

1937.

38077

CO 533/479
KENYA

38077

EXECUTIVE COUNCIL

APPOINTMENTS & RESIGNATIONS

Previous

1936

Subsequent

1938

Swift Maffey	3/5
H. Bosa	3/5
D. J. D.	2/5
Mr Goswami	4/5
R 299	5/5
297	11/5
G.O. 89.	24/5
Sir G. Brooke	27/5
Mr. Flood	25

R. 297	25/2/37
R. 309	27
Am. Lawrence	2/3
Mr. Pashin	3/3
R 299	5/3
297	5/3
G.O. 89.	27/3
R 297	24/3
R. 309	29/3
Sir C. Bottomley	29/3
Sir J. Maffey	31/3
Mr. Goswami	1/4
297	30/4
R. 309	1/5
Sir C. Bottomley	1.5

Sir C. Bottomley	
298	2/6
297	3/6
Mr. Mason	10/6
R 297.	26/11
309	26
Sir C. Bottomley	7/11
R. 303	3
R 299	7/12
297.	

Q.I.

EXECUTIVE CCL.
Nominal.

1. ACTING GOV. KENYA 18 Conf. 20.1.37
Res. that the term of membership of Mr. J. B. Pandya as
an unofficial member should be extended for a further
year from 18.3.37.

2. ACTING GOV. KENYA 24 Conf. 3.2.37
States that he has provisionally appointed Dr. D. D.
Karve to be temporarily a member during the absence
from the Colony of Mr. Pandya and would be glad if the
appointment may be submitted to His Majesty.

(K)

No. 1 ? Ask that it has been
pleased to give directions for
the appt of Mr J.B. Pandya to
be an Unofficial Member of the
Exec Cllc for a further
period of 1 year, (+ Gazette)
~~and 18.3.37~~
(This is not the moment to press
for a longer period of appointment
having regard to the report for
a revision of the Constitution.)

X.
(L/C
No. 2
31/4/37)

No. 2 ? Confirm the provisional
appt. in that name, of
D Karve to be temporarily an
Unofficial Member of the Exec
Cllc during the absence from the
Colony of Mr J.B. Pandya.

Suppl herewith *C. G. Bennett*
27.2.37

Lawrence
27/2/37

M: Clerk has seen

J. G. Bennett
3/3

AIR MAIL 3

AIR MAIL 4

20 Kenya - Conf - (1 amnd)
20 Kenya - Conf (4) (2 amnd)

} - 4/3/37

DESTROYED UNDER STATUTE

To: *honourary secretary* — 12.5.37

6. C. L. PATEL — 19.2.37

Letter extract from "Hindu Outlook" of 20.2.37 regarding reconstitution of Kenya Executive Council

I can't place this Mr. Patel. There are lots in Kenya

& Uganda but this initials are different

Anyhow the extract is a good instance of the Indian tendency to hold before he is hurt. All that has happened is that Sir R. Brooke-Pollock will examine the Council & put up proposals for giving unofficals more share in it - a task in which I do not envy him. No one knows what form the result will take.

But there are points to consider. We know very well that Lord F. Scott holds that no Indian ought to be on Executive Council for the reason that "the Indian has nothing to do with the Administration of the Country". The Europeans recently postulated at the choice of an Indian for some local Committee on this ground and no doubt they will try to get their view accepted.

Now it can't be. The Wood-Whitlock agreement said that there was one Indian unoffical on Ex. Council and it should be understood that this arrangement would continue [see page 7 of Cmd 1922 - the White Paper of 1923]. - This view was accepted and on page 14 of the same point, it is said that as regards the Ex. Council "the present position will be maintained" save being taken to add someone to represent native interests.

The Indians are fully alive to all this and as we know attach more importance to "face saving" and "unofficial points" than is justified by facts. But whatever changes are made we shall have to get agreement from the I.O. & India and no proposal to drop the Indian will be accepted. And why expect it? The Indians are part - and a large part - of the body politics in Kenya and if white unofficals are on Ex. Co. you can't aim at giving the Indian

He writes from India

I can think of many good cases for a row with India but I don't see how to fight on that.

But it is all in the future. For the moment it should be enough for the P.S. to acknowledge and say that no proposals for remodelling Council have yet been formulated, the matter to which the new Governor has been asked to give his attention.

S.P.O. ~~Hand~~
29.3.37

X I have heard J.O. say for nearly 16 years that Kenya held the key to successful administration in India, and if this question of representation in Ex. Co. came up seriously I should at least begin to believe them.

I ask next only.

W.S. 29.3.37.

3/3

S. Patel (6. Anand) — 1.4.37

DESTROYED UNDER STATUTE

8. GOV. KENYA.....No.69 CONF.....22.4.37.
Notifies, for H.M.'s approval, provisional appt. of Lt-Col. Lord Francis Scott and Capt. Schwartz to be temporarily Unofficial Members of Exec. Council and attaches list of Members.

No one else would have accepted if there two had been left aside. *Good for me W.S.*

I could swear that he had not appointed this two in view of the fact in which they would not last year. *Lord F. Scott*
was very much to Sir J. Agnew. *Chicago*

However it may be taken as the ceremonial purpose of the Council. It has been announced in Kenya & appears in G. King's Morning Post.

W.S. 3/3

To: honourary secretary — 12.5.37

DESTROYED UNDER STATUTE

6. C. L. PATEL — 19.2.37

Excerpt from "African Outlook" of 20.2.37 regarding reconstitution of Kenya Executive Council.

He writes from India

I can't place this Mr. Patel. There are lots in Kenya

& Uganda but this initials are different

Anyhow the extract is a good instance of the Indian tendency to hurt before he is hurt. All that has happened is that Sir R. Brooke-Popham will examine the Council & put up proposals for giving unofficials more share in it - a task in which I do not envy him. No one knows what form the result will take.

But there are points to consider. We know very well that Lord P. Scott holds that no Indian ought to be on Executive Council for the reason that "the Indian has nothing to do with the Administration of the Country". The Europeans recently protested at the choice of an Indian for some local Committee on this ground and no doubt they will try to get their view accepted.

Now it can't be. The Wood-Winterton agreement said that there was one Indian unofficial on Ex. Council and it should be understood that this arrangement would continue [see page 7 of Cmd 1922 - the White Paper of 1923]. This view was accepted and on page 14 of the same point, it is said that as regards the Ex. Council "the present position will be maintained" power being taken to add someone to represent native interests.

The Indians are fully alive to all this and as we know attach more importance to "face saving" and "unofficial points" than is justified by facts. But whatever changes are made we shall have to get agreement from the I.O. & India and no proposal to drop the Indian will be accepted. And why expect it? The Indians are part and a large part of the body politic in Kenya and if white unofficials are on Ex. Co. you can't simply ignore the Indian.

I can think of many good cases for a row with India but I don't think I should fight on that.

But it is all in the future. For the moment it doesn't seem enough for the P.S. to acknowledge and say that no proposals for re-modelling Council have yet been formulated, that being a matter to which the new Governor has been asked to give his attention.

S.P.O. K... 29.3.37

X I have heard J.O. say for nearly 16 years that Kenya held the key to successful administration in India, and if this question of representation in Ex. Co. came up seriously I should at least begin to believe them.

Jack. recd. on 9.

Col. S. 29.3.37.

3/5

S. Patel (6 April) — 1.4.37

DESTROYED UNDER STATUTE

8. GOV. KENYA.....No. 69 CONF.....22.4.37. Notices, for H.M.'s approval, provisional appt. of Lt-Col. Lord Francis Scott and Capt. Schwartz to be temporarily Unofficial Members of Exec. Ccl and attaches list of Members.

No one else would have accepted if there were had been left aside. Good & April 1937

I could swear that he had not appointed that time in view of the case in which they walked out last year. Lord P. Scott was very much to Sir J. Byng. ~~There is a challenge to the appointment~~

However it may be taken as the ceremonial hanging of the hat. It has been announced in Kenya & appears in G. S. King's list. So ? appears in H.M.'s name & signature. ~~will present~~

W.S. 3/5.37

W.S. 15.37

MSA K...
draft 2

In paragraph 1 of 8 the Governor says that he has made two provisional appointments in accordance with the powers conferred upon him by Article IV of the Royal Instructions. That Article only gives the Governor power to make appointments "in pursuance of instructions from His Majesty through a Secretary of State". These instructions had not been given.

Article V of the Royal Instructions governs provisional appointments.

Lord Francis Scott resigned from the Council on the 8th of March, 1936 (7 on 38077/1/36) and Captain Schwartz resigned on the 15th of April, 1936 (10 on 38077/1/36). In these circumstances the Governor had power to make provisional appointments under Article V of the Royal Instructions "in the place of the Members so resigning", although they were appointed in their own vacancies. But they were both absent from the Colony at the time and I doubt whether the provisional appointment of a person not in the Colony and available to serve on the Council can be regarded as having any effect (see No. 3 on 62352/35).

The Governor also purported to make two provisional appointments in the places of two persons who at the time were themselves only

only provisionally appointed. The provisional appointments of Major Bentinck and Mr. Harvey can be regarded as being regular in the two vacancies which exist as a result of the resignations last year of Lord Francis Scott and Captain Schwartz. The proper course would have been for the Governor to appoint Major Bentinck and Mr. Harvey provisionally and to wait for the return to the Colony of Lord Francis Scott and Captain Schwartz before appointing them. ~~But~~ The provisional appointment of Major Bentinck and Mr. Harvey ~~can~~ be regarded as regular and these provisional appointments will be superseded in due course by the definitive appointments of Lord Francis Scott and Captain Schwartz for which instructions have been given, ~~but these definitive appointments should not take effect until their return to the Colony, and I should be further action.~~ *but these definitive appointments should not take effect until their return to the Colony, and I should be further action.* *that we must regard these provisional appointments as being of usefull ? explain to her accordingly* *Morgan 21/5/37.*

This is an incredibly ~~mistaken~~ performance on the part of the Governor. He says he has appointed Lord Francis Scott and Mr. Schwartz under Article 4 of the Instructions. That certainly is inaccurate because he has got no power to do it under that Article. What he has done is to use the provisions of Article 5 which are concerned solely to enable provisional appointments to be made of people in the Colony and capable of sitting in the place of members whose seats are for some reason or another vacant.

Having used that power to appoint people provisionally who are not capable of sitting, he remedies the absurdity by appointing two more people provisionally in place of the people who were provisionally appointed, ~~and~~ who, at this third step, are capable of acting as members of the Council.

Despite the despatch to which I am referred in 62352/35, I do not feel inclined to say the provisional appointment of a person not in the Colony is bad. I think it is only silly. Upon that basis, and on the assumption that you can appoint provisionally a member in the place of a member appointed provisionally, all these provisional appointments can be regarded as legal, and the despatch of the 7th of May, which at first sight I thought we should have to cancel, can be left alone. I do suggest, however, that the Government of Kenya might be treated to a little disquisition on their performance.

H.B. 22.5.37.

Draft herewith. I don't think it is quite as bad as all that since the Governor had power under Clause 5 (I agree that he has none under Clause 4) to appoint any two persons provisionally and temporarily in view of the resignation of Lord Francis Scott and Captain

Schwartz

Schwartz. The fact that none was appointed for a year does not matter. The Governor could then have appointed Major Cavendish-Bentinck and Mr. Conway Harvey provisionally and temporarily to fill the vacancies and at the same time sought instructions from the Secretary of State to appoint Lord Francis Scott and Captain Schwartz. He did not do this, but I am glad to think that the situation is not as bad as it looked. *D. H. Smith*

J. S. Head
25.5.37.

I didn't like the idea of the J. M. having a new form with an official designation on form, & I have got over the difficulty by sending out the designation with cover of an S.O. letter as something which the J.M. will not read. Also I'm quite sure that the answer we should have got is that forwarded in the last hour: of my S.O. Dept.

W.S.S. 28.5.37
Stall

Noted
Mr. Mason whole

GA

Draft Dep. to Gov. Kenya.

To Sir L. Popham. (Copy acc diff) 30. 2-6-37.
To L. Popham. (Copy acc diff) 30. 2-6-37.

via draft 9

To: Gordon Gwynne 2.6.37

DESTROYED UNDER STATUTE

12. GOV. KENYA CONF. 163 20.11.37

Details circ. in which the provisional appt. of Mr Conway Harvey has been revoked & Major Cavendish-Bentley apptd. in his place during absence of Capt. Schwartz. To list of present members of Executive Council.

This shows that Kenya politicians take very seriously the idea that the two on Ex. Co. ought to be the "leader" & one of the Nairobi members.

Lord F. Scott & Capt. Schwartz were the two, the latter being the Nairobi one. Lord Francis is back as Major Cavendish Bentley who was put in to act for him as being the acting "leader" goes off. That leaves Lord F. Scott (purke) & Mr Conway Harvey (acting vice Schwartz the Nairobi one). So Mr Harvey resigns to let Major Cavendish Bentley (one of the Nairobi ones) act instead.

That is carrying things very far but we need't object.

? Approve in H.M.'s name as usual.

J. L. G. Hood
26/11

(I hear Capt. Schwartz is not going to seek re-election)

What is odd is that Mr Conway Harvey should, as it were, resignate his command, but it is no more standing on ceremony in this matter.

W.S. 27.11.37
am

13 Kenya 10/73

Kenya 10/73 - 12 known -

7 DEC 1937

DESTROYED UNDER STATUTE

C. O.

Mr. Whitehouse 3/12

Mr. Kennedy 4/14/37

Mr.

Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

O. D.
R 4 DEC
11 77

38077/1/37 13
Kya

7 Dec, 1937

Sir,

12

I have etc. to ask
cony.

the recd. of your ~~resp.~~ No.

~~163 of the 20th of Nov. &~~

to inform you that Mr. M.

has been pleased to

confirm the provisional

app't. of Major F.W. Cavendish-

Bentinck to be temporarily

an

DRAFTS

Kenya

Boag. No 1073

Go.

FURTHER ACTION.

an Unofficial member
of the Executive Council
during the absence from
the Colony & Protectorate
of Captain Schwartze.

I have etc

(Signed) WORMSBY GORE.

AIR MAIL

KENYA

No. 168



7
12
GOVERNMENT HOUSE
NAIROBI
KENYA

CONFIDENTIAL.

20 November, 1937

Sir,

9.
With reference to your Confidential despatch of the 7th May, 1937, I have the honour to inform you that Mr. Conway Harvey has requested that his provisional appointment as a temporary member of the Executive Council during the absence from the Colony of Captain Helmut Eric Schwartz, might be revoked in order to enable Major Ferdinand William Cavendish-Bentinck to take a seat on that Council in his place. In the light of Mr. Conway Harvey's letter on the subject, a copy of which together with my reply thereto accompanies this despatch, I acceded to his request and signed an Instrument of Revocation in accordance with Article V of the Instructions passed under the Royal Sign Manual and Signet dated 29th March 1934. In order that no misapprehensions might arise regarding the grounds for the revocation of Mr. Conway Harvey's appointment, the correspondence to which I have referred was published in the local

Approved. (146)

THE RIGHT HONOURABLE
W. ORMSEY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

press on Friday, 12th November.

2. I have the honour further to report that, subsequently, in accordance with the provisions of the same article of the said Instructions, I have provisionally appointed Major Cavendish-Bentinck to be temporarily an Unofficial Member of the Executive Council during the absence from the Colony and Protectorate of Captain Schwartze. I shall be glad if His Majesty's pleasure may be ascertained in due course.


3. With reference to Lord Passfield's Circular despatch of 23rd September, 1930, the following list of the present members of the Executive Council is submitted:-

The Governor
The Acting Colonial Secretary
The Attorney General
The Acting Treasurer
The Acting Chief Native Commissioner
The Commissioner for Local Government,
Lands and Settlement
The Director of Medical Services
The Acting Director of Agriculture
The Director of Education
Lt. Col. Lord F.G. Montagu-Douglas-Scott,
K.C.M.G., D.S.O.
Major F.W. Cavendish-Bentinck
Venerable Archdeacon G. Burns, O.B.E.
Mr. J.B. Pandya.

I have the honour to be,

Sir,

Your most obedient, humble servant,



AIR CHIEF MARSHAL
GOVERNOR.

(COPY)

Muthaiga Country Club,
Nairobi.

5th November 1937.

Dear Sir Robert,

When I accepted your invitation to serve temporarily as a provisional member of Executive Council during the absence of Capt. Schwartz, it was not contemplated that Lord Francis Scott, for whom Major Cavendish-Bentinck was acting, would return before Capt. Schwartz.

As there has always been one European urban member of Executive Council, it seems a pity to vary past practice in this connection at the present time, and under these circumstances I would respectfully suggest that Major Cavendish-Bentinck be invited to replace me on that body.

I take this opportunity of expressing my gratitude for the courtesy that you have invariably extended to me while I have had the honour of serving as a temporary member of Executive Council.

Believe me,

Yours sincerely,

(Sgd.) CONWAY HARVEY.

GOV. ROBERT H. HOOD,
NAIROBI.

8th November, 1937.

Dear Conway Harvey,

I shall be very sorry to lose your services as a member of Executive Council but I appreciate the reason for your request that I should appoint Major Cavendish-Pentlock in your place, and I am therefore taking the necessary steps to make the change.

I should like to take this opportunity to express my sincere gratitude for your assistance and able advice in the deliberations of the Council.

Yours sincerely,

ROBERT H. HOOD, GOV. GEN.

C. O.

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

DOWNING STREET
2 June
May, 1937.

10

DRAFT.

AIR CHIEF MARSHAL
SIR ROBERT BROOKE-POPHAM, G.C.V.O.,
K.C.B., C.M.G., D.B.O.

*Draft.
2 draft, submitted to Sir C. Bottomley
as draft.*

My Dear Sir Robert Popham

I am taking the unusual

course of sending you - as a draft
which will never become a despatch

the draft of a despatch which has
come on to me about the recent
appointments of unofficials to your

Executive Council. The
appointments (including the definite
appointment of Lord Francis Scott

and Captain Schwartz) were
covered by the Secretary of State's
Confidential despatch of the 7th
of May.

When the draft came on to

me it seemed just a little more
"cocked hat" than the occasion
merited, and I hesitated to let it

FURTHER ACTION.

9A¹²

go on. But the points raised in it are likely to be useful in future guidance and I ^{think} ~~thought~~ that you ~~would~~ ^{wish} like to be in a position to put them on record in some way.

One reason why I did not like the draft was that it took no account of what I think was probably the underlying reason for the ^{order of} ~~form~~ which the provisional appointments, ~~took~~ ^{namely}, that it would have been very difficult or impossible to get anyone to serve, even ~~temporarily~~ provisionally, except as deputies to the former members.

Yours sincerely

(Sgd) W.C. Bottomley

C. O.

Mr. Flood 25.5.37.
Sir G. Bushe. *YJS*

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley 27.5 *W.C.*

Sir J. Shackburgh.

Permt. U.S. of S.

Perly. U.S. of S.

Secretary of State.

Sir C. Bottomley
you may like to see

Downing Street,
May, 1937.

Draft.

Sir,

I have the honour to refer

to my Confidential despatch of the 7th of May in which I informed you that

His Majesty had been pleased to confirm

the provisional appointment of

Lord Francis Scott and Captain Schwartz

to be Unofficial Members of the

Executive Council and to confirm the

provisional appointment of

Major Cavendish-Bentinck and

Mr. Conway Harvey to be temporarily

Unofficial Members during the absence

from the Colony of Lord Francis Scott

and Captain Schwartz.

In view of the various

considerations involved I did not think

it necessary to demur to these

on grounds of form, but
appointments. I ~~feel bound, however,~~

~~to point out that the procedure which~~

has been followed appears to

be

DRAFT.

KENYA

CONFIDENTIAL

GOVERNOR.

My
W.C. made 'draft'
as enclosure being
letter to the Gov (T.P.
his). W.C.

copy to Popham.

FURTHER ACTION.

Note
W.C. made 'draft'
as enclosure being
letter to the Gov (T.P.
his). W.C.

from to criticism.

be incorrect. In your Confidential despatch No. 69 of the 22nd of April you stated that you had provisionally appointed the two gentleman in question in accordance with the powers conferred upon you by Article IV of the Royal Instructions, whereas in fact Article IV does not confer upon the Governor the power of making provisional appointments. It does confer the power of appointment of such persons ~~not holding office in the Public Service~~ as the Governor may from time to time appoint in pursuance of instructions from His Majesty through ~~one of the~~ ^a Principal Secretaries ^{of} State, but ^{no} such instructions were given in this case. It was therefore not in accordance with the Royal Instructions for you to make a provisional appointment under Article IV.

(B)

3. I presume, however, that the terms of those appointments enable them to be regarded as having been made in exercise of the powers of Article V of the Royal Instructions, under which the Governor is authorised to make a provisional

C. O.

Mr.
Mr.
Mr.

Sir C. Parkinson.
Sir G. Tomlinson.
Sir C. Bottomley.
Sir J. Shackburgh.
Perms. U.S. of S.
Perms. U.S. of S.
Secretary of State.

DRAFT.

FURTHER ACTION.

provisional appointment in place of a member, regularly appointed, who resigns or is absent from the Colony.

A. On this basis, Lord Francis Scott and Captain Schwartz resigned their appointments a year ago: it was then open to the Governor to appoint other persons provisionally to be temporary members in their places: this power was not exercised: ^{at the time} you have in fact now exercised it by temporarily re-appointing Lord Francis Scott and Captain Schwartz to the places from which they resigned.

I am advised that there is nothing in the Royal Instructions which requires that a person provisionally appointed to Executive Council shall be actually in the Colony at the time of appointment but it is obviously the intention, and also expedient, that this should be the case. Further

5. Further you have in the absence of Lord Francis Scott and Captain Schwartz, temporarily and provisionally appointed Major Cavendish-Bentinck and Mr. Conway Harvey to fill their places.

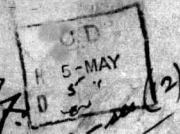
It is ~~however~~ open to question whether the provisions of Article V can be invoked to make a provisional appointment in the absence of a member himself provisionally appointed.

6. I am willing ~~in this case~~ to assume that this can be done, but in the present instance the more regular procedure would have been to appoint under Clause V of the Royal Instructions Major Cavendish-Bentinck and Mr. Conway Harvey provisionally and temporarily in the room of Lord Francis Scott and Captain Schwartz following their resignation a year ago and to seek for instructions to appoint the two latter gentlemen ^{or} definitely on their return to Kenya.

I have, etc.,

G. O.

Mr. Grossmith 4/15/37
 Mr. Parkin 5/7/37
 Mr.
 Sir C. Parkison.
 Sir G. Tomlinson.
 Sir C. Biddisley.
 Sir J. Shackleton.
 Presid. U.S. of S.
 Parly. U.S. of S.
 Secretary of State.



Ref from 2. - 1937
 Downing Street,
 7 May, 1937.

Sir,

DRAFT.

KENYA.

CONFIDENTIAL.

GOVERNOR.

FURTHER ACTION.

No-circ to gazette
 definitive appointment
 Lord Francis
 Scott and Captain
 Schwartz.

I have etc. to acknowledge receipt of your Confidential despatch No. 69 of the 22nd of April and to inform you that His Majesty has been pleased to confirm the provisional appointment of Lieutenant-Colonel Lord Francis George Montagu-Douglas-Scott, D.S.O., and Captain Helmuth Eric Schwartz to be temporarily Unofficial Members of the Executive Council with effect from the 21st of April. His Majesty has also been pleased to give directions for the definitive appointment of these gentlemen as Unofficial Members of the Executive Council.

His Majesty has been pleased to confirm the provisional appointment of

Major

Major Ferdinand Williem Cavendish-Bentinck and
Mr. Conway Harvey to be temporarily Unofficial
Members of the Executive Council during the
absence from the Colony of Lord Francis Scott
and Captain Schwartz, ~~as the Kenya Representatives~~
~~at His Majesty's Coronation.~~

I have, etc.

(Signed) W. ORMSBY GORE

AIR MAIL

KENYA
No. 69

~~CONFIDENTIAL~~



RECEIVED
29 APR 1937
C. O. REGY

GOVERNMENT HOUSE
NAIROBI
KENYA

22 April, 1937.

15
8

Sir,

(7) on 38077/1/36

With reference to Sir Joseph Byrne's confidential despatch No. 30 of the 19th March, 1936, on the subject of the resignations of the European Unofficial Members of the Executive Council, I have the honour to inform you that I have provisionally appointed Lieutenant-Colonel Lord Francis George Montagu-Douglas-Scott, D.S.O., and Captain Helmuth, Eric Schwartze to be temporarily Unofficial Members of the Executive Council with effect as from the 21st April, in accordance with the powers conferred upon me by Article IV of the Instructions under the Royal Sign Manual and Signet dated the 29th March, 1934. I shall be glad if these appointments may be submitted to His Majesty.

(6)
ms

2. Lord Francis Scott is the Leader of the European Elected Members of the Legislative Council and Captain Schwartze is also a prominent member. Before making the appointments I ascertained that they would meet with the general approval/

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

approval of the European Elected Members Organisation.

3. I also request that His Majesty's pleasure may be ascertained upon the definitive appointments of the above as Unofficial Members of the Executive Council.

4. In view of the fact that Lord Francis Scott and Captain Schwartze are now absent from the Colony as the Kenya representatives at His Majesty's Coronation, and in accordance with the powers conferred upon me by Article V of the Royal Instructions of the 29th March, 1934, I have provisionally appointed Major Ferdinand William Cavendish Bentinck and Mr. Conway Harvey to be temporarily members of the Executive Council as their substitutes. Major Cavendish Bentinck is acting Leader of the European Elected Members in place of Lord Francis Scott and Mr. Conway Harvey, by virtue of service, is the senior of the European Elected Members. Both the above have in the past served on the Executive Council and I am satisfied in their case also that the appointments will meet the wishes of their fellow members on the Legislative Council. I shall be grateful if these provisional appointments may be submitted to His Majesty for his approval.

5. In accordance with the instructions contained in Lord Passfield's Circular despatch of the 23rd September, 1930, the following list of

the/

present members of the Executive Council is submitted:-

- The Governor
- The Colonial Secretary
- The Acting Attorney General
- The Acting Treasurer
- The Chief Native Commissioner
- The Commissioner for Local Government,
Lands & Settlement.
- The Director of Medical Services
- The Acting Director of Agriculture
- The Director of Education
- Major F.W. Cavendish Bentinck (as substitute
for Lord Francis Scott now absent
from the Colony)
- Mr. Conway Harvey (as substitute for Capt.
Schwartz now absent from the
Colony)
- The Ven. Archdeacon G. Burns, O.B.E.
- Dr. S.D. Karve (as substitute for Mr.
J.B. Pandya now absent from the
Colony).

I have the honour to be,

Sir,

Your most obedient, humble servant,

Brooke-Popham

AIR CHIEF MARSHAL
G O V E R N O R

present members of the Executive Council is
submitted:-

- The Govt.
- The Colonial Secretary
- The Acting Attorney General
- The Acting Treasurer
- The Chief Native Commissioner
- The Commissioner for Local Government,
Lands & Settlements
- The Director of Medical Services
- The Acting Director of Agriculture
- The Director of Education
- Major F.W. Cavendish Bennett (an substitute
for Lord Francis Scott now absent
from the Colony)
- Mr. Conway Harvey (an substitute for Capt.
Baker now absent from the
Colony)
- The Ven. Archbishop G. Burns, O.B.E.
- Dr. B.D. Lave (an substitute for Mr.
J.B. Pandy now absent from the
Colony).

I have the honor to be,

Sir,

Your most obedient, humble servant,

W. G. ...

ALF CHIN WATSON
GOVERNOR

51. 20/2/07.

NOTES AND COMMENTS.

Pandit Jawahar Lal Nehru in his recent speech in Bombay has said that the Congress is exerting its every nerve to get the Congress candidates returned to the Provincial Assemblies with a view to show to the all concerned that the country stands for freedom. We do not dispute that if a plebescite is taken, irrespective of party considerations, the Indians enmasse would vote for the freedom of the country. But we cannot understand as to how the Congress or Pandit Jawahar Lal Nehru would prove this fact from the results of the present elections. In the first instance, the Mohammadens, as a community, have stood aloof from the Congress. Will it not be then an unpleasant inference to say that the Mohammadens are against the freedom of the country? Again there are very few Congress candidates who have been returned unopposed in the country. From this cannot it be deduced that all those who oppose the Congress candidates or their supporters are against the freedom for the country?

We have seldom heard Pandit Jawahar Lal Nehru having any solicitude for the Hindus or the Hindu cause. But in his tour in the Bombay Presidency he is reported to have characterised the Sanatapists as anti-Hindus. Will Pandit Jawahar Lal Nehru make it a rule, rather than follow it as an exception, to speak as a Hindu first and a Hindu last? He generally takes pride to say that it is a chance that he is born as Hindu. Obviously he does not feel proud as one should do of one's race, nationality, religion and culture in which one has been born.

Pandit Jawahar Lal has relented. In a circular letter to the Provincial Congress Committees he has criticised the severity of disciplinary action taken against some Congressmen during the recent elections and in some cases characterises it as vindictive. So there is a cry of halt to making discipline a fetish. The "rebels" are hereafter going to be administered justice tempered with

mercy. The autocracy of the Provincial President is to give place to the bureaucracy of the Provincial executive. The "rebel" will have a further chance of his case being reviewed by the final court of appeal—the working Committee of the Indian National Congress.

The Congress imitates the bureaucracy and punishes election offences by depriving the offender of the right to be a member of the primary body for specified periods. Is the Congress High Command going to develop the bureaucrats mentality?

We have read with much concern the statement of the Hon'ble Mr. J.B. Pandya, member of the Executive Council, Kenya that the Kenya Executive Council which today consists of two Europeans, one Indian and one native representative, is shortly going to be reconstituted. Such a reconstitution is being agitated for by the European settlers in that crown colony, who are advocating that there should not be any Indian member on the Executive council in Kenya. We cannot too strongly condemn this move on the part of the white settlers. The Indian population in Kenya far exceeds the European population in numbers. The Indians have invested millions of rupees on the Kenya soil, and have been chiefly instrumental in the development of its trade and industry. Under these circumstances it is extremely unjust—and we would go a step further and assert that it will be an act of breach of faith—if any concession is made to the agitation of the white settlers on this score and if Indians are deprived of their fair share of representation in the Executive Council which was secured after a hard struggle. "If Kenya is lost, every thing is lost"—these words of Rt. Hon'ble Srinivasa Sastri are still ringing in our ears.

We do hope that the Secretary of State will not allow his hands to be forced by the white agitators and that the Government of India will stand up boldly in defence of our countrymen settled in the Colony.

(Continued on page 11)

national basis. Hindu unification will lead to Hindu Moslem unity, which means strength as well as independence or power to be free.

SOME FUNDAMENTAL POLITICAL PHILOSOPHIES

By Shree Bhai Paranjape

The political theories are the real basis on which the entire structure of a society is built up. This view is not only true in the case of normal conditions, but it is also true in cases where one country has been brought and placed under subjection by another. We belong to the latter class of people. In case of other subjugated countries, which have tried to gain their independence, the conditions of society are quite normal and free from any complications. In India great complications have been created on account of the country being subjugated to foreign rule for the last six or seven hundred years, which produced a sort of convulsion in our social conditions. While labouring under the effects of centuries of subjugation, India was brought under the domination of another highly organized nation like the British. In one word, India has been, so to say, placed under double subjugation. We have, therefore, to be very clear in our minds as to this fact that the theories that are only applicable to other subjugated countries cannot hold good in our case.

Let us try to examine some of these theories:--

1. Pandit Jawahar Lal has proclaimed the theory that in this country there are only two parties, one pro-imperialists and the other anti-imperialists. In other words, on the one hand there are the forces of imperialism while on the other are the forces that want to destroy this imperialism. We would have had much less trouble and would not have required much serious thinking if this position were correct. On the contrary, all our past experience leads us to one simple conclusion that in this country there are not two parties but three. The rulers are, of course, one party. The other party consists of the class of patriots who want Swarajya or complete independence for their country. But in between these two, there is a third party that seems to be sitting on the fence and is always on the lookout to go to one side or the other as it suits its own special self-interests. Ever since its start, the Congress has centred most of its attention to placate the Moslem community by right or wrong means. This policy of the Congress reached its culminating point under the leadership of Mahatma Gandhi who went so far as to make an offer of blank cheques to the Moslems as a temptation to make them join him in his struggle for independence. In spite of all the efforts made by the Congress and Mahatma Gandhi, the Moslems did not make common cause with the Congress, but took their stand by the British Government and the real problem before us is not a straight fight with the Government, but, either how we can take the Musalmans with us in our fight with the Government or how we can carry on this fight against the combination of both. I think, Pandit Jawahar Lal is simply living in a fool's paradise if he thinks he can comfortably ignore this third party's existence and growing strength in this country. In all his speeches and statements he asserts that the Moslem masses and the Hindu masses are suffering from the same trouble and that they are sure to make common cause against their exploiters, be they land-lords or the foreign rulers. But are these the real facts? It seems Pandit Jawahar Lal sees the facts as he wishes to see them; he wants to shut his eyes to the hard reality that is facing us. His views might influence the Hindu youths whose minds are practically blank, but he should rest assured that the Muslim masses are composed of men and women who from their very childhood have been trained in mosques under the most fanatical religious teachers. It will take generations before the effect of that teaching is

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C. O.

Mr. Grossmith.

Mr. *Radkin*

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

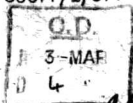
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Secretary of State.

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4

DOWNING STREET.

MR MAIL

4 March.
February, 1937.

Sir,

I have etc. to acknowledge the receipt of your Confidential despatch No.24 of the 3rd of February and to inform you that His Majesty has been pleased to confirm the provisional appointment of Dr. Shanker Dhonde Karve to be temporarily an Unofficial Member of the Executive Council of Kenya ^{during} in the absence from the Colony of Mr. J.B.Pandya.

(2)

DRAFT.

KENYA

CONFIDENTIAL

O.A.G.

FURTHER ACTION.

I have, etc.

(Signed) W. ORMSBY CORE.

3

C. O.

38077/1/37.

Mr. Grassmith.

Mr. *Parkinson*

Mr.

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.

27/2
3/3 p.

AIR MAIL

DOWNING STREET.

4 March
February, 1937.

DRAFT.

KENYA
CONFIDENTIAL
O.A.G.

Sir,

I have etc. to acknowledge the receipt of your Confidential despatch No.13 of the 20th of January, and to inform you that His Majesty has been pleased to give directions for the appointment of Mr. Jagannath Bhavani-shankar Pandya to be an Unofficial Member of the Executive Council of the Colony & Protectorate of Kenya for a further period of one year, from the 18th of March, 1937.

I have, etc.

(Signed) W. ORMSBY GORE

FURTHER ACTION.

Appointment to be gazetted.

KENYA.

No. 24

CONFIDENTIAL.



RECEIVED
23 FEB 1937
C. O. REGY

GOVERNMENT HOUSE.
NAIROBI,
KENYA.

3 February, 1937

Sir,

(5) on 38077/36

Recd - 4

With reference to Mr. J.H. Thomas's Confidential Despatch of the 21st March, 1936, on the subject of the reappointment of Mr. J.B. Pandya as an Unofficial Member of the Executive Council, I have the honour to inform you that, in accordance with the powers conferred upon me by Article V of the Instructions under the Royal Sign Manual and Signet dated the 29th of March, 1934, I have provisionally appointed Dr. Shanker Dhonde Karve, of Mombasa, to be temporarily a member of the Executive Council during the absence from the Colony of Mr. Pandya. I shall be glad if this appointment may be submitted to His Majesty.

2. Dr. Karve is a man of some standing among the Indian community in Kenya, and I am satisfied that he is the most suitable person to represent the interests of that community on Executive Council during the absence of Mr. Pandya.

I have the honour to be,

Sir,

Your most humble, obedient servant,

W. Ormsby-Gore

ACTING GOVERNOR.

THE RIGHT HONOURABLE
W. ORMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

KENYA.
No. 13

CONFIDENTIAL.

RECEIVED
23 FEB 1937
C. O. REGY

20 January, 1937.

Sir,

With reference to Mr. J.H. Thomas' Confidential despatch of the 21st March, 1936 approving the reappointment of Mr. Jagannath Bhavanishankar Pandya as an unofficial member of Executive Council, I have the honour to inform you that Mr. Pandya has again proved to be a most useful member of the Council and I recommend that his term of membership should be extended for a further year from the 18th March, 1937.

(5) on 38077/36

Handwritten vertical note:
23
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1

I have the honour to be,

Sir,

Your most obedient humble servant,

Handwritten signature
ACTING GOVERNOR.

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.