

1922

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6 DEC 22

FROM  
GOVERNOR  
CORYNDON

CONF  
297  
DATE  
10TH NOVEMBER 1922

FOR CIRCULATION —  
Mr. *Batterbee*  
Mr.  
Mr.  
Mr. Grindle  
Sir H. Lambert  
Sir H. Read  
Sir J. Masterton Smith  
Mr. Wood  
Mr. Churchill

SUBJECT  
CHIEF NATIVE COMMISSIONER 178  
Reports on reasons for and against abolition of post. On the whole thinks it may be abolished on understanding a Senior Commr is transferred to the Secretariat to co-ordinate work of Dist Commrs in native areas. If this is done considers he should have seat on both Exceve & Legve Councils. Has not yet decided as to retrenchment of 8 District and 16 Asst Dist Commrs recommended by Economic & Finance Commr.

Previous Paper  
*God*  
*55523*

*And was conf 14 Dec 22*

MINUTES  
*m. Batterbee has discussed this with me. As regards the general question a decision was communicated to the Gov. on 4/6/22, viz that the present system should be tried in practice for a year. It is pretty clear from this dep. that Sir R. Coryndon has not made up his mind, and it would seem sufficient on the question of the retention or otherwise of the post to refer to the dep. on 4/6/22 and say that the S. J. B. will await Sir R. Coryndon's personal view when he has had time to form a judgment in the matter.*

Subsequent Paper  
*God*  
*63546*

his own experience.

As regards Mr. Maxwell's memorandum, special attention should be drawn to para. 4, which is not satisfactorily disposed of by para. 7 of the Gov's despatch. We should ask for a further report on this point. W.S.

The question raised in the Bowring Ctee. Resolution No. 113 & amendments (incl. no. 4) - which practically amounts to making the P.C.'s into Lieutenant-Governors each in charge of all the Govt. activities of the Province - is a big one, and it is probable that you will think it desirable to

to have a discussion before any views are committed to paper.

179

C.J.D. 9/12

1. I am attempting to modify the decision as to retaining the C. H. C., and I am confident that those in this country who are not satisfied with the treatment of the natives would actively resent the removal of an officer specially charged with native interests.
  2. As to the former meeting proposed by the Economy Committee, I think we must wait for the Governor's own views, especially as it is not easy to see how the volume could be worked alongside the responsibility of Provincial Commissioners to the C. H. C.
- As a matter of fact, before the P.C.'s are consulted into

Local gods I showed the  
the satisfied that some of  
them are qualified for  
divinity.

On this point I must  
to you in the name of A

off for corner - In the lead

to

W.S. 11 11 22  
at home

*W. D. Smith*  
*Please reattach*  
*J. H. Allen*  
*6/14*

c/o  
H.M. EASTERN AFRICAN TRADE & INFORMATION OFFICE  
ROYAL MAIL BUILDING  
34, COCKSPUR STREET,  
LONDON, S.W. 1.

30th March 1927.

180

Dear Mr. Allen,

I return in Sir Edward Brigg's behalf, with his many thanks, the despatches which you lent me referring to Mr. Maxwell.

Yours sincerely,

*E. A. J. Denton*

H. T. Allen, Esq.  
The Colonial Office,  
London.

CONFIDENTIAL.

10th November, 1922.

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My Lord Duke,

I have the honour to refer to the correspondence ending with my telegram No. 392 of the 8th instant, regarding the abolition of the post of Chief Native Commissioner.

2. The Economic and Financial Committee on the 7th of August, passed the Resolution, No. 92, copy of which I attach. The terms are clear, and I need not traverse them at this moment.

3. I refer to Sir Edward Northey's despatch No. 202, Confidential, of the 16th of August. Sir Edward stated in a minute attached to the correspondence that "this is not a matter which need be reported to Executive Council".

4. In view of the Royal Instructions dated 11th September, 1920, I thought it was clearly a matter for consideration in Executive Council in the first place, and accordingly brought it up as soon as Mr Maxwell returned from tour. I attach copy of a recommendation made by the Council on 18th October.

S GRACE,

THE DUKE OF DEVONSHIRE, K.G., P.C., G.C.M.G., G.C.V.O.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.,

Sd

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Resolution No. 92.

Recommendation  
Council.Maxwell's  
recommendation.

Resolution No. 113

Sd

26449

2. [scribble]

18th October.

5. Mr Maxwell has sent in a Memorandum dated 30th October, copy of which I enclose.

6. In a note dated the 9th instant, Sir C. Bowring makes the following points:-

(i). The Native Labour Committee of 1912-13 of which I was a member, recommended:

(a). An advisory Chief Native Commissioner.

(b). The abolition of the Executive Provincial Commissioner.

(c). The complete separation of Native and Non Native administration.

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(ii). My despatch quoted by Mr Maxwell in paragraph 6 advised, in the circumstances created by the war, the first appointment prior to the fulfilment of the two latter intentions. For this post I selected a Senior Provincial Commissioner; paragraphs 6, 7 and 10 of the despatch shew the contemplated relation of this post to Government and the Provincial Commissioners to be identical with that advised in Resolution No.92 of my Committee.

(iii). In the memorandum quoted in paragraph 7, consideration of the subordinate staff of the Native Affairs Department led to reflections on the future of the Secretariat. I adumbrated a Ministerial system under a Governor or Lieutenant Governor, and as a step in this direction, I welcomed a devolution in correspondence, incidentally it is true, in the case of the Chief Native Commissioner.

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(iv). Sir Edward Northey's despatch quoted in paragraph 8, and written in Downing Street, broke away from the former policy by suggesting executive powers for the Chief Native Commissioner while retaining executive Provincial Officers; to that step I trace the present confusion.

H.S.P.  
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(v). The Secretary of State's despatch mentioned in paragraph 9 dealt with forced labour and expressed a hope that the new system was working well; it assumed the complete separation of Native and Non Native Administration, a still unaccomplished object to which, I understand, the Chief Native Commissioner is opposed. His view that the Provincial Executive should control both black and white administration cannot be reconciled with such an aim, especially if the officers with duties in both areas are, at the same time, to be his 'Lieutenants'.

(vi).

(vi). Executive control by the Chief Native Commissioner may be said to have begun with Mr Maxwell's arrival in August, 1921. Sir Edward Northey writing six months later on the subject of the General Administrative Staff and the further separation between Native and Non Native Administration, makes a passing reference in this connection to the good promise of the new scheme. His despatch of August 16th gives his considered judgment after longer experience, and this coincides with that which I have consistently held, viz: that extension of executive powers to the advisory Chief Native Commissioner is undesirable under our existing constitution. His view comes back to mine, that the true desideratum is an officer of long experience in East Africa advising Government on local native problems and abandons that variation suggested in 1919 of the policy advocated here since 1913.

7. The complaint in paragraph 11 of Mr Maxwell's memorandum has since been met by a statement from the Assistant Colonial Secretary in which it is contended that

"a section of the Secretariat was necessary to deal with the Honourable Chief Native Commissioner's correspondence until, by coming under this roof, he was able to minute directly on to Secretariat files";

that since coming to the Secretariat building the Chief Native Commissioner has been fully consulted; that the non-native status of the Arabs has been a difficulty, but such work is now dealt with by Mr Maxwell; and that the Acting Deputy Chief Native Commissioner, in Mr Maxwell's absence, was fully consulted as to the Estimates for 1923, and Mr Maxwell was present at the Economic and Financial Committee when the drafts were discussed. I do not propose to burden this despatch with further comment upon this point.

4.

8. The Attorney General, as Your Grace will see from the Executive Council recommendation, paragraph 4 above, held the view that until the whole question of boundaries of settled areas and of native reserves and of judicial areas had been considered and clearly defined on a permanent basis, the post of Chief Native Commissioner is necessary. He pointed out that there was now overlapping of areas and uncertainty as to allocation of duties of various officials concerned with native administration, and urged a comprehensive settlement of all such questions before the step of abolishing the post of Chief Native Commissioner should be taken. Whether or not the post is retained, I am of opinion that the work recommended by the Attorney General should be undertaken when circumstances permit.

9. Your Grace is now in possession of the case as represented from either point of view. I have been too short a time in Kenya to be able to form a strong opinion either way, but on the whole, and while the division of the Administration Department into "settled" and "native" areas remains in force, I am inclined to think the post of Chief Native Commissioner may be abolished, but on the understanding that a Senior Commissioner is transferred to the Secretariat to co-ordinate the work of the District Commissioners in the native areas, and present points for decision through the Colonial Secretary to the Governor.

10. A certain saving in expenditure will be effected by this course, but not much. I have not yet decided whether it would be wise to give effect to the recommendations of the Economic and Financial Committee, as conveyed in Resolution No. 113, copy of which I enclose, under which eight District Commissioners and sixteen Assistant District Commissioners would be retrenched.

11. If the post of Chief Native Commissioner is abolished and a Senior Commissioner attached to the Secretariat is substituted, I am very strongly of opinion that this officer should have a seat both on the Executive and Legislative Councils.

I have the honour to be,  
My Lord Duke,

Your Grace's most devoted and  
most obedient servant,

R. T. Comyns

GOVERNOR.

Your Excellency,

With reference to Resolution No.80, the Economic and Financial Committee consider that whether the recommendations of the majority for reconstitution of the administration into Provincial units is adopted or whether the present method of District units with Provincial Commissioners in charge of native areas is maintained no justification exists under either system for the retention of the post and office of Chief Native Commissioner.

They are of opinion that such an office might have been found to satisfy some useful function if the proposals made in 1913 and elaborated in 1916 had been carried out in their entirety. These proposals were based on a separation of native from European interests and a concentration of administration at Headquarters.

Two factors have crept in to render these nugatory - the system of Provincial Commissioners in native areas has been maintained and the Chief Native Commissioner has not been entrusted with any responsibility of administration commensurate with his position and emoluments. In present circumstances the post of the Chief Native Commissioner is anomalous - it is difficult to see how his position could be understood by natives in reserves, his authority over natives in settled areas is undefined, and he appears to act as an unnecessary intermediary between the Provincial Administration and the Government.

They consider that a Senior Commissioner of extended local experience might suitably be attached to the central Government Office under the Colonial Secretary to give advice to the Government on native questions and to take charge of the Labour, Registration and Finger Print Sections, but that a Chief Native Commissioner is unnecessary so long as any system of provincial Administration is maintained and that this post should be abolished.

G. BOWRING

CHAIRMAN,  
ECONOMIC & FINANCIAL COMMITTEE

7th August, 1922.

In Despatch No. 29 of 10.11.1922

14th October, 1922.

COPY.

CHIEF NATIVE COMMISSIONER.

Council recommends by a majority, the Attorney General, Chief Native Commissioner and Mr Phadke dissenting, that the post of Chief Native Commissioner be abolished and that a senior officer, of the rank of Senior Commissioner, be attached to the Secretariat incharge of the Native Affairs branch of that office, such senior officer to be interchangeable with other senior officers of the Administration.

The Attorney General was of opinion that until the policy governing the administration of natives had been clearly defined, and until native administrative and judicial areas had been established on a permanent basis, the post of Chief Native Commissioner was necessary. Mr Phadke was of opinion that the small saving to be effected by the abolition of the post did not sufficiently compensate for the advantages of its retention.

The Colonial Secretary and Chief Native Commissioner withdrew while the advice of other Members was being taken.

(Signed) G.R. Sandford.

I concur with the majority.

(Initialed) R.T.C.,

GOVERNOR.

18th October, 1922.

With reference to resolution...  
The Council recommends by a majority...  
The Attorney General was of opinion that...  
The Colonial Secretary and Chief Native Commissioner...  
I concur with the majority.

W. G. BOWEN

SECRETARY

10th October, 1922.

INCLOSURE 1

No. 28

Your Excellency,

188

HAIRONI.

30th October, 1922.

MEMORANDUM.

With Your Excellency's permission, and in accordance with Para. IV of the Royal Instructions dated 11th September 1920, I desire to record in writing, for inclusion in the Minutes of the Executive Council, my reasons for dissenting from the advice tendered to Your Excellency by a majority of the Council on the 14th October 1922, to the effect that the post of Chief Native Commissioner should be abolished.

2. It should be scarcely necessary for me to state that, in so dissenting, I am not taking into consideration any effect which such abolition might have upon my personal prospects. Even if the question of my personal suitability for the post had arisen, (and I understand that it has not) that would provide no ground for the abolition of the post. I am regarding the question purely from the administrative point of view in the interests of the Colony as a whole and the native population in particular.

3. In order that the present position may be clearly understood it is necessary to review the reasons for the establishment of the post, and the duties and responsibilities attached to it.

4. It appears that in June 1918, at the request of Sir Charles Bowring (then Acting Governor), Mr. John Ainsworth put up proposals for the appointment of a Chief Native Commissioner. In a despatch dated 1st August 1918, Sir Charles Bowring recommended to the Secretary of State the establishment of the post and the appointment of Mr. Ainsworth. The duties which were attached to the appointment were as follows:-

- (1) To supervise and carry into effect the general Native policy of the East African Protectorate.
- (2) To be responsible for representing to Government all matters connected with Native affairs.
- (3) To consider and advise on all provision in the annual estimates which concerns Native Affairs.
- (4) To control all expenditure in connection with Native administration and Native reserves.
- (5) To deal with all questions concerning the appointment and removal of Chiefs, Headmen and Native Councils.

5. While it was not then considered necessary to confer on him powers to give executive orders for so long as the appointments of Provincial Commissioners continued to exist, it was recommended that the Chief Native Commissioner be appointed a member of the Executive Council, in order that his opinions could always be considered, with due regard to the financial and legal aspects.

3.

6. In Paragraph 4 of his despatch, Sir Charles Rowling, writing on the subject of uniformity of policy, said,-

" I consider that this can best be achieved by the  
 " immediate appointment of a Chief Native Commissioner,  
 " and I submit that such an appointment can be accept-  
 " ed as a permanent part of our Administrative system  
 " whether Sir Henry Belfield's proposals for  
 " separating Native from Non-native districts are  
 " eventually adopted, or whether it be decided to  
 " continue the existing appointments of Provincial  
 " Commissioners having jurisdiction over both  
 " Native and Non-native areas."

7. In February 1919 Sir Edward Hertley decided that the Chief Native Commissioner should form the connecting link between the Governor and the Provincial and District Officers on all matters affecting native administration.

In a Memorandum dated 23rd February 1919 Sir Charles Rowling wrote, in Paragraph 4 thereof,- "The

" appointment of a special officer in whom all native  
 " affairs should centralise becomes more and more urgent,  
 and in Paragraph 11,- "I therefore welcome Your  
 " Excellency's decision regarding the Head of the  
 " Native Affairs Department as a step in the direction  
 " I advocate, and I trust that it will be possible to  
 " gradually extend the principle to other grouped  
 " departments. If the system were to be carried out  
 " in its entirety the present Secretariat would gradually  
 " be decreased until what were left would become  
 " absorbed in the Governor's office."

Despatch No. 130  
 Confidential - Subject  
 Not to be published  
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8. On the 14th December 1919 Sir Edward Northey, in a despatch to the Secretary of State, recommended that the supervision of administration in Native areas should be entrusted to the Chief Native Commissioner. The Secretary of State, in a despatch dated the 30th January, 1920, approved this, among other proposals and said, - "It is understood that you contemplate

" direct communication between the Governor and the

" Chief Native Commissioner on Native affairs. No

" objection is seen to this provided that the Chief

" Secretary is kept fully informed of your decisions

" and the action taken."

9. In Paragraph 6 of despatch No. 1027 dated 23rd July 1920, the Secretary of State said, - "The re-

" organisation of the Administrative service, which

" has recently been sanctioned, should materially

" facilitate the task of the Government in this

" respect. I shall receive with interest your report

" on the working of the new system: but I anticipate

" most satisfactory results from the formation of a

" special branch of the Administrative Service (including

" the Labour Inspectors for special duty in connection

" with native labour) directly under the Chief Native

" Commissioner working in the native areas and dealing

" solely with the administration of those areas and the

" care of the natives as distinct from other parts of

" the community, and I believe that this arrangement

" will in itself provide a safeguard of the greatest

" value against any attempt (if such were made) to

" exploit the native or to recruit native labour by

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" unlawful or improper means."

10. By the Royal Instructions dated 11th September 1920, the Chief Native Commissioner is an ex officio member of both Executive Council and Legislative Council.

11. I regret, however, to have to place on record the fact that until a few weeks ago the principles laid down in Sir Charles Bowring's despatch of 1st August 1918 and Sir Edward Northey's despatch of 14th December 1919 and approved by the Secretary of State have been defeated by the practice in vogue in the Secretariat (where a Native Affairs section was established) which was daily dealing with native affairs and conducting correspondence thereon - in many cases without the knowledge of the Chief Native Commissioner. I have found my position extremely difficult at times on this account, and both Colonel Ainsworth and Colonel Watkins had the same experience. To quote a recent example I may say that, although one of the approved functions of the Chief Native Commissioner is "to consider and advise on all provision in the annual estimates which concern native affairs", the Senior Commissioners in charge of native areas were summoned a few months ago to the Secretariat to confer with the Assistant Colonial Secretary on their Estimates for 1923. After this Conference Administration Estimates for the year 1923, revised and greatly altered, were presented to the Economic & Financial Committee by the Assistant Colonial Secretary without my having seen the figures or having been consulted in any way. This is wholly

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one example of what has been going on. It was not until some weeks after the Economic & Financial Committee had definitely recommended the abolition of the post of Chief Native Commissioner that an office order was made in the Secretariat that all files dealing with native administration of staff were to be referred to the Chief Native Commissioner.

12. It has been necessary, in order to throw light on the present situation, to describe the history of the establishment of the post of Chief Native Commissioner, the duties and responsibilities attached to it, and the obstacles that have been placed in the way of successive holders of the post. We have carried on in spite of those obstacles, and in paragraphs 22 and 23 of Despatch (Confidential) No. 42 dated 21st February last Sir Edward Mestrey reported to the Secretary of State that he was particularly satisfied with the working of the present scheme of separation and added "The institution of a Chief Native Commissioner has been advantageous in every respect, and I am convinced that, in the interests of the natives, the separation of the administration and this appointment are in every way beneficial."

13. Now in August 1922 (I do not know the exact date as I was absent at the Court from the middle of July till late in September) a proposal is put up by the Economic & Financial Committee and signed by Sir Charles Bowring, in which it is said,-

\* Whether -

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" Whether the recommendations of the majority for re-  
 " constitution of the Administration into Provincial  
 " units is adopted, or whether the present methods of  
 " District units with Provincial Commissioners in charge  
 " of Native areas is maintained, no justification exists  
 " under either system for the retention of the post and  
 " office of Chief Native Commissioner. They are of  
 " opinion that such an office might have been found to  
 " satisfy some useful function if the proposals made  
 " by the Labour Commission in 1913 and elaborated in  
 " 1916 had been carried out in their entirety.  
 " These proposals were based on a separation of Native  
 " from European interests and a concentration of  
 " Administration at Headquarters."

The resolution was presumably unanimous as no dissent is recorded, but it seems strangely at variance with the terms of the despatch and memorandum quoted in paragraphs 6 and 7 above. The despatch was written in 1918 - some years after the proposals of the Labour Commission - and the Memorandum was written in 1919.

14. As regards Paragraph 2 of Sir Edward Northey's despatch of the 16th August, I should like to say that the reason for removing the Administrative Section of my Department to the building which contains the Secretariat was merely to save unnecessary correspondence and to effect close touch between the Chief Native Commissioner and the Colonial Secretary, who are the chief Administrative Officers of the Government. If I

- had known -

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had known that it was to pave the way to the present proposals, I should never have consented to it. In Fiji, as in other Colonies, all the main Government Departments are accommodated in one block of buildings.

15. With the deepest respect, I am unable to understand Paragraph 4 of the same despatch, wherein it is said "During recent tours in the big Native reserves I have discussed this question very fully with Senior Commissioners and District Commissioners and find that they are practically all in favour of the proposals put forward in this despatch." Sir Edward Northey had not made any recent tours in the big Native reserves. He had made one tour of a few days in the Nyassa Province in July. The Senior Commissioner of Nyassa is Mr. Tate. I do not of course know what Mr. Tate may have said to Sir Edward Northey: I was instructed to put before the Senior Commissioners at the recent meeting proposals for a reversion to the old Provincial system. Mr. Tate was one of the first Senior Commissioners to make any remarks on the question, and he said most definitely and decidedly that he would only consent to it if the office of the Chief Native Commissioner were not abolished.

16. I am sorry that the opportunity was not taken of consulting the Senior Commissioners on this matter while they were in town recently. In their meeting with me they expressed themselves as unanimously and very firmly of the view that representation of Native interests on the Executive Council was absolutely essential.

9.

17. I desire to make the following submissions, and would make it clear that I am not speaking either for myself personally, or in relation to any other Officer personally, but merely on the matter of principle:

(a) That it is essential that Native interests continue to be represented on Executive Council where questions vitally affecting native interests are decided. In this connection it may be observed that the Royal Instructions direct that one of the ex officio members of Executive Council shall be the Chief Native Commissioner. The smallest class numerically in this Colony are the Europeans, who are represented on Executive Council not only by official members but by two unofficial European members. The next smallest class numerically are the Indians and who are represented on Executive Council by one unofficial Indian member. I am absolutely unable, therefore, to understand on what grounds it is proposed to deprive 2½ million Natives of their representative on the Executive Council.

(b) That it is essential that the Officer representing Native Affairs on the Executive Council should be in close personal touch with

all parts of the Colony and should endeavour to visit each district every year.

It is assumed that if the post of Chief Native Commissioner were abolished his duties would fall to an Assistant Secretary in the Secretariat. Such an Officer merely doing secretarial work in Nairobi and not going round the country and seeing things personally would not be able to represent matters adequately. He would either depend on knowledge which was out-of-date, or on guess work. Both of these are very unsafe. In any case such an arrangement would be a reversion to the very system which Sir Charles Rowling in his Memorandum of 23rd February 1919, was seeking to avoid.

- (c) That the establishment of the post of Chief Native Commissioner has been beneficial to the Natives and to the Colony, and that no case whatever has been made for its abolition.

18. It is not intended that the Chief Native Commissioner shall interfere unduly with the work of Senior Commissioners and such has never been my policy. Decentralisation is achieved by having a Senior Commissioner in full charge of every native area. The functions of the Chief Native

## 11.

Commissioners are to supervise, to ensure compliance with all laws and standing orders, to secure co-operation with other departments, and, by frequent visits to each Province and communication with the Governor, to co-ordinate policy, and to formulate proposals for any legislation or administrative action affecting any particular area or any class of natives or the natives as a whole.

19. Administration is not a mere matter of writing minutes and letters. The most important factors are personal examination of conditions in every district, personal conversations with the Administrative Officers, Chiefs and people, Missionaries, Merchants, Settlers etc., and personal discussions between the Chief Native Commissioner and the Governor. It is not possible for the Governor, with the many demands upon his time, to undertake more than occasional visits to the native areas. It is, therefore, essential that he should be kept in touch with the natives through an executive head of the Native Affairs Department, who should spend a great portion of his time visiting the native areas with authority to give directions in conformity with the accepted policy of the Government. The Chief Native Commissioner should keep the Governor informed of all important developments, and also keep Administrative Officers informed of discussions held and decisions taken at Headquarters.

30. No reason has been put forward for making any change, but the despatches that I have quoted give very good reasons for not doing so. Constant changes in the system of administration not only are bewildering to the natives, to officials and to the public, but they also greatly disturb public confidence in the Government and create a general sense of insecurity. As Sir Frederick Lugard has said, - Decentralisation, Co-operation and Continuity are as Faith, Hope and Charity and the greatest of these is Continuity.

*S. J. V. Maxwell*

CHIEF NATIVE COMMISSIONER.

Your Excellency,

200

With reference to paragraph (c) of Resolution No. 90 on the subject of the Provincial Administration a copy of the report signed by Mr. Lane, Mr. Martin and Mr. Cony is attached.

2. Alterations in staff have been suggested

- (1) at Nakuru, where a Resident Commissioner is considered necessary in place of an Assistant Resident Commr.
- (2) at Eldoret, where a Resident Commissioner is suggested in place of the Provincial Commissioner, the Plateau being included in the Nakuru Province.
- (3) at Naivasha, among the menial staff
- (4) among the clerks attached to various stations, details of which are summarized in the last paragraph of the report.
- (5) The retrenchment of the European Transport Clerk at Londiani.

3. Taken in conjunction with the establishment proposed as a basis in Resolution No. 90 as modified by this report, the savings, not necessarily falling due in 1927 on account of leave pay, to be effected by the adoption of the recommendations are assessed at £24,800. A statement showing how this figure is arrived at is enclosed.

4. A memorandum suggesting the relation of Provincial Commissioners with Provincial Departmental Officers is also attached.

W. H. G. SCWING

CLERK AM.

3rd October, 1922.

STATEMENT.

Item 1. European Staff.

201

The staff proposed is 7 Provincial Commissioners  
 87 1st grade Officers  
 87 2nd grade officers  
 as against 5, 35 and 73 respectively, shown in the draft  
 Estimates for 1925 - a total of 89 as against 115.

The number of reliefs provided in the revised figures has  
 been increased from 15 to 18 to include reliefs for the  
 Secretariat and Chief Native Commissioner's Office in  
 accordance with usual practice.

- (a) The savings in staff pay (not necessarily falling due in  
 1925 on account of leave pay) amount to

8 1st grade Officers at an average of £.680	=	£.5,440
16 2nd grade Officers at an average of £.400	=	7,200

Plus local allowances on 4/8ths at  
25% 2,520

- (b) House accommodation gives a  
saving of 1,800
- (c) Passages are saved for 24  
officers 1,800
- (d) Transport on transfer 940
- (e) Local transport & travelling 5,000
- (f) Travelling allowances 1,280

Total £.25,210

From this must be deducted  
 pensions, which on a basis of  
 15 years service for 1st grade  
 officers and 5 for 2nd grade  
 amounts to

5,880

The net saving is therefore

£. £.21,290

Item 2. Non-European Clerical Staff

The abolition of 20 Non-European  
 Clerical posts is suggested. The  
 proportion maintained among grades is:

1st grade 2  
 2nd " 2  
 3rd & 4th " 2  
 4th " 25

Junior grade, not specified, but, say, 7.

The 20 clerks will therefore be divided  
 into grades as follows:

1 1st grade, at an average a. salary of	£.282 =	£. 282
2 2nd " " " " "	240 =	480
14 3rd & 4th " " " "	144 =	2016
3 Junior Clerks " " " "	61 =	183

- (a) Savings on emoluments £.2,951
- (b) Savings on houses approx. 1/3 of this 444
- (c) Passages 119

Total 3,594

From this must be deducted  
 pensions, say

624

Net saving ..... £. 2,890

Brought Forward

£.24,280 202

Item 3. Haiyasha Menial Staff

The savings are:-

1 Interpreter, say	-	£. 30	
1 Process Server, say	-	12	
27 Porters & Manda, say	-	<u>208</u>	£. 250

Item 4. European Transport Clerk at Londiani.

Estimates Schedule XXIV. Item 61. - £.180

Less allowance to Station Master, say	-	<u>30</u>	<u>£. 150</u>
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Total savings on Items 1 - 4

£.24,430

Naivobi.

2nd September, 1922.

The Chairman,  
Economic and Finance Committee,

Naivobi.

203

Sir,

In accordance with your instructions, we have visited the following stations: Naivasha, Nakuru, Londiani, Kisumu, Eldoret & Nambasa, with the object of ascertaining what savings could be effected by an amalgamation of subordinate staff, in the event of the principle of Provincial Administration in both European and Native areas being reverted to.

At each station we visited we discussed the matter with the Administrative Officers, both Senior and Junior, and with the representatives of the various Departments which are established in these stations such as P.W.D., Medical, Health & Land. Every Officer to whom we have spoken of the proposed amalgamation has expressed himself entirely in favour with the proposals. All agree that for administrative purposes the P. C. should be placed in charge of all matters in his Province and that if his powers are wide enough to enable him to decide matters on the spot, much labour will be saved in not having to refer matters to Headquarters. Officers of Technical Departments, such as P.W.D. & Health Officers, have stated that they can see no objection at all in working under and in conjunction with Senior Commissioners and acting as their technical advisers, and no possible cause for friction. In the case of the P.W.D. at Naivasha and Eldoret, the Officers of that Department have stated that they have, under the new P.W.D. estimates, to work with two or more District

Committees

Committees with conflicting interests and that if there were a Senior Officer responsible for the whole Province who had to watch the interests of each district, he would be able to decide matters affecting the various districts in the interest of each district and of the Province as a whole. For example, the Executive Engineer, on the Plateau, has been informed that he has a certain sum to be expended for his whole District in which there are two distinct District Committees - Usain Gishu & Trans-Nzoia with a D. C. at each place, naturally each district is anxious to secure as much as it can of this road fund, and if there were a Senior Administrative Officer who knew and was responsible for the whole Province, he would be able to settle the differences between the various districts.

We attended a meeting of the District Committee at Nambasa and explained the proposed administration to them. They entirely agree with it, provided always that the P.C. is given sufficient powers to deal with matters on the spot. They suggest that the P.C. should be an ex-officio member of the Committee and that he should be always called in when any matters affecting native and main land interests are concerned and they urge that he should have powers to decide many of the matters which the District Committee are unable to decide. They are of opinion that much time and labour <sup>would</sup> be saved if they could deal with one Responsible Officer in Nambasa who could co-ordinate the work of the various Departments. The Chairman of the District Committee - Mr. Osborne - agrees with his Committee. In our opinion these remarks apply to all District Committees. It is suggested generally that when the P.C. is absent from his station the D.C. should act for him and therefore a senior D.C. should be <sup>stationed</sup> at such places.

District Officers have strongly expressed their opinion that as natives are leaving the Native Reserves in increasing numbers and going as squatters into European areas, the principle of separate administration for European and native areas is no longer suitable. In one European area - Nakuru - Native Headmen have been appointed.

We have had in mind the proposals to establish District Land Offices in various districts - where they do not at present exist - with the staff which has been provided under the Land Office estimates and which under the proposed amalgamation would form part of the Provincial Staff. We have made careful enquiries and investigations and can see no justification for the proposed District Land Staff as such. Officers have expressed the opinion that Land Revenue could be collected by the present Administrative Staff. As has been suggested by Mr. Lane of <sup>the</sup> Secretariat, D.Cs. & R.Cs. could be given powers under <sup>the</sup> Crown Lands Ordinance & <sup>the</sup> Registration of Titles Ordinance when it is necessary. Survey work would have to be done either by licensed Surveyors or from the Central Office. We do not suggest that the Land Office at Mombasa is not required as in that town an elaborate Town Planning Scheme is being introduced.

We submit the following propositions which are unanimously supported by all the Administrative & Departmental Officers whom we have consulted on the spot:-

- (1) Where there is devolution of power to a responsible P.C. controlling white & black administration, and general policy, there will be far less correspondence with Nairobi, more practical work done, and less staff required.
- (2) Where there is a P.C. it is possible to reduce Departmental Staff since as we propose should be done with the L.C. and the P.W.D. Where there is not a P.C. reference to Nairobi is required instead and the whole channel of Departmental decentralization inevitably blocked.
- (3) Savings can, we find, be made in the clerical establishments, particularly at Mombasa & Kisumu, by amalgamations of such staff to form a Central Office.

(4) The presence of a fully empowered P.C. in a Province will be such as to produce a much closer watch, actually on the spot, over costs of administration and we fully expect that the establishment of this system will result in further economies being effected beyond the point which at present on the conservative estimate made by us think safe to recommend.

As a rider to this general service of our following detailed recommendations, we desire to state in the strongest possible terms that we consider that economies are feasible and simple only on the one condition that a devolution of powers is granted to P.Cs. and not otherwise however. And we wish to add to this statement that we have received the strongest support in this opinion wherever we have been i.e. from the officers themselves concerned who will be so largely responsible for the successful carrying out of the scheme, which they state is the only possible method to render local Government speedy in operation, efficient and economical.

NAKURU PROVINCE.

As communications within this Province are rapidly improving and the Railway with extension to Kitale will be completed to Eldoret at an early date the principal centres will be linked together by rail, we therefore consider that a duplicate Staff would be an unnecessary extravagance more especially as the housing for Staff and office accommodation exists at Nakuru and is not available at Eldoret. We, therefore, suggest that one Province should be established for this area with headquarters at Nakuru.

The Province would consist of the following:-

- Headquarters: Nakuru.
- Districts: (Nakuru)  
(Eldoret)  
(Kitale)
- Sub-Districts: Kabarnet,  
Kacheliba, Native Areas.
- Sub-Districts: (Maivasha)  
(Ravine)
- Sub-Districts: (Marakwet)  
(Tembush), Native Areas.

NAKURU.

E.A.R.

We recommend that the Branch of this Department at Nainasha be removed to Nakuru. The Executive Engineer agrees to this provided accommodation for himself, staff & stores be available. We have examined the Yard, Building & Stores at Nakuru & satisfied ourselves in this matter and if this is done we believe that the whole of the existing staff at Nakuru could be abolished and replaced by the Nainasha Staff greatly reduced - see attached returns marked A. & A1.

Headquarters & Nakuru District Staff.

1 B.C.

1 R.C.

1 Provincial Engineer.

1 V. O.

1 European Clerk - supplied by Land Office who would act as Office Supt. & Accounts Clerk.

3 Clerks

This will show a saving of 2 Clerks.

Nakuru is the natural centre for the area of Niumuruti and the Settlers there should be consulted as to whether they should be in the Nakuru or the Nyeri Province.

NAIVASHA.

At this Station we examined records and returns and the work performed and are satisfied that the sub-district could be satisfactorily administered by an Assistant Resident Commissioner responsible to Nakuru <sup>with</sup> which place it is in direct Rail communication and connected by a good road.

A Court is held monthly at Gil Gil and this work could be continued.

The

The present Staff consists of:-

- 2 Clerks
- 2 Interpreters.
- 3 Pressmen Servers.
- 1 Office Boy.
- 1 Nut Counter.
- 24 Station Hands.
- 15 Safari Porters.

Conservancy: 6 Sweepers.

We consider the following Staff only is necessary to which the Officer-in-Charge in the absence of the Resident Commissioner agreed.

- 2 Clerks.
- 1 Interpreter.
- 2 Pressmen Servers.
- 1 Office Boy.
- 1 Nut Counter.
- 12 Station Hands.

GENSITYANSE.

6 Sweepers. (This pays for itself).

LONDIANI.

P.W.D.

At this Station there is employed by the P.W.D. a European Transport Clerk whose duties consist of forwarding goods to various districts served from Londiani Station. We suggest that this appointment is unnecessary and that the work could be done by the Station Master under arrangement with the Uganda Railway making the Station Master a small allowance - this arrangement is in force at other stations.

**KIIRRE.**

At this station we suggest all subordinate staff be amalgamated, accommodation could be provided in the following buildings: S.O's, R.O's., Conservancy & Treasury Offices and the house at present occupied by Officer-in-Charge of Conservancy. The Health Office would remain as at present.

The following would be required as clerical staff:-  
7 Non-Europeans.

Mr. Montgomery, the D.C., Kisumu, who has served in both North & Central Kavirondo Districts is strongly of opinion that the time has arrived when the collection of Hut & Poll Tax can be safely entrusted to the Chiefs in both North & Central Kavirondo Districts. If this were done he is of opinion that the Administrative Staff necessary in each district would be:-

- 1 D.C.
- 1 A.D.C.

He further stated, that, at present, there is, during six months of the year, only sufficient work for one A.D.C., and that he is confident that revenue would not suffer if the proposed change were made.

The P.C. - Mr. Tate - does not agree with the D.C.'s proposal.

**KI DOKKI.**

As office accommodation is not available for a Central Office and we have suggested that this District should be under the control of Nakuru, the following staff would be required for the D.C. & Veterinary Officer:-

- 2 Clerks - Non-Europeans.
- 1 Clerk - Junior.

The P.W.D. will also require one clerk.



Forest Officer.  
 Agricultural Officer.  
 Veterinary Officer.  
 3 Clerks (Non-European).  
 1 Clerk for Liwali.

The Health Office should be transferred to the existing <sup>office of the</sup> Recorder of Titles (Mombasa). If, as we understand is proposed, the Stationery Store at present in the Treasury Building is transferred to Nairobi there will be accommodation in that building for all other staff and the present Health Office Building which is rented by Government could be given up.

In our opinion the station hands porters and boat boys at Mombasa can be abolished.

The following is a summary of the savings which can be effected in Clerical Staff:-

Present Staff.		Proposed Staff.		Savings.
Kisumu	13	7		6
Eldoret	6	4		2
Mombasa	20	10	1 European Office Supt. 2 Water Rate Clerks 1 Meter Reader. 3 Non-European Clerks. 1 Liwali's 2 for K.W.D.aland.	10
Nakuru	8		1 European 6 Non-European.	2

We have the honour to be,

Sir,

Your Obedient Servants,

*W. H. Lane*

*H. J. Martin*

*Wm. Lacey*

1. Departmental Officers are responsible to their Departmental chiefs for the efficient performance of their duties.
2. A programme of the year's work to be performed in each province by each Department shall be mapped out in advance by the local Departmental Officer in conformity with the general Colonial policy, if any, for the Department as given him by his Departmental Chief.
3. This programme shall be submitted to the Provincial Commissioner for discussion and approval by the latter, as the basis of the year's Budget.
4. Such programme and estimate shall be forwarded to Government with mention of such disagreements on the part of Departments as may not have been solved.
5. Frequent discussion with Provincial Commissioners being part of the duties of Departmental Heads such disagreements should be reduced to a minimum.
6. The Budget of a Departmental Head will consist of the Provincial Budgets as affecting his Department and arranged with Provincial Commissioners, and of his own central office.
7. While Departmental Officers shall be responsible to their Departmental Heads, it shall be fully competent for Provincial Commissioners to initiate enquiries into the activities of the former within their respective provinces and call upon them for an explanation in all matters relating to the good name and discipline of the Service, compliance with general regulations in force for the time being, and in particular shall have supervision in matters relating to good economy, industry and the maintenance of proper relations with the public.
8. On cause being found for further action the Provincial

Provincial Commissioner shall in the first instance lay the matter, his complaint together with the explanation and his own final comment, before the Departmental Head who shall inform him of the action proposed.

9. In the event of the Provincial Commissioner being dissatisfied with the action proposed to be taken, it shall be open to him to lay the matter before the Governor.

10. Although, subject to the proviso contained in paragraph 7, a local Departmental Head shall have reasonable freedom in carrying out his annual programme of work as mentioned in paragraph 2 it shall be competent for the Provincial Commissioner whenever in his opinion some matter of exceptional circumstance or local emergency arises absolutely to direct the movements of a Departmental Officer.

11. Such directions shall be made on the entire responsibility of the Provincial Commissioner who shall be liable, on complaint being made to the Governor by a Departmental Head, to give a full explanation of his grounds of action in overriding his technical and Departmental advisers.

12. The posting of Departmental Officers shall be in the hands of their Departmental Chiefs.

13. The granting of short leave, or the recommendation to Government of leave, of Departmental Officers shall be under the control of Departmental Heads after consulting Provincial Commissioners, i.e. applications for leave will be through Provincial Commissioners to Departmental Heads.

14. Provincial Commissioners may authorise special warrants to an amount not exceeding £250 each to be met from reallocation of the votes of the Department in whose favour the grant is made, or from general Provincial savings.

15. Such special warrants shall only be granted by the Provincial Commissioner on some genuine emergency arising which requires immediate action, and for which delay would be to the detriment of the public interest.

16. The Provincial Commissioner shall immediately on the

the granting of such special warrant report the same to the Treasurer with an account of his reasons for making the grant, but the Treasurer shall honour such warrant in advance, and if due cause appears demand a further explanation to Government in due course.

17. Departmental Heads should so far as possible acquaint Provincial Commissioners of their proposed itineraries in advance with a view to promoting the maximum of opportunity of discussion of his Departmental affairs as affecting each Province.

18. The Provincial Commissioner is the chief Administrative Officer in his Province and as such shall be competent to entertain complaints, petitions or suggestions whether from individuals or local bodies of any kind whatsoever within his Province and to deal with them within the limits hereinbefore set forth, and all officers whom he may summon for conference shall be obliged to attend.

19. All complaints or petitions to Government made from individuals or Public bodies within his province shall be made to the Provincial Commissioner, if the complainants or petitioners are unwilling to address the local Departmental Officer concerned.

20. All Departmental Officers must keep the Provincial Commissioner informed as to their movements and must not leave ~~their~~ their Provinces without his sanction unless directly summoned by their Departmental Chief.

sd/-.. H. T. Martin.

Gov/60448/22

215

Kenya.

14

14 Dec. 1922.

Sir,

I have pleasure to acknowledge the receipt of your conf. des. No. 297 of the 10th of Nov., forwarding copies of Resolutions Nos. 92 and 113 of the Economic & Financial Ctee., with accompanying papers.

Your despatch has crossed my predecessor's des. conf. des. of the 19th of Oct., in which he informed you that the present system for the administration of Native Affairs should be retained for twelve months and that a report should be furnished on its working at the end of

DRAFT.

Kenya  
Conf.

Gov. Comdr.  
MINUTE.

Mr. Jeffries 12.12.22

Mr. Bostwick 12

Mr.

Mr. Davis.

Sir G. Grindle.

Sir H. Ross 13/12

Sir J. Mackenzie Smith

Mr. [unclear] for [unclear] 13/12

Mr. [unclear]

(46049)

for constant

Reciv. 53071

of that time. I desire to  
associate myself with this  
decision, and, pending  
the receipt of your considered  
views at the end of the  
period laid down by  
Mr. Churchill, I do not  
propose to comment further  
upon the <sup>suggestion</sup> proposal that  
the post of Chief Native  
Commissioner should be  
abolished.

3. I think it necessary to  
~~draw~~ call attention to  
the remarks made in  
para. 11 of Mr. Maxwell's  
memorandum which  
accompanied your despatch.

I am confident that you  
will agree that if the  
present system is to be  
given a fair trial, ~~it~~ <sup>nothing should be</sup>  
allowed to interfere with  
fullest ~~use~~ <sup>use</sup> must be  
made of the Chief's habit

from effectively to  
Commissioner's ~~above~~ <sup>above</sup> ~~in all~~  
locking the duties of his office, or laid down  
matters relating to the  
~~with~~ ~~from~~ ~~the~~ ~~off.~~  
affairs of which he is  
to be charged, ~~and~~ I trust  
that the steps already taken

DRAFT.

(See para. 14 of  
Mr. Maxwell's  
memo. (cont.))

(2)

MINUTE.

Mr. .  
Mr.  
Mr.  
Mr. Davis.  
Sir G. Grindle.  
Sir H. Ross.  
Sir J. Macarion Smith.  
Mr. Wood.  
Mr. Churchill.

that the steps already taken  
have removed any ground  
for further complaint on  
Mr. Maxwell's part. As,  
however, para. 7 of your  
despatch does not deal  
very fully with the matter  
I shall be glad to receive  
a further report on the  
points raised.

4. I shall await an  
expression of your views  
on the question raised  
in the Resolution no. 113  
of the Economic & Financial  
Committee.  
Chf. ~~Secretary~~ <sup>Secretary</sup>, ~~however~~  
that

to put back to place  
that it is not clear to  
us how a ~~the~~ scheme

planning the Provincial  
Commissioner in administrative

charge of all Depts. in

his province, <sup>as has been in the instructions that</sup> could be  
the office of Chief Native Commissioner

recognized and recommended  
could be abolished, and it is not clear how that  
arranged in practice with  
with the Council along the  
the arrangements under which the  
the responsibility of the  
to be transferred to the Provincial Commissioner  
Provincial Commissioner  
would be a ~~great~~ <sup>great</sup> ~~responsibility~~ <sup>responsibility</sup>  
an ~~responsibility~~ <sup>responsibility</sup> to the Chief Native

Commissioner as regards  
all matters connected with  
native administration.

(Signed) DEVONSHIRE

made of the ~~only~~