

1933.

Kenya

No. 3237

SUBJECT

Enclosure Form

C0533/437

(END)

Reorganisation of the Secretariat, Chief Native
Commissions Office + Local Govt., Lands + Settlement Office.

Previous

17101/31.

2169/32.

see 2202/1/32

Subsequent

see 23002/34.

38142/35

Office of S. & L. O.

11452 10/4

~~11431~~ 10/4

~~11452~~ 10/4/51

~~11432~~

11452 with Humphrey

2
1. Acting Governor Moore 78/61 _____ 17 June '33.
Recoms. that proposals of the Expenditure Advisory Committee
for the re-organisation of the Secretariat, Chief Native
Commr. Office & the Local Govt, Lands & Settlement Office
be accepted subject to minor modifications & submit alternative
proposals as regards the Secretariat & Office of Chief Native
Commr. requests reply by Aug 1st.

2. H. M. Moore 9/6 _____ 17 June '33
Furnishes further views as to the position of the Chief
Native Commr. & the 1st Secretary

I attach a note based on our talk with
Sir Cecil Bottomley which may serve as a basis for
discussion with Sir Joseph Byrne on his arrival next
week.

B. H. H. H.
2/7

Expenditure
Advisory Committee
Report annexed.
Secretariat etc. etc.
pp. 91-99.

This is an important despatch and requires
close consideration if we are to avoid either
whittling down too much the report of the Joint
Select Committee or making the position of the
Chief Secretary and the Governor too difficult. The
despatch deals with proposals for the reorganization
of the secretariat but inexplicably mixed up with it
is the question of the Chief Native Commissioner.
It has been suggested that the whole arrangements
regarding the Chief Native Commissioner should be
reduced to writing, and we have from time to time
reminded the Governor of this. His last despatch
on the subject was dated the 24th of April/3169/33,
No. 1) in which he said that he proposed to defer
consideration of this question until he was able to
furnish his recommendations on the reorganization
of the Secretariat. This despatch contains the
result.

The proposals must be considered apart from any question of salary, quarters, etc., on which there is considerable room for discussion and about which we are not satisfied that the Kenya proposals can command general acceptance. It has been discussed with Sir Cecil Bottomley and the result is summarised in Mr. Freeston's memorandum herewith. The thing must be discussed with Sir Joseph Byrne when he arrives, but I think it should be seen beforehand in case any serious objection is raised.

The S. of S. has laid it down in his despatch of the 13th of July, 1932, that the position of the Colonial Secretary must be maintained and that the risk of placing Administrative Officers in a position to receive conflicting instructions must be guarded against. The proposal from Kenya is that the Chief Native Commissioner shall have a purely advisory function, and I agree that in practice this is all that can be secured for him if dual control is to be avoided, but his position as the Chief Adviser to the Governor on Native Affairs can be emphasized, and I think should be in view of the various pronouncements that have been made on the subject. Subject to what Sir Joseph Byrne has to say I would suggest laying down something like this:-

"The Chief Native Commissioner is the Chief Adviser to the Governor on matters

matters connected with native policy and administration. For administrative purposes it is necessary that he should conduct his correspondence with the Governor through the channel of the Colonial Secretary, but it is to be understood that in his position as a member of the Executive Council he has access to the Governor at all times, and that his recommendations will not be overruled without reference to the Governor and, if necessary, consultation. ^{all} Instructions to the Provincial Administration will be issued ~~on~~ ~~necessary~~ on the authority of the Colonial Secretary but countersigned by the Chief Native Commissioner in order to ensure that his full knowledge and concurrence are obtained." If something of this kind is laid down from here, it will, I think, succeed in saving everybody's face and the object in view will be secured. Otherwise I have nothing to add to Mr. Freeston's note, and the proposals submitted will, I think, make for some economy in the administration of Kenya. Whether it will stand the test of time and, in particular, whether the organization of the Secretariat with a Colonial Secretary, a Deputy and 2 Senior Assistants, one of whom will be earmarked to assist the Chief Native Commissioner will not prove insufficiently strong at the top is a matter which time and experience alone can tell. I am inclined myself to the view that some further additions will have to be made in the senior ranks.

B | In discussion Sir Cecil Bottomley was of opinion that it might be as well to have the Senior Assistant Secretary working under the Chief Native Commissioner, not on the same footing as the others but giving him some title to himself such as Assistant to the Chief Native Commissioner. He would have no executive functions as such but would be a 'devil' for the C.N.C. When the Chief Native Commissioner was on leave it would be advisable that he should be replaced not by anyone in the Secretariat or by the Assistant, but by a senior officer taken from the Provincial Administration. This practice used to be followed in Nigeria where the Secretary for Native Affairs was frequently replaced by one of the senior Residents when on leave, and there is much to be said for it.

S. C. G. Hand
5.7.

Seen. We are especially interested in the question whether there is to be a Deputy Col. Sec., and at what salary.

*C. J. Jeffries
6.7.33*

4
All my experience as Assistant Secretary^{for} Native Affairs and, later as Secretary^{for} Native Affairs in Nigeria leads me to agree generally with Mr. Flood's minute. If the unitary system means anything, it means that the Colonial Secretary must be the main channel of communication with the Governor and that the Governor's orders must be issued over the Colonial Secretary's signature. But this does not mean that the Chief Native Commissioner is deprived of personal access to the Governor. The reverse would be the case (see paragraph 9 of the despatch). It also occurs to me to suggest (as a point for discussion with Sir J. Byrne) that the Chief Native Commissioner (like the Secretary^{for} Native Affairs in Nigeria) should have the right of addressing his minutes direct to the Governor always provided that such minutes went up through the Colonial Secretary and that the latter was entitled to add his own comments. It was a right of which, as time went on in Nigeria, I made less and less use. There was never any doubt about the category of minutes which clearly had to be seen by the Governor and there was no point in appearing to ignore the Chief Secretary.

See!
Nevertheless the privilege had a certain value and in the peculiar circumstances of Kenya, it might serve to emphasize the Chief Native Commissioner's position.

For the same reason I see no great objection to instructions issued on the Colonial Secretary's authority being countersigned by the Chief Native Commissioner (as at "A" in Mr. Flood's minute), but I would not press it if Sir J. Byrne objects. In Nigeria the Secretary Native Affairs signed no instructions

instructions or letters otherwise than "for
Chief Secretary" and I think ^{in fact} Mr. Moore and
Mr. Wade would prefer this practice.

S.F. 7.7

7.7.33

W Flood

Sir S. Wilson

Please read this; but as the
Dept. were able to discuss
with Sir C. Bottomley (see W.
Flood's note), there is hardly
occasion for me to minute.

But there is one possibility which
I might mention. Great the Joint
Secret Ctee - a in particular the
wishes of Kenya - wish to ensure
is the "independence" of the C.N.C.
I am not sure that the present
proposals, whatever their
intrinsic merits, will convince
people that the C.N.C. is not
becoming a subordinate officer
in the Secretariat. It is not worth
considering with Sir J. Byrne
whether outward & visible
expression might not be given
to what is obviously the
real intention by taking the
C.N.C. out of the Secretariat
organisation and making
him and his small staff
an independent department?
The Treasurer who is Financial
Officer has an independent
Dept. Why not also the C.N.C.
who might perhaps be styled "C.N.C. and
Adviser on Native Affairs"?

see 7.7.33

I am not suggesting
that the C.N.C.
is, has executive
functions. see

This is an attractive notion from the point of view of
"saving face". In practice the C.N.C. will have to be in
the Secretariat if he is to have - as he clearly must - ready
& constant access to the Col. Sec. and the Governor
and an altogether independent C.N.C. would hardly do.
His subordinates would have to be also in close touch
with the Secretariat & the junior ones would have little
to do if they were divorced from other Secretariat work.

The proposal concerns the re-organization of the
Secretariat as a whole & the C.N.C. is mixed up in it
and must be.

I think his independence will be fully made clear
if (a) my suggestion, as enlarged by Mr. Tomlinson, finds
favour & (b) the second man is given a special title
as Sir C. Bottomley suggests - or 'B' in my minute.
I don't think it would be safe or made for economy to
go any further in divorcing the C.N.C. from his lawful
sphere, the Secretariat.

S.F. Flood

8.7.33

This despatch was discussed with Sir Joseph
Byrne on the afternoon of the 13th of July. During
the morning a discussion had taken place as regards
general conditions of service, which are also dealt
with in the Expenditure Advisory Committee's Report
and which would have to be settled before re-
organization of the Secretariat could be considered.
During the discussion Sir Joseph Byrne was emphatic
that what was really required was some decision as
to scales of salary, etc., which could be laid down
and stuck to. He said that it was necessary to
safeguard the interests of the officials in Kenya
who, while prepared to accept such reductions as had
been made, could not yet reasonably be expected to
go much further. On the general conditions he

thought

thought the best plan would be to take the Colonial Service Committee's memorandum and apply it to Kenya, Uganda and Tanganyika, and, having done so, stick to it. It was generally agreed that the Kenya notion of doing away with free quarters was impracticable and not to be adopted. It could not be carried into effect in other places in Tropical Africa, and in most parts of Kenya it would be iniquitous to charge rent for quarters, while the removal of free quarters would result in a material reduction in the possible prospective pensions of officers. If the privilege must be abolished salaries would have to be raised too.

These matters are all being dealt with on another paper, but assuming that the proposals which found general acceptance ^{in the} and discussion are approved, the organization of the Secretariat Sir Joseph Byrne would like to be as follows:-

Colonial Secretary	£2,200
Deputy Colonial Secretary	£1,350 with free quarters.
Principal Asst. Col. Secretary	£1,200

and below him

- 1 Senior Asst. Col. Secretary to be drawn from the Administrative Staff and interchangeable therewith.
- 5 Asst. Colonial Secretaries and
- 1 Establishment Officer as recommended by Mr. Moore.

Sir Joseph Byrne was emphatic that the Establishment Officer was necessary and could not be dropped.

The

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The Expenditure Advisory Committee suggested a consolidated salary of £1,400 with free quarters for the Deputy Colonial Secretary and £1,000 for one of the Senior Assistants. This appears in Appendix 9 to their Report, but from para. 374 it looks as though they contemplated having both Senior Assistant Colonial Secretaries drawn from the long grade. The idea of having a post of Principal Assistant at £1,200 was based on the fact on which Sir Joseph strongly insisted that the work and responsibility would be fully such as to justify the appointment of an officer on such a scale of salary, and he compared the Secretariat establishment with those in Uganda and Tanganyika where similar posts exist. In Uganda the third man in the Secretariat, the Assistant Chief Secretary, gets £1,200 and the second man £1,350. In Tanganyika the Deputy gets £1,350 and the Assistant gets £1,200 and two others get £1,000 each. If, therefore there is to be ^{any} kind of relation between ^{secretaries} Secretaries in Kenya and elsewhere in East Africa, the Kenya people ^{will} have undoubtedly a very trying job and more responsibility, ^{and} in any case ^{ought} have the same pay. Certainly the second post on the Secretariat is fully worth £1,350 and the third fully worth £1,200. The Governor added that this would enable him to find a suitable post for Mr. Juxon Barton though he did not urge this as an argument in favour of any particular salary scale.

With regard to the position of the Chief Native Commissioner, Sir Joseph fully shared the opinion expressed by Mr. Moore. He thought

that

that it would be impracticable to attempt to divorce the Chief Native Commissioner from the Secretariat. Indeed, it is to be noticed that the Expenditure Advisory Committee do not recommend ^{as} and envisage the Chief Native Commissioner as an essential feature of the Secretariat organization. The Governor was not in favour of having any special titles for the Assistant Secretary allotted to the C.N.C. because he said that too much stress ought not to be laid on the separateness of the Chief Native Commissioner from the general work of the Secretariat, and to give special titles would over-stress this aspect of the situation. With regard to possible accusations of going behind the Joint Committee's Report, he thought that so long as it was provided that the Chief Native Commissioner should be the Governor's Adviser for Native Affairs and should have direct access to him (as indeed he has at present and is always likely to have) there should be no difficulty in regard to his status, which will also be emphasized by the fact of his drawing a higher salary than the Deputy Colonial Secretary. I showed him my suggested pronouncement on the subject with which he agreed except as regards the last para., since he pointed out that the Chief Native Commissioner already in practice issues a great number of directions on his own account. This is only natural since he is not strictly in the same position as a Secretary for Native Affairs,

though

7

though he fulfils the same functions as well as others. The Governor does not envisage him as a purely office person and always takes him on tour when going through the native reserves.

With regard to the rest of the scheme involving the creation of a Commissioner for Settlement of Lands and Mines, the Governor was of opinion that £1,350 with quarters, ~~etc.~~, as at present, would be sufficient. The Expenditure Committee suggest £1,450 but consolidated, i.e. without quarters. He thought that the Personal Assistant should be dispensed with and merged in the officer who figures as Secretary for Settlement, Local Government, etc. It will result in a certain amount of economy in the Department. It is necessary to have a Commissioner since he has many statutory activities and has to preside over various boards in his official capacity. The proposal to ~~add weight~~ ^{add ~~any~~} with the Personal Assistant is recommended by Mr. Moore in para. 11 of his despatch and, we think, can be accepted. What we have to do at present is to accept the reorganization in principle.

What is recommended, after discussion with Sir Joseph Byrne, is that the Secretariat be reorganized with a Deputy Colonial Secretary on £1,350, a Principal Assistant on £1,200 and one Senior Assistant and five Assistant Secretaries and one Establishment Officer, as recommended by Mr. Moore. That the Chief Native Commissioner shall be treated as recommended in the despatch with a

pronouncement

pronouncement on the lines suggested by me being issued to make his position reasonably clear in view of the recommendations of the Joint Select Committee, and that the organization recommended of the Local Government, etc., branch should be approved in principle with the abolition of the Personal Assistant as recommended.

V.P.O. 22
157.
C. J. Jeffries
17.7.33.

Mr. Flood's minute is the outcome of a discussion with Sir J. Byrne at which I was present. I have, therefore, little to add & would only draw attention to the emphasis which Sir J. Byrne laid on the importance of securing such a degree of uniformity among E.A. Colonies in regard to salary scales & conditions of service that Kenya would not suffer in comparison with the others. It was for this reason that he proposed advocated the rejection of the proposal that free quarters should not be provided for Kenya officials.

8
For the same reason he was in favour of the salaries proposed above for the senior Secretariat posts as well as for the reason that the salaries ought to be commensurate with the duties.

S.J.P.
17.7.33

The question of the consolidation of quarters in salaries was further discussed on the 24th of July with Mr. Parkinson, Mr. Tomlinson, Mr. Jeffries and myself, and it was agreed to recommend that the existing regulations as regards free quarters should be maintained. In the circumstances this can now go forward for a decision as to the organization of the Secretariat and the salaries of the Deputy Colonial Secretary and the Principal Assistant. The Governor recommends £1,350 and £1,200 with free quarters. The Expenditure Advisory Committee recommend £1,400 and (apparently) £1,000 without free quarters. For the proposed Joint Commissioner of Lands, Mines, etc. the Committee recommended £1,450 without quarters, whereas the Governor thinks that £1,350 with quarters would be quite sufficient. As regards the three posts the comparative ^{annual} totals are: the Governor's proposals £3,900 plus free quarters; E.A.C.'s £3,850 without quarters. There would not be very much saving to Government though it must be remembered that the E.A.C. would wish to charge rent. In any

£ 1350	Deputy Sec.
£ 1200	Joint Commr.
£ 1200	Joint Commr.
£ 3500	
£ 1400	
£ 1450	
£ 1000	
£ 3850	

case the proposal to do away with free quarters and charge rent could not be applied to any officers already in the Service.

J. P. W. *Handwritten initials*
26-7-53

Sir S. Wilson.

The question ^f concerning the recommendation of the Expenditure Advisory Committee for the abolition of free quarters arises on papers which I have already sent on, with the suggestion that the S. of S. may be willing to discuss before he goes away.

Assuming that free quarters remain, I see no objection to the Governor's proposal for ^{Senior} consolidated salaries.

As regards the Chief Native Commissioner, the Office minutes, perhaps necessarily, ^{have} dealt with ~~from~~ the point of view of that officer being more or less a Secretary for Native Affairs. It is one of our misfortunes that an arrangement which works with perfect acceptance in Tanganyika is not likely to be acceptable to Kenya's critics here. Kenya has the high sounding title of 'Chief Native Commissioner', and we shall be expected to make the high sound a reality.

It is ~~from~~ ^{for} that ~~point of view~~ that I suggest that the Chief Native Commissioner's Assistant should be given a distinctive title, and should not merely be one of the Secretariat. The Commissioner for Lands, etc., has a Secretary for Lands, etc., and I do not think

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that we shall get away with less distinctive treatment on the Native side.

Unless it is considered that we can ignore the possibility of criticism on the ground that we are wittling away the position of the Chief Native Commissioner, I must press ~~that~~ point. If the Chief Native Commissioner's special position is marked in this way, I consider that Mr. Flood's formula (see his minute of 5th July) will be an adequate statement of the Chief Native Commissioner's ^{function} ~~position~~. As the Governor does not like the suggestion of counter-signature, that ~~can~~ be omitted.

W.S.
31.7.53

These proposals were discussed with the S. of S. on the 1st of August, and he expressed his general agreement with the recommendations as put forward from Kenya and as modified in the discussion with Sir Joseph Byrne, i.e., that there should be a Deputy Chief Secretary at £1350, one Assistant at £1200, and the rest of the organization as recommended in the despatch. As it has also been decided that free quarters are not to be done away with in Kenya, the salary of the Local Government etc. Commissioner should be £1350 as recommended by Sir Joseph Byrne, the rest of the organization being adopted as suggested in para. 11 of the despatch.

As regards the position of the Chief Native Commissioner, the S. of S. expressed the opinion that his functions should be those of an adviser. He adhered to the decision contained in his despatch No. 499 of the 11th of July last year (copy attached to 13207), but eventually agreed that some such announcement

announcement as that suggested by me and endorsed by Sir Joseph Byrne would be advisable for the sake of clearness. This means that though the Chief Native Commissioner is to be in the Secretariat, he will not be of it. That is, he will be housed in the Secretariat building, but will in no sense be an officer under the Chief Secretary though he must in practice, for administrative convenience, pass his proposals through the Chief Secretary to the Governor.

It is, I think, advisable to let Kenya know by telegram the outlines of what has been decided and follow it up by despatch, and I submit drafts for the purpose. I have - perhaps rashly - assumed general approval for all the other details which were not specially discussed as time got short, but I think it is all right.

J.E.W. Flood
4.8.33

(the pp. about free quarters & initial salary of cadets are circulating separately. I should like to get the tel off soon & the despatch on 9 Aug if possible)

J.E.W. Flood
4.8.33
to CS. 5.8.33

4 TOAS. tel 170 7.8.33

5 To Kenya, Conf (2) - cons 11 AUG 1933
1 Annand

v. note on aft. of 5

10
6 H.M.M. Moore (P.P.) 5/6 (H.M. Mail) 20 June 33
Enquiry whether it is now intended to fill vacancy by promotion of an officer from outside the Colony now that Kenneth Aitken has been recalled & gives details of proposals which have been sent home by despatch regarding re-organisation of the Secretariat.

7 H.M.M. Moore 5/6 - Annand - 5 July 33

Sir Joseph Byrne called today and I gave him a copy of the despatch of the 11th of August (No. 5 on this file) and also showed him the companion despatch about the question of quarters and salaries generally in the Administrative Service. Sir Joseph said he thought both despatches would serve their purpose and suggested that Mr. Moore be given authority to make them public if he thought fit on the ground that it was a good thing to let the Unofficial Members of Council see the Secretary of State's decisions and the reasons therefor. Of course the despatches to which they reply are confidential but I do not think there is much in that, and I suggest that Mr. Moore be given authority to make them public as suggested by the Governor.

J.E.W. Flood
15.8

Mr. Tomlinson
Do you care as regards the other despatch? (I understood that the file is with you)

[The question of publication must be left strictly to the Governor's judgment - his particular views on despatch (no. 1) might be

be called for. Sir Flood
has suggested that the
substance org (without
references) could be
sufficient, but it is not
quite the same thing]

Mr Flood

I agree with Sir C. Betterley.
Use the file with the despatch about
quarters & salaries generally is not
with me.

8/7/49

17. A. 31.

The paper with the 'quarters' despatch 30/11/49/Kenya
has been in demand, both in another connection, but
mentioned this to Dr. Robinson before he went
home.

The despatch to Kenya covers decisions about new salary scales.
The question arises whether one dependency ought to be allowed
to publish a conf. despatch containing these decisions when
the others are allowed to publish the despatches in which the
same decisions are communicated.

Now the despatches to the other places include a good deal
about the appointment of officers owing an agreement or
favourable parts from the £ new pension constant, and it
is not certain that the local Sib. will accept the decision
on that point without protest, or at any rate that they will
like to see it published.

It is known through this aspect of the matter required cover,
and probably the objection suggested in the Dr. Davis's
personal letter to him which I have attached is the best viz.
open despatches is to be sent to all dependencies
for publication. The despatch to Kenya would have to
include this reference to quarters. It is the
despatch could be a fully, well handled through and 1/4

Will don't seem any reason why they should mention the agreement
publicly especially at all. They could be satisfied to say that
the new pension constant (with certain exceptions) will be met
(with certain exceptions), will be applied to all as officers approved
in future to permissible parts.

17/11/49

It must be remembered that Kenya and Kenya
only raised the bars which we are trying to
scotch & that Kenya will expect to see some
documents for their leg. Co. Further the despatch on
this paper about the Secretariat needs publication
as it lays down the staff & defines the position
of the Chief Native Commr.

The objections as to quarters & initial salaries
of Adv. officers on 3076/1, mainly concerning Kenya
I do not see how it could embarrass anyone else
to publish them nor what need there is to publish things
about people asking an increment which are not up on
this count.

It will probably be best to have a separate despatch
and if it is decided to have one I suppose I had better
draft it. Publication means that it gets to the Council
& the E. A. Standard.

V. L. W. Hand

7.9.

N Calder

The despatches in question are NOS on this
file & Nos 8 on 3076/1/49. So far as TT Dept is
concerned, it will probably be more convenient if
separate despatches were drafted for publication purposes;
though actually the only reason against publication
that I can see is a slight error in para 3 of NOS
in this file - there is not now an Adv. Cl. Secy in
Transvaal at £1200 - only 2 at £1000
Robert 8/9 P.T.D.

officer
14/11/49

I agree. If a separate despatch is sent to Kenya embodying a number of M.S. on this file - No. 8 a 3076/1/33 as it is desirable to publish, we could send off of it to our Governor with a short covering despatch calling attention to the decisions which are of general application.

J. H. Alder
14.9.33
H. Alder

Sir C. Bottomley
? Then I suppose I had better get busy with a despatch for publication. I think it could cover not only the terms of service but also the Secretariat organization & the position of the Chief Native Commr. It won't be much trouble.

J. H. Alder
14.9.

Mr. Flood.

I like it well. I think it is likely to save the local Govt. a considerable good deal of trouble, as they are fairly certain the medals. It would still be left to the Home Office if and when to publish, but my objection on the ground of consequential publication of other matters will disappear.

H. Alder
16.9.33

Ma

S.O. from Mr. Moore to Mr. Comber 5.5.33
12
Sir C. Bottomley

The papers were borrowed just after you spoke to me and have only now come back. I attach a piece of a letter from Mr. Moore with its enclosure.

I think the despatches may go now

J. H. Alder
6.11.33

* See discussed some observations - are made.

Mr. Comber

Mr. J. Alder

Sir J. Drummond

As the terminology of publication is indicated, I send on, as there is really no new point.

J. H. Alder
6.11.33

Mr. Tomlinson made some material improvements, which he showed me & I have accepted. Clean draft is submitted.

J. H. Alder
16.11.33

W. Boyd,

As this despatch is likely to be published, the S. of S. may like to see the draft?

W. B.

I think there is clear
W. B. 24/11/33

Handwritten notes: "Air mail 25/11/33" and "8" with a bracket.

To Kenya 900A }
To Kenya (w/8 in oms) } 28 NOV 1933

To T.T. 947 (w/1e8)
- Kenya 347 (-u-)
DESTROYED UNDER STATUTE
- Uganda 534 (-u-)
DESTROYED UNDER STATUTE
- N. Rhodes 646 (-u-)
DESTROYED UNDER STATUTE
- Gambia 225 (-u-)
DESTROYED UNDER STATUTE
- Somalia 248 (-u-)
DESTROYED UNDER STATUTE
18 DEC 1933

16 Extract from Secretariat Circular No. 1 of 5 Oct. 33.

Handwritten notes: "Copy (Laki) copies of 8-15 to go on B.G. Sal... Kenya M.A. No. of copies... Clerical Services... to page"

? Put by *Juma*
Satisfactory. It will be interesting to see the "intention"

Handwritten notes: "Indirectly... Precetti have seen files"

M. H. G. Pelling appt'd. Depy. Col. Sec.
Kye. No. of 9. 2. 34. P.F. 26114 E.A.

M. C. J. T. Barton ^{O.B.E.} Appt'd. Senior Assistant
Colonial Secretary Kenya 24. 2. 34. 10 Oct. 1933
P.F. 5704 E.A.

Handwritten initials: "AM"

17. SECRETARIAT CIRCULAR NO. 17, 10, APRIL, 1934.
(Registered for record in accordance with minutes on 23098/34, Kenya).

This follows the instructions in paragraph 16 x 18 of No. 8.
? Put by

Ch. P. ...
(? Copy of the C.C. might be placed on the table of the Station of C.A.C.)

Sir C. Bottomley

I am afraid this was not on the file when you discussed the question with Mr. Wade yesterday

? Put by
The only point relevant to 17, that emerged was that ... was used much prefer to be the head of the Administration Dept - sign orders to his staff - than to be subordinated to an Adviser. I assumed him that it would be "all right on the night" she agreed - so long as Sir J. By me & he know were there.

Put by W.C.B.
25.7.34

Handwritten initials: "M.C."

COLONY AND PROTECTORATE OF KENYA.

No. S/E.556/8 Vol. II.

THE SECRETARIAT,

CIRCULAR No. 17.

NAIROBI, KENYA.

G.—14.

10th April, 1934.

A.—3.

D.—

SECRETARIAT REORGANIZATION.

Reference paragraph C of Secretariat Circular No. 41 of the 5th October, 1933.

With the approval of the Secretary of State the following instructions are issued explanatory of the reorganization of the Headquarters of Government:—

1. The position of the Colonial Secretary is that he is the Chief Executive Officer under the Governor. The position of the Chief Native Commissioner is that he is to be regarded as the Governor's Chief Adviser on matters connected with native policy and administration.

2. The Secretary of State considers it of great importance that the Chief Native Commissioner should not be regarded as part of the Secretariat.

While, therefore, his office is in the Secretariat building, and his views and proposals are submitted to the Governor through the Colonial Secretary, it is to be understood that, in his position as a member of Executive Council, the Chief Native Commissioner has the right of access to the Governor and that his recommendations will not be over-ruled without reference to the Governor and, if necessary, consultation.

3. Directions will not be issued over the signature of the Chief Native Commissioner; and in practice all matters affecting native policy and administration will be dealt with in the relative sections in the Secretariat, and as the occasion arises the advice of the Chief Native Commissioner will be obtained by the Senior Assistant Colonial Secretary, the Deputy Colonial Secretary, the Colonial Secretary and the Governor. Full advantage will be taken of consultation.

H. M.-M. MOORE,

Colonial Secretary.

To:—

All Heads of Departments.

All Provincial Commissioners.

The Officers in Charge, Northern Frontier, Turkana and Masai Districts.

Dear Flood,

For your information.

(Signed) H.M.-M. MOORE.

Copy.

AIR MAIL.

12th June, 1933.

Dear Tomlinson,

We are sending you by this same Air Mail a Confidential despatch on the vexed question of Terms of Service, with what is now locally termed the Overseas Service. You may well suppose that after our last despatch in which we gave general support to the conclusions arrived at at the Governors' Conference, you would hear no more from us on the matter at least until we had had the Secretary of State's decision on the Governors' Conference proposals. You will recollect, however, that we did attach a rider that those recommendations, particularly in so far as the question of free quarters was concerned, were made without prejudice to considerations of any proposals that might be made by the Expenditure Advisory Committee. That Committee has now reported and has in effect recommended that in the case of the Administrative service the existing long grade should remain except for a reduction to 2350 in the case of initial salaries and an increase of the maximum from 2960 to 21,000. They have, however, made an important qualification that those should be consolidated salaries in the sense that free quarters should not be provided and that where an officer occupies Government quarters, he should pay 6% of his salary for the privilege of doing so. There is also the important addition that they should be regarded as basic salaries for purposes of pension computation and that the existing addition for the value of free quarters should cease

to

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to operate. All this has been made clear, I think, in the official despatch and its financial implication commented on.

The point of this letter is to explain why in Executive Council we adopted the line of action, which you may regard as somewhat pusillanimous, of asking the Secretary of State to give a final decision, on the three possible alternatives suggested in the despatch without making any very definite recommendation ourselves as to which alternative we personally favoured.

There is no question that unofficial sentiment, whether justifiably or not, dislikes intensely the free quarters privilege and though in their present frame of mind Elected Members would probably say that a long grade of £350 to £1,000 shorn of all perquisites was quite sufficiently attractive for the Service, they would in my personal opinion, if pressed, possibly accept some small addition to basic salaries in possibly the lower grades if by doing so the free quarters principle were abolished, but as you of course know better than I do, such additions do obtain outside Africa generally in Eastern colonies and elsewhere, and it is clear from the terms of the other Administrative services scheme that they are not necessarily incompatible with the suggestion of a unified Colonial Service, but the objections to pursuing this line of enquiry seriously in Kenya are that it would mean presumably another Committee and interminable bickerings and in the long run I imagine it is most unlikely that either Uganda or Tanganyika would come in. If they would not, I imagine you would agree that such a differentiation in terms of service would have an adverse effect on recruiting.

recruiting.

It is for this reason, namely, the fear of further postponement and delay, that the second alternative of continuing the privilege of free quarters but not assessing their value for pension purposes was put forward as a compromise. Frankly, it seems to me an illogical proposal, and its only merit is that it will of course tend to reduce our pension commitments, but if your pension experts at home see no objection to the proposal in principle it certainly might prove a half-way house between the proposals of the Expenditure Advisory Committee and those of the Governors' Conference. What, however, is, I think, agreed by all here is that a final decision, whatever it may be, is essential at a very early date and it will infuriate local opinion if as a result of these proposals you write back and tell us that they are receiving serious consideration but that the final decision cannot be given until the views of all the other Governments in the Empire have been received. The urgency is based both on the political considerations of the moment here, about which you are probably well informed, and also on the practical necessity of getting a date fixed from which new Terms of Service, whatever they eventually are, are to be enforced. The posts of Director of Agriculture and of Director of Medical and Sanitary Services are vacant, and those of Treasurer and Chief Justice are likely shortly to become so, while in connection with Provincial and Secretariat reorganisation there may be other senior posts also to be filled.

It is in my opinion of the greatest importance that any such fresh appointments should be made on the

new

new Terms of Service, as it does afford us a real opportunity of reflecting economies without injustice to anyone and if the Government fails to take advantage of this opportunity we shall be accused of a deliberate breach of faith.

I have no doubt you will wish to consult Sir Joseph Byrne on this question and I believe he will be found to be in general agreement with what I have written. My excuse for writing is that he won't be home for some weeks and I thought it might be of assistance to you and might facilitate a decision if I wrote ahead so that the papers could be brought to your notice in good time.

There is one other point which presents difficulty over the proposed new Terms of Service and that is as to how the expression "new entrants" is to be interpreted. Local opinion considers that when these Terms of Service are finally decided upon any District Commissioner promoted to, say, Provincial Commissioner should automatically come under the new rates both of salary and pension. I am personally doubtful as to the equity of this proposal, seeing that an officer is not in the same position to refuse an offer of promotion within his Colony as he is an offer of promotion on transfer to another Colony, and I should much appreciate advice as to what is the usual procedure in cases of this sort. Personally I see a distinction between promoting, say, an Attorney General to the post of Chief Justice or an Auditor to Treasurer, from promotions to scheduled posts within a department or within the Administrative service proper.

If I have time to dictate it between now and

next

next Air Mail I shall be sending you a despatch on the Secretariat reorganisation which I would also ask might be treated as a very urgent matter, since until the final decision is known our 1934 Estimates cannot be put into shape.

I am forwarding a copy of this letter to Flood because I am not quite sure to what extent the matters in question are dealt with by him in the first instance or go direct to the Appointments Branch.

Yours sincerely,

G.F.J. TOMLINSON, ESQ., C.B.E.,

Colonial Office,

Downing Street, S.W.1.

Extract from Secretariat Circular No. 41 of 5th October 33.

C.—SECRETARIAT REORGANIZATION.

(See Report of Expenditure Advisory Committee, paras 139, 140, 303, 367-411, and Appendices F and G.)

The position of the Colonial Secretary as Chief Executive Officer under ~~the~~ Governor will be maintained. The Chief Native Commissioner will be regarded as the Governor's Adviser on matters connected with native policy and administration, and for administrative purposes he will conduct his correspondence with the Governor through the Colonial Secretary.

Executive directions, other than those for which there is statutory authority, will be issued by the Governor through the Colonial Secretary or by the Colonial Secretary.

The Colonial Secretary's office will be reorganized to include the secretarial work done by the Chief Native Commissioner and his Assistants.

The Department of the Commissioner for Lands, Local Government and Settlement will be divorced from the Secretariat, and will become a separate entity, and will incorporate also the Survey and Registration and the Mining and Geological Departments.

Instructions will issue at a later date.

A. DE V. WADE,
Acting Colonial Secretary

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Mr. Flood. 9-10

air mail

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bennetley.

Sir J. Shackburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DOWNING STREET,

Nov 28 October, 1933.

C. D.
R 27 NOV
D W

Sir,

DRAFT.

KENYA

CONFIDENTIAL (2)

Sgt Byrne

(handwritten initials)

(3)

I have, etc., to refer to my confidential despatch (3) of the 9th of August, and my confidential despatch (2) of the 11th of August in which I communicated ~~to you~~ my decisions as regards certain recommendations of the Expenditure Advisory Committee relating to the provision of free quarters for public officers, and the suggested reduction of the pension constant from 1/480th to 1/600th, and in the second of which I discussed the suggested re-organisation of the Secretariat.

2. It has occurred to me that it may be an advantage to you in debate in the Legislative Council if I set out my decisions and the reasons

which

FURTHER ACTION.

*Mr.**Mr.**Mr.**Mr. Parkinson.**Mr. Tomlinson.**Sir C. Bottomley.**Sir J. Shuckburgh.**Permd. U.S. of S.**Parly. U.S. of S.**Secretary of State.***DRAFT.**

will be warned that their pensions will be calculated on the lower basis. I have felt it necessary however to make an exception to this rule in the case of the cadets selected for appointment to the Administrative Service during the present year since they present themselves for consideration in the various public examinations and it would be inequitable to make alterations in their case. Accordingly the two cadets who have been selected for Kenya have been offered appointment on the old terms as regards salary and prospective pension. Similar arrangements will be made in regard to any Colonial Agricultural scholars appointed to immediate vacancies in Kenya since their position (as regards the legitimate expectation of particular pension terms) is substantially the same.

4. The decision to adopt a new pension constant raises a problem

regarding

FURTHER ACTION.

*Mr.**Mr.**Mr.**Mr. Parkinson.**Mr. Tomlinson.**Sir C. Bottomley.**Sir J. Shackleton.**Perms. U.S. of S.**Parly. U.S. of S.**Secretary of State.***DRAFT.**

will be warned that their pensions will be calculated on the lower basis. I have felt it necessary however to make an exception to this rule in the case of the cadets selected for appointment to the Administrative Service during the present year since they presented themselves for consideration on the terms set forth in the various published pamphlets, and it would be inequitable to make any alteration in their case. Accordingly the two cadets who have been selected for Kenya have been offered appointment on the old terms as regards salary and prospective pension. Similar arrangements will be made in regard to any Colonial Agricultural scholars appointed to immediate vacancies in Kenya, since their position (as regards the legitimate expectation of particular pension terms) is substantially the same.

4. The decision to adopt a new pension constant raises a problem

regarding

FURTHER ACTION.

*Mr.**Mr.**Mr.**Mr. Parkinson.**Mr. Tomlinson.**Sir C. Bottomley.**Sir J. Shuckburgh.**Perms. U.S. of S.**Parly. U.S. of S.**Secretary of State.***DRAFT.**

to his whole service as a condition of such reappointment.

5. With regard to the question of the provision of quarters it is common knowledge that two systems exist in the Colonial Empire. Under the first an officer is provided with Government quarters rent free or, if none exist, he receives in lieu an allowance equivalent to the estimated annual value of the quarters appropriate to his grade. Further, when he retires, the house allowance, whether or not it has been drawn in cash, is added to his salary in order to arrive at his total emoluments for the purpose of computing his pension. Under the second system the officer has to provide his own house or if he lives in Government quarters, he has to pay rent for them. The salary that he draws at any time thus represents his total pensionable emoluments.

FURTHER ACTION.

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Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perm. U.S. of S.

Partly U.S. of S.

Secretary of State.

DRAFT.

has to meet all liabilities. But whatever may be said of the rival advantages of the two systems it is evident that, judged from the standpoint of the central recruiting authority, they must be co-ordinated in such a way as to ensure that the attractiveness of the two groups of dependencies remains approximately equal. If this is not secured, the group which offers the less attractive terms will suffer in the quality of its recruits. In other words if free quarters are not provided, the amount of the salary drawn by the officer must be proportionately increased.

and salaries in the Eastern Colonies are at present substantially higher than those in East Africa".

I.E.W.F.

FURTHER ACTION.

8. It is with these considerations in mind that I have examined

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Parly. U.S. of S.

Secretary of State.

DRAFT.

at a disadvantage in-comparison

with the rest of British East

Africa. *(I think in all the circles)* That a reduction in

the initial salary is reasonable

~~I am ready to admit~~ and, as I

shall explain in a later paragraph.

I have agreed to the figure of 2350

for Administrative Officers in all

the East Africa territories. But I am

not prepared to reduce this sum by

6 percent.
a deduction of ~~5%~~ for rent of quarters

in Kenya alone.

9. The effect of the

Committee's proposals on the pensions

of officers in Kenya would

be even more serious. Like the

Committee I am impressed by the

growing burden which pensions

impose on the Colony's finances

and it is for that reason that

FURTHER ACTION.

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Sir C. Bottomley.

Sir J. Shuckburgh.

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Secretary of State.

DRAFT.

FURTHER ACTION.

maintained.

10. I have considered the scale of salary in force for the Administrative Service, which is touched upon in paragraph 62 of the report. I note that the Committee suggest a salary beginning at £350 a year and rising to £1,000 a year as compared with the present scale starting at £100 and rising to £920. I also note that at the Governors' Conference in March, where the point was discussed, it was suggested that £350 a year would be sufficient as a commencing salary for cadets provided that the maximum of the long scale were raised to £1,000 a year. If, as I presume, the scale suggested by the Expenditure Advisory Committee was meant to be consolidated and to involve a deduction of 6 per cent for rent, I am of opinion that a commencing salary

C. O.

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Sir J. Shuckburgh.

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Secretary of State.

DRAFT.

the scale should proceed from £660 by £30 increments to £840, thence by £40 to the maximum of £1,000; together with free quarters as in the present arrangements. The decision to reduce the commencing salaries of the Administrative Service naturally involves a revision of the corresponding scales for other branches of the Colonial Service. This is a matter of no little difficulty, and cannot be considered with reference to Kenya or even to the East African group alone.

12. Turning now to the question of the organisation of the Secretariat and the position of the Chief Native Commissioner which is discussed in paragraphs 367-411 of the report of the Expenditure Advisory Committee, the decision not to

FURTHER ACTION.

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Secretary of State.

DRAFT.

Officers. In Appendix 9 the sum of £1,000 is shown as the salary of one of the Senior Assistants, presumably because it was to be expected that that post would be filled by an officer of such seniority as to be in receipt of the maximum salary of the long scale - which will be £1,000 if the Committee's suggestions are adopted. Having regard, however, to the great importance of the office and to the establishment of similar Secretariats especially in the adjoining territories of Uganda and Tanganyika, I am of opinion that the Kenya Secretariat required a more highly paid and responsible officer as the senior of the Senior Assistants. In Uganda the Assistant Chief Secretary receives £1,200 and it can hardly be contended that the corresponding officer

FURTHER ACTION.

G. O.

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*Mr. Parkinson.**Mr. Tomlinson.**Sir C. Bottomley.**Sir J. Shuckburgh.**Perm. U.S. of S.**Partly. U.S. of S.**Secretary of State.***DRAFT.**

Personal Assistant and combine it with that of Secretary in charge of the Settlement, Local Government, Trade and Information Section.

I note that the Committee recommended a consolidated rate of £1,450 for the annual salary of the Commissioner, but it will be more suitable to place him on the same footing as the Deputy Colonial Secretary with salary at the rate of £1,350 a year.

I think it well to point out that there may be some risk of a loss of efficiency in the adoption of this proposal. It is not probable that the Head of the combined Department at any time will have expert knowledge of all the technical subjects, such as Survey, or Mines, with which he will have to deal, and it may well be found in the future that it will be

necessary

FURTHER ACTION.

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Sir J. Shackburgh.

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Parly. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

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Chief Native Commissioner, and I came to the conclusion that a definite arrangement should be made to the effect that, while the views and proposals of the Chief Native Commissioner should be submitted to the Governor through the Colonial Secretary, the Chief Native Commissioner's opinions should not be disregarded nor his proposals overruled until he has had an opportunity of personal discussion with the Governor. I added that the adoption of this system is not intended to involve any diminution in the status or responsibilities of the Colonial Secretary. To these opinions I adhere. It is not desirable, and it would be contrary to the spirit of the Joint Select Committee's recommendations, that the Chief Native Commissioner should be regarded as part of the Secretariat though

C. O.

- Mr.
- Mr.
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- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

Secretary, who is entitled to add his own comments. Such a right existed in the case of the Secretary for Native Affairs in Nigeria though I understand that, in practice, it was not invariably used.

17. I am of opinion that the Chief Native Commissioner's position is made clear and its importance adequately emphasised by the ruling given above. I have considered a suggestion that the Senior Assistant Secretary working under the Chief Native Commissioner should be given some distinctive title in the same way that the Commissioner for Lands etc., has a Land Secretary and a Secretary for Local Government working under him. *This suggestion was laid before him when he was in this country, but he did not consider such a distinction necessary, and I do not propose*

FURTHER ACTION.

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*Mr. Parkinson.**Mr. Tomlinson.**Sir C. Bottomley.**Sir J. Shuckburgh.**Permt. U.S. of S.**Parly. U.S. of S.**Secretary of State.***DRAFT.**

should act for the Chief Native Commissioner during his absence on leave but that one of the Senior Commissioners should be detailed to act. This I regard as of great importance since it not only helps to preserve close touch between the Chief Native Commissioner and the Administrative staff, but also serves to emphasise the fact that the Chief Native Commissioner is not a part of the Secretariat but occupies a separate position as the Governor's Adviser on all native affairs.

I have, etc.,

(Signed) P. OUNLIFFE LISTER

FURTHER ACTION.

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I authorized the
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Secretariat the other day to issue a brief communique to the Press, a copy of which I enclose, but if a despatch comes in due course which could be laid on the table of Legislative Council I am sure it would be most valuable. I did not want to wait any longer over making an announcement of some sort, because these things take time to sink in and if published well in advance of the Estimates Session, any controversial points are likely to be less fiercely contested if Elected Members are not seeing them for the first time when the Draft Estimates are laid before them.

May I take this opportunity of acknowledging your two letters about Lord Kitchener and the electric supply question at Broderick Falls. The former requires no answer, the latter I will answer separately when I have had your points looked into further. There are also one or two other matters about which I want to write to you shortly, but I am hurrying this off to catch to-morrow's Air Mail before I start on the usual arrears caused by absence from headquarters.

My wife sends her salaams. We were both dreadfully upset to read of Sir ^{Graham's} sudden death at Aden and personally I am very sorry that Sir Samuel is leaving the C. O. Everyone is wondering now whether Symes will get the Sudan. Palmer must be delighted at having escaped from the Gambia.]

Yours sincerely,

J. E. W. Flood

J. E. W. FLOOD, ESQ., C.M.G.,
THE COLONIAL OFFICE,
DOWNING STREET, S.W.1.
L O N D O N.

TERMS OF SERVICE.PROVINCIAL AND SECRETARIAT REORGANISATION.1. Terms of Service.

(Vide paragraphs 41 to 76 of the Report of the Expenditure Advisory Committee).

The initial salary of Cadets in the Administration will be £350 (instead of £400, as at present) and the "long scale" will rise to £1,000 (instead of £920, as at present). The pension constant will be 1/600th (instead of 1/480th, as at present) for future entrants. The normal age of retirement for men will be 55 (instead of 50, as at present). In view of the reduction of the pension constant (a reduction of 20 per cent) the Secretary of State has been unable to accept the recommendation in paragraph 43 of the Report of the Expenditure Advisory Committee that the existing privilege of free quarters (or an allowance of 15 per cent of salary in lieu thereof) should be discontinued.

The decision to reduce the initial salaries of the Administrative Service naturally involves some revision of the initial scales of other branches of the Colonial Service. The consequential alterations are at present under consideration.

The recommendations of the Expenditure Advisory Committee on the subjects of:-

Tours of Service;
Overseas Leave;
Local Leave, and
Passages;

have been accepted by the Secretary of State with certain modifications.

2. Provincial Reorganisation.

(Vide paragraph 86 and in Chapter V of the Report of the Expenditure Advisory Committee).

The Secretary of State has accepted with certain modifications the Expenditure Advisory Committee's recommendations and the result will be that instead of nine Provinces there will be four Provinces and three extra-Provincial districts, viz:-

- The Nyanza Province. As at present.
- The Central Province. A combination of the present Kikuyu and Ukamba Provinces, together with a small portion of the Laikipia District which is being removed from the Rift Valley Province.
- The Rift Valley Province. A combination of the present Rift Valley and Nzoia Provinces, and subject to the adjustment above.
- The Coast Province. As at present.
- The Northern Frontier District. As at present.
- The Turkana District. As at present.
- The Masai District. As at present.

The necessary Proclamation is in course of preparation.

As a corollary to the abolition of the five posts of Provincial Commissioner, 2nd grade, at £1,200 per annum, and in order to retain the necessary proportion of more highly paid posts to the number of posts in the long scale provision will be made for the pay of 5 Senior District Commissioners at £1,200 per annum.

From the 1st January, 1934, the special allowance attached to the posts of District Commissioner, Nairobi, and District Commissioner, Mombasa, will be discontinued.

The financial effect will be the reduction of 5 Second Grade posts of Provincial Commissioner (£6,000), the increase of salary of 5 District Commissioners' posts by £280 each (£1,400) and a.....

and a reduction of £160 on the allowances paid to the District Commissioners at Nairobi and Mombasa. A net reduction of £4,

3. Secretariat Reorganisation.

(Vide paragraphs 139, 140 and 366 to 396 of the Report of the Expenditure Advisory Committee).

The recommendations of the Expenditure Advisory Committee have been accepted by the Secretary of State with certain modifications.

The Colonial Secretary's office will be reorganised to include the secretarial work at present done by the Chief Native Commissioner and his Assistants, but in addition to the staff recommended by the Expenditure Advisory Committee in paragraphs 372 and 411 of their Report one Assistant Secretary will be employed.

The Department of the Commissioner for Local Government, Lands and Settlement will be divorced from the Secretariat and will become a separate entity and will incorporate also the Survey and Registration and Mining and Geological Departments.

.....

Personal.

Kenya House 7a 38
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

18.8.33.

My dear Tomlinson,

This is just a hurried line to thank
you very much indeed for dealing ^{so promptly} with the
Terms of Service. Your confidential dispatch
has now come, and will be greeted by the
Service with relief. It also ^{should} command
the assent of the fair-minded reader, but
such are more difficult to find here
among the unopinionals owing to the long-

drawn out controversy which has raged
round this question. For this reason I wonder
whether it would be possible for you to
send another open hospital for pellagra,
which could make it clear that the S.P.S.
considers the issue now definitely closed
So far as the Overseas Service is concerned,
I would state in general terms that the
terms now decided upon are considered
reasonable in all the circumstances, +
not ^{not} of a keeping with the Colony's financial

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

resources. Unless something
like this is said categorically
I fear the campaign, particularly
for consolidated salaries, will
be hopeless. The speeches
of Col. Kirkwood & Mr. O'Shea
at the last Leg Co. made
it pretty clear that this
would be the time of attack.

Scarcely a second but the air
mail proper has closed, &
the clerks have all gone.

We are seeking nearly
a few weeks since from
here. It's very pleasant
at this Nairobi.

Salutations from us both,

^{Yours}
Mary - Katherine

Excuse a scrawl but the air
mail papers has closed, +
the clerks have all gone.

We are seeking vainly
a few books price more
here. Its very pleasant
after Nairobi.

Palace from us both,
Yours
May - Katherine.

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Colonial Office,
Downing Street, S.W.1.

5 July, 1933.

This is a very brief note, written within a few moments of the departure of the Air Mail, to thank you for your letter of the 20th June. We expect to see the Governor in a few days. Until we have discussed matters with him, it is not possible to say what the decision will be on the Expenditure Advisory Committee's proposals about the Deputy Colonial Secretaryship. If such a post were created, there would of course be a wide field of candidates, deserving consideration.

S. J. P. Trenchard

H. M. M. MOORE, Esq., C.M.G.

PRIVATE AND PERSONAL.

AIR MAIL

KENYA

No.



GOVERNMENT HOUSE
NAIROBI
KENYA

20th June, 1933.

Dear Tomlinson,

I wonder if you could let me know for my personal information whether, now that Grimble's appointment has been cancelled on medical grounds, it is still your intention to fill the vacancy by the promotion of an officer from outside the Colony or whether that proviso can now be regarded as withdrawn. Last mail I sent home a long official despatch on the subject of the reorganisation of the Secretariat. I am not quite clear whether such a matter will be dealt with by Flood or your Appointments Branch. As is always the case here, the proposals raise political or constitutional issues, whichever you like to call them, and in this case in Downing Street, I believe, rather than in this Colony, and I doubt if you people will be prepared to give a decision based purely on the merits unless the Secretary of State is prepared to view the question purely in the abstract, which you will remember he was not prepared to do in the case of Income Tax.

If the Expenditure Advisory Committee's proposals are adopted, they involve the creation of a post of Deputy Colonial Secretary to fill which I expect you will press for the appointment of an outsider, a proposal which on balance would probably be the best. It would mean, however, on the assumption that Logan is appointed to the post of Commissioner of Lands and Local Government, that Barton would to all intents and purposes be unprovided for. He is drawing £950 at present and the salary proposed for the two Principal Assistants by the Expenditure Advisory Committee is only £1,000, which really

/means.....

Answered 5 July 33

means no promotion for him. He is an officer of very ^{great} ~~rare~~ ability and sorry as I would have been to lose him I had hoped that possibly something would have come his way while he was on leave, but that has not proved to be the case, no doubt owing to the fact that there has been no general reshuffle as a result of Young's promotion to Barbados since I see Hall of the Colonial Office has been made Colonial Secretary, Palestine.

If on the other hand the Expenditure Advisory Committee's proposals are turned down, then I have suggested in the despatch that we should stick to the old arrangement of a Principal Assistant at £1,350 or some such salary, and a Senior Assistant at £1,200 on the lines explained to you in earlier letters. Under such an arrangement, Barton could presumably look for the £1,200 post and the senior post be filled from outside if that is the Colonial Office policy.

I know Sir Joseph Byrne is going to discuss the matter with you when he arrives but I am not quite sure whether he is going straight home to London or getting off at Genoa and going home slowly across the Continent. In the interval Barton, who is coming back by air, will have arrived, and it would certainly assist me, as he is sure to bring up the question of his status, if you could let me know privately what the Colonial Office policy is likely to be in the matter.

Yours sincerely,

G. F. J. Tomlinson

G. F. J. TOMLINSON, ESQ., C.B.E.,
COLONIAL OFFICE,
DOWNING STREET, S.W.1.
L O N D O N.

43
my
file

Mr. Flood 4/8/33.

Mr. Jeffries 4/8

Mr.

Mr. Parkinson.

X Mr. Tomlinson. 4/8

X Sir C. Bottomley. 5-8/33

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

C
R 7 AUG
D 10

// August, 1933.

DRAFT. DESPATCH.

KENYA.

CONFIDENTIAL. (2)

O. A. G.

2/5

Copy to Sir J. Byrne (Sec. Min. 15/8)

1 should like to send a copy to Sir J. Byrne.

Sir,

I have the honour to ack.
the receipt of your Confidential
despatch No. 79 of the 17th of June,
in which you discuss the reorganization
of the Secretariat and the position of
the Chief Native Commissioner. I have
already informed you ^{briefly} by telegram of my
decisions in regard to ^{your proposals} ~~the Secretariat~~
^{proposals} and in this despatch I propose to set
out briefly my reasons for arriving at
those decisions, and to review the
position generally.

2. The proposals put forward in
your despatch were discussed with Sir
Joseph Byrne on his arrival in
England and have been further examined
with care in the light of the report.

C. O.

Mr.

Mr.

Mr.

Mr. Parkinsson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

3. With regard to the ^{two} Senior

Assistant Colonial Secretaries, I note that in the body of their report - paragraph 374 - the Committee suggest that the posts should be filled by officers seconded from the Provincial Administration at the same salary as they would have drawn as Administrative Officers, ~~while~~ ^{and} in Appendix 9 the sum of £1,000 is put down for one of ~~the senior~~ ^{them} posts.

DRAFT.

presumably because it is to be expected that that post will be filled by an officer ~~of~~ ^{with} rank and seniority as to be in receipt of the maximum salary of the pay scale which ~~would~~ ^{will} be £1,000 if the suggestions of the C.O. are adopted.

On consideration of the importance of the office, and having regard to the establishment of ^{similar} Secretariats especially in the adjoining territories of Uganda and Tanganyika, I am of opinion that the Secretariat in Kenya requires the services of a more highly paid and responsible officer. In Uganda, the Assistant Chief Secretary receives £1,200, and in Tanganyika

C. O.

Mr.

Mr.

Mr.

Mr. Parkinon.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

of Personal Assistant shall be abolished and combined with the post of Secretary in Charge of the Settlement, Local Government Trade and Information Section. With regard to the Survey Section, I agree with your ~~view~~ ^{will} that it ~~would~~ be more economical to retain the services of Mr. Gilbert in his present post of Surveyor-General, and that any reorganization in the Survey Department should be carried out later. ^{I have also considered the} ~~With regard to the~~ ^{to be attached to} salary ~~of~~ the post of Commissioner, ^{and} I note that the Committee recommended a consolidated rate of £1,450, ~~but~~ having regard to the fact that quarters will continue to be provided, I am of opinion that a salary of £1,350 a year will be sufficient.

I think however that it will be more suitable to place this officer on the same footing as the Deputy Chief Colonial Secretary, and,

C.O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bollenby.

Sir J. Shuckburgh.

Genl. U.S. of S.

Privy. U.S. of S.

Secretary of State.

DRAFT.

Secretary as Chief Executive Officer and 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, and I came to the conclusion that a definite arrangement should be made to the effect that, while the views and proposals of the Chief Native Commissioner should be submitted to the Governor through the Colonial Secretary, the Chief Native Commissioner's opinions should not be disregarded, nor his proposals over-ruled until he has had an opportunity of personal discussion with the Governor. I may add that the adoption of this system is not intended to involve

C. O.

Mr.

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.

DRAFT.

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they are sent through the Colonial Secretary, who is entitled to add his own comments. Such a right existed in the case of the Secretary for Native Affairs in Nigeria though I understand that, in practice, it was ^{not invariably} ~~little~~ used.

8. I am of opinion that the Chief Native Commissioner's position is ^{made clear} ~~adequately defined~~ and its importance ^(adequately) emphasized by the ruling given above. I have considered ^a ~~the~~ suggestion that the ^{Secretary} Assistant Secretaries working under the Chief Native Commissioner should be given some distinctive title ^{in the} ~~as the~~ same way that ~~the~~ the Commissioner for Lands, etc., ^{has} as a Land Secretary and a Secretary for Local Government working under him. The Governor

C. O.

Mr.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permu. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT.

and the Administrative staff. but Mr
 also seems to emphasize the fact that
 (Chif. Nativ.)
 the (Comm^t) is not in a part of
 the Secretariat but occupies a separate
 position as the Govn's Adviser on all
 Nativ affairs.

(Sgd.) P. CUNLIFFE-LISTER

Mr. Flood 4/8/33.

Mr.

Mr.

Mr. Parkinson.

X Mr. Tomlinson. 4/8

X Sir C. Bottomley. 5.8 am

Sir J. Shuckburgh.

Parly. U.S. of S.

Parly. U.S. of S.

Secretary of State.

DRAFT. **TELEGRAM.**

GOVERNOR.

NAIROBI.

4
Coded sent

1/7/8 RB

No. 170 Confidential.

Your confidential despatch

17 June No. 79. Have consulted Governor and as regards Secretariat am prepared to approve Deputy Chief Secretary salary £1350 one Senior Assistant Secretary £1200 and one on long grade other arrangements as recommended by you in paragraph 7 of despatch including Establishment Officer in addition to Assistant Secretaries. As regards proposed Department of Settlement Lands and Mines approve organization suggested by Committee as modified by you in paragraph 11. Salary of Commissioner should be £1350. Free quarters to be

continued

continued as at present as to which

am telegraphing separately in reply to
~~see my confidential telegram No.~~
your despatch No 75 ③

(Companion draft on
3076/1/33)

Despatch will follow in which I will

discuss position of Chief Native Commissioner

as to which I do not propose to depart

materially from views expressed in my

despatch No.499 of 11 July 1932. No

objection to your announcing these decisions

if you think fit.

Secer.

(A) The Chief Native Commissioner and the Secretariat.
(Paras. 6 to 9 of the despatch.)

1. The Joint Committee's recommendations in paragraphs 83 to 85 of their report involve a fallacy to which Mr. Moore draws emphatic but polite attention. After recording that they could not "recommend the adoption of any scheme in preference to the existing system of Government on unitary lines for the Colony as a whole", the Committee proceeded to propose that "Administration of all native affairs should be under a Chief Native Commissioner, who should be charged with the preparation of an annual estimate of the financial requirements of his administration."

2. In his despatch of July 13th, 1932, the Secretary of State wrote "It will 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." In the same despatch the Joint Committee's proposal for a separate native budget was, in effect, dismissed, on the ground that Lord Moyne's Native Betterment Fund would comply with the spirit of their recommendation.

3. As a matter of logic, it is impossible to conduct a unitary system of Government ^{under} dual control. In Kenya, considerations of geography, of agricultural practice, and of many details of the administrative system are such as to threaten grave risk of friction

and

(A) The Chief Native Commissioner and the Secretariat.
(Paras. 6 to 9 of the despatch.)

1. The Joint Committee's recommendations in paragraphs 83 to 85 of their report involve a fallacy to which Mr. Moor draws emphatic but polite attention. After recording that they could not "recommend the adoption of any scheme in preference to the existing system of Government on unitary lines for the Colony as a whole", the Committee proceeded to propose that "Administration of all native affairs should be under a Chief Native Commissioner", who should "be charged with the preparation of an annual estimate of the financial requirements of his administration."

2. In his despatch of July 13th, 1932, the Secretary of State wrote "It will 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." In the same despatch the Joint Committee's proposal for a separate native budget was, in effect, dismissed, on the ground that Lord Moyne's Native Betterment Fund would comply with the spirit of their recommendation.

3. As a matter of logic, it is impossible to conduct a unitary system of Government ^{under} dual control. In Kenya, considerations of geography, of agricultural practice, and of many details of the administrative system are such as to threaten grave risk of friction

and

and breakdown if executive powers are exercised by one authority as regards the native population and by another as regards non-native affairs.

4. The underlying object of the Joint Committee's proposals ^{was} ~~are~~ to ensure that native interests, both immediate and future, should not be overlooked or subordinated to those of the immigrant ^{Communities} ~~interests~~. It can hardly be doubted that if the unitary system is to be preserved this object can best be achieved by adopting the re-arrangement of function implied in the Expenditure Advisory Committee's proposal and stressed by Mr. Moore in the despatch and the accompanying private letter. Under this re-arrangement the Colonial Secretary and his subordinates would be the sole channel of executive direction; the Chief Native Commissioner would have the status of an adviser, whose views on native affairs could be disregarded only by the Governor himself.

5. Such a system has a great deal to commend it and is, indeed, in effective operation in the Colonial Office itself. It has never been suggested that the interests of, e.g., law and justice in the Colonies, are prejudiced because the Legal Adviser has no executive function; and the same may be said of Agriculture and Public Health. The exalted status which has been assigned, and will continue to pertain, to the Chief Native Commissioner is an absolute guarantee that the real object of the Joint Committee's proposals will be attained. Such a system, moreover, has worked well in Nigeria, Tanganyika Territory, and elsewhere.

6. If this principle is accepted, it remains only to ~~accept~~ ^{approve} the Expenditure Advisory Committee's proposals, with the modification (as regards the Establishment Officer) proposed by Mr. Moore in paragraph 7 of the despatch. In conveying the decision to the Colonial Government stress must once more be laid on the special position of the Chief Native Commissioner as regards access to the Governor, etc., and it should once more be postulated that no decision of importance affecting native interests is to be taken without reference to him, and that the responsibility of over-riding his advice, or disregarding his proposals in the sphere of native affairs, must lie on the Governor alone.

(B). Commissioner of Settlement, Lands and Mines.
(Paragraphs 10 and 11)

1. No question of principle is at stake in this proposal to amalgamate under one head the existing branches dealing with Local Government, Lands and Settlement, Mines and Survey. It is, however, for consideration whether, under such an amalgamation, economy would not be dearly bought at the expense of efficiency. No one man could possibly combine the technical knowledge required for the efficient conduct of each and every section of the amalgamated Department; it follows, therefore, that the heads of sections must themselves be highly qualified on the technical side, and therefore in a position to claim relatively high salaries.

2. For the time being, however, active progress in land settlement and survey work is at a stand-still.

Mine development, indeed, may be expected to increase, but it will bring with it a proportionate increase in revenue, and it should not be difficult, when that revenue is in sight, to make an ad hoc arrangement for increasing, so far as proves necessary, the standard and the numbers of the Mines Section.

3. Sir Joseph Byrne is stated in paragraph 11 to have reached the conclusion that the balance of advantage was in favour of accepting the Expenditure Advisory Committee's proposals. Mr. Moore suggests that certain modifications in detail will be necessary, but he is not yet prepared with a cut and dried scheme. Subject to any new point which may emerge during the discussions with Sir Joseph Byrne, the Secretary of State may approve in principle the proposals contained in paragraphs 397 to 410 of the Expenditure Advisory Committee's Report.

W.A. Hunter
27/53

PRIVATE AND PERSONAL.

BY AIR MAIL.

54
2
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

17th June, 1953.

Dear Flood,

Not
I am sending you by to-day's Air Mail a long despatch on the old and thorny question of Secretariat organisation. I have no desire to be importunate and in this respect the delay is much more my fault than yours, but in view of the Expenditure Advisory Committee's Report and the question of local personnel here it is essential that a decision should be arrived at as quickly as possible.

I hope you won't think I have overstressed the relative position of the Chief Native Commissioner and the Colonial Secretary in the despatch, but I am somewhat anxious that whatever decision is taken should only be made after a full appreciation of the facts. If you feel that for political reasons at home you must back the Joint Select Committee's attitude over the Chief Native Commissioner I have of course no more to say, but in that case I do think it only fair it should be made quite clear that he is to be regarded as the head of a separate Department. How he is to be regarded as being in charge of Native Administration - whatever that means, since, as you know, we have no Native Administration in the sense that we had in Nigeria - and be entitled to give orders to Provincial Commissioners on such questions while at the same time the Colonial Secretary is to continue to give instructions to Provincial Commissioners on the administration of their Provinces as a whole - which include both Native and Settled areas - I leave to wiser heads than mine to explain. But I am quite prepared to make as good a job as possible of the illogicality. If, however, you really.....

really wish to maintain the unitary system of Government both at Headquarters and in the Provinces to which the Joint Committee has given lip-service, then I can see no alternative but to make the Colonial Secretary responsible under the Governor for the whole administration with the Chief Native Commissioner as the Governor's principal adviser on matters of native policy wherever they arise, whether in settled areas or in Native Reserves. Such an arrangement seems to be logical and a clear-cut one and seems to me, therefore, the most economical in practice, but it does carry with it the necessary corollary that the Chief Native Commissioner ~~is the diversity~~ of executive functions, Ordinances if necessary being amended in practice, should in fact be both in practice and in name the Secretary for Native Affairs such as there used to be in Nigeria and still is in Tanganyika. You of course know quite well how that worked in practice, and Tomlinson as an ex-Secretary for Native Affairs could give you more detailed information.

I should like you to understand that I shall personally be quite satisfied with whatever decision is made, provided it is an honest one and the present anomalous position rectified under which there is both a Chief Native Commissioner and a Commissioner for Local Government members of Executive and Legislative Councils functioning sometimes as my assistants and sometimes as independent Heads of Departments.

Finally, I should like to make it quite clear that anomalous as this position is on paper, it has in practice worked quite well with Logan and Wade and, if I may say.....

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

may say so. I think that is partly due to the fact that we all three work readily together. As a system it might break down at any time if there was a conflict of personalities.

Yours sincerely,

J. E. V. Flood

J. E. V. FLOOD, ESQ., C.M.G.,
COLONIAL OFFICE,
DOMING STREET, S.W.1.

*should be
deprived of*

AIR MAIL

KENYA

No. 79.



GOVERNMENT HOUSE
NAIROBI
KENYA

RECEIVED
27 JUN 1933
C. O. REPLY

17th June, 1933.

CONFIDENTIAL.

Sir,

I have the honour to refer to the Governor's Confidential telegram No. 107 of the 28th March, 1931, and previous correspondence on the subject of the reorganisation of the Secretariat.

2. Further consideration of the question was, as stated in that telegram, postponed owing to uncertainty as to the future status of the Chief Native Commissioner and the possibility that any general scheme of Provincial reorganisation might necessitate modifications at Headquarters.

3. During the two years that have elapsed the status to be assigned to the Chief Native Commissioner has been the subject of review by the Joint Select Committee on Closer Union and in paragraph 87 of the Report certain recommendations were made which were dealt with by you in the appropriate section of your despatch No. 499 of the 16th July, 1932. In that despatch you pointed out that the Committee had not advised any departure from the unitary system and that it would therefore be necessary to maintain the position of the Colonial Secretary as Chief Executive Officer.....

No 5
18207/32

*Amal. Tel. (4)
Am. Amud (5)*

MAJOR THE RIGHT HONOURABLE SIR P. GUNLIFFE-LISSER, P.C., G.B.E., M.C.,
SECRETARY OF STATE FOR THE COLONIES,
COLONIAL OFFICE,
DOWNING STREET, S.W.1.

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. You also agreed that it would be in theory, and indeed in practice, entirely wrong that the Colonial Secretary who, as stated above, is still to be regarded as the Chief Executive Officer under the Governor, should be kept in ignorance of conversations or correspondence between the Governor and the Chief Native Commissioner. Subject to these remarks, however, you regarded it as desirable that the fullest possible effect should be given to the proposals of the Joint Select Committee, and in your despatch Confidential No.2 of the 13th July, 1932, you invited the Governor to consider the desirability of issuing written instructions to ensure that the Chief Native Commissioner's opinion should not be disregarded nor his proposals overruled by the Colonial Secretary until he had had an opportunity for personal discussion with the Governor. You were inclined to the view that by the adoption of such proposals the enhanced status desired by the Committee for the Chief Native Commissioner would be secured, while at the same time the co-ordination of his work with that of the Colonial Secretary which you considered desirable would be insured. You went on to make it clear that the adoption of such a system was not intended to involve any diminution in the status or responsibilities of the Colonial Secretary. As already explained in Kenya despatch

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Not
3169/53

Confidential No. 50 of the 24th April, 1933, the Governor deferred his final conclusion on this question pending the Report of the Expenditure Advisory Committee which was then in session.

4. The Expenditure Advisory Committee has now reported both on the question of Provincial and Secretariat reorganisation. I propose to forward my comments on their recommendations for Provincial reorganisation in a separate despatch. Except in so far as by some measure of decentralisation the volume of work in the Secretariat may be decreased, their proposals for Provincial reorganisation are, if adopted, likely to have little bearing on Headquarters organisation, since the Committee has recommended no departure from the existing unitary system of government in the provinces.

5. The Committee's recommendations for the reorganisation of the Secretariat, Chief Native Commissioner's Office and the Local Government, Lands and Settlement Office are contained in paragraphs 357 to 411 of their Report. For convenience of reference I will deal first with their recommendation that the Secretariat and the Chief Native Commissioner's Office should be combined. I will deal with their proposals for the reorganisation of the Local Government, Lands and Settlement Office as a separate department of Government in later paragraphs of this despatch.

6. It will be observed that under the Committee's proposals for the reorganisation of the Secretariat and Chief Native Commissioner's Office the

Colonial.....

Colonial Secretary and the Chief Native Commissioner will be accommodated in the same building and that their existing staffs of Senior Assistant and Assistant Secretaries and clerks will be pooled. The Colonial Secretary will remain, as at present, responsible to the Governor for the administration of the provinces, and by a re-allocation of the duties of Assistant Secretaries in charge of sections the work as a whole will be co-ordinated under a Deputy Colonial Secretary. Under such an organisation the Committee hopes that the Colonial Secretary would be less burdened than he is at present with matters of routine, and the Chief Native Commissioner much freer to tour the native areas, and so be in a position to keep abreast with developments and report immediately to the Governor on any matters of major native policy that may arise. You will observe from the diagram in paragraph 372 of their Report that the right of personal access to the Governor on which the Joint Select Committee has laid such emphasis is specifically provided for, but it is contemplated that much of the normal routine of native administration involving no questions of policy calling for special comment by the Chief Native Commissioner would be dealt with by the Senior Assistant Colonial Secretary, Deputy Colonial Secretary or Colonial Secretary as the case might be. The Committee's proposals were discussed by Mr. Wade and myself before Sir Joseph Byrne's departure, and while Mr. Wade was not satisfied that there was /anything.....

anything very much wrong with the present organisation of the Chief Native Commissioner's Office, he did not consider that there were any insuperable difficulties in the Committee's proposals and did not wish to raise any objections to their being given a trial if by so doing economies could be effected.

7. My own personal view, speaking in my substantive capacity as Colonial Secretary, is that the amalgamation proposed by the Expenditure Advisory Committee is feasible and likely to make for efficiency and economy. I am not, however, satisfied, particularly if the Committee's proposals for divorcing the Local Government, Lands and Settlement Office from the Secretariat are adopted, that a cadre of five Assistant Secretaries inclusive of an Establishment Officer will be able to cope with the work and I consider that at any rate in the initial stages the Establishment Officer should be regarded as additional to the five Assistant Secretaries in charge of sections. With this view I understand the Chief Native Commissioner, the Commissioner for Local Government, Lands and Settlement, and Sir Joseph Byrne are in agreement. I also agree with the views verbally expressed to me by the Chief Native Commissioner that if this system is to work efficiently and economically it should be recognised from the outset that the duties of the Chief Native Commissioner will be primarily of an advisory character. Indeed if the maximum of economy is to be effected I personally consider that it will be for
/consideration.....

consideration whether all instructions from Headquarters to Provincial Commissioners or Heads of Departments should not in future issue over the signature of the Colonial Secretary and not of the Chief Native Commissioner. In fact, the relationship between Provincial Commissioners, the Colonial Secretary and the Governor would generally be on the lines that were laid down when the post of Secretary for Native Affairs was first created in the Nigerian Secretariat, and which I believe persists to-day in Tanganyika.

8. When asked by the Expenditure Advisory Committee my opinion on the organisation which they have finally recommended, I expressed the view which I have already stated in this despatch that provided the scheme is worked in the manner I have indicated above the proposals appear to me to make both for efficiency and economy. I explained, however, that I was doubtful whether they were likely to secure your approval in view of the terms of your despatch of the 13th July, 1932, to which I have already referred. Indeed, for that reason, in the memorandum which I prepared for the Committee's information I informed the Committee that I thought it was unlikely that you would be prepared to approve any scheme that might give colour at home to the belief that the independence of the Chief Native Commissioner was being undermined. For that reason I saw no alternative but to proceed generally on the lines suggested in your Confidential telegram No.92 of the 13th March, 1931. You will observe, however, from paragraph 375 of the Expenditure Advisory Committee's Report that the adoption
/of their.....

No 5 A
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No 3
171101/31

of their proposals is not intended to suggest any diminution of the authority and status of the Chief Native Commissioner as laid down by the Secretary of State. I understand further that they conceived it to be their primary duty to recommend the cheapest and most efficient form of organisation, which in their opinion they have done, and that in arriving at that decision they felt they were not concerned with any of the political considerations which appear to have been the deciding factor in the past. I leave it to you and to your advisers to decide to what extent you consider at the present time that the principle of economy should be sacrificed to considerations of political expediency, but while welcoming the proposals of the Committee, as I have already stated, I consider that it should be clearly understood that if they are adopted the accepted position of the Chief Native Commissioner should be that laid down in paragraph 5 of Mr. Amery's Confidential despatch of the 15th March, 1929. No reference is made to that despatch in your Confidential despatches of the 22nd December, 1931, and of the 13th July, 1932, although they in fact clearly involve a definite alteration in the relative status of the Chief Native Commissioner.

No 2
15504/29

No 17. 26150/11/31

Nos 18207/32

9. Before I leave this subject you will no doubt desire me to record my views on the suggestion contained in your Confidential despatch No.2 of the 13th July, 1932, that it would be desirable for the Governor to issue instructions in writing so as to ensure that the Chief.....

No 5 A.
16207/32

Chief Native Commissioner's opinions are not disregarded nor his proposals over-ruled until he has had an opportunity of personal discussion with the Governor. This proposal has been discussed by the Chief Native Commissioner and myself and he desires me to state that whatever reorganisation be ultimately decided upon, he considers that to issue such instructions in writing would be most undesirable and personally distasteful to himself. In practice, as a Member of Executive Council, he has, like other Heads of Departments, personal access to the Governor and he sees no reason either in theory or practice why any such differentiation should be made. The weight that is attached to the Chief Native Commissioner's advice must necessarily depend on the experience and personality of the individual officer. The importance attached to such advice, if it cannot carry weight on its merits, is likely to be weakened rather than strengthened by the creation of artificial safeguards of the nature proposed. I entirely share the views of Mr. Wade on this subject and feel that the issue of the proposed instructions would create a most undesirable precedent without any practical counter-vailing advantages. You will no doubt desire to consult Sir Joseph Byrne on this matter who will, I believe, be found to be in substantial agreement with the views which I have expressed.

10. I will now turn to the proposed reorganisation of the Local Government, Lands and Settlement Office which is dealt with in paragraphs 397 to 410 of the Report. The Commissioner for Local
/Government.....

Government is opposed to the proposals on the ground that in his opinion they would not effect any considerable economy nor create a more satisfactory organisation for the despatch of public business than that which is at present in existence. That opinion is primarily based on the contention that Local Government Administration is an essential part of general administration for which the Colonial Secretary as the Chief Executive Officer of Government is directly responsible, and that land administration work should also be regarded as a part of general administration, more particularly as it must necessarily form part of the work of administrative officers in the districts. In so far as land work in the districts is concerned, a distinction can I think be made between the problems that arise in Native and Settled areas. In the former, disputes arising out of land undoubtedly have to be handled in the ordinary course of his duties by the Administrative officer on the spot, and more often than not involve administrative questions on which, if reference to Headquarters is necessary, the final decision will rest with the Chief Native Commissioner or Colonial Secretary as the case may be. In this connection the operation of the Native Lands Trust Ordinance has considerably increased the work in the Chief Native Commissioner's Office. The work of land administration in the settled areas is, however, of a much more technical character and is principally

/concerned.....

concerned with such questions as collection of rents, alienation of land, sub-divisions and so on. Such matters, though they may be dealt with by the Administrative officer on the spot with or without the advice of a Land Assistant, can more suitably be dealt with on reference to Headquarters by an experienced officer such as the Land Secretary, who in fact deals with them at present under the supervision of the Commissioner of Lands. There is therefore in my opinion no more inconsistency in the land work of Administrative officers in the settled areas being supervised by an independent Commissioner of Lands than there is in their accounting work being supervised by the Treasurer in Nairobi. There is perhaps more force in the contention that the Local Government Administration is an essential part of general administration, because for considerations of convenience administrative matters connected with the settled areas, whether or not those areas have elected for Local Government, are generally dealt with in that branch of the Secretariat for which the Commissioner for Local Government is at present responsible. There is, however, no reason why under the reorganisation scheme that arrangement should continue, and in fact it would be essential that if the Local Government work is transferred to the new proposed combined department it should take with it only those activities for which the Commissioner for Local Government is specifically responsible under the Local Government Ordinances, that

/is to.....

is to say, he will generally supervise at Headquarters the activities of Municipal bodies such as Nairobi, Mombasa, Nakuru and Eldoret and those District Council areas which have opted for Local Government.

No 2
1931/32

11. On the other hand the objections to the inclusion within the Secretariat of semi-technical departments such as the Lands and the Local Government were fully explained in paragraph 5 of my Confidential despatch No.10 of the 7th February, 1931, and I do not propose to restate them. The position remains the same now as it did then, except that with the mining development that has recently sprung up, the necessity for a more fully organised Mines Department has become an urgent matter. On the other hand, the recent retrenchment of the Town Planning Engineer and the modification of the methods of auditing the accounts of Local Government bodies has made some reduction in the personnel of the Local Government branch at Headquarters. After personal discussion with the Commissioner for Local Government and myself, Sir Joseph Byrne arrived at the conclusion that the balance of advantage was in favour of recommending for your approval the proposals of the Expenditure Advisory Committee on this subject as set out in paragraph 398 of their Report, and to include within the combined department which would now be housed outside the Secretariat a Mines Section of which a technically qualified secretary would be in immediate charge. The diagram shown in paragraph 398 of the Report would however require modification to this extent.....

extent. The post of personal assistant could be abolished and combined with the post of secretary shown in charge of the Settlement, Local Government Trade and Information Section, the post of Local Government Inspector being separately shown inasmuch as the statutory duties and qualifications of this officer are of an independent character and could not usefully be combined with those of the Secretary of the Section as contemplated by the Committee. The Committee contemplates the Survey Section being put in charge of a Chief Surveyor and Computer; so long as Mr. Gilbert remains in the Service it would appear to be more economical to retain him in his present post, making the necessary reorganisation in the Survey Department later, more especially as Mr. Gosden, Chief Computer, is retiring voluntarily in any case in the course of the year. I do not, however, propose to deal in any detail with the staff adjustments that may be required by the acceptance of these proposals, as they will require very careful consideration before they are reflected in the 1934 Estimates if the principle of the reorganisation is accepted by you. The Committee recommends in paragraph 399 of their Report that the salary to be attached to the post of Commissioner for Settlement, Lands and Mines should be £1,450 consolidated. I have already addressed you in a separate despatch on the question of the consolidation of house allowances with salaries and the final salary will therefore depend on your decision on

/the.....

No 1 3046/1/33

~~more under cover~~

the general question.

12. To recapitulate the recommendations made in this despatch: the Government is prepared in the interests of efficiency and economy to accept, subject to the minor modifications to which I have already referred, the recommendations of the Expenditure Advisory Committee for the reorganisation of the Secretariat proper, Chief Native Commissioner's Office and the Local Government, Lands and Settlement Office.

If, however, you consider that the economies that would be effected by the adoption of their proposals are not of sufficient importance to outweigh the political considerations which may result from any step that could be construed as undermining the independence of the Chief Native Commissioner, then I see no alternative but to follow the course suggested in your Confidential telegram of the 13th March, 1931, in which case I consider the Colonial Secretary would require under him a Principal or Deputy Assistant Colonial Secretary, a Senior Assistant Secretary, four Assistant Secretaries, one of whom would in addition to his Section work perform the duties of Clerk to Executive and Legislative Councils, plus the Establishment Branch in charge of the Establishment Officer as at present, the salaries attached to the posts remaining the same as shown in the Estimates for the current year subject to any modification necessitated by the introduction of revised terms of service. Under either scheme the Local Government,

/Lands.....

No 3

17/01/31

Lands and Settlement Section should be divorced from the Secretariat proper. In view of the preparatory work that will be necessary before the reorganisation finally decided upon can be effected in draft Estimates for 1934, I should be glad if a reply to this despatch could be forwarded by Air Mail.

I have the honour to be,

Sir,

Your most obedient, humble servant,

H. H. Wood

ACTING GOVERNOR.