

KENYA

38083

DATE

24.

2ND JULY.

Recd
Recd 29 JUL 21

SUBJECT

PUBLIC WORKS DEPT. COMMISSION REPORT.

Forwards 6 copies of for conson together with recommendations by Director on points raised and forwards personal protests. Mr. Barth will forward detailed comments upon report and enclosures in due course.

MINUTES

29258

W. H. H. H. H.

I enclose memorandum, etc. will I think enable you to discuss this matter with Sir L. H. H. H. You will read pp 50 etc. of the Report itself - and. H. H. first letter (to Ch. Sec) of 18.6.21.

W. H. H. H.
Discussed with Sir L. H. H. H. today. He does think that there has been a centralisation in P.W.D. but he is not prepared to get rid of Mr. H. H. - as arrangements until we present our case. Mr. H. H. will act as separately for the present? We shall now wait for the promised dispatch
2.8.21

29248

Yes. Nothing to do at
present. L. S. North
wants to see us
in house on E. D. (P. 13) who
is not an officer

Personally I think not
so far as ease of
working in the Dept. is
concerned. We might as
well have a P. M. O. who
is not an officer

~~Handwritten~~ L. S.
2/8/21
to all
4 2 3
2/8/21

A

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1. This Commission was set up as the result of a request made in the Legislative Council that the working of the Public Works Department should be enquired into.
2. There were 3 "expert" members: 2 members of the Legislative Council and later 2 Indians, one of whom I recognise as a Nairobi advocate.
3. A Public Works Department is always the Department most open to attack - cf. prevalent views of the Public Works Department in India. For years we have heard that there was something wrong with the Public Works Department in Kenya - not officially, so far as I know: but in the vague sort of way that such allegations gain ground.
4. I suppose that the Commission was an attempt to see what truth, if any, there was in this current belief - a belief, of course frequently ^{repeated} ~~repeated~~ in the local Press.
5. The Report itself does not give one the impression of being a very clear or convincing work. It would appear that the evidence has not been fully weighed and sifted: there are, to my mind, inconsistencies, which the Director of Public Works has been quick to seize on; and the Commission have so far disregarded facts as to submit recommendations which involve increased expenditure on staff. At the present time such recommendations are fatuous, and if it were argued that indirect economies would follow from the system of administration contemplated by the Commission - a favourite line of argument in such cases - I should like conclusive proof before accepting such statement.

6. As for the actual recommendations in the Report, see pages 60 to end including table attached after last page. With this should be read Director of Public Works comments in letter of 18th June to Chief Secretary. Mr. Ross is an admirable dialectician and a great talker: unfortunately one cannot help having this at the back of one's mind all the time. But so far as I can judge, he really has the better case on the whole. There is indeed, a considerable measure of agreement between him and the Commission - but as he has constantly before him the question of finance, he finds himself on that ground as well as for other reasons, unable to accept the suggested re-organisation: while as regards specific recommendations he disagrees with the proposals to abolish the Water Control branch; to make the appointment of mechanical Transport Officer include the duties of the Electrical Engineer; to make the Quantity Surveyor subordinate to the Government Architect; to abolish the Animal Transport Branch; to change the whole system of accounting; to relieve ~~the~~ Engineers of accounting and other non-technical duties.

7. It seems, however, impracticable for the Colonial Office to attempt to decide finally between the conflicting views of the Commission and the Director of Public Works. The Officer Administering ^{in Government} is to send us detailed comments and no doubt we should wait for these, especially as regards the system of accounting on which we may want expert advice: but

after

after reading all through this mass of papers, my own view is that on financial grounds we must at once rule out any proposals that entail additional expenditure - and that no useful purpose will be served by considering further any general re-organisation of the Public Works in Kenya until we have a new Director, whose first duty should be to look into the working of the Department generally and to submit recommendations to the Government, on the understanding that the Government will not contemplate any schemes which are not consistent with the financial position of the Colony. [I make this proviso because the tendency of so many new Heads is to elaborate grandiose schemes regardless of financial exigencies.]

8. It may be remarked that if Kenya and Uganda should be amalgamated, the opportunity of appointing a new Director of Public Works for the combined Public Works Department might conveniently be taken: meanwhile perhaps we might have to keep the Uganda appointment, ~~if not~~ vacated by Mr. Espevt, open.

9. As regards the rest of the correspondence forwarded with this despatch, I must say at once that I think the Governor was ill-advised to hand the report to the Press before it had been received by the Legislative Council and before Mr. Ross and the others who are condemned in this report, had a chance of "having a say". It has led to a most troublesome position. In particular see page 64 of the report, when the Commission go out of their way to say that no one in the Public Works Department is fit

to

jealousies and antipathies that run through part of the correspondence (I mean, as between Mr. Ross and Mr. Blain on the one hand, Mr. Rand Overy and Mr. Lynde on the other).

If the view expressed in paragraph 7 is accepted, I think that we can say generally that Secretary of State does not propose to ask the Governor to take any action on the recommendations of the Commission relative to the personnel of the Public Works Department, and that he is not prepared to examine ^{the} statements made by the Commission in regard to individual offices, as, in his opinion, such statements were outside the terms of reference; and that so far as Secretary of State is concerned, no note will be taken of such statements in considering any questions of staff in the Public Works Department of Kenya that may arise.

sec.

GOVERNMENT HOUSE,
NAIROBI.

No. 224.

BRANCH OFFICE

38083
Rec'd
29 JUL 21

2nd July, 1921.

Sir,

Report.

29th
29th 58

With reference to your telegram of June 18th on the subject of the Report of the Public Works Department Commission, I have the honour to transmit herewith for your consideration 6 printed copies of the Report, together with the recommendations by the Director of Public Works on the points raised therein and criticisms by the Hydraulic Engineer on the findings of the Commission.

2. Personal protests have been received from Officers of the Department: I forward them for your consideration as under:-

- (i) From Mr. McGregor Ross, the Director of Public Works. His references therein are to pages of the typescript report. An index to the corresponding pages of the printed report has been inserted at the end of his letter.
- (ii) From Mr. Birch the late Acting Deputy Director of Public Works.
- (iii) From Mr. Sikes, the Hydraulic Engineer.
- (iv) From Mr. Bush, an Executive Engineer.
- (v) From Mr. Lynde, Quantity Surveyor.
- (vi) A combined protest in general from Mr. Birch -

THE RIGHT HONOURABLE
WINSTON CHURCHILL, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S. W.,

Birch, the late Acting Deputy Director, Mr. Howarth the Chief Accountant, Mr. Lynde, the Quantity Surveyor and Mr. Sikes the Hydraulic Engineer.

(vii) From Mr. Rand-Overy, Government Architect whose letter is a protest not against the findings of the Commission, but against remarks made by the Director of Public Works in his letter (1) above.

3. It has not been found possible prior to my sailing to comment fully on the above, but I hope to have opportunities for personal discussion with you thereon while in England. Mr. Barth will however forward detailed comments upon the Report and the enclosures in due course.

I have the honour to be,

Sir,

Your humble, obedient servant,

Edward Northey

GOVERNOR.

Birch, the late Acting Deputy Director, Mr. Howarth the Chief Accountant, Mr. Lynde, the Quantity Surveyor and Mr. Sikes the Hydraulic Engineer.

(vii) From Mr. Rand-Overy, Government Architect whose letter is a protest not against the findings of the Commission, but against remarks made by the Director of Public Works in his letter (i) above.

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I have the honour to be,

Sir,

Your humble, obedient servant,

Edward Northey

GOVERNOR.

Enclosures of

Tanganyika Territory.

Disposal of Enemy Property.

Pursuant to the conditions of the Enemy Property (Disposal) Proclamation 1920 and in accordance with Section 3 (3) thereof notice is hereby given that it is proposed to expose for sale by public auction in the Kaiserhof Hotel, Dar-es-Salaam, on Monday 30th day of January 1932 at 10 a.m. as per terms of Section 3 (1) of the said Proclamation the respective rights titles and interests specified in the third column of the schedule hereto in the immovable properties described in the second column of the said schedule.

The particulars given in this schedule are liable to attention and property may be withdrawn without notice.

Copies of the conditions of sale may be obtained from Mr. W. J. Mognagh, Auctioneer, Dar-es-Salaam, (and Nairobi) Mr. L. Gordon Stanford 83, Pall Mall, London S. W. 1. or the undersigned.

ERNEST ADAMS,

Custodian of Enemy Property.

Dar-es-Salaam,

Tanganyika Territory,

December 19th, 1930.

TWELTH SCHEDULE.

IMMOVABLE PROPERTY REFERRED TO IN SECTION 3 (1)

No.	DESCRIPTION OF PROPERTY	Right Title or Interest	Reputed Owner so far as can be ascertained
324	Plot of land 49 ac. in extent, situated in Wilhelmsdal Township, as described in Contract of Purchase dated 2/12/1912. Lot No. 26.	Restricted ownership	Bernhard Lehmann
324	Plot of land 1 ha. 02 ac. in extent, situated at Wilhelmsdal District, as described in Contract of Purchase dated 15/9/1911. Portion of Plot No. 2, together with the buildings erected thereon.	Restricted ownership	Mrs. M. von Horn & von Neust.
325	Plot of land 27 ac. in extent, situated at Wilhelmsdal District, as described in Contract of Purchase dated 2/12/1912. Lot No. 25, together with the buildings erected thereon.	Restricted ownership	Wernand
326	Plots of land 34 ac. 90 sq. cm. and approximately 34 ac. respectively, situated at Wilhelmsdal District, as described in Vol. 7, Part 38 of the Land Register of Tanganyika together with the structures and buildings erected thereon.	Restricted ownership	Walter Gurlin in liquidation
327	Wattle Plantation approximately 86 ha. 04 ac. in extent, situated at Wilhelmsdal, as described in Contract of Purchase dated 9/4/1910 together with the buildings erected thereon.	Restricted ownership	Mrs. M. von Horn
328	Plot of land 1 ha. 53 ac. in extent, situated at Wilhelmsdal, as described in Contract of Purchase dated 19/10/1918. Plot No. 1, portion of Kronland No. 28.	Restricted ownership	Bruce Eshler
329	Plots of land 17 ac. 04 in extent, situated in Mwanza Township, Wilhelmsdal District, as described in Contract of Purchase dated 27/3/1909. Lots Nos. 12 and 18 in 73, each together with the buildings erected thereon.	Restricted ownership	R. Hoff
329	Plots of land 47 ac. 04 in extent, situated at Mwanza Township, Wilhelmsdal District, as described in Contract of Purchase dated 27/3/1909. Lots Nos. 12 and 18 in 73, each together with the buildings erected thereon.	Restricted ownership	R. Hoff
330	Rubber Plantation 210 ha. in extent, situated at Mwanza Kwa Mwanza District, as described in Vol. 11, Part 84 of the Land Register of Tanganyika.	Restricted ownership	Manga Maruma Koo-bushali m. B. Hamungu
331	Rubber Plantation 236 ha. in extent, situated at Mwanza Kwa Mwanza District, as described in Vol. 11, Part 84 of the Land Register of Tanganyika.	Unexpired portion of said lease	Manga Maruma Koo-bushali m. B. Hamungu
332	Spinal and Coconut Plantation approximately 132 ha. in extent, situated at Mwanza District, as described in Vol. 11, Part 81 of the Land Register of Tanganyika, together with the factory, plant and buildings erected thereon.	Restricted ownership	Karl Schaffer and or Roth
333	Plots of land approximately 100 ha. in extent, respectively in extent, situated at Mahungu near Mwanza, as described in Vol. 10, Part 60 of the Land Register of Tanganyika.	Restricted ownership	Karl Schaffer and or Roth
334	Plot of land approximately 150 ha. in extent, situated at Mahungu near Mwanza, as described in Vol. 10, Part 60 of the Land Register of Tanganyika.	Unexpired portion of said lease	Karl Schaffer and or Roth
335	Plots of land approximately 1 ha. 42 ac. in extent, respectively in extent, situated at Mahungu near Mwanza, as described in Vol. 10, Part 60 of the Land Register of Tanganyika.	Restricted ownership	Karl Schaffer and or Roth
336	Plot of land approximately 1 ha. 50 ac. in extent, situated adjacent to Mwanza, as described in Contract of Purchase dated 20/9/1913 and Constitutional Decree dated 24/1/1913.	Restricted ownership	Karl Schaffer and or Roth
337	Plot of land approximately 18 ac. in extent, situated adjacent to Mwanza, as described in Contract of Purchase dated 24/1/1913 and Constitutional Decree dated 24/1/1913.	Restricted ownership	Karl Schaffer and or Roth

NOTE.—Restricted Ownership usually means that the land is held in Full Ownership subject to the rights of the Government to take such land and material as may be necessary for public purposes and the making of roads.

Who Causes High Costs?

Government Dictates Expenses.

NO BUILDING PROGRAMS FOR A LONG PERIOD.

The recent members allege that the present building policy of the Kenya Government is responsible for the high house costs and the Government has stated that it is unlikely they will be able to build houses for their staff for a long time to come. Meanwhile the D. P. W. maintains that individual efforts brought to the Government at other

places have private means will pay and content. That every house is properly maintained.

The question was asked in the Legislative Council on Friday by the Hon. Mr. T. A. Wood who moved the motion by £100 of the amount in the P. W. D. Resources was spent and house allowances.

He inquired what steps the Government proposed to take to remove the burden of the present burden. The high rates of Nairobi were part of the vicious circle and due to the Government in taking houses at very high rentals. High rentals, he maintained, had retarded on salaries.

The D. P. W. pleaded not guilty

to maintaining high rents in Nairobi and said some bargaining went on before the house was rented, including personal negotiating between houses. If the Government could survive the very large capital expenditure necessary to build houses for the staff there would be some reduction in the expense in future.

Capt. Conroy asked if the Government would consider granting facilities to officials to build their own houses on Crown land and the D.P.W. said the main essential was to get an official with the necessary money.

To a further question put by Capt. Conroy if the facilities could be given should officials come forward

as reply was given.

Mr. Wood pointed out that the annual vote represented a capitalised expenditure of £750,000 and asked what if the Government could say that they were not going to build houses to get up houses private builders to get up houses at reasonable rentals.

The Colonial Secretary said that a sum of £500,000 had originally been included in the £2,000,000 loan but that it did not materialise and it would be necessary to rent houses for a very considerable time. He would consider the suggestion that the Government build up house rents and mentioned two cases where Government were offered houses for £130

and they were rented by private individuals at £100.

The D.P.W. said one reason was that Government rents were paid originally because landholders had often to extract their rents from private persons by legal means.

The Treasurer announced a saving of £1,000 in house allowances which is now £25,300, and the Government dropped the motion by a demonstration.

Rubber Stamps
AT THE
Leader Office.

PUBLIC WORKS DEPARTMENT,
HEAD OFFICE,
N A I R O B I.

No: 326/132

18th June 1921.

INCLOSURE

HON'BLE AG. COLONIAL SECRETARY,
N A I R O B I.

In Despatch No. 977 of 2/11/21

Sir,

RECOMMENDATIONS OF P.W.D. COMMISSION.
Your No. S.1338/1/11 of 25th May 1921.

I have the honour to supply the following comments in reply to the questions raised in the enclosure to your above-mentioned memorandum. I refer to the items in the numerical series supplied by you and for the present with the greatest possible brevity. If any amplification is required on any of the points raised I shall be pleased to supply further comment.

Item 1. Appointment of Assistant Storekeeper, Mombasa.

A desirable step, recommended in my No. 394/18 of 5th October 1920, to which Government replied (Secretariat No. 19039/16/34 of 27th November 1920) that the scale prevailing for Assistant Storekeepers was not to apply to the P. W. D. but only to the Railway. If this decision may be modified it should prove possible to obtain an Assistant Storekeeper of the required qualifications.

Item 2. Abolition of Water Control Branch.

This has formed the subject of a representation by the Government Hydraulic Engineer to His Excellency, forwarded to you with my No. 302/132 of 11th June 1921. The proposed step would be a retrograde one and the work done by the Hydraulic Engineer could not, as explained in the representation in question, be carried out by Assistant Engineers. In accordance with yesterday's conference on the

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B. F. D. Estimates for the next financial year it is to be noted that the position of Government Hydraulic Engineer is to be suspended for the year upon the understanding that Mr. Sikes, while acting as Deputy Director of Public Works, will maintain in as far as possible control and direction of the service as it exists today. It is inevitable, however, that the public will have to put up with reduced services and facilities in a number of directions.

Item 3. Combination of post of Electrical Engineer with that of Mechanical Transport Officer.

The new Government Electrical Engineer has just landed, but I have not yet ascertained what experience he has had or what knowledge he possesses of the rather specialised branch of motor engineering. In any case, retrenchment of a Mechanical Transport officer can scarcely be expected to meet with my support. It may well be asked whether any garage and motor organisation in private service in the Colony would dream of attempting to run a fleet of 118 cars and lorries scattered over a wide area without devoting the whole-time attention of a staff of several white men to the business. Efficiency must not be asked for if this specialised and extended service is to be conducted under the supervision, in part time only, of the Government Electrical Engineer, faced as he is with a large volume of work, including the solution of numerous complex problems. I feel certain that Government may very easily find itself involved in a waste of money far exceeding the amount of a Mechanical Transport officer's salary by attempting to run an organisation as big as the present Mechanical Transport Branch without whole-time and skilled white

administrative supervision.

Item 4. Government Architect's Office to include the Drawing Office with Quantity Surveyor under Architect's sole control.

The Government Architect is an unsuitable selection for the control suggested, but it has of course always been the case that the Drawing Office is exclusively his concern.

Divisional and Head Office Rate Book to be prepared.

This was done in 1917 by the Quantity Surveyor, the result being what we call the P. W. D. Price Book. This was exhibited to the Commission and is referred to on page 33 of the typewritten Report.

Maintenance of Buildings Record Book.

A desirable departure involving, however, an additional staff, as 800 new heads of account at least will have to be opened.

Key plan and book of reference showing position of all Government houses.

An appropriate record for compilation by an officer in charge of a State Buildings Branch, as advocated by myself. In a year such as 1922 promises to be, when new works are considerably reduced, the preparation of plans of Stations showing the number and position of all Government buildings could probably be undertaken.

Architect's staff to be strengthened by combination with staff of Quantity Surveyor.

The Quantity Surveyor has no staff, and the Commission was so informed.

Item 5. Central Filing System to be adopted in Head Office.

Central filing involves the whole-time monopolisation of clerical staff for that purpose alone. The present location of offices prevents full adoption of

a central filing system as it is not feasible, for instance, to have the files of the Mechanical Transport Branch and the Animal Transport Branch brought to one office. In so far as the activities discharged from the P. W. D. Head Office are concerned a close approximation to a central filing system has always existed. To apply it thoroughly involves the use of whole-time staff which may be diverted to no other service, and this the Department has never had.

Item 6. Stores Branch to be under sole control of Chief Storekeeper, and Storekeepers in Branch offices to be under Executive Engineers for discipline only and not for professional control.

I do not support this until Government finds it possible to sanction a class of officer, of designation Assistant Storekeeper and salary of that applying to the Assistant Storekeeper class in the Railway, for independent control of Branch stores in Divisional offices.

Item 7. Stores in general to be bought through the Crown Agents.

This is done.

Local Purchase to be permitted if as cheap as Crown Agents.

The Commission failed to take note of the point I made to them in written evidence as to the absence of safeguard which we should experience in making local purchases, as compared with the high degree of safeguard connected with the Crown Agents' supplies arising from the trained Inspectorate which the Crown Agents maintain for scrutiny of all supplies. This being taken into account, if as cheap, reliable and of the same quality as supplies from overseas there will be no objection to purchasing supplies locally.

Tenders for local purchases to be called for every three months.

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circumstances of urgency due to works being held up by non-availability of material. Under these circumstances the Department must retain the right to effect local purchases without a prolonged time limit of the type suggested.

Accepted Tenders to be published in the Press.

The invitation for tenders and acceptance of any should both be published.

All tenders to be submitted to a Board.

If the supplies are of a general nature such as are dealt with by the Tender Board they should of course go to that Board. Under the circular of instructions upon which the Tender Board operates it is, however, laid down that requirements of a special nature for building and engineering operations should be dealt with by this Department. I see no reason for departing from this practice.

Item 8. A priced Vocabulary of Stores to be issued.

This was admitted on all hands to be a desirable departure. Such a vocabulary was as a matter of fact drawn up at the instance of the Quantity Surveyor by the Chief Storekeeper in 1917. It has not been found possible with the staff at the Chief Storekeeper's disposal to revise this periodically and keep it up-to-date. I expect that the Chief Storekeeper will represent that if there has to be a six monthly revision of this he will require staff for the purpose. Revision should lie with him; the board is not necessary.

Item 9. Indiscriminate local purchase of stores to stop at once.

Indiscriminate local purchase of stores does not take place. The Chief Storekeeper's evidence on this point to the Commission was in the nature of an exaggeration.

Item 10. Disposal of "dead stock".

The steps proposed have been taken at intervals during past years. Enquiry is proceeding as to the extent of dead stock held by the Department. I consider that only an inconsiderable amount of this is due to the purchases of Executive Engineers.

Item 11. All furniture to be transferred to the Chief Storekeeper.

This is already the case at Mombasa, and the extension of the practice to other Divisions hinges upon the Chief Storekeeper's being represented there by competent Assistant Storekeepers in charge of the stores. In Nairobi in particular the furniture question is so extensive and complex as to require the whole-time services of a white furniture officer.

Item 12. All stock to be verified once a year.

If the Chief Storekeeper's staff is augmented as suggested by the Commission he should have no trouble in deputing one Storekeeper to the work of stock verification at all depots of the Department once a year. At the present time this duty could not be undertaken without disregard of other duties which are also important.

Item 13. Sale of stores to be prohibited except on orders of a Board of Survey.

This is distinctly undesirable and the Commissioners' views appear to be framed upon allegations as to the absence of rules and instructions governing the sale of stores, which are in disregard of evidence that was lodged with them. As the recommendation is based on false conclusion arrived at under disregard of written evidence I suggest that it should be in turn disregarded.

Item 14. Assistant Storekeeper to be secured at once.

It is now known to be the case that there will be extreme difficulty in sanctioning any new appointments for next year, but when new appointments do become possible

I trust that Government will support my proposal advanced in 1919 and 1920 that Assistant Storekeepers in the P.W.D. shall be of the same grade and salary as Assistant Storekeepers, Railway.

Item 15. Conditions of transactions for other Departments to be defined.

Other Departments are at present notified strictly of costs of work done or purchases made on their account.

Item 16. Mechanical Transport Branch to be established under the charge of the present Acting Electrical Engineer.

Please see my reply under Item 3. The then Acting Electrical Engineer is about to proceed on leave. A report is under compilation upon the re-arrangement of the Mechanical Transport service.

Item 17. Early steps to be taken to control expenditure on Mechanical Transport.

The same remark as under Item 16 above applies to this.

Item 18. Animal Transport Branch to be disbanded and replaced in towns by Mechanical Transport.

The operations of the Animal Transport Branch for the class of work for which ox transport is suitable represent an immense economy as compared with discharge of the same duties by Mechanical Transport. I do not support the recommendation.

Item 19. A railway siding to be provided to the P.W.D. Yard at Nairobi.

This has been put up in the past, but other projects have been considered to have a stronger claim on funds available and it has been disallowed.

Item 20. P. W. D. Training Depot to be extended.

All parties appear unanimous as to the desirability of this step. To a limited extent the extension is going on at present, but further premises and

instructional staff will be required to allow of the marked development which the Commission appears to recommend.

Item 21. Executive Engineers to have complete control of all engineering duties in their areas.

This has always been the case. The construction and maintenance of all works lie exclusively with them, subject of course to special orders from Head Office.

All accounting work to be taken off their hands.

This is impossible until additional Accounts staff is provided and even when this takes place the desirability of the step is much more open to discussion than is the removal of stores duties and furniture duties from Executive Engineers.

Each division to be divided into 3 sub-divisions which again are to be divided into sections and sub-sections.

This is of course not possible with the present size of staff.

Item 22. All works to be carried out according to plans, quantities and estimates.

This involves considerable augmentation of staff, which at the present time it appears impossible to expect. As far as this can be done with existing staff it always has been observed. Advance estimates are, however, with present staff and under prevailing pressure of work, generally far from detailed. Accurate estimating under the market and labour conditions of the last few years has of course been a matter of the greatest difficulty, and frequently of impossibility.

Item 23. Men without proper qualifications to be eliminated and replaced.

I mentioned in my written evidence that a constant process of trial and rejection exists, and that over

350 members of white staff have passed through my hands as it is.

Item 24. Advertisements to be made in the Colonies for suitable men.

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Report.

Personally I prefer engagements from Home. We have no selecting authority in other Colonies upon whom we can rely for the provision of better staff than we are at present able to obtain from Home.

Item 25. Standard types of bridges, road sections etc. to be prepared.

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Report.

This is already done and the Commission was so informed. It is to be noted, however, that care must be taken in endeavouring to apply standard road sections to the large variety of conditions presented by soil, traffic, weather, rainfall and other factors in other parts of the Colony and Protectorate.

Item 26. No sanction to be given in the estimates for works for which detailed plans have not been prepared.

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This is a counsel of perfection which can only be acted up to when a largely increased staff is available.

Item 27. Waste on Mombasa Water Supply to be eliminated by proper supervision and the installation of meters.

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The installation of meters is only possible when funds are available to pay for it. What the Commission here refers to as waste was, on the contrary, the collection of revenue which would otherwise have not accrued. This was effected by allowing consumers to have water supplied on a flat rate until such time as meters could be procured and inserted. No extra cost of any sort was involved in the provision of this water which if not paid for

on flat rate would have run to waste.

Item 28. A proper system of accounting to be inaugurated.

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The Chief Accountant since the supply was opened for public consumption has maintained a statement of capital expenditure upon the project both from Loan funds and from P. W. Extraordinary funds. The Inspector recently employed on the Mombasa Water Supply has been replaced by a newly-appointed white man, and from him I anticipate that a closer degree of supervision will be obtained.

Item 29. Mile posts and direction posts to be erected on all roads.

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Provision was made upwards of a year ago for funds for direction posts and work in this connection is going on in collaboration with the R. E. A. A. Association. Further expenditure on mile posts in some districts is shown to be unjustifiable, as they have been repeatedly installed in the past and have been removed or defaced by local natives or by road users.

Item 30. An entire change of system must be effected in the accounts.

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This involves a departure from Colonial Office Financial Regulations and largely increased staff.

Item 31. Estimates for new works to be made the year before they appear in the estimates.

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See reply to Item 26.

Item 32. For big works a three or five years' scheme to be drawn up.

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Unfortunately the financial position of the Colony appears to preclude the consideration of big works for the present. A detailed programme has been drawn up in the past for the execution of an extended road programme for the Colony. The forecasts

and estimates of the Department on big works it has been engaged upon, notably the Mombasa Water Supply, have been flatteringly commented upon by Government and the Secretary of State.

Item 33. The system of One Line Vote to be abolished and funds made available at the beginning of the financial year.

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Unfortunately the Commission does not detail the steps by which the early availability of funds is to be ensured.

Item 34. Close scrutiny of costs.

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Report.

I explained in my written evidence to the Commission that without additional staff this requirement was discharged as fully as possible now. With the additional staff which they advocate it could of course be done much more fully and accurately.

Item 35. All funds disbursed by the P. W. D. to appear in the P. W. D. Schedules.

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Report.

This is a point upon which the Hon'ble Treasurer does not agree with the Commission.

Item 36. Contractors' Ledgers to be started.

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Quite unnecessary. The Commission points out that there are only about six contractors whom it is open to the Department to deal with. Although a contractor's ledger is not kept for this group their accounts are kept in a ledger and to the ^{entire} satisfaction of the Audit Department.

Item 37. Accounts of Executive Engineers to be transferred to the Accounts Branch.

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No such Accounts Branch as the Commissioners adumbrate exists in the Colony, nor is the staff available for the departure which they recommend.

Item 38. All roads to be decided by P. W. D. as regards alignment etc.

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Report.

Present law lays down that roads of access are to

be decided by local Road Boards. As regards public roads, the requirement for examination and alignment by the P. W. D. is perhaps the one topic upon which I have maintained closer pressure upon Government for the provision of the necessary staff than on any other.

Item 39. Special provision to appear in the estimates for roads in Native Reserves.

Page 60
of Print-
ed Report.

On many roads in Native Reserves this is already the case (see Schedule 'K' of current Estimates), but on others it is not the case, as under existing law Government still empowers District Commissioners to effect a certain amount of road work by means of unpaid native labour.

Item 40. Work by contract to be encouraged.

Page 60
of Print-
ed Report.

A considerable volume of work is done by contract every year. The Commission has pointed out how trivial are the resources of the entire contracting community.

Item 41. P. W. D. Head Office to be enlarged.

Page 60
of Print-
ed Report

I trust that Government will sanction this from Minor and Petty Works either this year or next.

Item 42. Decentralisation to 3 Deputy Directors.

Page 61
of Print-
ed Report.

I consider this an unsound proposal and markedly inferior to the method of decentralisation put forward by myself. This point is expanded at some length in a letter of mine No. 300/132 of June 10th 1921, paragraph 37 et seq.

Item 43. No officers in the Department at present in possession of requisite ability to fill any of the four senior posts.

Page 64
of Print-
ed Report

The accuracy of the Commission's conclusion is denied.

It is a matter of surprise that any of the

Commissioners should venture upon so complete and unqualified an expression of opinion upon the very slight enquiry which they instituted into the training, qualifications, experience and record of the senior officers at present in the Department.

It is contended that recommendations on this head are entirely outside the terms of reference of the Commission.

Page 69
of Printed
Report.

Item 44. Sale of blankets. Further enquiry to be held.

Noted.

Page 73
of Printed
Report.

Item 45. Coast Agency.

Noted. I entirely agree with the proposal for the retention of the Government Coast Agency.

Item 46. Coast Agency allowance.

Page 73
of Printed
Report.

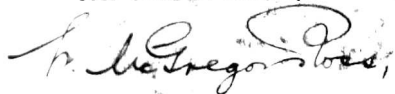
I think it will be found that the Chief Store-keeper, Mr. Gregory, has an allowance of £100 as Coast Agent as a permanency, and that it is not legitimate to reduce this by £50 upon his relinquishing the duties of Coast Agent, Uganda.

2. It will be observed that the foregoing comments only refer to the observations listed in your letter No. S.1338/1/11 of May 25th 1921, and do not include reference to the numerous misstatements and misconceptions exhibited in the Commission's Report and already remarked upon in my No. 300/132 of the 10th June 1921.

I have the honour to be,

S i r,

Your obedient Servant,



DIRECTOR OF PUBLIC WORKS.

No. 302/132

11th June 1921.

YOUR EXCELLENCY.

PUBLIC WORKS COMMISSION.

It is with some diffidence that I venture to approach Your Excellency in connection with the recommendations of the Public Works Commission with reference to the Water Branch of the Public Works Department, but as the matter is an important one, involving in fact the abolition of my post, I trust Your Excellency will forgive me if I endeavour to state my views on the matter in a comprehensive manner.

2. I shall endeavour to shew to the satisfaction of Your Excellency that the recommendations of the Commissioners, if the Water Branch were abolished and their proposals adopted, would be uneconomical, quite unworkable in practice, and in disaccord with established procedure in other Colonies.

3. I venture also to invite Your Excellency's attention to several conflicting statements, notable omissions, false deductions and misstatements in the Report.

4. When pages in the Report are quoted, the typewritten copy is referred to.

5. On page 7 the statement occurs: "The only work of any importance for the supply of water, controlled and administered by the Public Works Department is the Mombasa Water Supply and Distribution System, the construction of which was completed in 1916.....". The Commission is incorrect in making the unqualified statement that the construction was completed in 1916. The Distribution System in Mombasa Island has been only partially finished. This, together with some other portions of the works, was only

entirely at variance with the statements on page 120:-
 "Centralisation carried to an extreme best describes the
 administrative organisation at Headquarters of the Depart-
 ment, centred in the person of the Director, and in divisions
 in the persons of the Executive Engineers.....This
 very failure to utilise to the fullest extent and in the best
 possible manner, the services of officials, by devolving
 upon them responsibility for the performance of specific
 duties thoroughly, is a cause of loss and inefficiency."

10. I submit, Sir, that both the above-quoted statements, in so far as they may be considered to bear reference to the Water Branch, are incorrect statements, warranted neither by the evidence nor by any legitimate deductions from observation.

11. Devolution of the Director's duties has been more complete to the Water Branch than to other technical branches except perhaps the Mechanical Transport Branch.

12. By inference from other parts of the Report, it appears to be tacitly admitted by the Commission that devolution has taken place to the Water Branch.

13. A description of the Water Branch as a "water-tight compartment" or "independent department" would be incorrect and misleading for the following reasons:-

All constructional work in connection with water works, water control and investigation of water resources is carried out by the Executive Engineers (as the Executive Branch of the Department). The instructions regarding such works emanate from the Government Hydraulic Engineer, who drafts all letters in connection therewith, and either signs the letters himself or obtains the Director's signature or that of the Deputy Director to them.

14. With reference to the statement on page 122, where the Commissioners refer to the Government Hydraulic Engineer: - "We have given the matter of and necessity for this office very careful consideration". I can only say that the Commission's investigation of my work was of the nature

casual description, and that it was quite evident to me when giving my evidence that the Commissioners were ignorant of the nature of my work, and were not in a position to view it in proper perspective.

15. Reading the paragraph on page 122:- "Under the administrative policy of 'one man one job', the office was assuredly a necessity", in conjunction with the recommendations for delegation of duties to the Chief Accountant, Electrical and Mechanical Engineer, Chief Storekeeper and Government Architect, as embodied in the diagram accompanying the Report and expressed in the text, I must confess my inability to follow the line of argument as it is so contradictory. The existing devolution to the Water Branch which the Commissioners condemn is precisely the devolution which they recommend to be adopted for other branches.

16. The reason for the recommendation for the abolition of the Water Branch must be sought for elsewhere than in the reasons expressed in the Report.

17. On page 123 it is stated: "For the execution of the duties of this Branch of the Department, Assistant Engineer Specialists are required, also artisans and workmen". I was at much pains to explain to the Commission that one Assistant Engineer was temporarily attached to me, primarily for investigation during the dry season, and that no artisans or workmen were employed for the execution of works, all works being executed by the Executive Engineers.

18. Possibly the Commission confused the existing staff with recommendations of mine for future staff. The recommendations involved one Assistant Engineer permanently for Water Control and one for Hydrometric Survey. As regards Hydrometric Survey, I endeavoured to make it clear to the Commission that the extent to which the water resources of a country can be investigated depends on the financial position of the country. I also mentioned to the Commission that if boring for water were carried on, workmen would be required to operate the boring plant under the Water Branch.

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19. On page 123, the following opinion is stated:-

.....we feel assured that the duties could be more comprehensively and economically performed if they became, under regulations and instructions, part of the every-day duties of Engineers charged with the performance of all Departmental Engineering duties within specific areas."

20. With all due deference to the Commissioners, I beg to submit that their recommendations in this respect are obsolete:

21. More modern practice in the Colonies involves delegation of duties to heads of technical branches. The technical branches so inaugurated in small Colonies may eventually become separate departments when the Colonies grow.

22. I will confine myself to organisation in respect of water works, water control, and the investigation of water resources, and cite two cases only, intentionally dissimilar:-

(1) In the Union of South Africa all water matters now come before the Irrigation Department except those under the control of municipalities and such questions of water control as are referred to the Water Courts. The Irrigation Department is divided into branches, the Hydrographic Survey Branch and the Water Boring Branch being two of these branches. The duties of the Director of Irrigation in respect of the work of the branches is delegated to the heads of the branches, whose duties are distinct from those of the "Circle Engineers" who correspond to Executive Engineers.

(2) The second example which I cite is the case of the Magadi Railway, where, during construction, a special water branch, independent of the Railway Constructional control, had to be created, as a Railway Engineer usually has not the necessary knowledge to control the highly specialised work connected with the investigation and control of water works.

23. Practically all countries are now investigating their water resources by means of special technical officers.

India has a large staff for this work. May I quote from Chapter 1, page 1, of the Report of the Director of Irrigation of the Union of South Africa for the financial year 1918-19 in this respect:-

"What a different position should we have been in today had we been able to devote a few thousands a year to hydrographic survey work in the Cape in the five or six years preceding Union! In the Transvaal money was more plentiful. A well-equipped Irrigation Department was created in 1904 and a great deal of money was spent on hydrographic and reconnaissance survey..... In the Natal and Free State Provinces irrigation was a minor sphere of activities of the local Public Works Department."

24. The method suggested by the Commission for dealing with hydraulic schemes is a reversion to the methods which prevailed prior to the formation of the Water Branch; methods which gave rise to intense congestion and delay in dealing with water matters, which the Water Branch was inaugurated to obviate and which, I contend, it has obviated.

25. All correspondence relative to water matters is now passed by the Office Superintendent to the Government Hydraulic Engineer, and if it were contended that there has been any avoidable delay in any specific case whatever, in dealing with water matters at the Head Office, subsequent to the establishment of the Water Branch, I am prepared to disprove the assertion.

26. Previously there was great delay, and on my return from England in April 1920, I found numerous letters relating to water matters, which had been referred to the (then) Acting Director, Mr. Blain, during the preceding six months, but had not been dealt with by him, while many others had been dealt with by him, but mostly in an incomplete manner.

27. With reference to the recommendations of the Commission to the effect that the work of the Water Branch could be done by the Executive Engineers, I invite Your Excellency's attention to the fact that none of the Executive Engineers have had any practical experience in water engineering.

of any consequence, and I have considered it my duty, on a number of occasions, to report adversely to the Director 88 regarding matters appurtenant to water which were in charge of Executive Engineers. (Specific cases will be stated if desired).

28. The construction and administration of water works; water control, and investigation of water resources are highly specialised classes of engineering largely outside the capacity of engineers who have not specialised in these subjects.

29. Water Control especially must necessarily be centralized, otherwise the result is a mass of entanglements for future administrators of the Water Laws to unravel.

30. Close co-operation with the Department of Lands; and in many cases with the forestry and Native Affairs Departments is necessary in dealing with matters affecting water control.

31. If powers to grant water rights were vested in provincial officers the confusion would be comparable with that which would exist if powers to grant leases of land were so vested.

32. Even if the Executive and Assistant engineers had had experience in the design of waterworks, the control of state water, and in the investigation of water resources, it is not conceivable that work which occupies the whole of my time at present could be economically spread over a number of officers, who complain that they are so overburdened with work that they cannot undertake their proper activities, such as road surveys and inspections.

33. After my visit to the Bombass Water Works at the end of February 1921, I had to report adversely on the maintenance and administration of the works and believe I touched on all the points mentioned in the Report of the Commission (vide my report dated March 3rd 1921).

34. Referring to the evidence of the Executive Engineer, Bombass, quoted on page 87:-

"A large amount of waste is going on owing to the charge of flat rate at Rs.20 per month. We discovered instances where taps had been removed altogether and the water was running night and day". I may say that the "discovery" was only made by him and the Inspector, Mombasa Water Works, when I pointed it out to them. Instructions had already been issued to the Executive Engineer, Mombasa, to fix meters on the taps referred to after my report to the Director, and prior to the above evidence being tendered to the Commission

35. The evidence of Mr. Blain, Deputy Director, recently Acting Director:-

"The appointment of experts and specialists in the Department, particularly if these are selected from outside, is likely to be detrimental to departmental efficiency....."

is controverted as far as the Water Branch is concerned by the fact that a mass of undealt with correspondence relating to water matters was allowed to accumulate by Mr. Blain during my absence in England.

36. I must also refer to the written evidence of Assistant Engineer Mr. F. A. Buckley. Mr. Buckley, in his written evidence, presumed to criticise the necessity for my post, although he had no real knowledge of its duties, responsibilities and activities, beyond the most casual acquaintance scarcely amounting to more than a knowledge that the post existed.

37. At the time of my appointment, some of the Executive Engineers were much upset because they were not asked to submit applications for the appointment, contending that the appointment should have been made from within the Department. It would have been manifestly useless for Government to have done so, as none of the Executive Engineers (except Mr. Blain, at that time Executive Engineer) had had experience in hydraulic engineering of any consequence.

38. Unfortunately the Commissioners appear to have largely relied on evidence tendered by Executive Engineers, in

raming their recommendations regarding the Water Branch;
evidence which I submit was in some respects not altogether
free from bias, and was to a great extent ignorant. 90

39. I submit, Sir, that if the Water Branch is
abolished, it will be found that it will have to be
reconstituted in a very short time, no matter what organiza-
tion is eventually decided on for the Public Works Depart-
ment.

40. If there are any matters in the above statement
which appear inconclusive, or to require further elucidation,
I trust Your Excellency will command me to wait upon Your
Excellency in order to amplify any points which may appear
obscure.

I have the honour to be,
Your Excellency's most obedient servant,


GOVERNMENT HYDRAULIC ENGINEER.

HIS EXCELLENCY THE GOVERNOR,

COLONY AND PROTECTORATE OF KENYA,

THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS,

NAIROBI.

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HIS EXCELLENCY THE GOVERNOR,

COLONY AND PROTECTORATE OF KENYA,

THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS,

N A I R O B I.

OBSERVATIONS
UPON THE
REPORT
OF THE

PUBLIC WORKS COMMISSION, 1921,

COLONY AND PROTECTORATE OF KENYA

IN THE FORM OF A LETTER

FROM

W. Mc GREGOR ROSS, B.A., M.Sc., B.E.,

M. INST. C. E.

DIRECTOR OF PUBLIC WORKS,

TO

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES.

PUBLIC WORKS DEPARTMENT,
HEAD OFFICE,
NAIROBI.

In reply please quote No. 300/137.
and Date 10th June 1921.

FROM

W. McGREGOR ROSS,
DIRECTOR OF PUBLIC WORKS,
COLONY AND PROTECTORATE OF KENYA.

TO

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES.

THROUGH

HIS EXCELLENCY
MAJOR-GENERAL SIR EDWARD NORTHY,
K.C.M.G., C.B.,
GOVERNOR.

THE PUBLIC WORKS COMMISSION. 1921.

Sir,

I have the honour to report that after more than twentyone years' service in this Colony and Protectorate I find myself, for the first time, under the necessity of addressing you in criticism of the acts of the local Government and in complaint as to the results arising from such action.

2. It was while I was 1st at home on leave during the early months of 1920 that a request was put

forward in Legislative Council by the Hon. L. Collins-Wells (Member for Kyauku) and the Hon. K. H. Redwell (Member for Mombasa) that an enquiry should be held into the working of the Public Works Department. The motion appears to have been withdrawn upon the understanding that it should be discussed further upon my return from leave.

No reference to the incident appears in the official report of the Council meeting in question. His Excellency told me of it at my first interview with him after my return, on September, 28th, 1920, and in his address to Council on November 29th, 1920, he said:

"I have realised ever since my arrival in Kenya that one of the most important Departments of the Government, the Public Works Department, requires reorganisation, and I understand that a Motion to the effect that investigation should take place was made at a Session early this year, but withdrawn owing to the absence on leave of the Honourable Director..... The Commission is now being drafted and I hope that investigations will commence at the end of the present Session."

3. On my own suggestion the terms of reference

1. Minutes of the Proceedings of the Legislative Council of East Africa (Second Session) 1920, pp. 86, 87.
2. Idem. (Third Session) 1920, p. 6.

were framed as follows:-

"To enquire into and report upon the execution
"of Public Works in the Colony and to make recommend-
"ations as to the scope of the activities of the
"Public Works Department and as to improvement in its
"methods and efficiency."

Although it has been represented that there was a wide-
spread public demand for such an enquiry it is to be
noted that only twenty-two members of the public in all
appeared to give any evidence, and some of these by
invitation or under sub-poena from the Commission.

4. I understood that the enquiry was to be
directed to the improvement of the efficiency of the
Department and that it did not cover the framing of
specific charges against myself nor any of my officers.
Such a view was supported by the fact that my evidence
was, at the direction of the Chairman, taken first.
The Department was not represented by Counsel, nor were
any of its officers. I was recalled on my own suggestion
on February 16th, April 5th and April 20th, and at the
instance of the Commissioners on February 18th and 21st.
At no time was it intimated to me or to other officers
that any charge was to be made against us, and none of
the witnesses upon whose evidence the Commission appears
to have relied were cross-examined on behalf of the
Department, or of myself, or of any of the other officers
against whom reflections are made in the Report.

5. Accordingly I cannot confirm the recommendations of the Commission with respect to individual officers, whether these are favourable or adverse, and alike from the terms of reference and the conduct of proceedings, I am on safe ground in challenging the validity of these recommendations or their right to make them. Moreover, I shall show that a number of them are faulty.

6. In essaying to deal with the performance and competence of individual officers the Commission would appear to have gone beyond their terms of reference, which stopped at the questions of method and efficiency. Be that as it may, it is regrettable that when the Commissioners found themselves compelled to adopt a policy of reflection upon officers who were ignorant that any charge was being framed against them, who were unrepresented by Counsel, and who were at no time informed that a charge of inefficiency was to be levied against them personally, the Commissioners were not reinforced by some members of legal and judicial experience who might have guided them to the correct procedure in such cases.

7. It is still more regrettable that His Excellency the Governor upon receiving the Report in its present form, did not realise the injustice of publishing such a

document without giving the members of my staff who are charged with incompetence a proper opportunity of exonerating themselves.

8. I received the Report on the afternoon of May 9th and not knowing that His Excellency had sent it at the same time to the local newspapers, I submitted to His Excellency on the morning of the 11th, an objection to its local publication in the following terms:-

"May 11th 1921.

"PRIVATE SECRETARY,

"GOVERNMENT HOUSE,

"(COPY TO HON. ACTING COLONIAL SECRETARY)

"Sir,

"I have the honour to lodge an objection against the local publication of the P.W.D. Commission Report before Government has first had an opportunity of receiving representations from some four or five public servants of long service whose professional careers would be materially damaged by misstatement in the Report as it stands.

"As far as my own position is concerned, I

"may say that I only read the Report for the first
"time yesterday morning. The conclusion (page 183)
"that

'In short, the best results are not obtained
'from the funds and resources placed at the
'disposal of the Director',

"is in its unqualified form, a statement which is un-
"justified in view of the reported opinion of a former
"Governor³ and evidence of my own⁴, given on pages 54
"and 55 of my memorandum and elsewhere, and not rebutted.

"As the professional reputation of a public ser-
"vant is in the hands of the Government he serves, I
"submit that one who is subjected to an attack should
"have ample opportunity of studying the charge against
"him, and of replying to it, before his position is
"comprised^{on} by publication of the charge."

Extracts from and comments upon the Report⁵ appeared in the

3 Sir Henry Conway Belfield, writing on the completion
of construction over the ...
"A clear and interesting ... of the elevation of
"an important and difficult ...
"his ... conditions ...
"and all those who have been ...
"work ... the ... of their ...
"... the ... and ...
"the ... to ..."

4 The ...
... a mile ...
... is ...

5 See ...

local papers on May 12th and subsequent days. For all the officers of the Department except five, to whom I had circulated a copy, this afforded the first information they had as to the contents of the Report.

9. With regard to the principles upon which the Commissioners recommend that the future activities of the Department should be conducted, I find myself able to concur cordially with nearly all they say. It must however be premised that the Commissioners have felt themselves able to disregard the whole fabric of Colonial Office, Treasury and Audit requirements. "The present system as it exists is", they say, "apparently only intended to satisfy the requirements of the Treasury and Audit Departments..... We can only recommend the total abolition of this system." Further they have not considered the difficulty, or perhaps the impossibility, of obtaining the funds necessary to carry out their proposals, and for these reasons they have perhaps gone further than I myself have in making recommendations for reform. Apart from these reasons for divergence, I must, however, point out that many of their most important recommendations were anticipated by myself in principle or in detail, and upon their main recommendation, as to devolution of responsibility, my recommendations went further than theirs. I shall deal with this point later.

10. It is to be observed that the effect of the Commission's proposals, if accepted by Government, would be to increase very largely the staff of this Department. I entirely agree that increased staff should be acquired and that it would add largely to the efficiency of the Department. At the same time I may perhaps have fuller knowledge of, or greater sympathy with, the financial difficulties of Government than is the case with the Commissioners, and I consider that so large an increase of expenditure, especially upon the lines which the Commissioners advocate, would not be justified in the present financial position of the Colony. I shall later seek to show that for a smaller sum, an equivalent degree of efficiency could be obtained. On the other hand, the Report of the Commission proceeds largely upon the assumption that the Colony will be able to provide the increased staff which is recommended. Upon the scales at present prevailing, the provision for salaries of officers in the Department would have to be increased by over £20,000 a year, without taking any account of reliefs for leave and sickness, nor of the cost of passages, local travelling or housing. If however the Government is unable at the present juncture to provide the increased staff recommended, the Commission's Report does not, unfortunately, deal very fully with what can be done, under existing circumstances and without an augmented staff, to increase the efficiency of the Department, and on this ground their condemnation of the present regime would have had more weight if they had shown how efficiency could be improved with the present staff.

11. I frankly admit that, old Civil Servant as I am, I refrained from the inutility of proposals for the entire replacement of the Colonial Office Financial Regulations. It is no new discovery at the hands of this Commission that these are a departure from methods of normal adoption in commercial circles, and my Chief Accountant was at some pains to point out to the Commission the divergence of treatment between Government accounts and a contractor's. Although there are many *prima facie* advantages in the freedom of the usual commercial methods as compared with Government methods of control, yet there are greater possibilities of complete loss and bankruptcy. I have little doubt, however, that the Colonial Office has, on various occasions in the past and from various Dependencies, received proposals for departures from the established system of accounting for expenditure, and still less doubt that its retention is based on sound considerations of public policy. What I do represent however is that my Chief Accountant is capable of superimposing and applying any desired system, provided that he is accorded the staff necessary for these extended duties. The Commissioners recommend that he should have Accountants in all Divisional Offices and in all stores. During the last 62 months Mr. Howarth, the Chief Accountant of the Department, has

had two Accountants for one month, one Accountant for 22 months, the part time of one Accountant for 21 months, and has been single-handed for 18 months. He is recommended - by the Commission - for removal from his post.

12. Apart from this question of accounts, popular criticism of the Department in recent years may be said to have centered upon the road system, the practice of purchasing from the Crown Agents for the Colonies instead of from local stores, the alleged unwillingness of the Department to put all or more work out to contract and its treatment of native labour. Upon all these topics in turn, the Commission has echoed my own recorded recommendations.

13. Upon the first, they hold "that the Public Works Department should be eventually the sole authority charged with the construction and maintenance of roads". Upon the second they say, "it is established that purchase

s. Item. p.16.

14. D.P.W.'s main line of evidence to the Commission, p. 17. "I will further assert that the best means for developing and providing and maintaining a public system of all kinds of the greatest utility to the Colony is to place the responsibility for the construction and maintenance, devolving upon a special Road Board of this Department".

15. "I retain an unshaken belief in the desirability of maintaining a State system of country roads throughout the Colony and in the fact

16. "My view is that the Road Board should be the sole, hope to operate it... which operates on such a large scale... Office of the Crown Agents, who supply goods of the... Sale of the Goods, of the..."

17. "and... actions, call... buying house in which business... an extremely low percentage... covers not only ordinary buyers... a... fees, but also includes... inspectorate for..."

"of plant, material and stores outwith the Colony through
 "the Crown Agents, is effected at a less cost than by
 "local purchase and we recommend that the practice of
 "purchase through the Crown Agents continues". Upon the
 "third they "have established that the available contracting
 "agencies are only able to undertake a fraction of the
 "operations required in the execution of public works in
 "the Colony." Upon the last they say: "The Director of

item p. 50. "At the present time it is idle to
 "suppose that public requirements in buildings and
 "works in this country can possibly be met by
 "contract agencies alone. Such will undoubtedly
 "have to be supplemented by the most vigorous
 "Departmental activity, and the most competent
 "Departmental equipment that can be procured".

My remarks on native labour were put forward on pages
 31 to 39 inclusive of my Memorandum to the Commission,
 and were illustrated by the "Diagram No.2" which
 appears in the Commission's Report. — H. McG. R.

"Public Works has placed before us a full statement of 103
"the policy he advocates and has adopted. It is based
"on the voluntary or 'wish to work' principle. The
"Executive Engineers, at their Conference in 1919,
"entirely disagreed with the Director's expressed
"opinion.....We are of opinion that there will
"be difficulty in obtaining sufficient labour, but in
"the long run the supply of labour can best be guaranteed
"by the adoption of the voluntary principle. Under
"present conditions the personal factor enters largely,
"and it is only by the realization and development by
"officials of the Department of the attitude which attracts
"and keeps labour, that a supply can best be obtained and
"retained."

point of view. He had previously done prolonged and meritorious service in the country, especially upon the Mombasa Water Supply, which justified the experiment of taking him into Head Office to act in the position of Deputy. The step was a failure, as he would accept no responsibility, and upon the first indication that his official relations were being coloured by family grievances, I took prompt action and recommended his severance from the Department. His Excellency was ill-advised in disallowing my decision and must take responsibility for the shortcomings which characterised Mr. Blain's

"him on the subject and received a reply as follows:-

Arrangements during D.P.
 "I very much regret I am unable to accept the position of Deputy in my absence, that is, I am unable to accept the position of a Deputy in regard to Water Supply in the matter of Mr. J. W. Bell and Mr. Blain, which I cannot see how I am able to handle.

"I would desire to state that at this conclusion, I am not satisfied by the personal relations of Mr. Blain. Further, I am not satisfied with this road question, and I am not in a position to take a decision upon it. It is equally impossible that Mr. E. A. Underhill should be able to handle the same.

"2. It is doubtful if we can get the sole reason for Mr. Blain's refusal to accept further service. Mr. Blain is not of a retiring disposition and does not wish to resign. He has said and I therefore recommend that he take his leave, and that the position be filled by Mr. J. W. Bell.

tenure of office, including a deal in Government blankets which the Commissioners endeavoured in vain to probe to the bottom.⁷ To Mr. Blain's complaint that the Deputy Director acts only as a clerk,⁸ the reply is that the post offers no lack of scope, and that nothing but lack of goodwill and capacity in the holder could lead to the result he complains of.⁹

16. There is this further to be said, that the enquiry was conducted to the accompaniment of a running commentary of indiscriminate abuse of the Department in the local papers, the editorial staffs of which had had no opportunity of referring to my evidence-in-chief. It is a matter of some difficulty to select examples from the steady stream of discredit maintained upon the Department. I may however refer to leading articles in "The Leader" of February 19th. 1921 and "The East African Standard" of February 22nd. 1921.

⁷ Pages 17 to 20 inclusive of the present report.

⁸ Item, p. 23.

The former after much aspersive comment said: "It would appear as if there can be no two doubts as to what the verdict of the Commission will be.....The example of the P. W. D. as the first to suffer for its sins in thus being put upon its trial, should provide a salutary lesson for the other Departments". The latter said that the enquiry was revealing a monument of inefficiency and made repeated allusions to "waste" and "fraud".¹⁹ This led the Chairman to represent to Government that he viewed with suspicion the effect of such writing upon the minds of the Commissioners. No action was, however, taken by Government, and public sittings for the hearing of evidence continued on various dates up to April 5th. I have to observe with regret that the evidence of some officers of the Department cannot be described as otherwise than disloyal and as reflecting the character of the press campaign which was proceeding. Before the Commission opened I circularised all members of the Department inviting them to make any representations they liked, within the terms of reference, and assuring them that no opinions so offered should prejudice the interests of the person expressing them.²⁰ It is further regrettable that the Commissioners appear to have put a premium on disloyalty by according more notice and display to evidence which is hostile to the Department than to any in the opposite sense, and to have recommended for advancement in position or responsibility none but officers who attacked the present

¹⁹ See Exhibit 2 at the end of this report.

²⁰ D.P.W.'s Circular No. 6 to every member of the staff of the Department, dated February 1917.

regime with more fervour than veracity and who even descended to recrimination against their brother officers. The examination of some witnesses was so short that recommendation from the Commissioners affecting their careers either in a favourable or adverse direction cannot be based on more than an impression of the witness in the box and is thus hasty and unreliable. At any rate, no application was made for any officer's personal file or official history, nor was enquiry made for the records as to any officer's capacity or performance. Officers of confident or self-assertive type found themselves before impressionable judges.

16. The Government Architect, Mr. Rand Overy, is recommended for signal advancement:- "We are forced to the conclusion that full use is not made of the services of the official holding the appointment."²¹ He should, so the Commissioners urge, be the Chief Building Administrative Officer of the Department.²² They make it quite plain by insistence on the point in five places²³ that the Quantity Surveyor, Mr. Lynde, must be placed under his orders.

17. His evidence was in my opinion disloyal and misleading, and the local papers made much of it. It gave no indication of the fact that he has been explicitly told by me that his position as officer in charge of the Head

²¹ Typewritten Report, p. 124. ²² Idem, p. 125.
²³ p. 125. "The Quantity Surveyor, as part of the main Office staff, should work entirely and solely under his orders and direction".
p. 126. "He (Government Architect) should be responsible for the maintenance of Divisional Office rate books, which should be compiled under his orders and directions by the Quantity Surveyor".
p. 128. "The Quantity Surveyor, as explained above, should be on the staff working under the orders of the Government Architect".
p. 128. "He (Quantity Surveyor) under the orders of the Government Architect should prepare all estimates for new and repair work".
p. 161. "The Government Architect would be Chief Building Officer, under his control and direction, the Quantity Surveyor".

Drawing Office of the Department is far removed from that of a practising Architect in non-Government employment. An application from him for a position as an Architect independent of the Public Works Department was disallowed by myself in 1912 with an added reprimand for slackness, and was further disallowed by Government. The Commission's advocacy of extended duties for this particular officer is an indication of defective judgment on their part. I do not support it.

18. I must next allude to the treatment which the Commissioners have accorded to Quantity Surveyor Mr. Lynde. Under the heading "Quantity Surveyor" on page 127 of their typewritten Report they say:-

"The Government Architect and Executive Engineers alike complained of the absence of any bills of quantities, and the absence of correct bills of quantities has done much to prejudice the P. W. D. work in the eyes of contractors.

"We examined one such document and considered it a very unfinished and incomplete production, and one which does not in our opinion guard the public interest sufficiently."

The Commissioners would appear to be at fault again in decrying the professional competence of the Quantity Surveyor upon the strength of this document because it was the work of Government Architect Mr. Ray (very and

24 "I consider, scarcely the faintest, usually, and the Department. More papers other office. a marked degree of care throughout your office. were not in the places where one expected or were altogether undecipherable. I consider in fact insufficiently altered from you".

19.

not of Mr. Lynde, who was at home on leave when it was produced. There would seem to be some degree of inattention behind the Commission's allusion to this document as insufficiently guarding the public interest, because it bears at the head the remark "Approximate Quantities (not to be used for Contract purposes)".

19. It is not clear to me, at the moment of writing, how the Commissioners and His Excellency the Governor can make amends to Mr. Lynde for this published aspersion upon his professional capacity. His bills of quantities, as issued to contractors, reach in my opinion to a high standard of professional competence. Since the publication of this Report he has sent a fair sample of his work home to London for authoritative scrutiny and a written opinion, under the auspices of the Surveyors' Institution, of which he is a Fellow.

20. Mr. Lynde, who is recommended by the Commission for subordination to Mr. Rand Overy, is, in my opinion, the most competent builder in Government or non-Government circles in this Colony. I invite attention to annual confidential reports that I have written upon him for years past. My Head Office dossier in preparation for a possible programme of loan expenditure on buildings to the amount of some £800,000 during a period of three years, is largely his work. I regard it as a competent production, the work of an officer of organising capacity and knowledge of his subject. I invited the attention of the Commissioners to a portion of it, but it does not appear to have interested them. I recommend that Mr. Lynde, instead of Mr. Rand Overy, should be promoted to a position of Officer in charge of a State Buildings Branch in this Department, for the oversight and control

of such future building operations as may receive Government sanction. I can delegate these duties to him with confidence. 111

21. The Commissioners' treatment of the cases of Mr. Rand Every and Mr. Lynde is so plainly at variance with the real facts that full confidence cannot be placed on their recommendations with regard to other officers, where the full facts were not before them.

22. Apart from evidence in which the self-seeking note was prominent, it is to be admitted that the oral evidence of some other officers was feeble in the extreme, and the Commissioners do not appear to have realised that an officer may be a bad witness but a notable worker nevertheless. This applies especially to the cases of Acting Deputy Director Mr. Birch and Chief Accountant Mr. Howarth, both of whom are recommended by the Commission for removal from their posts. The Commissioners did not propose to examine Mr. Birch until I wrote and suggested that they should. Both these officers may be described as temperamentally poor speakers, especially on a public occasion and before the press. I deeply regret that His Excellency, who only a few weeks previously had received such confidential reports as I last submitted on these two officers, should have elected precipitately to publish serious aspersions upon them without making any enquiries as to the circumstances attending the formulation of the

26. D. P. Memo to Commission, No. 22/52/4. dated February 5th 1921.

"With reference to your Memorandum of the 1st inst. I have the honour to point out to you that it does not indicate that the Deputy Director is to be heard."

"I suggest that it would be advisable that it should also appear"

Secretary of Commission's Memo. P.W. 1276 dated February 10th 1921

"I am directed to inform you that the Commission will be glad to hear the evidence of the Deputy Director of Public Works on the 14th inst. at 2 p.m."

charge or reflection against them, and should have rendered them liable to such comment as, in the case of Mr. Howarth, is displayed in Exhibit 3, at the end of this letter. Reflection may well be directed to the question as to what chance remains of the survival of morale or esprit de corps in a Service so treated.

23. The Chief Storekeeper's evidence exhibits some of the defects which have been referred to in the case of other officers, including a strain of aspersion upon the work or capacity of brother officers, which the relative capacity of them and himself scarcely warrants, as coming from him. All senior officers of the Department agree in principle as to the Divisional store depots being under the control of the Chief Storekeeper and the Commissioners endorse this view, but until such time as Government is able to sanction the engagement of Assistant Storekeepers upon such conditions as will justify their being placed in sole control of branch stores, perhaps

27 Cf D.P.W's No. 366/55/7 of October 3rd 1920 to GOVERNMENT "I wish to abandon the designation "Sub-Storekeeper and make provision for a class of officer termed Assistant Storekeeper of first class appointment..... I shall then ask that a vacancy may be advertised within the Service, and if thought desirable outside it also for a post of Assistant Storekeeper on first grade appointment at a salary of £500 by £20 to £600 with £50 Duty Allowance."

D.P.W. to GOVERNMENT Oct. 5th 1920.

"I find that the Ag. D.P.W. in a letter No. 134 in of 13/4/20 has represented that the Colonial Office should be asked to arrange for the appointment of a new officer on second class appointment, designated "Sub-Storekeeper"

"May I request that this might be cancelled by some such cable as the following:-
"Please cancel Para 3 of my Despatch No. 454 of 25th May 1920, and arrange to appoint instead an Assistant Storekeeper at £400 to £600 with first class passage."

22

containing anything from £20,000 worth to £45,000 worth
of materials and equipment, it is preferable that Store-keepers on an initial salary of only £300 should continue to be answerable to the Executive Engineers resident in their own stations rather than to a Chief Storekeeper resident in Mombasa. This, like so many more of the Commission's recommendations, will be a step, obvious and easy of adoption, as soon as additional funds become available for increased and improved staff. This is not so far the case.

24. Coming now to my own evidence, I note with regret the use which the Commissioners have made of extracts from it, but at this stage I will only invite attention to five points in it, as I trust that I shall be allowed an opportunity later of advancing in person a claim to have those findings of the Commission with which I am at variance disavowed by Government.

27
(cont'd)

"In the printed enclosure to Circular No. 46, page 6, Assistant Storekeepers are shown as graded from £400 to £600. This is the figure which under general scales of salary in the Service at present, I consider that the class of officers we now require in the P.W.D. should come."

ACTING TREASURER to GOVERNMENT No. 279/239/78a
of Oct. 8th 1920.

"..... The scale of £400 to £600 referred to in para 4 is the approved scale for Asst. Storekeepers of the Railway. The approved scale for the Public Works Department now in operation is £300 to £400.

"The select Committee on Revision of Salaries has no intention at the moment of grading P.W.D. Asst. Storekeepers with Railway Asst. Storekeepers."

GOVERNOR TO COLONIAL OFFICE, No. 599 dated October 25th 1920.

"Please cancel paragraph 3 of my despatch No. 454 of 17th May 1920 and arrange to appoint instead an Assistant Storekeeper at £300 to £400 with first class passage".

GOVERNMENT to D.P.W., No. S19039/16/24 dated October 27th 1920.

"The salary of this appointment for the present must remain at the approved figure".

25. I will first refer to their treatment of an oral reply of mine given under examination. In dealing with local purchases made in the Colony they say:-

"The Director stated that for last year it was £57,000.

"Questioned as to whether this amount was for P.W.D.

"Stores solely, the Director replied:- 'Yes, these were

"only P.W.D. stores probably.'

"Further investigation however disclosed that in the amount of £57,000, the value of materials and stores purchased from the Salvage Commission and issued to various Departments is included."

I invite attention to the phrase "Further investigation disclosed.....", because on April 20th I wrote to the Chairman and asked for permission to appear again in order to correct a mistake in my evidence. I was permitted to appear and I made the correction in question, referring the Commission to my Chief Accountant for details of the Salvage purchases, which he subsequently supplied them with. I submit that to display the one inaccuracy (I

believe) in my evidence, after I had withdrawn and corrected it, is unfair.

26. I must next refer to the question of the sale of stores. The fact that under examination before the Commission, I ask for notice of a question in order that I may frame a reply, is treated thus: ¹⁹ "The Director in giving evidence before us was unable to quote or put before us the authority under which sales are effected". Upon my submitting a written reply they say: "From this memorandum and the evidence before us it appears that the sale of stock derives authority solely from the custom of the Department so to do". Again, "We have enquired carefully into the rules under which stock is sold to Government officials and members of the public and have established that no rules on the subject exist". ²⁰ Again, ".....the only and most unsatisfactory authority is 'use and wont'". ²¹ These conclusions are scarcely in accord with the evidence I lodged. Even the Circular of August 26th 1907, which they quote, disproves the statement as to "no rules". More explicit still is the Circular No. 40 of November 24th 1908 which I quoted to them in extenso, but to which they

19 Idem, p. 56.

20 Idem, p. 134.

21 Idem, p. 173.

22 D.P.W. to all EXECUTIVE ENGINEERS AND SUPERVISORS OF THE DEPARTMENT. "As there appears to be some confusion with regard to the correct amount of charges on stores sold and executed for private individuals, Government officials, the following are the correct charges which must invariably be made in future:-
On all labour charges admitted
Supervision charges 10% additional.
Stores sold
Carriage charges 10% of the value of the stores duty.
The recovery of Customs Duty must always be allocated to Customs Imports and the Supervision charges must always be allocated to Miscellaneous receipts.
In the case of stores sold or a...
must not be given until payment is received."

do not allude. Absence of authority for sale is disproved by the written instructions of Messrs. Gibson and Bunbury^{2d} of the Colonial Exchequer and Audit Department upon their visit to the Protectorate in 1907 and scrutiny of the Department's methods. This alone establishes full official recognition of the practice of "sales to private individuals". There is further the fact that my draft P. W. D. Code contained a section on "Stock Sales" and was submitted both to the

3 quoted in D.P.W.'s No. 54/55-41 of March 5th 1921, to the Commission:

"A Contractors and Private Individuals have to be kept for work done or stores issued to them for repayment. Percentage should be added say 10% customs duty if chargeable. Value of stock sold percentage should be credited to revenue.

The instructions are as follows:

4 "Stock Sales. As specified above, the sale of articles or materials from the head and divisional stores of the Department for the private use of Government officials and others is permitted to a certain extent, and at the discretion of the officer in charge of the store. It must be borne in mind that the sanction is accorded in view of the difficulty or impossibility of obtaining elsewhere in the same country many of the classes of stock and materials the Government stores contain, and which frequently may be urgently required by officials and others for their private use. It is not intended that the sale of goods at a price below that prevailing in the market and officers of the Department are authorized to sell the sale of such articles as they may wish to dispose of elsewhere locally, however small quantities, which must be of paramount importance in providing for the requirements of the stores should never be sold for private use. The officer in charge of the store should be authorized to issue for departmental use only such quantities of any article as can be obtained from the stores. No sale or orders for stores booked for more than Rs. 25 (Rs. 75) in any day, without special sanction of the Director.

"With a view to lessening the cost of the goods asked for at divisional stores and to the fact that the price there prevailing is in the main the same as that of the stores, storekeepers are instructed to sell the goods of stores disposed of as 'stock sales' by 20% (twenty per cent) of the price cost as shown in the bill thereon, and to add transport charges in addition. In the case of goods which increase in price, one-half is to be added on account of the increase in price, and the other half is for supervision and establishment charges. In the case of private sales money must always be paid before the stores, accompanied by a formal Issue Note, are handed over to the purchaser.

"The proceeds of all stock sales are shown as Miscellaneous Revenue, sale of stores."

Secretariat here and also the Colonial Office without evoking any adverse comment upon the procedure there laid down. The Commission's references to "unsatisfactory" foundations are not borne out.

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27. Having issued a Departmental order that "no stores should be sold to private individuals if the same can be purchased locally" and on my explaining to the Commissioners that "when I have had grounds for believing that the Department might appropriately sell goods which were obtainable in the country, I have applied for Government authority", they describe this as "indecision". It is moreover the case that when market conditions in the country have been such as to render it likely that requests for sales of the Department's stores would multiply, I have issued an additional warning and reminder to officers in charge of stores.

28. Subsequently the Commissioners devote three paragraphs to describing how Mr. Blain had made search and enquiry in vain for any written authority or instructions as to the disposal of Government stores. Later they have to refer to the disposal by him of some thousands of

34. In paragraph 4 of D.P.W.'s No. 64/69/41 of March 5th 1941 to the Commission.

35. D.P.W.'s Circular No. 19 of July 3rd 1941 to all B.E.W. ENGINEERS and the CHIEF STOREKEEPER.

"Stock Sales from Stores."

"On account of the war, the price of most of our stocks as this Department stocks has risen very considerably. The price at which they appear in your ledgers at the present time is therefore much below the present market value. Not only is this the case but it is a matter of extreme difficulty and in some cases of impossibility, to replace certain items of stores if we now run out of them. Under these circumstances stock sales to the public must cease from this date.

"2. In issuing this order it is not forgotten that circumstances might arise where the grant of permission to obtain stores from the Department might be a matter of public interest. If it appears to you that such a circumstance has arisen in the case of an application to you for the sale of stores, you should not refuse the application, but should refer the applicant to me for decision as to whether the purchase may take place or not. In all other cases, sale of stores may be flatly refused."

36. Typewritten Report, pp. 52, 53.

37. Idem, pp. 170 to 180.

27

blankets, an episode without parallel in the Department's history at any time before or since Mr. Blain's tenure of the position of Acting Director and one which I think would not have occurred if His Excellency Sir Edward Northey had not over-ruled my decision by placing Mr. Blain in charge of the Department during my absence. 118

29. The third point to which I wish to refer is the silence of the Commissioners upon the question of any Head Office interest in costs of work. "During our enquiry", they say, "we have found however that several Executive Engineers maintain for their own guidance and information a partial system of costing". Again, "Executive Engineers are endeavouring to maintain some statement of costs, but

38. Idem p. 4.

39. Idem p. 75.

113

blanket, an episode without parallel in the Department's history at any time before or since Mr. Blain's tenure of the position of Acting Director, and one which I think would not have occurred if His Excellency Sir Edward Northey had not over-ruled my decision by placing Mr. Blain in charge of the Department during my absence.

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28. Idem p. 94.

29. Idem p. 76.

"necessarily these can only be inadequate as it is outside the system of accounting adopted by the Department".

30. On this point I may safely say that the Department's Price Book⁴⁰ constitutes an analysis and record of working costs, the equal of which is not to be found in any industrial concern, Government or non-Government, in this Colony. As soon as the first chapter or two of this were ready I sent copies round to all Executive Engineers "as a model to be followed,.... in the collection of local information".⁴¹ Still more clearly is this requirement placed before my officers in my Circular No. 28 of December 11th 1917,⁴² with which I sent round the completed Price Book for use. As long ago as January 11th 1908 a Circular of

40. Referred to on page 36 of the typesetted Report.
41. Circular No. 23 July 11th 1917 to all Executive Engineers re the Department's Price Book.

"2. This laborious and most valuable compilation is the work of the Quantity Surveyor. He is associated with the collection of other information and the preparation of chapters on other trades. The chapters enclosed is sent

- "(a) for study
- "(b) for criticism and suggestions as to amplification or modification
- "(c) as a model to be followed in the preparation of chapters on any work which appears to be of importance in the collection of local information relative to our present and future

42. Circular No. 28 Decr. 11th 1917 to all Executive Engineers

"I have the honor to forward you under separate cover a copy of a new compilation which is the work of the Quantity Surveyor. Please give it the consideration it deserves and lose no opportunity of reporting in detail in your reports or in separate reports as to work done in this or nine months interval. I am, of course, glad to hear of any leave, whichever may come earlier, please to send me to Head Office, with a copy of the report when you have been able to record.

"2. It is unfortunate that the information which is only regarded as a preliminary in this country of such rapidly changing prices, and with such violent fluctuations, which occur, detailed and accurate in some instances as is here exhibited, is not compiled with the same care as possible. It is possible that the series of value should be set on foot in the book as finally to be published, in order to be specially to your Division."

29

mine to the Executive Engineers instituted "a list of rates
"paid for different classes of work and materials purchased
"locally at the various stations". Circular No.7 of 120
February 12th 1915, upon the preparation of Annual reports,
calls for details as to the cost of works executed.
Circular No.16 of September 1st 1914, upon the handing over
of charge at a P.W.D. Office, enjoins a statement of local
rates by the outgoing to the relieving officer. Circular
No.20 of 1908 enjoins the use of Form 25 whereby "the
"Engineer will then know, on the completion of the work,
"the exact cost". It would appear that the Commission's
conclusion as to the consideration of costs being outside
the Departmental system is not justified. The detailed
compilation and record of costs, however, requires competent
staff, and on page 13 of my memorandum of evidence to the
Commission, I said: "... far from my admitting that any
"cogency lies in the criticism that they (the Executive
"Engineers) ought to acquire and possess fuller details and
"records of the progress and cost of their works than is
"admittedly the case, the wonder is that they manage to
"get through as large a volume of work as they do".
Later, on page 38, I add the following conclusion:
"If any further delegation of duties takes place upon the
"lines recommended above, I feel sure that the Engineers
"will find themselves in a better position to follow up
"their practical operations by a closer analysis of cost
"and a much more complete record of progress than is at
"present possible".

43 Circular No. 7 of Feb. 12th 1915 to all P.W.D. Engineers, Resident Engineer, Madras Water Supply

"Annual Reports.

"3. With one or two exceptions the reports

reports varied from dissatisfaction to all

of such items as - 'Jail at ...'

"a REASONABLE RETROSPECT of the year ..."

"to an ... person, ..."

"Africa, would convey to ..."

"interesting account of the activities ..."

"operations a scout for the reports ..."

"to how, where and by what ..."

"ed, details as to cost, particular ..."

"ered, how overcome, and suggestions ..."

"methods in similar operations ..."

"economical and efficient ..."

31. The fourth point upon which I wish to invite attention to the Commission's treatment of my evidence is connected with the subject of "waste". A perusal of the Report and reference to Exhibit No. 1 at the end of this letter will indicate that the Commissioners have given the impression that a substantial degree of waste is going on. Waste of public funds is at all times a serious charge. If proved to be avoidable, or due to negligence, it is to be reprobated, but because it is a serious charge, it should, if made, be supported by facts. Throughout the sittings of the Commission, only one instance of waste or extravagance was reported to me by the Commissioners with a request for my explanation. This was the construction of a bridge across the Thererika River, which a European contractor had cited to the Commission as a costly and extravagant piece of Departmental work. I was able to reply that by building the bridge Departmentally, it had been finished at a cost nearly £2,000 below the tender of the contractor in question.

32. An unprejudiced critic of this Department would, I think, admit that where major works are concerned, such as the Thika Railway or the Mombasa Water Supply, the Department has acquitted itself creditably, considering the circumstances. Where criticism is inevitable, however,

44 D.P.W.'s No. 91/133 of April 2nd 1921 to the Hon. Mr. POLLOCK'S SITTING OF 21st APRIL 1921
 "I have the honor to acknowledge the receipt of your letter of the 21st inst. in which you asked for clarification of the point raised in the evidence of Mr. ...
 "Thererika Bridge as a piece of extravagance in its construction which he could have improved ...
 "bridge as done by the Department was ...
 "Pollock's tender was £1,000".

is in the expenditure of small sums at various places scattered over wide areas where the works in question will not bear the cost of white supervision and cannot be efficiently and economically constructed without. The answer to such criticism is the finding of the Commission⁴⁵ that it is impossible, at the present time, to get contractors to operate in these circumstances.

33. The prevalence of waste in connection with the Department's roadwork is alluded to in that "there is insufficient attention and care given to location, and that there is insufficient direction, inspection and supervision in the performance of maintenance work",⁴⁶ and that there is an "entire absence of the systematic study of the alignment of roads and the preparation of plans and estimates".⁴⁷ It is allowed that "The reason probably lies in the absence of a staff qualified to do so"⁴⁸ and it is recorded that the officials of the Department "point to the lack of staff - let alone qualified staff - available for supervision".⁴⁹ Executive Engineer Mr. Nicholson⁵⁰ is quoted as advocating survey of roads and Executive Engineer Mr. Reynolds⁵¹ and Overseer Mr. Walby⁵² are quoted, for a second time, in the same connection.

34. No recommendations of my own are referred to nor is reference made to any appreciation on my part of the existing defects in the Department's methods nor to any attempts to have these rectified.

35. It is nevertheless the case that my memorandum of evidence to the Commission includes the statement that "The road methods (or future adoption in this Colony and Protectorate) have been repeatedly advised upon, and I have nothing new to add to the views which Government has already received from me".⁵³ These methods are detailed under eight heads of which the first is "scientific location by skilled professional road-

45	Typewritten Report, p. 117.	50	Idem, p. 85.
46	Idem, p. 109.	51	Idem, p. 85.
47	Idem, p. 83.	52	Idem, p. 85.
48	Idem, p. 87.	53	Idem, p. 85.
49	Idem, p. 106.		

"parties" while two of the others are: "the relegation of
 "duties of organization and control to a selected senior
 "officer of the Department responsible to the Director for
 "all work of these classes in the Divisions", and "continued
 "responsibility of the Executive Engineer for all operations
 "of construction and maintenance within his Division, his
 "reports and correspondence going direct to the senior officer
 "referred to above". Later I referred to a recommendation of
 mine in 1914 for the inauguration of a Road Branch in the
 Department, and in a later paragraph⁵⁴ I add: "This requirement
 "for adequate survey of road operations has been put forward
 "strongly in my separate Road Branch proposal of 1914, a copy
 "of which is here put in as Exhibit No. 3. This requirement
 "in connection with roadwork under the small projected Loan
 "has been fully acknowledged by the Secretary of State, and⁵⁵
 "supported by the Legislative Council, and it is hoped that the
 "days when preliminary examination of country and construction
 "of road were expected to be carried out simultaneously by the
 "same Engineer are definitely at an end". The Exhibit which
 is mentioned as having been supplied to the Commissioners

at Item. p.82.

at Item. paragraph 55, above.

at SECRETARY OF STATE TO GOVERNOR, April 5th 1915.

"... I do not propose that any so far as the proposals
 "as regards the proposals for survey of road routes,
 "it is important that whatever surface may be required
 "required for the roads of the highest class which future
 "progress may render possible".

This was in reply to a representation by Sir Henry
 Conway Belfield dated August 13th 1914 in which he said:-

"An essential preliminary to the inception of an general
 scheme of roadwork is the acquisition of information regard-
 "ing the nature of the country to be traversed, the rivers
 "to be surmounted, the streams to be bridged, and similar
 "details which will enable the engineering staff to commence
 "construction with a precise knowledge of the nature of the
 "work before them. The demands which have hitherto been made
 "upon the somewhat untrained staff of the Public Works
 "Department, and the inability of some of its members to
 "prevent the prosecution of surveys and the preparation of
 "plans and sections in advance of commencement of
 "The result has been that more money has been expended upon
 "construction than need have been disbursed if an expert

includes proposals for survey and location of roads and preparation of full quantities and estimates in a degree of detail which could probably not be improved upon, but the Commissioners also received from me a copy of His Excellency's reply, which was:- "The Director of Public Works has made certain observations which are of value, but the objection to his scheme is that it predicates a large additional Departmental expenditure which cannot be seriously considered so long as the revenue of the Protectorate remains at its present dimensions and particularly at so short an interval after the staff of the Department has been materially strengthened. If loan funds are provided for roads, the cost of surveys, and in some instances the expense of supervising staff on construction, will be debited to the provision for each work, but I cannot accept any suggestions which will have the effect of further increasing the strength and the cost of the departmental staff." While we are still waiting for the Loan funds under which formal road survey will be

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"knowledge of direction and detail in the work at the outset.
 "I therefore deem it necessary that the expenditure upon the construction of new roads should be undertaken until full preliminary information has been obtained, and to this end the proposal that a portion of loan funds shall be appropriated to such work.
 "I have discussed the whole question at some length with the Director of Public Works, and have summarised our views in the Table which is attached hereto. This summary provides for the employment of two survey parties, shown respectively as the red ink, whose work has been so arranged that they be employed alternately in more or less healthy districts, and will deal with districts during the seasons when they will be able to work without interference by weather".

authorised, Government has not been allowed to remain
in ignorance of the fact that present methods are
wasteful. ^{56A} The alternative would be to abstain from

56A "PROCL. P. No. 3 of 1917, O.S. 14/18 dated April 24, 1917.

Proposal for a Separate Road Branch
in Public Works Department.

It is desirable that the road problems of the
"Protectorate" should in future be dealt with by methods
"more businesslike and less wasteful than those at
present in vogue. The undesirability of endeavouring
"to carry on survey and construction simultaneously by
"one engineer has frequently been commented on from
"this office. The old adage in the engineering world
"that "one pound spent on survey saves three pounds
"during construction" applies very pointedly to road
"construction in the tropics, and the instances that
"could quote of the waste of large sums of money merely
"for want of the previous systematic expenditure of
"a few hundred pounds would make a distressing list"

"PROCL. P. No. 60 of 1932, O.S. 7/32 dated June 24, 1932

One Million Pound Road Project.

A proposal for a one-million pound road project
"looks up in all respects prospect of interesting work,
"but a large space time, unless it is handled on right
"lines, would provide scope for a colossal waste of
"public funds - far greater, for instance, than that
"involved in a railway project of the same total
"cost."

As the road routes are filled up, and
"the roads badly maintained, the cost of
"transportance involves a perpetual drain upon the
"treasury, with the result that every load hauled over
"the roads is a loss. It is essential to have
"a more efficient system than the present one."

The first requirement is SOLIDITY OF MATERIALS
"and the second is ROAD PAVEMENT. Without this,
"the best construction methods will only result in
"a perpetual record of wasted effort and wasted money."

The requirements for the skilled professional
"staff of the best travel-routes have been
"placed at the Government's disposal since April 1917
"1914, when the Government, in detail, the
"for the first time, equipped road construction
"with professional qualifications, and the result has
"been a marked improvement in the work."

extending our road development by pioneer methods because staff is not available for more advanced methods, but this would neither meet the requirements of the public nor receive the approval of the Commissioners.⁵⁷ Their observation that "The absence of subordinates capable of "survey, preparation of plans, and able to make measurements and estimates, is most surprising"⁵⁸ is in no way helpful. Under all these circumstances and in view of the silence maintained upon evidence as to the Department's endeavours to have the necessity for road survey acknowledged and the staff for it sanctioned, I feel that it is not altogether an impartial attitude which permits the Commissioners to conclude an account of "Survey and "preparation of road projects" with the remark⁵⁹ that upon a certain road "there were no plans or sections prepared. "The alignment of the road was as laid out by a Road "foreman. In this case we do not mean to infer that the "alignment is a bad one, but quote it as an illustration "of Departmental methods of road location".

⁵⁷ By new method, p. 103.

⁵⁸ Ibid. . . . 141.

⁵⁹ Ibid. . . . pp. 95, 96.

36. The fifth and last point upon which I wish, at this time, to refer to the Commission's treatment of my evidence, is the subject of decentralisation, a step as to the desirability of which the Commissioners and myself and my Engineers are unanimous. My own recommendations, subject only to avoidance of references to a "Finance Branch" which does not exist in the Colony in any such form as they ~~admit~~ and further avoidance of recommendations for the "total abolition" of Colonial Office Financial Regulations, go actually further than the proposals of the Commission. It will not be difficult to show moreover that mine are more modern in outlook and more easily applicable under the local conditions prevailing in this Colony. This disclosure should dispose of the gravamen of the charge against myself, which briefly is that in the considered opinion of the Commission there is no officer of the Department possessed of the necessary knowledge to improve upon the state of affairs now prevailing. Evidence as to my attitude on this point has not been adequately nor accurately summarised in the Report and much of the evidence in my favour has been ignored.

to be done, 1917 a. 1. 1. 1.

37. Study of the report cannot fail to establish the impression that the policy has been pursued of retaining sole control in the hands of the Director. A reader with no other information beyond that in the Report might be excused for supposing that the Commissioners had been able to trace no consistent proposals for decentralisation, for the delegation of the duty of control in any of its aspects or for the fostering of a spirit and habit of increased professional independence among the staff. They refer twice to a trenchant expression of view on the part of my Executive Engineers which at my express invitation the latter addressed to myself, but at the same time they made no enquiry, and make no reference to my reply to the resolution in question. They summarise their views in the phrase "Centralisation carried to an extreme" as applying both to the activities of the Director at Headquarters and to the Executive Engineer in each Division. The Deputy Director they assert - quoting from an apparently hostile memorandum, which I have not seen, submitted by Mr. Blain who has since retired from the Service - is merely employed as a clerk. "Looking at the very manifold extra-Departmental duties of the Director, it

Typewritten Report, pp. 25 and 65. Idea p. 121.

This is not correctly quoted in the Commission's Report. Instead of beginning "We cannot however refrain from mentioning..." the quotation should run:-
 "The Conference has been asked to express its opinion (as strongly as it likes) as regards any point which may increase the efficiency of the Department. We cannot therefore refrain from mentioning.....etc."

My reply was as follows:-
 "IS DEPARTMENTAL ORGANISATION. I much appreciate the directness of your recommendation, but I do not agree with it. One duty which I propose to delegate to no one exclusively is that of visiting all lines in their divisions and seeing their work there, and as regards the delegation of other powers, our only point of divergence is as to the method by which this is to be carried out. (See reply under present title). I am, however, at all times willing to consider proposals as to the delegation of certain specified powers to Executive Engineers or the other officers. My complaint at present is rather in the direction of being referred to too much and with inadequate data instead of having proposals put up in a form approaching finality for sanction. The recommendation regarding the Chief Accountant is most willingly being acted upon. I would, however, in general terms invite the submission of closely reasoned recommendations on the lines of this criticism of yours to the P.W.D. Commission."

"is inconceivable that he can give the necessary time and attention required for the successful and thorough performance of the duties necessary for the administration of the Department which he retains under his direct control."³

Again: "In addition to all general, inter-Departmental and Governmental correspondence, all matters routine or otherwise from the 17 branches and divisions of the Department flow to one centre."⁴ The idea of "retention" of control in individual hands is skillfully built up; the practice of devolution is scarcely admitted as existing or contemplated, and on neither of these points are the Commissioners' impressions the reflection of facts nor a tenable deduction from the evidence I lodged with them.

38. In these circumstances it is perhaps begging the question for the Commissioners to add:-

33 Typewritten Report, p.120

44 Ibid. p.19.

"This very failure to utilise to the fullest extent
 "and in the best possible manner the services of officials
 "by devolving upon ^{them} responsibility for the performance of
 "specific duties thoroughly, is a cause of loss and
 "inefficiency". (The italics are mine). A more thorough
 enquiry might have saved the Commissioners from the
 falsity of conclusion appearing in the observation:- "We
 "cannot emphasize too strongly that the whole of the
 "activities of the Department have been paralyzed by the
 "extraordinary degree to which centralisation of authority
 "and duties has been carried", while allusion, more force-
 ful than helpful, to "proposals for the entire destruction
 "of this benumbing system and policy" might have been
 avoided.

39. I may here, in passing, draw attention to
 the contradictory nature of two statements in the Report,
 namely, that "centralisation carried to an extreme, best
 "describes the administrative organisation at Headquarters
 "of the Department, centred in the person of the Director",⁶⁷
 and that "the Specialists at Head Office, in water-tight
 "compartments, plod on as though they were independent
 "departments".⁶⁸

65 Idem, p.120
 66 Idem, p.121
 67 Idem, p.120
 68 Idem, p.121

40. It is perhaps unnecessary at this juncture to allude to all the observations on delegation of responsibility appearing on pages 43, 78, 79, 80, 82, 83, 86, 88 and 89 of my memorandum of evidence, lodged with the Commission, but the following brief quotations will perhaps be illuminating:

"I now come finally to an expression of opinion "as to the adequacy of the present system to meet conditions "which are likely to prevail in the near future. It is "inadequate. It will be recognized, in any case such as "that of this Department, where an industrial concern has "expanded from small beginnings to largely increased scope "under solitary direction, that there is a tendency to re- "tain too high a degree of control, especially in matters "of detail in the hands of a solitary directing indivi- "dual I am prepared to assert that the grounds "of failure which are above referred to as arising from "over-centralisation"..... have been avoided in as far "as it has been possible to do so with funds and staff at "my disposal, but further development in the same direc- "tion and without further waste of time is essential".

"The process of delegation of duties now re- "quires to be carried further, and the principal activi- "ties which should be accorded a position of increased in- "dependence are a Road Branch and a State Savings "Branch."

"I have referred to the large and increasing "series of requirements that have in the course of years "come to claim the attention of the Director of Public "Works in this Colony. I consider it essential that the "scope of his duties should be so modified as to allow of

"his maintaining a continuous series of tours of inspection..... These projected absences of the Director from his office however involve a severe responsibility for his Deputy. It is more important that the Deputy should possess an intimate and detailed knowledge of all the negotiations, decisions and recommendations which the Director may put up to Government, to other Departments, to the public and to his own Officers than it is that the Director should know of the activities of his Deputy, in detail. It is absolutely essential that the Deputy Director must be off-hand, and without further reference, many of the questions which during past years have gone to the Director for decision. Equally the Executive Engineers should feel that they have a free hand as to methods of work, and are then to come to me not for decisions, but for sanctions, when they find it necessary to do either. I like them when they are in doubt as to any line of action, to put their considered opinion before me as to the course which they propose to adopt, and if they send this information in the form of a statement that they propose to take such-and-such action unless I instruct them to the contrary, I am all the better pleased."

41. With all due regard to the views of the Commissioners that specialisation has a wrapping influence on the department and its activities and that "not tend to expand the capacity of the Department to perform its functions;" I am compelled to point out that the reverse is proved to be the case. A considerable degree of delegation of authority has taken place with marked advantage to the despatch of business, and the actual absence of

of the Department, the fears of Mr. Blain which the Commissioners quote and appear to entertain, that "the appointment of experts and specialists in the Department is likely to be detrimental to departmental efficiency," are shown to be groundless. It is because of the breakdown of the system which the Commissioners advocate, and which I and Deputy Director Mr. Tanner tried for years, that a specialist officer for water control was recommended by me, supported by the Legislative Council and sanctioned in 1918. The intricacy of the problems which arise in the control, apportionment and use of public waters is not readily appreciated by those who have not had first hand experience of their emergence and solution. It is a fact which can not be gainsaid that water questions which have come before the Department since the Government Hydraulic Engineer assumed duty, have been accorded fuller consideration, prompter treatment and more satisfactory solution than would have been possible at the hands of the combined Engineers of the Department. Methods analogous to those advocated by the Commission have been tried in various countries, and have involved the Governments concerned in embarrassments almost impossible of solution. It is believed that they are in vogue in no British Dependency at the present day.

42. Equally in the domain of Electrical Engineering, specialist officers have placed the Department in a position which otherwise would have been unattainable, and the questions still arising on this head are such as to require experience and capacity of a high order for their successful treatment. The suggestion that the officer should discharge these electrotechnical duties at the same time control such a specialised and external service

49 Idem, p.75.
 70 Idem, p.124.

as the Government's motor transport, in addition to having general oversight of workshops is one which only needs to be stated to be seen to be unworkable. Delegation of powers to the Chief Accountant has taken place, and possibly meets with the Commission's approval.

43. In the suggestion for two Deputy Directors with distinct duties the Commissioners have not avoided some degree of confusion. Divisional repair depots for motors would be under the control of Executive Engineers in one Branch who would have to deal with a Mechanical and Electrical Engineer in the other Branch. The Government Architect in one Branch is to visit and report upon the work of the Executive Engineers in the other Branch. The Quantity Surveyor is in the Architect's office instead of being, as is proper, on the "Works" side. The Chief Storekeeper under one Deputy Director has Sub-storekeepers in each Division, but an independent Chief Accountant has Accountants in all stores. In addition to these defects one Deputy Director would have to act in control of the other when discharging the duties of the Director during the latter's tours of inspection, as to the need and value of which there is unanimity of opinion. The indecision of the Commissioners as to which Deputy Director hydraulic work should lie under, may be noted. For the most part power schemes in the Colony are and will be hydroelectric, but they are to be prepared on the Administration side although water projects are to be dealt with on the "Works" side. This however does not include the many legal issues arising in water control, which, conversely, have to be dealt with on the Administration side. Why it is to be arranged that Building and power projects are to be prepared on the Administration side and all other projects on the "Works"

side is not explained. Building and power schemes are to be prepared by one Deputy Director but carried out by the other.

44. Sufficient consideration has, at this point, not been given by the Commission to "the manifold extra-Departmental duties of the Director", and to the practical difficulties that would arise due to perpetual interruption occurring in the relations of the three next senior officers of the Department, on account of the tours and the Legislative and other occupations of the Director. There can be no question that much of this difficulty is avoided by the retention of one officer, a sole Deputy Director, who discharges the Director's duties during temporary absences, who becomes competent with a minimum of disturbance of routine to take charge of the Department when the Director is on leave, and who at all times is a fully informed officer as to the Department's intentions and progress and one to whom Governor and Secretariat can refer, upon all Departmental questions, when for any reason the Director is not available.

45. The Commission's suggestions as to a Chief Accountant who should belong to an extra-Departmental "Finance Branch" are somewhat vague and unconvincing, and of no practical value for local adoption. The proposal finally loses itself in a suggested reference for advice to "the Public Works Department of some country of wider experience and longer continuance than that of this Colony". There are several such.

46. After having given the recommendations of the Commission, upon this topic careful consideration, I remain unconvinced as to the utility of the proposal for three senior officers of the grade of Deputy Director. My own proposal will, I believe, be acknowledged upon

adequate examination in any competent quarter, to be 136
 more in line with modern industrial tendency and both
 cheaper, and easier of application, under the local
 conditions prevailing in this Colony. I regret that
 I find it impossible to concur as to their proposal
 for the direction of a "Works" Branch. An officer is
 not to be got, at any salary which the Colony could
 offer, if at all, who could hope to exhibit, at the same
 time, Mr. Birch's skill and capacity at survey and
 location and his knowledge of local topography and
 local road and traffic requirements, and also the
 knowledge of the building trade, both home and colonial,
 and the organising capacity combined with actuarial
 skill and knowledge of local methods and costs which
 Mr. Lynde possesses. The Commissioners' own policy of
 "devolving responsibility for the performance of specific
 duties thoroughly" is, in short, better effected by my
 proposals than theirs. Devolution of authority is a
 step on which they are no more insistent than I am, as
 has already been shown, but if devolution of duties is
 not guided to selected officers best qualified by
 experience and capacity to discharge them, improvement
 need not be expected. It is without casting any slur
 on Mr. Birch's high professional capacity for certain
 duties, above referred to, that I have to point out that
 in an interview with His Excellency on February 19th
 I stated that when the vacancy due to Mr. Blain's
 impending departure should occur, I proposed to recommend
 that Mr. Sikes should assume the duties of Deputy
 Director. I had recommended Mr. Birch for the charge
 of a separate Road Branch in 1914, and I retain the same
 conviction as then, as to his competence for such a post.

47. The devolution of responsibility which I
 recommend for the Department, and which I submit to be

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more date, and cheaper than any other proposal so far advanced,
is seen at a glance in the attached diagram. As stated in my
evidence to the Commission, "there is no doubt that efficiency
is attained, and that continuity of policy and the better ex-
ecution of an increased volume of work of a high degree of unifor-
mity is secured, by delegating duties, of one special class
"under widespread application all over the country, to the ex-
clusive and continuous attention of one senior officer selected
"on the grounds of particular competence at the class of work
"involved." The Executive Engineers' responsibility for the
execution of all work proceeding in their respective Divisions
is retained, and it all proceeds under skilled direction. "Uni-
formity of treatment and efficiency of method is best sought
"in delegation of Head Office powers to expert Officers with
"powers and position second only to those of the Deputy Director
"and not by leaving Divisional Officers to the perpetual rôle of
"Jack-of-All-Trades" or by adding to the central staff of the
"Director's Office..... A much higher class of work of
"increased technical refinement and interest emerges from the
"specialised attention of selected Officers." A proposal for
reorganisation advanced by one of my officers was turned down by
myself because it would "involve the abandonment of the present
"system under which the Executive Engineer of a Division is finally
"responsible for the execution of all engineering and building
"operations conducted there." It is a matter of surprise to me
that at this date the idea should still prevail that a Jack-of-
All-Trades is more efficient than a specialist where highly tech-
nical work is concerned, though I agree that for certain positions
general administrative ability is at least as important as tech-
nical knowledge.

48. The salaries alone of European staff required under the
Commission's scheme as exhibited in Appendix 1, would, as already
stated, amount to more than £20,000 a year. The sum required on
the same basis for giving effect to my present recommendations
would be £6,500 a year.

73
74
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pp. 82, 83.
From D.P.W.'s reply to a resolution at an Executive Engineers' Con-
ference. Quoted on pp. 81, 82 of D.P.W.'s memorandum of evidence.
D.P.W.'s evidence, p. 83.

49. Even upon the facts already put forward, I venture to submit, Sir, that the reflections cast upon the Department and its officers by certain passages in the Commission's Report should not be allowed to stand. I submit that the Commissioners have so marshalled the evidence as to give in certain particulars a false impression of the work and methods of the Department and as to appear to support conclusions which in point of fact are unjustifiable. I urge upon your consideration the seriousness of the reflection which is made upon the performance and capacity of a group of hard-worked public servants of high professional standing who in face of peculiar difficulties have produced and maintained a notable exhibit of development in one of your most primitive dependencies. The conclusions of the Commission with regard to individuals are unfair and inaccurate, and some of their suggestions for alteration of method are not in accordance with modern practice nor applicable to local conditions. It is impossible to deal with them here in detail without expanding this letter to an inordinate length. As Colonel Robertson, the Chairman of the Commission, is at present in England on a brief visit, I respectfully and most earnestly request that you will be pleased to order me home on duty so that the charges made in the Report can be fully investigated while Colonel Robertson is still in London, and under conditions allowing of better professional advice than can be looked for in this country, upon the many technical and administrative problems raised. Misstatements are published on pages 12, 19, 23, 27, 31, 33, 34, 35, 93, 95, 107, 112, 121, 123, 127 and others of the typewritten Report, and misconceptions are numerous. The complaint that I have already made as to His Excellency's action in publishing such a document, not

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as a Government publication which is available for considered advisory, but by passing it over to local newspapers, none of which has published it in full, renders it necessary that I should appeal to you for the hearing which His Excellency accorded neither to myself nor to my officers. I am confident that if I may be permitted to appear before you with the full files of this Commission of Enquiry and with other files which bear on the conclusions advanced, I shall succeed in controverting the validity of the hostile findings and in securing reversal by Government of those recommendations in the Report of which I complain.

So. Before this reaches your office, there will, I trust, have arrived a cablegram which I am asking His Excellency to transmit at my expense and which I beg to confirm as follows:-

(BEGINS)

"PUBLIC WORKS COMMISSION REPORT JUST ISSUED BY
 "GOVERNOR TO LOCAL NEWSPAPERS BEFORE CIRCULATION TO
 "OFFICERS CONCERNED RECOMMENDS REMOVAL OFFICERS FROM
 "SEVEN TO TWENTYONE YEARS SERVICE AND UNJUSTLY CONDEMNES
 "ANOTHERS PROFESSIONAL CAPACITY ALL WITHOUT FRAMING
 "CHARGES OR GIVING OPPORTUNITY REFUTE STOP IT IS
 "DESTRUCTIVE TO DEPARTMENTAL MORALE STOP RESPECTFULLY
 "EARNESTLY REQUEST YOU ORDER ME HOME GARTH CASTLE JUNE
 "TWENTYFIFTH WITH FILES OF COMMISSION AND OTHERS I
 "CONSIDER RELEVANT TO CONTROVERT COLONEL ROBERTSONS
 "FINDINGS BEFORE YOU DURING HIS LONDON VISIT STOP
 "ENQUIRY IN LONDON ESSENTIAL AS POSITION DEPARTMENTAL
 "OFFICERS PREJUDICED HERE BY PRESS CAMPAIGN DURING AND
 "AFTER ENQUIRY STOP MY OBSERVATIONS CRITICISING REPORT
 "ARE BEING ADDRESSED TO YOU STOP CAN ARRANGE COMPETENT
 "RELIABLE DIRECTION OF DEPARTMENT DURING ABSENCE.

"MCGREGOR ROSS DIRECTOR PUBLIC WORKS"

(ENDS)

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51. If it should be the case that upon your receipt of my cablegram, it was considered that the facts of the case as then presented did not justify your sanctioning the request which I made, I trust nevertheless that in the light of facts disclosed in this letter, the subject of my request will be given further consideration, regardless as to whether Colonel Robertson may still be in London or not. Both my senior officers and myself feel that it is by no other method than a personal elucidation of the facts connected with the composition of the Department and its methods of work, facts which it may reasonably be contended that the Commissioners have in some measure failed to grasp, that the situation can be placed before you in its true light, and that, failing such a course, there is a possibility of injustice being done as the result of the proceedings of a local Commission whose claims to competence and impartiality are not entirely unassailable. It is, however, not only for officials of extended service, whose severance from the Department cannot, under existing Regulations, long be postponed and whose chances of further remunerative exercise of their professional abilities would be impaired by the publication of unfounded aspersions, but also for the younger officers, with possibly a long connection with the Public Service still before them, that your intervention in this matter is respectfully solicited.

I have the honour to be,

Sir,

Your most humble, obedient Servant,

H. M. Gregory

DIRECTOR OF PUBLIC WORKS,
KENYA COLONY AND PROTECTORATE.

WASTE.

The Primary Crime of the Public Works Department.

Further Astonishing Revelations.

A Unique System of Book-keeping Comes to Light.

DEAD STOCK COMEDY.

As intimated in our leading article of yesterday we publish below the first of our series of analytical articles on the Public Works Department, based upon the evidence and findings of the Commission of Enquiry. The extraordinary revelations of antiquated systems of administration and inefficiency of staff are almost unique even in the history of Government Departments. We have selected at random the following extract from the Commission's Report, word for word, as an apt introduction to the articles which follow:—

"Throughout our enquiry the reason advanced for shortage of staff or failure to execute or maintain works has almost invariably been shortage of funds. This reason we find irreconcilable with the financial statement as put before us by the Chief Accountant."

Inefficiency.

How Brains and Organisation go
A-begging in the P. W. D.

Devolution Wanted.

Remarkable Records of High Salaries
and No Responsibility.

CENTRALISATION CRAZE.

(ARTICLE 2)

P. W. D.

COMMISSION

THROUGHOUTS INEFFICIENCY AND WASTE REVEALED IN REPORT

Centralisation Carried to an
Extreme.

A TRAGIC DOCUMENT.

The Report of the Commission on the Public Works Department was issued, in typewritten form, on Tuesday evening.

THE AMERICAN STANDARD

MONDAY THROUGH SATURDAY

TUESDAY, FEBRUARY 22, 1911

The Commission "no check" of enquiry into the organization and working of the Public Works Department is bringing to light a state of affairs which was not contemplated by those who were most urgent in their demand for an enquiry, and results of very far-reaching effect appear likely to ensue. The Commission was appointed, we take it, in response to a general feeling of dissatisfaction with the Department, arising less out of its extravagance and defective supervision of buildings and so forth than out of the long delays in executing public works, and the many unfulfilled promises made by the Department. The enquiry is revealing a monument of inefficiency, the responsibility for which does not rest exclusively on the Department itself. We desire to regard the evidence given before the Commission rather in its relationship to the Service generally and to the protection of the public against waste and fraud. We have previously alluded our concern that the spending Departments of the country were less able than might be desired to control their expenses, and we have urged a reinforcement of the Audit Department as well as a more public performance of the duties of this latter Department. The evidence which has so far been laid before the Commission strengthens the case for our demand. The Comptroller General's Office has admitted that he has no concern with the use of money voted departmentally for caps, and it is not part of the duty of the Government Architect to pass certificates for the completion of buildings. The Commission has further stated that the Public Works Department is not a public accountants for building material. We shall remember that we have here instigated no leak of energy or ability to the Audit Department, the members of which we recognize

as public-spirited members of the Administration. But we suggest that if accounts for buildings are passed and approved on the fragile evidence of satisfaction which the Government Architect implies is customary, then the public must demand far more comprehensive protection. We agree cordially with the Commission's remarks on Wednesday regarding the Government method of accounts, and we trust that the Commission will in due season be recommending as the best the widest possible reference to the systems of accounting and vouchers in vogue. No objection is made on the part of the Department when we say that there can be no avoidance of very heavy leakage of public money under a method by which such light and easy confessions as those made last week by responsible officers are possible. There needs to be a stiffening and revision of regulations, and possibly the introduction of simple new ones so as to insist that public moneys shall not be paid out for buildings or other services without the satisfactory certificate of a fully qualified officer, and money that has been voted departmentally for major repairs and similar services must be used for that purpose under due supervision, and the balance returned to public funds. The accounting branches of each Department must bear their full share of work and responsibility, and the Audit Department, though it should not be compelled to make up for the slackness of supervision exercised by Departments, accounting officers should be so strengthened as to be able immediately to detect errors and place criticism of expenditure. It is so far as the public is concerned, a great department the estimates are never discussed in length; if they were, the ironical position would arise of their balance being in the hands of the officer who is most the subject of the Department's activities, the Secretary. Additional and European claims are appended, but the water through the sluices what it was many years ago when the Republic of the country was less than a third of the present figure, and when the work of the Department was further reduced by the

examination of expenditure accounts in London. We commend these facts to the P.W.D. Commission, since we deem them to be germane to the subject of their enquiry, and to point the necessity for supervision of accounts in the office itself, and we suggest that considerable further enlightenment might be forthcoming from a journal of audit queries in respect of P.W.D. accounts. These documents, and the reports based on them, probably repose in the archives of the Secretariat. The public who foot the bill have no means of learning their contents, nor the light they could throw on the size and extent of these scandals of which they are now learning. But a properly authorized Commission could presumably call for these papers, and ascertain therefrom how long the existing state of affairs has existed, and how far and with what effect, it has been rebuked. The result of the Commission's enquiries might be a strengthening of the demand which the Convention, the *A. Standard* and public opinion generally makes, for the securing of greater publicity to the financial and other workings of the Departments, and, further, for the emergence into the open, as in England, of the Department which is responsible for the audit of accounts, the prevention of fraud and waste, and the recovery of public money wrongly spent.

THE DAILY LEADER OF NORTHERN EAST AFRICA

Monday, May 10, 1921.

UNITED AFRICANS

United Africans

The United Africans are a new organization which has been formed in the East African territories. It is a voluntary association of Africans who are united by a common purpose and a common interest in the welfare of their race. The organization is a platform for the expression of African opinion and a means of co-operation between Africans in the different territories. It is a step towards the realization of the African ideal of self-help and self-reliance. The organization is a source of strength and inspiration to the African people and a means of promoting their progress and development. It is a platform for the expression of African opinion and a means of co-operation between Africans in the different territories. It is a step towards the realization of the African ideal of self-help and self-reliance. The organization is a source of strength and inspiration to the African people and a means of promoting their progress and development.

FOOTNOTES

TO D. P. W.'S OBSERVATIONS ON THE REPORT OF THE PUBLIC WORKS COMMISSION REFER TO PAGES IN THE TYPEWRITTEN REPORT. THE PARALLEL REFERENCES TO PAGES IN THE PRINTED REPORT ARE AS FOLLOWS:-

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In reply please quote No

and Date May 25th 1921.

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THE RT. HON'BLE WINSTON CHURCHILL, P.C., M.P.,
HIS MAJESTY'S SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.1..
THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS
AND
HIS EXCELLENCY THE GOVERNOR, KENYA COLONY AND
PROTECTORATE.

Sir,

I have the honour to invite your attention to the following statement published in the Report of the Public Works Commission:-

"We recommend that the Acting Deputy Director revert to his substantive rank.....and that the services of competent and experienced officers be obtained to fill the positions of Deputy Director, Administration, Deputy Director, Roads and Works....."

2. It is inevitable that anyone reading this Report will conclude that the Commission is of the opinion that I am incompetent and unfit to carry out my duties. I beg to submit, Sir, that such a statement cannot be corroborated by previous reports on my work and in view of my long service in the Department it is unfair and liable to materially damage my professional reputation.

3. I would point out that I entered the Colonial Service, as Executive Engineer in this Colony, in 1907, and have held this post up to the present time, with exception of Military Service in German East Africa from 1916 to 1918, temporary local appointments on Railway survey and construction and acting appointments of short duration owing to the absence on leave of my senior officers.

as detailed below:-

Survey and Construction,
Busoga Railway,
17th August 1910 - 2nd
February 1912.

Seconded to Uganda
Railway.

Acting Deputy Director,
25th March 1912 - 2nd
December 1912.

In the absence of the
Deputy Director, Mr.
Tanner.

Acting Deputy Director,
10th April 1915 - 17th
July 1915.

-ditto-

Acting Director,
12th September 1915 -
31st December 1915.

In the absence of the
Director on sick leave.

Uasin Gishu Railway
Survey, 30th July 1920 -
20th September 1920.

Victoria, 1911 and 1920
of 1911 and 1920

Nyeri Line Reconnaissance
12th October 1920 - 31st
October 1920.

At request of General
Manager, Uganda Railway.

Acting Deputy Director,
1st December 1920 -
present date.

In the absence of the
Deputy Director, Mr.
Blain.

The purely temporary nature of these appointments made it incumbent upon me to carry out the duties of the lines already existing, and in no way to prejudice the position of the officer permanently appointed by attempting re-organization. This policy I endeavoured to carry out, to the satisfaction, I believe, of the Director of Public Works, by discharging the duties allotted to and carried out by the Deputy Director, Mr. Blain, for the past five years, and by his predecessor, Mr. Tanner, for twelve years.

4. I would further point out that I was appointed on the 1st December 1920 as acting Director in place of Deputy Director, and was on the 16th February 1921 subjected to an examination by the Commission on the administrative and executive duties of the Deputy Director, which existed, and over the nature and scope of which I would say that, in my capacity as Acting Deputy Director, I have no control.

5. To the Commission's recommendation regarding myself I beg to submit that it is herein the Commission's

the greatest exception, in that the Commissioners see fit to condemn me on the fact that I made no effort to re-organize the Department at a time when I was acting in the capacity of Deputy Director, owing to the absence on leave of the permanent incumbent, Mr. Blain. This finding, Sir, I beg to submit, is grossly unfair and is not founded on an examination of my Engineering qualifications, administrative or executive, but on the erroneous impression that I am responsible both for the policy and organization now in vogue.

5. His Excellency the Governor assured me, in an interview which I had with him on the 11th May 1921, that the Commission's Report was not intended to cast any aspersions on my ability, although, in my opinion, no other interpretation can be placed on the Report as published. In this connection I enclose a cutting from the local Press. I therefore ask that the finding of the Commission in regard to myself be disregarded, and that in common justice to myself as senior Executive Engineer I be either given promotion in the Public Works Department or be offered the position of Resident Engineer on Railway Survey or Construction in this or another Colony. In regard to my Railway qualifications I beg to refer you to the General Manager, Uganda Railway, Mr. S. Couper, now on leave in England. Such promotion or transfer would afford me an opportunity of regaining the prestige I have lost through the publication of the Commission's Report.

I have the honour to be,

Sir,

Your most obedient servant,

A. M. Pich

ACTING DEPUTY DIRECTOR OF PUBLIC WORKS.

Enclosure:
Cutting from "Daily Leader of
British East Africa" of May
16th 1921.

CUTTING FROM "THE DAILY LEADER OF BRITISH EAST AFRICA"

(FRIDAY 16th 1922)

The second in command, Mr. Birch, Deputy Director, appears to have been somewhat the creature and victim of circumstances. But it should be noted that this official had previously acted even as Director of Public Works.

When examined by the Commissioners he failed to produce any evidence of administration.

No Responsibility.

Questioned as to the functions of the Deputy Director and the duties and responsibilities of his position, Mr. Birch failed to show that he accepted any responsibility at all. The Commissioners summarise his position on the staff in their statement that—

The Deputy Director, in fact, upon the evidence produced before us, merely performs the duties of a clerk to the Director.

Mr. Birch's salary, including local allowances, for this clerical work amounts to £1,350 per annum—approximately equivalent to the total salaries of five European clerks.

Among Mr. Birch's admissions was that he had no power on inspection since consulting officers had considered no new schemes. His duties, he said, excluded inspection, consideration of final statements or new schemes and were merely those of answering letters and trying to keep things square.

He admitted, however, that he was dissatisfied with the existing administration.

Summing up the position of this important official, the Report makes the following trenchant remarks—

the position of the second administrative officer in the Department is anomalous. No use is made of the professional and administrative qualifications which the nature and description of the office fairly leads to the assumption he possesses. It should be a coveted Departmental office carrying wide and great responsibilities and which, performed with distinction, would win for the Department admiration and respect. We rightly conclude that the functions of the Deputy Director of Public Works have absolutely passed into abeyance under the system of administration now obtaining and, in the person of the occupant of the office, the services of the highly paid official are wasted to the community.

Finally, after considering all the evidence regarding the performance of Mr. Birch's job, Mr. Birch's Commissioners recommended that he revert to his original position, that of Director of Public Works, on a reduction of about £200 a year.

PUBLIC WORKS DEPARTMENT,
HEAD OFFICE,
NAIROBI.

In reply please quote No.
and Date 21st June 1921.

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,
THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS
AND
HIS EXCELLENCY THE GOVERNOR OF THE COLONY AND
PROTECTORATE OF KENYA.

Sir,

I have the honour to request permission to bring to your notice one of the published conclusions of a Commission which has recently enquired into the organisation and methods of the Public Works Department of the Colony and Protectorate of Kenya.

2. The conclusion which I refer to is to the effect that there are no officers in the Public Works Department competent to carry out the re-organisation of the Department on the lines recommended in the report.

3. I venture to contend, Sir, that the record of my experience controverts this opinion, and to ask you to disregard the recommendations of the Commission in this respect.

4. My reason for bringing this to your notice is that it is understood that Mr. Blain is retiring from the post of Deputy Director of Public Works, and as there would appear to be a probability that such an opinion as that referred to must adversely affect my prospects of being considered as a candidate for the post. I respectfully request permission to advance statements shewing my experience and capabilities. I have prepared these statements in the form of three enclosures, which are as follows:-

- (a) A statement setting forth my professional training and the positions which I have held both within and without the Colonial Service.

(b) A list of the branches of engineering in which I have acquired experience, showing the positions in which that experience has been acquired and its nature.

(c) A statement setting forth the nature and scope of the activities and duties of my present post.

5. An added reason for my request that undue weight may not be attached to the recommendation of the Commission, which I have mentioned, is that to the best of my knowledge, the Commission never made full enquiry into my experience.

I have the honour to be,

S i r,

Your obedient Servant,

N. H. Sivas

GOVERNMENT HYDRAULIC ENGINEER,
COLONY AND PROTECTORATE OF KENYA.

Enclos.

STATEMENT SETTING FORTH THE PROFESSIONAL TRAINING AND EXPERIENCE
OF HOWARD LECKY SIKES, B.A., B.E., A.M. Inst. C.E., E.G.S.

BIRTH 12th December, 1881.

SCHOOL Bootham School, York.

TRAINING 1899 - 1903. Four years engineering course at Queens
 and College, Cork.

ACADEMICAL 1902, Bachelor of Arts, Royal University of Ireland.

QUALIFICATIONS 1903, Bachelor of Engineering (Honours and Exhibi-
 tion) Royal University of Ireland.

1903, Senior Science Scholarship, Queens College,
 Cork.

Associate Member Institution of Civil Engineers.

Fellow of Geological Society, London.

PROFESSIONAL Jan. 1904, Assistant Engineer on the construction
EXPERIENCE of the Rushden and Higham Ferrers Water
 Works, Northamptonshire, under Messrs
 Middleton, Hunter and Duff, Consulting
 Engineers, Westminster.

July 1905, Assistant Engineer, Great Western Ry.,
 Bristol, and subsequently Paddington,
 under Mr. W.W. Grierson, M.I.C.E., Chief
 Engineer, G.W.R.

July 1907 Assistant Engineer, Public Works Depart-
 ment, East Africa Protectorate.

Sept. 1910 Engineer-in-charge extension of the
 Nairobi Water Works, Public Works Dept.,
 East Africa Protectorate, under the
 Director of Public Works.

April 1911 Acting Executive Engineer, Public Works
 Dept., Nairobi, under the Director of
 Public Works.

Sept. 1911. Resident Engineer, Mombasa Water Works, under the Director of Public Works.

June 1913. Engineer-in-charge Magadi Water Works, East Africa Protectorate. Under Messrs. Livesey, Son & Henderson, M.M.I.C.E., Consulting Engineers, London.

July 1915. Resident Engineer, Magadi Railway, East Africa Protectorate, under Messrs. Livesey, Son & Handerson, M.M.I.C.E., Consulting Engineers, London.

MILITARY SERVICE

Oct. 1915. Lieutenant, East Africa Pioneers, O.C. No.2 Section.

March 1916. Captain, East Africa Pioneers, attached Royal Engineers.

April 1916. O.C. R.E. Park and Works Officer, Kilindini.

July 1916. O.C. R.E. Park and Works Officer Tanga.

Sept. 1916. O.C. R.E. Park and Works Officer Darassalam.

Nov. 1916. Works Officer, L. of. C. Kilwa.

April 1917. Assistant Field Engineer, Limpopo.

March 1918. Field Engineer, Edfores, Portuguese East Africa.

Jan. 1919. Government Hydraulic Engineer, Public Works Department, Colony and Protectorate of Kenya, under the Director of Public Works.

PRESENT POSITION

[Handwritten signature]

STATEMENT SETTING FORTH THE BRANCHES OF ENGINEERING
IN WHICH MY EXPERIENCE HAS BEEN ACQUIRED, AND THE
NATURE OF THE WORKS ON WHICH IT HAS BEEN GAINED.

SURVEYING

Rushden Water Works.

Surveying for, and setting out, new works.

Great Western Railway

Surveys for re-alignments and widenings. Surveys for alterations to stations, goods yards, bridges, etc.

Mombasa Water Works.

Survey for the elaboration of the project.

Magadi Water Works.

All surveys for the project carried out by myself and my assistant engineers. This involved survey for 116 miles of main and appurtenant works.

RAILWAY
ENGINEERING

Great Western Railway. General Railway maintenance work, including the design of new works and alterations to existing ones, such as bridges, stations, goods yards, re-alignments, etc., in the Bristol and Paddington Divisions.

Magadi Railway. As Resident Engineer, was in charge of the interests of the Magadi Soda Co. in East Africa, in their relations with the contractors (Messrs Pauling & Co.) for the few months preceding the completion of the contract.

WATER WORKS
ENGINEERING

Rushden and Higham Ferrers Water Works. Design and construction of new water works for the supply of towns, including dam, reservoir, filters, pumping installation, service reservoir, distribution system, and various buildings appurtenant to the works.

Extension of Nairobi Water Works. New Gravitation Main.

Mogadi Water Works. Design, estimates and construction of new water works.

Mombasa Water Works. Design, estimates and part construction of new water works.

BUILDINGS

Rushden and Higham Ferrers Water Works. Design and construction of new buildings appurtenant to the water works.

East Africa Protectorate. As Assistant Engineer and Acting Executive Engineer, P.W.D., Nairobi, was largely engaged on this class of work.

Military. As Works Officer, Tanga and Darassalam, was engaged on reconstruction and repairs to the buildings in these towns, and the erection of temporary military buildings.

ROADS AND BRIDGES

Great Western Railway. As Assistant Engineer, was engaged on the design and construction of railway bridges, and road bridges over railways, and alterations to existing ones.

East Africa Protectorate. As Assistant Engineer and Acting Executive Engineer, P.W.D., Nairobi, was largely employed on this class of work.

Military. Chiefly engaged on this class of work for four years during the campaign in East Africa, while D.Q. Section East Africa Pioneers, Works Officer, Assistant Field Engineer, and Field Engineer.

ELECTRICAL ENGINEERING

Was in charge of the Power House and electric lighting of Darassalam, while Works Officer there after the occupation by British troops.

CONTRACTS


Special experience in dealing with contracts and contractors was acquired on the Rushden and Higham Ferrers Water Works, where the works were executed by contract, and on the Mogadi Water Works and

subsequently the Magadi Railway, where I represented Messrs Livesey, Son & Henderson, the Engineers for the Magadi Soda Company in London, in their relations with the Contractors (Messrs Pauling & Co.) during the construction of those works.

ORGANISATION
ADMINISTRATION
AND
OFFICE WORK

General experience has been acquired in these subjects in all positions occupied, and experience in the control and management of engineering stores was gained while D.C. R.E.Parks, Kilindini, Tanga and Dares-salaam.




REVISED AND ACTIVITIES OF MY PRESENT
POST AS GOVERNMENT HYDRAULIC ENGINEER,
COLONY AND PROTECTORATE OF KENYA.

In my present position, created in January 1919, I deal with all matters connected with water, which come before the Head Office of the Department of Public Works. The following activities are included in my work:-

- (1) The issue of authorisations to settlers and other members of the public to divert and use the water of streams, rivers, lakes, etc., under Crown Lands Ordinance, 1915.
The general control of water rights, and settlement of disputes between water users.
- (2) Drafting proposed new water legislation, to provide for the more effective control of the water resources of the Colony and Protectorate.
- (3) Investigation of the water resources (power, irrigation, etc.) of the Colony and Protectorate.
- (4) Prospective inauguration, this year, of operations to bore for water in the Colony and Protectorate.
- (5) Dealing with all matters connected with existing water works and proposed new ones which come before the Department.

PUBLIC WORKS
DEPARTMENT.

EXECUTIVE ENGINEER'S OFFICE,
NAIVASHA,

Date 11th. 1921.

In reply please quote No.
and Date.

THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR THE COLONIES.
Through His Excellency the Governor,
Kenya Colony.
Through The Honourable Director of Public Works.

I respectfully beg to register my formal
protest against the public statement recently made
by the Commission of Enquiry on the Public Works
Department of this Colony to the effect that none
of the existing staff are capable of efficiently
discharging the duties of the two senior posts,
those of Deputy Director of Administration and Deputy
Director Roads and Works, which they advocate as
necessary.

2. This Commissioner found that the organization
of the Department was not efficient and advised
statement to which I refer.

3. The Commission also stated excellent work
inasmuch as the position has now been so clearly
proclaimed that it cannot be ignored, and as
result the necessary funds must be provided with
which the senior officers of the Department may
carry on efficient administration.

4. This is the gist of the whole situation and
I am sure you, Sir, will readily perceive, and
sympathetically consider, the injustice inflicted
the Commissioner suggest perpetrating against the
existing staff in appointing new officers over

**PUBLIC WORKS
DEPARTMENT.**

EXECUTIVE ENGINEER'S OFFICE.

NAIVASBA.

June 11th, 1921.

In reply please quote No.
and Date

their heads to these senior billets, with all the necessary conditions for successful issue fulfilled.

5. The Executive Engineers, at their first conference some three years ago, arrived broadly to the same conclusions as were reached by the Commission, and these conclusions were conveyed to the Honourable Director of Public Works.

6. The chaotic state of the Department was thus well known to at least several of its members for some years and reform on the lines now suggested was advised.

7. With the present lower staff any attempt at efficient organization must fail and for some years past neither funds, nor, due to the War, suitable men have been available to remodel the Department into a workable organization.

8. The injustice is not confined to Executive Engineers, who have worked from twelve to seventeen years without opportunity of displaying their ability in the desired direction, but is common to the whole staff whose promotion it is suggested be blocked as described.

9. I have allowed many opportunities of promotion in other Colonies to pass because my engineering interests are centred here and my knowledge of the Country and its people is un-

PUBLIC WORKS
DEPARTMENT.

EXECUTIVE ENGINEER'S OFFICE.

NAIVASHA,

June 11th.

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In reply please quote No.

and Date.

...asset which I have counted on, together with my ability in other directions, to secure me promotion in Kenya in due course when war exhaustion abated and funds were again available.

Trusting that this matter may receive your sympathetic consideration,

I have the honour to be,

Sir,

Your most obedient servant .

A. G. Birch
EXECUTIVE ENGINEER, P.W.D.

KENYA COLONY.

PUBLIC WORKS DEPARTMENT,

HEAD OFFICE,

NAIROBI.

NO:

211⁶⁶ June 1921.

TO

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR
THE COLONIES,
THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS
AND
HIS EXCELLENCY THE GOVERNOR,
KENYA COLONY AND PROTECTORATE.

Sir,

PUBLIC WORKS DEPARTMENT COMMISSION.

I have the honour to invite your attention to the following extract from the Report of the above-mentioned Commission:-

"The absence of correct bills of quantities has done much to prejudice P. W. D. work in the eyes of contractors.

"We examined one such document and considered it a very unfinished and incomplete production, and one which in our opinion does not guard the public interest sufficiently".

2. With regard to the first paragraph of this extract, bills of quantities issued by me contain a clause to the effect that:-

"Any measurements contained in the quantities which do not represent the work shown on the contract or revised drawings shall be amended by addition or omission. This clause fully guards the interests of contractors and the public against any inaccuracy in the quantities. I have been issuing quantities to contractors in this country since 1910, and not once has any representation been made with regard to inaccuracies in the quantities. The last contract

work based on my quantities consisted of two large bungalows on account of alterations to the design the whole of the work had to be re-measured, and both contractors (Mr. Geo. Blowers and Messrs. W. E. Lewis and Coy.) accepted my measurements without checking them, a procedure which certainly does not denote lack of confidence.

3. So far as can be ascertained from the published Report, the only evidence given to the Commission in this connection was that of contractor Mr. Green, who is reported as having said:-

"The P. E. D. quantities estimated for work were insufficient and the contractor found that after he had completed the work he had used more than the P. E. D. quantities provided for. There was no final measurement made".

It is obvious that Mr. Green has never carried out a contract based on a bill of quantities issued by me, otherwise he could not have made such a statement on oath. It is scarcely credible that the Commission did not request him to substantiate his statement, but this does not appear to have been done; if so it would have been discovered that Mr. Green had never worked on my quantities, as during the time he was in business as a contractor in Nairobi I held the appointment (by Government orders published in the Official Gazette) of Officer-in-charge of a Sub-division at Kabete, and was not responsible for any quantity work. In all cases of contract work based on quantities a final measurement is made, and any statement to the contrary can only be accounted for by entire ignorance of the subject, as without a final measurement complete payment to the contractor cannot be made.

4. With regard to the second paragraph of the extract, it has now been established that the only bill of quantities examined by the Commission was that for Nakuru School. This is the document referred to as defective and

is the work of the Government Architect.

5. Upon this evidence the Commission condemn the work of the Quantity Surveyor and recommend that in future it be "controlled" by the Government Architect. There can be no other reason for such control. In any case it could only be exercised were the Government Architect a qualified Quantity Surveyor, but very few Architects possess this qualification and in England the control of quantity work by Architects is generally recognised to be an unsatisfactory and undesirable arrangement. In any case quantity surveying is essentially connected with the "Works" part of the undertaking, and the Commission apparently recognise this when they recommend that as far as prices are concerned the Quantity Surveyor is to work in collaboration with the Executive Engineers.

6. I trust, Sir, that you will see fit to have these objections on the work of the quantity Surveyor withdrawn, with a full and sufficient acknowledgment of the mistake, such procedure being given publicity equal to the report of the Commission.

7. Apparently the profession of quantity surveying is not properly understood in this country, nor does it appear to be realised that the training and experience necessary for a qualified man is a difficult undertaking involving a long period of pupillage and study. I therefore respectfully beg to request, Sir, that the question of the status and salary of the position of quantity Surveyor in the Public Works Department be referred to the Council of the Surveyors' Institution.

I have the honour to be,

S i r,

Your most humble, obedient Servant,

W. M. Lynde

QUANTITY SURVEYOR,

PUBLIC WORKS DEPARTMENT,

K E N Y A.

NAIROBI.

11th June 1921.

HIS EXCELLENCY THE GOVERNOR,
COLONY AND PROTECTORATE OF KENYA.
THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS,
N A I R O B I.

Your Excellency,

REPORT OF THE PUBLIC WORKS COMMISSION.

We have the honour to invite Your Excellency's attention to statements made in the report of the Public Works Commission which gravely impugn the professional reputation and competence of several officers in the Public Works Department.

2. We respectfully submit, Sir, that the misrepresentations in the report are most damaging to the officers concerned, and we complain that they have not been given an opportunity of refuting them.

3. We are convinced that unless the true facts of the case are laid before the Secretary of State for the Colonies, the interests of the officers concerned will be seriously prejudiced.

4. We respectfully beg to enquire what action Government intends to take to ensure that our interests will not be prejudiced by the publication of a report of a local Commission which we submit is markedly one-sided and unfair.

5. In this connection we desire to state that if we had known that our professional ability and reputation were liable to attack in the report of the Commission we would have taken steps to be represented by counsel to

to our interests, and would have claimed our right
to cross-examine witnesses.

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We have the honour to be,
Your Excellency's most obedient Servants,

[Signature]
Ag. Deputy Director of Public Works.

[Signature]
Chief Accountant, Public Works Department.

[Signature]
Quantity Surveyor, Public Works Department.

[Signature]
Government Hydraulic Engineer.

tion our interests, and would have claimed our right
cross-examine witnesses. 166

We have the honour to be,
Your Excellency's most obedient Servants,

[Handwritten signature]

Ag. Deputy Director of Public works.

[Handwritten signature]

Chief Accountant, Public Works Department.

[Handwritten signature]

Quantity Surveyor, Public Works Department.

[Handwritten signature]

Government Hydraulic Engineer.

PUBLIC WORKS DEPARTMENT.

CONFIDENTIAL.

HEAD OFFICE,

N A I R O B I.

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NO:

23^d June 1921.

TO

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,
THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS,
AND
HIS EXCELLENCY THE GOVERNOR,
KENYA COLONY AND PROTECTORATE.

Sir,

REFERENCE THE P. W. D. COMMISSION'S REPORT
AND THE "OBSERVATIONS" ON THE SAME BY THE
HON'BLE DIRECTOR OF PUBLIC WORKS.

I have the honour to make this appeal to you in connection with the "Observations" mentioned above, as the Hon'ble Director of Public Works informed me verbally of the condemnatory attitude he proposed to take in connection with portions of the Report, and especially in relation to the position held by me as Government Architect, and the duties recommended for this position by the Commissioners, he proposed should be allocated to the quantity Surveyor (Mr. Lynde).

2. I desire, Sir, to give you a short summary of my career. Owing to a general temporary depression which existed in this country in 1908, I was glad to accept my present position on the staff of the P. W. D., relinquishing a private practice in this country which I had carried on with conspicuous success for 5 years, and by my tact, thoroughness and ability left an excellent reputation, the amount of Architectural work that I performed whilst in private practice each year considerably exceeding the amount available during recent

PUBLIC WORKS DEPARTMENT,

HEAD OFFICE,

N A I R O B I.

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CONFIDENTIAL.

NO:

23^d June 1921.

TO

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,THROUGH THE HON'BLE DIRECTOR OF PUBLIC WORKS,
AND

HIS EXCELLENCY THE GOVERNOR,

KENYA COLONY AND PROTECTORATE.

Sir,

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AND THE "OBSERVATIONS" ON THE SAME BY THE
HON'BLE DIRECTOR OF PUBLIC WORKS.

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Government financial years of this Colony; buildings erected which have been designed by me can be reckoned in hundreds, and during my private practice the success of same was due to my personal supervision, and in some cases owing to the failure of the Contractor, and my inability to obtain others, I not only had to give buildings the ordinary Architectural supervision, but had actually to continue and complete them myself. The Hon'ble Director of Public Works stated that he considered that the Quantity Surveyor possessed the greatest building knowledge of any one in this country, and that he had given you this information in recent annual confidential reports. I submit that this is a gross exaggeration, especially so when considering the very small amount of supervisory work he has undertaken, which when compared with my own experience amounts to practically none. Shortly after I joined this Department I requisitioned for a quantity Surveyor to assist me in my duties, and I provided the original draft letter as to the qualifications that he should possess, and ^{I was informed that} the Hon'ble Director of Public Works whilst on leave in England interviewed Mr. Lynde, and appointed him to the post, but although he has always been shown in the Annual Staff List as under the Drawing Office which is controlled by the Government Architect, he has never occupied this position, or been in a position to provide assistance to the Government Architect that by the nature of his appointment he should have done.

3. In regard to the "inner" information of 1912 which the Hon'ble Director suggests to you that the P. W. D. Commissioners did not possess in regard to myself, I can only presume he refers to a document which I submitted in this year to Government for the organisation of my particular duties, which was in effect very similar to that now suggested for the Government Architect by the

P. W. D. Commission, and agreed to now by the Hon'ble Director, excepting that he recommends to you that Mr. Lynde should occupy the position instead of myself. The Hon'ble Director also accuses me of slackness in my work; this information was obtained by him during a period when I was on leave in England, about 10 years ago, and when Mr. Lynde was acting for me. I should be pleased, Sir, to give you an enlarged explanation of this matter, should you so desire, but I feel that in consideration of the hundred of thousands of pounds worth of building work which has been undertaken by myself and my assistants, together with the enormous amount of routine work of the Drawing Office, this accusation, especially at this period, is most unjust, and enlarged out of all proportion to its actual value. I have on many occasions received congratulations from Heads of Departments and others in regard to the excellent work produced, and no other complaint as to my personal slackness, or of inaccuracies in the work of the Drawing Office, from any source, including Contractors and the Engineering staff who carry out the work of the Department.

4. The Hon'ble Director of Public Works also accused me of disloyalty to a member of the Department (Mr. Lynde) in my evidence to the Commissioners. No member in your Service, Sir, values esprit de corps amongst its members with greater respect than I do, and I venture to suggest that my passive attitude under adverse conditions for the past 12 years for the proper organisation of my Branch proves this. In this connection I would draw your notice to the quantity Surveyor's evidence before the Commission, in which he practically condemns the whole of an Engineering staff and incidentally infers that the Hon'ble Director has been responsible for

the waste of public moneys, etc. etc..

5. The Hon'ble Director of Public Works informed me that he had mentioned to you that Mr. Lynde had sent a specimen of his quantities to the Surveyors' Institute for their examination and report, as he imagined that the Commissioners had made adverse criticisms on the same. I consider this to have been unnecessary, as he is a most competent quantity Surveyor, and can prepare quantities with most perfect mechanical precision. In connection with this matter, it was unfortunate that the Commissioners should have had access (without proper information on the same) to a copy of an Approximate Priced Bill of quantities for a new School, which I supplied to the Executive Engineer at his request, solely and only in order that he could be guided as to the reasonableness of tenders received in connection with the work, these quantities were distinctly marked "Approximate Quantities, not to be used for Contract Purposes"; these priced quantities were within 5% of the accepted tender and were prepared in the Drawing Office by myself with the aid of a draughtsman. The Hon'ble Director of Public Works makes a point of informing you that Mr. Lynde was not responsible for these, as he was on leave in England, but I beg to submit that had he not been on leave the same procedure would have been adopted, as no organisation has existed for years for the provision of quantities, and this fact was evident to the Commissioners.

6. This action I deeply regret has been absolutely forced upon me by the Hon'ble Director of Public Works' "observations" being addressed to you, otherwise I would not have troubled you with this report in justification of myself, but would have been content to have submitted it to His Excellency the Governor here, and and to have accepted his decision in connection with my

k and position.

7. I trust, Sir, that you will forgive and favourably consider this appeal to you.

I have the honour to be,

Sir,

Your humble, obedient Servant,

C. Rand Owen

GOVERNMENT ARCHITECT, F. W. D.,
KENYA COLONY.

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