

1951.

Kenya

Ken

No. 17101.

SUBJECT

CO 533/408

Secretariat Reorganisation.

Previous

Sec 16354/30.

Subsequent

3237/33.

24 October 30

1. Mr. Hoare's proposal to create an additional post in Secretariat and suppression of post of Provincial Commissioner, Kaimosi, states is having a committee formed to enquire into the establishment of bigger and finer provinces.

2. Mr. Hoare's proposal as to the present organization of work in the Secretariat and proposes that one vacancy for Provincial Commissioner Class I should remain unfilled and that an additional post of Principal Assistant Colonial Secretary be ~~added to~~ ^{created in} Secretariat. Proposes Mr. J. S. Smith to assume responsibilities etc of this post and Mr. C. J. Y. Barton to apptd. Senior Assistant. Requests reply by telegraph.

7 February '31

This is a good despatch; but it does not, I think, affect the views of the Dept. as set out in the Estimates file as to the line of reply - see Estimates file. All Parkman, 2.3.31

To Gov. Kenya. Tel no 92 Conf. 11/3/31

Approved in K.P. 3.

4 Nov. 11. 106. Conf. 28" back
Does not consider alternative of separate
departments desirable as an interim measure.
In view of general uncertainty } m. time would
prefer to carry on as at present for a few
months.

This is satisfactory as it
enables the matter to be deferred for further
consideration, not only in the light of the
possible provincial reorganisation, but also
as regards the status to be given to Mr.
Maxwell's successor.

? Put by.

J.M. Allen

1874/77

acc. Parkman

9.4.31

P.S. 4.31

to P.S. 4.31

P 116

Low ✓



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DECODE

RECEIVED
30 MAR 1931
COL. OFFICE

Telegram from the Governor of Kenya to the Secretary of State for the Colonies

Dated 28 March. Received 1.20 p.m. 28 March 1931.

No. 3
No. 2

No. 106. Confidential. Your telegram No. 93 Confidential. In view of Local Committee referred in paragraph 9 of my despatch of 7th February Confidential 10 and of added uncertainty of future status of Chief Native Commissioner caused by Maxwell's pending retirement I do not consider alternative of separate department which you suggest desirable as an interim measure though it may be worth exploring as part of a general scheme of provincial reorganisation. I appreciate theoretical objection to Moore's proposal and in view of general uncertainty and present need for economy he would prefer to carry on as at present for a few months particularly as owing to leave movements there would practical difficulty in filling additional post at once.

C. O.

Mr. Allen 4/3
Mr. Salunke 5/27/21
Mr.

17101/31 Kenya.

20
Codes sent
55-PM
12/2/31

No. 92.

Confidential.

Mr. ~~Tamilson~~
X Sir C. Bottomley 6.2
Sir J. Shuckburgh
Sir G. Grindle.

Your confidential despatch of

+ Permit U.S. of S. 8/16
7/3/31 (2)
+ Parly. U.S. of S. 10.5.31
X Secretary of State. 13/3

for conson. vide minutes on
17101/31 and 16300/30.

DRAFT. See (Gay)

Governor Nairobi

the 7th February No. 10. I entirely agree as to need for early relief for Colonial Secretary and I ~~would~~ welcome provision for that purpose but it appears to me essential that position of Chief Native Commissioner should be retained on basis which would not justify criticism that his independence has been ~~separated~~ ^{undermined} / Arrangement now suggested appears to entail in theory if not in fact subordination of Chief Native Commissioner and also Commissioner for Local Government, etc. to Colonial Secretary's deputy. I feel that this is open to strong objection and therefore before approving new appointment proposed I should be glad if you would consider whether it would ^{not} now be possible concurrently with new appointment to re-establish

1.5.31

23

1.5.31

*Expenses Mr. Pauline
with - 50 (Kaj) 50.

with 24th 1/31
memo on 16300/30

establish

2 loads section

establish Local Government and Native Affairs section of Secretariat as separate departments of Government over which as over all other departments Colonial Secretary would exercise general supervision

under and the Governor *possible* This suggestion appears to me to be *other* alternative to and less open to objection than *rejected* course referred to and *discussed* in paragraphs 7 to 9 of your despatch.

SECR.

would suggest inserting
at x
Governor's pending honorable reconsideration of the official position of the Chief Native Commissioner *in the event of a new appointment*

I am not appreciable to the Chief Native C. being normally under the Colonial Secretary, if we are to meet the strong pressure which is normally coming from important quarters for separate budgets, it can only be by showing that the C.N.C. has a free and independent position, and is directly responsible to the Gov. for policy, even if it were necessary for some purposes, that he should be under control of the Col. Secretary. I feel it would be well to give a hint of this possibility by an addition as above.

T.H.S.

KENYA.

No. 10

CONFIDENTIAL.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

RECEIVED
2 MAR 1931
COL. OFFICE

7 February, 1931.

My Lord,

I have the honour to refer to Head XVIII Item 2 of the 1931 Estimates which provides for increasing the Secretariat establishment by the creation of a new senior post.

2. The present duties and responsibilities of the Colonial Secretary under the re-organisation both of provincial and headquarters administration adopted as a result of the Feetham Commission's Report are set out in Mr. Amery's Confidential despatch of the 15th March, 1929. The Colonial Secretary is there stated to be responsible under the Governor for the administration both of the Native Reserves and the settled areas, normally acting on the advice of either the Chief Native Commissioner or the Commissioner for Local Government, Lands and Settlement as the case may be.

3. In addition - a point which does not appear to have been sufficiently recognised in the despatch - there is, of course, a large volume of business of the kind normally transacted in any Secretariat, which cannot be specifically labelled as relating only to local Government or to native administration respectively. This naturally forms a very large proportion of the whole, and is carried out principally in the old Secretariat proper under the direction of the Principal Assistant Colonial Secretary

and

THE RIGHT HONOURABLE
LORD PASSEFIELD, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON, S.W.

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Conf - 13/3/31
No. 2 in 15504/29
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and in part by the distribution of certain subjects to Assistant Secretaries working under the Chief Native Commissioner and the Commissioner for Local Government, Lands and Settlement.

4. All three sections of the office are, however, at present necessarily and unavoidably working in independent and water-tight compartments, and there is no officer, except the Colonial Secretary, who sees all the papers and knows what is going on in each. As a result questions not infrequently reach the Colonial Secretary in an incomplete or uncoordinated form. Even where this is not the case he is compelled to deal with a mass of routine and comparatively unimportant matter which could be dealt with by a less senior officer with equal efficiency and more despatch.

5. In addition to the disabilities in the present organisation to which I have already referred there are certain anomalies inherent in the present system which may be summarised as follows:-

- (1). Both the Chief Native Commissioner and the Commissioner for Local Government, Lands and Settlement, by virtue of their membership of Executive and Legislative Councils have very definite duties and responsibilities imposed upon them. Further, they are both given specific and quite independent powers and duties by virtue of specific local Ordinances. The anomalous position is therefore created whereby officers, who are supposed to be subordinate to the Colonial Secretary and his senior assistants in his Secretariat, are

are placed in the position in which they have the right - which in some cases they may quite reasonably consider their duty - of opposing their Chief in Executive Council, when a matter on which their views are at variance is being discussed.

(ii). The Commissioner for Local Government, Lands and Settlement is not only a Secretariat officer but also the head of two distinct, though often closely related departments, namely the Lands Department and the Local Government Department. In his capacity as a Head of Department he has quite distinct duties and responsibilities placed upon him by Ordinance which he is free to exercise independently of the Colonial Secretary. These naturally require his absence from headquarters from time to time and his attendance at innumerable committees. But, in addition, he has a section of the Secretariat proper under him which deals with such subjects as Non-native Administration Staff, Agriculture, Forests, Public Health, Mines, etc. etc. During his absence the work of his section in the Secretariat has to be done either by a junior officer or by the Colonial Secretary himself, or not at all.

(iii). The same considerations, though perhaps in a less degree, apply in the case of the Chief Native Commissioner. He still functions as the Head of a Department so far as the Labour Section and the Native Registration Section are concerned,

concerned, although the latter is shown in the 1931 Estimates under Head XXIX, and still retains any executive powers vested in him specifically by Ordinance, none of which have been amended to conform with any difference in the altered status of the post. If he is to tour the Native Reserves, as he should, and attend the various committees, of some of which he is a statutory member, his Secretariat and departmental work at Headquarters is left to his two assistants, who have to choose between letting work get into arrears or submitting papers direct to the Colonial Secretary, who again is reduced to dealing with papers of minor importance which should have been disposed of without his intervention.

6. The practical result of the present system is that the Colonial Secretary is in danger of being reduced to a clerical hack, and cannot leave headquarters or attend the numerous conferences and committees, on which he is normally expected to sit, without risking serious delay and dislocation in the transaction of Secretariat business, while the two officers already mentioned find themselves in much the same position, with the additional disability that like Dr. Jekyll and Mr. Hyde they are endowed with a double personality, signing at one time "for Colonial Secretary" in their capacity as one of his principal assistants, and at another over their own title, as head of their respective departments.

7. The strictly logical course, if the duties and responsibilities laid upon the Colonial Secretary in Mr. Amery's Confidential despatch are to be carried out,

is to separate the duties of the Commissioner of Lands from those of the Commissioner for Local Government, to introduce amending legislation depriving both the Chief Native Commissioner and the Commissioner for Local Government of their executive powers, and to bring within a reorganised Secretariat both the Chief Native Commissioner and the Commissioner for Local Government as principal advisers to the Colonial Secretary on native affairs and local Government respectively.

8. The objections to such a course are serious. First, it would entail additional staff and expenditure at a time when there is an urgent need for economy. Secondly, it would create still further demands upon the time and energies of the Colonial Secretary, if he is really to be expected to exercise properly the often highly technical and specialised powers vested in the Commissioner of Local Government by Ordinance simultaneously with those vested in the Chief Native Commissioner under the Native Lands Trust Bill and other Ordinances affecting the welfare of natives. Finally it would appear in any case unwise to make any such drastic change until the deliberations of the Joint Committee have been concluded, and controversy as to the form which the administration of the Colony and the Protectorate should take in the future has been finally put to rest.

9. In addition to the above considerations the possibility is to be explored locally, as explained in paragraph II, page 6 and paragraph XXVIII pages 38 and 39 of the Report of the Select Committee on the 1931 Estimates, of obtaining an increased measure of decentralisation

decentralisation by the creation of fewer but larger Provinces, and vesting wider powers and responsibilities in the Provincial Commissioners. Such a policy, if carried into effect, would necessarily have an intimate bearing on the number and status of Senior Officers necessary at the headquarters of Government.

10. In all these circumstances I am of opinion that pending a decision on the questions referred to in the two preceding paragraphs the best method of affording the Colonial Secretary some relief is not to fill one of the vacancies now existing in the cadre of Provincial Commissioners Class I, and to transfer the post temporarily to the Secretariat. One post in the cadre of Provincial Commissioners is in any case supernumerary at the moment owing to the decision to incorporate the Naivasha Province in the Rift Valley Province.

11. The additional post in the Secretariat now proposed has been styled in the Estimates as that of Principal Assistant Colonial Secretary and the intention is that this officer should work directly under the Colonial Secretary, co-ordinate all the work now emanating from the three different branches of the Secretariat, as explained in the third and fourth paragraphs of this despatch, and generally relieve the Colonial Secretary of much of the routine work with which he at present has to deal.

12. If these proposals meet with Your Lordship's approval I propose that Mr. J. E. S. Merrick should assume the increased responsibilities and salary attached to his present post of Principal Assistant Colonial Secretary in the Draft Estimates for 1931 whilst Mr. C. J. J. T. Barton should

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should hold the new post of Senior Assistant the duties of which would correspond to those performed at present by Mr. Marriek. Both these officers by their work, ability and Secretariat experience are well qualified for this advancement, which they both realize will be of a temporary nature until such time as a decision is taken on the general question of Provincial Re-organization.

13. I should be glad to receive Your Lordship's approval of these proposals by telegram in order that the proposed relief may be forthcoming as early as possible. I much regret that this despatch has not gone forward earlier, but it has been delayed by the pressure of more ^{urgent} business consequent on the economic difficulties which the Colony is experiencing at the present time.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,



ACTING GOVERNOR.

RECEIVED
19 FEB 1931
COL. OFI

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

24th October, 1930.

My dear Parkinson,

Thank you very much indeed for your letter of good wishes to my wife and myself during our Acting period.

Like you, I have been too busy to write to you fully on a good many points which I should like to do, and I am afraid that situation is likely to continue. I am sending you, however, by this mail, five copies of the Draft Estimates and the Memorandum on them in advance, in case they may assist you all in the Colonial Office with the preparatory examination of the Estimates, as owing to the reasons already explained to you officially, the Session is being held this year later than was originally intended. I hope you will agree that we have taken your good advice to heart and have created something of an achievement by budgetting for a surplus in as lean a year as this. I cannot say, of course,

how.....

24th October, 1930.

how the Draft Estimates will come out of Select Committee, but I think on the whole elected members will be appreciative of the economies that we have made and that the Session this year may be quite a brief one.

There is one item in the Draft Estimates to which I should like to allude, although I will send off a formal despatch on the subject as soon as I have had time to write it. I refer to the proposal to create an additional post in the Secretariat at £1,350 and the corresponding suppression of the post of Provincial Commissioner, Naivasha. The reason why recommendations to this effect have not gone home to you before is that my original proposals for reorganizing the Secretariat on somewhat more drastic lines were held up in view of the usual bogey of Closer Union. You are as well aware, I think, as I am of the present anomalous position, whereby the Chief Native

Commissioner.....

by General consent

24th October, 1930.

Commissioner and the Commissioner for Local Government, Lands and Settlement, both of whom are members of Executive Council and also control technical branches in their Departments, e. g., the Labour Section, of the Lands Department, are also for Secretariat purposes regarded as, in a sense, Principal Assistant Secretaries to the Colonial Secretary, and advise him on matters falling within their respective spheres. The anomaly is a real one, and except with the greatest goodwill - which, I am glad to say, has prevailed - the machinery would undoubtedly break down. Quite apart from that, the Colonial Secretary at present is the only co-ordinate ^{ing} officer under the Governor for papers coming from all branches. The strain on him both in respect of time and memory is great, and in present circumstances it is almost impossible for him to leave headquarters without risking serious delay in Government business.

As a.....

24th October, 1930.

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As a temporary measure, therefore, I have recommended the creation of this post, the holder of which will be the co-ordinat^{ing} officer under the Colonial Secretary, and all papers both from the Chief Native Commissioner and the Commissioner for Local Government will come up through him.

I cannot in this letter go into detail, and I do not suggest that the organisation is not still capable of considerable improvement, but I do believe this is a step in the right direction and hope, therefore, that you will see your way to approve it. When we know our fate on Closer Union we shall know whether the suggestions strenuously advocated in certain quarters that the administration of native and settled areas should be distinct is likely to be adopted or not; that decision in its turn of course vitally affects the position of the Chief Native Commissioner, and therefore I agree that on the whole it is probably wise to have

delayed.....

24th October, 1930.

delayed my other proposals for reorganisation which to a certain extent involve the further emasculation of his activities, at least on the office side.

The reorganisation of Provinces, approved about a year ago, was, as you know, based on the Feetham Commission's Report which advocated the joint administration of white and native areas. There was a great deal of local discussion as to the best division into Provinces, and I think the decisions taken were influenced to a large extent by the natural desire not to reduce the existing posts of Provincial Commissioners and so injure the prospects of promotion in the Administrative service. Experience, however, has proved that quite apart from the Secretariat aspect which I have just dealt with, there was not enough work for the Provincial Commissioner at Naivasha, and I think we shall probably be disarming popular criticism by suppression of the post. I am not at all sure, however

that.....

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

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24th October, 1930.

that we should not go still further and revert to the earlier policy of still fewer and larger Provinces. My reasons for so thinking are that the tendency here, a natural tendency in view of the local nature of the unofficial community, is to centralize all activities at headquarters to an extent which in my opinion does not make for the most efficient administration. The only way to get over this is to make a really big man of the Provincial Commissioner, surround him with Provincial Departmental Heads, and possibly even a Provincial Council, and try to make him run his own show rather than pass the baby on to headquarters. Unless we have big Provinces the cost of setting up a series of such departmental organisations would be prohibitive but with fewer Provinces I believe a saving both in time and money might be effected, and I am having a Committee appointed to go into that aspect of the subject.

One.....

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

-7-

24th October, 1930.

One word more: I am very sorry that I had to wire asking the Secretary of State to reconsider the decision about the Land Bank, but I can assure you that his consent to the Bill being proceeded with this Session has created the most favourable impression here and is really a good move. I hope you will not find it necessary to dissent from the Bill in its final form, as I am informed by Martin and MacGregor that the Select Committee has agreed to, I believe, all the amendments you have desired, and MacGregor is working out a composite report which I am assured will have the effect of making the different amendments to the Bill quite clear and should give you a minimum of trouble when going through the comparative clauses.

I am looking forward to the visit of Lord & Stockdale, wish do what I can for them both. The latter I know years ago in Egypt. No more news, as the mail is closing, but I assure you we had some fun & frolic over the Air business. I have largely

A. C. C. PARKINSON, ESQ., O.B.E.,
COLONIAL OFFICE,
DOWNING STREET, S.W.1.

*Yours sincerely
A.C.C.*