

1936

Kenya

No. 38178

SUBJECT

C0533/471

Legal Department Staff

Previous

1935

Subsequent

1937

Berlin Mail 6/8 3. To Governor No. 595.----- cons.----- 6.8.36.

- X 4. Governor No. 429.----- 20.8.36.
No. 3 and; for reasons set out, requests that selection of
candidate for the post of Crown Counsel be made as soon
as possible.

I submit a V.F in
instead of the vacant post.

The salary of it
that prescribed in para 5 of the
despatch of 26.8.36 of which a
print is attached.

I understand from
Mr Acheson that the of the
revision of the title of posts of
Crown Counsel is at present in
abeyance. Accordingly this post
should, however, continue to be
styled 'Crown Counsel'.

G. S. Evans

1.9.36.

J. E. D. King

2.9.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
V.F. attached to Romo 796.

Thompson
1939.

3/11/36

h

(5) I have attached to this file a letter in which Mr. Harcourt has asked Sir G. Bushe to arrange if possible that the new Solicitor-General for Kenya shall arrive there in January or early in February next. So far we have had no word from the Governor of Kenya about the filling of the vacancy which will be caused by the transfer of Mr. Bruce, the present Solicitor-General, to the Gold Coast. We must, I think, ask before the matter is put in train, and as we should set about this early if the post is to be filled by transfer at the beginning of next year I submit a draft telegram.

M. G. A.
28.9.36

(6) Tel to Gov. Kenya, no 221 *12/10*
6000
28/9/36
DESTROYED UNDER STATUTE

7. Governor tel.No.235.----- 1.10.36.
No.6 and; agree to selection of Solicitor General; has no candidate to recommend.

I submit V.F.
(Mr Bruce left instructions on the 26th Sept and will be due for about 3 1/2 months leave from the 1st Oct.

C. J. Crosswell
1/10/36

J. J. P. ...
2/10
at once

30/10
V.F. attached to P. memo 1194.
H.C. Willan appd. Solicitor-General
see - 22434 EA.

8. Governor tel. No. 240. ----- 7.10.36.
Ref. No. 4 requests that no further steps be taken to fill
vacancy for Brown Counsel; may recommend Mr. Phillips
for the post later.

It was decided a salary of 796 to
cover the vacancy for a Crown
Counsel (vice Mr. Leary) to
be left. No letter has yet
been sent to the Law of Court,
so we can tell the Governor
that no candidate has yet
been appointed. But Sir G. Buxton
may have views regarding the
secondment of Mr. Phillips - see
the minutes (below No. 2) on
40303 EA. in this connection.

See 2705336
17/10/36

A. J. G. Smith
8/10/36

Sir G. Buxton

We gave them an opening to put him
forward. He is now acting and they should
have a full trial before we appoint any one.

Also Kenya will have to reduce its
above staff in accordance with the Pin report
and this gives a chance of one less.

J. E. W. Flood
8.10.

If Mr. Phillips is to be provided
for, I would much rather have started him in
a Magistrate's post outside Kenya, because
an administrative officer turned legal adviser
in the same Colony has even less honour than
a prophet in his own country. However, in

view

view of the despatch to which you refer, it is
perhaps difficult to raise any objection, but
if Mr. Barragin is not satisfied with him I take
it that you agree he will have to return to the
Administration.

12.10.36.

H.B.

I agree with Sir G. Buxton that he would be better
started as a Magistrate in, say, Uganda, but we
can't help it. If he doesn't make good after trial he
will of course have to revert to the Administration
but that ought not to stop his being tried as a magistrate
if a chance occurs.

J. E. W. Flood

Then? wif: the Governor or the Governor
purpose. ~~with the~~ ~~of the~~
to see. ~~with the~~
13.10.36

J. E. W. Flood
13.10.36

Proposed
10/10/36

As and mail
22/10/36 9 To Kenya 836 (8 award) 22 OCT 1936

Necessary
action
Promotions
Branch

Proposed
with the

22/10/36

C. O.

AIR MAIL

Mr. Grossmith

16/10/36

Mr. *Parkin*

10/10/36

Mr.

Recd 1937/10

Sir C. Parkinson.

Downing Street,

Sir G. Tomlinson.

C.D

October, 1936.

Sir C. Bottomley.

17 OCT

Sir J. Shuckburgh.

19

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

I have etc. to acknowledge

DRAFT.

the receipt of your telegram No. 40

KENYA.

(P)

of the 7th of October regarding the

NO. 836

post of Crown Counsel rendered vacant

GOVERNOR.

by the appointment of Major A. W. Lewis

as Solicitor-General in Uganda, and

to inform you that a candidate has

selected for this post

not yet been appointed, and that, in

accordance with your wishes, no further

steps will be taken to fill the

vacancy.

FURTHER ACTION.

CH 6/10/36
or 170 83/27/36
MP

I have, etc.

(Signed) W. ORMSBY GORE

COPY FOR REGISTRATION

RE

E 7-OCT 1936

O.C

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

Dated 7th October, 1936. Received 12.30 p.m. 7th October.

No. 240.

Reference Mr. Wade's despatch No. 429 of the 20th August vacancy for Crown Counsel. Provided that no candidate has been appointed I should be glad if no further steps be taken for the present to fill the vacancy. Phillips district officer is recorded as Crown Counsel and may be recommended later to fill the vacancy if he proves suitable. Your despatch of the 10th July Confidential (2) refers

Answered (9)

(4)

P.F.
40303

COPY FOR REGISTRATION

RECEIVED

1-OCT-1936

38178/36

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

Dated 1st October, 1936. Received 9.43.a.m. 1st October.

No. 235.

(6)

Your telegram No. 227 I agree to selection of new Solicitor General. I have no candidate to recommend.

B 112

185
25
Mauvi

20th August, 1936.

Dear Sir Francis,

Just a line to let you know how pleased I am that you have been able to fix up old Bruce Boy and then a word about my own office difficulties

(a) I will be left in a moment without my Solicitor General or my Senior Crown Counsel, if Bruce leaves at once.

I fully realise the former cannot be replaced until he has had his Kenya Leave, but I cannot let him go until Lewey's successor arrives. Can you expedite this gentleman's movements.

(b) I am due for leave on the 12th March next year after a tour of 3 years and 5 months and will not be able to go until the new Solicitor General is firmly in the saddle. Can you see that he is here in January or early February? I am dreadfully sorry to worry you over these comparatively small details but they do make a great deal of difference to us people out here.

I hear with regret that the Secretary of State has been advised that a "disqualification from voting" which follows (automatically by statute) on a conviction is not a penalty within the meaning of the word in Article XVII of the Order in Council and that therefore His Excellency has no power of remission. I am sorry I misled His Excellency and

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therefore though unconvinced remain penitent.

However it is a great score for Elected
"embers, whose law is apparently better than
their sense of equity and justice.

Both my Crown Counsel Wallace and
Dennison are doing well, though their health is
indifferent at the moment. If you send me as
good next time I will be quite satisfied though
I am sorry that it cannot be Hogan of whom I have
formed a high opinion.

Life here is as usual, though there is
a slight lull in politics preparatory to the
storm of the Budget session. I am interested to
note that as a result of Francis Scott's visit to
you people there is not so much shouting about the
Highlands Order in Council.

Yours sincerely,

W. H. H. H.

58778

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AIR MAIL

KENYA

No. 429



GOVERNMENT HOUSE
NAIROBI
KENYA

20 August, 1936.

RECEIVED

51-AUG-1936

Sir

(3)

I have the honour to refer to your despatch No. 598 of the 6th August, on the subject of the selection of a candidate for the post of Crown Counsel rendered vacant by the transfer of Major A.W. Leway to Uganda, and to inform you that since it is probable that the post of Solicitor General will also become vacant in the near future it is imperative that a Crown Counsel should be appointed with as little delay as possible.

(1)

2. In view of the urgency the Attorney General desires that the recommendation contained in my despatch No. 364 of the 25th July, 1935, viz. that a post of Crown Solicitor should be substituted for that of a Crown Counsel, should not be applied to this vacancy and I trust therefore that it will be possible to select a suitable candidate for appointment at an early date.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Archibald

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE

W. OMBEY-GOBE, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S.W.

AIR MAIL

KENYA
No. 429



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GOVERNMENT HOUSE
NAIROBI
KENYA

20 August, 1936.

RE

31-AUG-36

Sir,

(3)

I have the honour to refer to your despatch No. 598 of the 6th August, on the subject of the selection of a candidate for the post of Crown Counsel rendered vacant by the transfer of Major A.W. Lewey to Uganda, and to inform you that since it is probable that the post of Solicitor General will also become vacant in the near future it is imperative that a Crown Counsel should be appointed with as little delay as possible.

(1)

In view of the urgency the Attorney General desires that the recommendation contained in my despatch No. 364 of the 25th July, 1935, viz. that a post of Crown Solicitor should be substituted for that of a Crown Counsel, should not be applied to this vacancy and I trust therefore that it will be possible to select a suitable candidate for appointment at an early date.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Arnold

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
W. ORMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

38178/35

11 END

C. O.

Mr. *Storr* 4/136
Mr. *Parkin* 4/187.
Mr.

AIR MAIL

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

CD
R 4-AUG
D 4

and 4

9 August, 1936

DRAFT.

Keay

No 598

for

(No. 75 -
33 578 P.A.)

Aug
38178/35

Sir,

I have etc to refer to

J.H. Thomas

Mr Macdonald's despatch

No. 760 of the 23rd of September,

and to request that

~~you be furnished with~~

~~any recommendations~~

~~which you may wish to~~

~~make with regard to~~

the post of Crown

Counsel rendered vacant

by the appointment of

Major A.W. Lewey as

Solicitor-General in

England.

FURTHER ACTION.

See
No. 75
33598
21.

2. On receipt of your
recommendations every
effort will be made to
secure a suitable candidate,
but it will be appreciated
that the selection and
appointment of ~~the~~ ^{an} Officer for this post
will take some little
time

Yours etc

(Signed) W. ORMSBY GORE.

In this connection I refer
to the reference to the
sup. No. 364 of the 21st of July 1931

(No. 1 on
38178/31)