The Joint Committee also recommended that the Chief Native Commissioner should be

charged

11

charged with the preparation of an annual estimate of the financial requirements of his administration and should have allocated to it such funds as the Governor thinks necessary and desirable. In this connection it will be observed that Lord Moyne in his report has recommended that one half of the proceeds of direct native taxation should be assigned to a Native Betterment Fund, the disposal of which should be controlled by a special Committee with the Governor as Chairman - I have already stated in the House of Commons that I am in general agreement with Lord Moyne's proposal for the creation of a separate fund to be specially administered - If a proposal on these lines is accepted it will, I think, comply with the spirit of the Joint Committee's recommendation; and it would naturally follow that the financial resolutions and annual estimates of local Native Councils should be submitted to the Committee charged with the administration of the Fund instead of to the Executive Council as at present.

The opinion of the Joint Committee, expressed in paragraph 108 of their Report, that the Chief Native Commissioner should normally be drawn from the ranks of those who have had experience in East Africa, will of course be borne in mind.

C. O.

Mr. Freeston 7

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

X Sir C. Bottomley 7

Sir J. Shuckburgh.

Permt. U.S. of S. *2/11/32*

Early U.S. of S.

Secretary of State.

C.D.  
12 JUL  
1932

*Order & Sent*  
*12.15 pm*  
*12-7-32*  
*(Signature)*

*X 50 No 146*

*ML*

**DRAFT.**

KENYA  
GOVERNOR

Your despatch No. 86, 24th June,

Confidential. I approve appointment

of Wade as Chief Native Commissioner

with effect from 1st July 1932. I

see no advantage in proposal that

post should be interchangeable with

those of Provincial Commissioners and

consider that substantive salary

should be £1450 by incorporation of

suggested pensionable allowance.

Despatch follows regarding status

of office.

Recirculate for short  
desp. referring to the  
appropriate paragraph in  
the despatch of the  
Joint Committee's report.

Personal Division to see.

RECEIVED  
- 4 JUL 1932  
COL. OFFICE



AIR MAIL

13  
3

KENYA.

NO. 88

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

CONFIDENTIAL.

RECEIVED  
- 4 JUL 1932  
COL. OFFICE

22 June, 1932.

Sir,

*Not  
7/18/32*

I have the honour to refer to Lord Passfield's Confidential telegram No. 234 of the 1st of August, 1931, in which I was informed that no substantive appointment to the post of Chief Native Commissioner would be made until the Report of the Parliamentary Committee was available.

2. That Report has now been published, and after full consideration of the observations contained therein, I understand you are in general agreement with the views of this Government that no alteration in the present status of the post is desirable, though you are anxious that the rights of personal access to the Governor should be specially safeguarded in the case of the holder of this post.

3. In these circumstances I consider the duties of the post are such as could most advantageously be carried out by a senior officer of the Kenya Administrative Service. The post should be regarded as interchangeable with posts of Provincial Commissioners Grade I, and should carry the same rate of substantive salary - £1,350 -. In view, however, of the special responsibilities of the post I recommend that a pensionable allowance of £100 should be attached to it. In this way the total emoluments - £1,450 -

*ms d - (4)*

will

THE RIGHT HONOURABLE  
MAJOR-SIR PHILIP CURLIFFE-LISTER, P.O., C.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

will be the same as those at present attached to the post of Commissioner of Lands and Local Government, while the basic rate of salary applicable to Provincial Commissioners Grade I will be maintained.

4. Mr. Maxwell left the Colony to appear before the Joint Committee on the 1st of April, 1931, while his actual retirement took effect from 4th July, 1931, inclusive. During the whole of this period, Mr. A. de V. Wade, O.B.E., has, as reported in Mr. Moore's despatch Confidential No. 42 of the 17th of March, 1931, carried out the duties of the post in an acting capacity to my entire satisfaction.

*Mr. Maxwell's  
File*

5. The only other local candidate for the post, whose claims in my opinion call for serious consideration, is Lieutenant-Colonel O. F. Watkins, C.B.E., D.S.O. I have already in paragraph 4 of my Confidential despatch No. 87 of the 13th of June, 1931, commented on this officer's application, and do not desire to modify the views therein expressed. Further in your Confidential telegram No. 86 of the 26th April, 1932, you have approved this officer's compulsory retirement at the end of his present tour. I do not, therefore, consider that he can any longer be regarded as a candidate for the post.

*Col. Watkins  
File*

*No 2  
1808432*

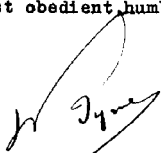
6. In these circumstances I recommend very strongly that the substantive appointment should be given to Mr. Wade. He is an officer of long experience of the country, has been Principal Assistant to the Chief Native Commissioner since 1928, and by virtue of his association with the Native Affairs Department is thoroughly conversant with all current problems. During the long interregnum which has elapsed since Mr. Maxwell's retirement he has taken every opportunity of making himself personally acquainted with conditions in the Reserves, and enjoys to a marked degree the respect

and

and confidence not only of Provincial Commissioners, but also of the unofficial community generally.

In the event of your approval of Mr. Wade's substantive promotion I recommend it should take effect from July 1st, 1932. My recommendations for filling the post rendered vacant by Mr. Wade's promotion will follow in due course.

I have the honour to be,  
Sir,  
Your most obedient humble servant,



BRIGADIER-GENERAL.

G O V E R N O R .



1931 Kenya

Position of the Colonial Secretary, Kenya,  
vis-a-vis the Chief Native Commissioner.

In 1931 the Governor personally does not think that the position <sup>and</sup> of authority of the Colonial Secretary would be greatly affected by the proposals in paragraph 2 of Sir H. Dunliffe-Mister's Confidential despatch of the 1st December, 1931 (No.17 in 20150/A/31) - but he would welcome an assurance from the Secretary of State that the acceptance of the system therein proposed does not involve any diminution in the status and responsibility laid upon the Colonial Secretary.

As regards Mr. Moore's suggestion that the proposals above-mentioned directly conflict with those in paragraph 5 of Mr. Amery's Confidential despatch of the 18th March, 1929 (2 in 15504/29), it will be observed from the history of the case stated in reply to the parliamentary question in 16160/30 and from the memorandum at A in 15504/29 that, prior to the re-organisation approved in Mr. Amery's despatch, Senior Commissioners addressed all communications to the Chief Native Commissioner, who (a) transmitted to the Colonial Secretary such matters as affected settled areas, and (b) addressed the Governor direct as regards matters of purely native administration.

The omission of the Colonial Secretary from the channel of communication with the Governor in (b) caused difficulties in administration, which the system laid down in Mr. Amery's despatch was devised to abolish by the subordination of the Chief Native Commissioner to the

200 916

10207.01 Kenya.

Position of the Colonial Secretary, Kenya,  
vis-a-vis the Chief Native Commissioner.

In 1931 the Governor personally does not think that the position <sup>and</sup> of authority of the Colonial Secretary would be greatly affected by the proposals in paragraph 10 of Sir G. Cluffe-Coxeter's Confidential despatch of the 12th December, 1931 (No. 17 in 15150/4/31) - but he would welcome an assurance from the Secretary of State that the acceptance of the system therein proposed does not involve any diminution in the status and responsibility laid upon the Colonial Secretary.

As regards Mr. Moore's suggestion that the proposals above-mentioned directly conflict with those in paragraph 5 of Mr. Amery's Confidential despatch of the 10th March, 1929 (2 in 15504/10), it will be observed from the history of the case stated in reply to the Parliamentary question in 15160/30 and from the memorandum at A in 15504/29 that, prior to the re-organisation approved in Mr. Amery's despatch, Senior Commissioners addressed all communications to the Chief Native Commissioner, who (a) transmitted to the Colonial Secretary such matters as affected settled areas, and (b) addressed the Governor direct as regards matters of purely native administration.

The omission of the Colonial Secretary from the channel of communication with the Governor in (b) caused difficulties in administration which the system laid down in Mr. Amery's despatch was devised to abolish by the subordination of the Chief Native Commissioner to the

Colonial Secretary, whose proper status as Chief executive Officer under the Governor was restored.

The channel of communication for Senior Commissioners with the Governor then became the Colonial Secretary who referred to the Chief Native Commissioner or to the Commissioner for Local Government, Lands and Settlement, or both, matters on which he might desire their views.

The Joint Select Committee in paragraph 67 of their Report recommended that the administration of native affairs should be directly under a Chief Native Commissioner, who should be an officer of high standing with considerable increased authority. He should be entitled to direct access to the Governor, a Member of the Executive Council, also of the Legislative Council and of its Financial Committee. He should also be charged with the preparation of an annual estimate of the financial requirements of his administration, and should have allocated to it such funds as the Governor thinks necessary and desirable.

When this recommendation came up for consideration it was recognised here, see page 9 of 12 in 26150/A/31, that great care would have to be taken to guard against a clash between the Chief Native Commissioner and the Colonial Secretary and against the risk of placing provincial officers in a position where they might receive contrary instructions from the Chief Native Commissioner and the Colonial Secretary. The proposals now under discussion were devised to meet these requirements.

The Colonial Secretary will therefore remain the ultimate channel of communication between the Native Commissioners and the Governor, and they will be expected to address the Chief Native Commissioner in the first instance on matters of purely native administration and the Colonial Secretary on all other matters.

It has been said however that the Native Commissioner's proposals are not to be or his proposals overruled by the Governor on account of personal dissension with the Governor. There is no doubt no doubt be arranged that the Governor's ultimate authority in the matter of the Native Commissioner's proposals should be safeguarded.

On the face of it the departure from the principles laid down in the Report of the Native Commissioner and of the consequent decrease in the status of the Native Commissioner

Mr. Moore's proposals is the responsibility to the Chief Native Commissioner in the concluding portion of paragraph 10 of Cunliffe-Master's despatch. It is not to be argued that the Colonial Secretary's position as Chief Executive Officer under the Governor would thereby be impaired. It is unnecessary to point out now as Lord Loyne's recommendations in paragraph 10 of his Report regarding the establishment of a Native Betterment Fund may be regarded as superseding the

the financial proposals in the above-mentioned despatch. The Native Affairs Budget will presumably now be framed by the Chief Native Commissioner for submission to the Native Betterment Committee, who can also be associated with the control of Local Native Council Funds (para. ~~the~~ the Report). Lord Moyne also suggests that the Governor should have power to nominate other officials to this Committee, and it seems practicable, by nomination of the Colonial Secretary as a member of this Committee, to safeguard his position in this respect. There seems no reason, therefore, that an assurance should not be given to the effect that the status of the Colonial Secretary will not be impaired, and that his ultimate responsibility as Chief Executive Officer under the Governor will not be affected, provided that he is appointed to the Betterment Committee.

*Issued not drag  
 this in raw.  
 J.M.*

||

70

COPY FOR REGISTRATION

TELEGRAM from the Governor of Kenya to the Secretary of State for the Colonies.

(Dated 22nd June 1932. Received, Colonial Office,

11.58 a.m. 22nd June 1932.)

Private and Personal.

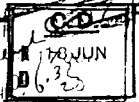
Following for Wilson begins. Your telegram of 17th January I adhere to previous views and will officially recommend same by next air mail. As regards status I am in full agreement with the Executive Council that position and authority of the Colonial Secretary should be maintained but personally do not think that these would be greatly affected by the adoption of system suggested in paragraph 16 of Colonial Office despatch Confidential of 22nd December. Moore however has pointed out that those proposals appear directly to conflict with those contained in paragraph 5 of Amery's Confidential despatch of 15th March 1929 and definitely to derogate from present position Colonial Secretary whose responsibility for native services may be still further curtailed under Moyne's Native Betterment Fund proposal. I appreciate political difficulties at home which no doubt prompted proposed compromise and do not therefore wish to make any further objection. I should however welcome an assurance that the Secretary of State confirms my view that acceptance of the system proposed does not involve any diminution in status and responsibility laid upon the Colonial Secretary. Ends.

*Ho 170  
26/5/32*

*Ho 20  
17/5/32*

C. O.

17188/31.



Mr. Allen. 17/6

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

*Ans'd 2*

*5151*

Private and Personal.

Following from

(11) Wilson Begins My letter 18th January

(11a) Your letter 9th February Secretary of

State is anxious to come to a decision

as to filling appointment of Chief Native

Commissioner before proceeding to Ottawa, and

if after further experience you adhere

to your previous view he is prepared to

approve appointment of Wade. Suggest

that you should make your official

recommendations as to appointment and as

to salary at an early date. As regards

status of office Secretary of State has

noted views expressed in your despatch of

6th February but still thinks that system

suggested in paragraph 16 of his Confidential

despatch of 22nd December last should be

adopted as definite arrangement. Question

of financial <sup>responsibility</sup> expenditure will require further

consideration in light of Moyne report. Ends.

**DRAFT.**

TELEGRAM.

NAIROBI.

*P.L.T*

*Governor*

*Gen.*

*2*  
*27001/32*

*26507/1/31*