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ABGISTHAR GENERAL.

Dr.Keetinge, Registrar-General, will be 58 on the 30th October next. In June 1934 it was agreed that he should return to the Colony for a further tour of service on the understanding that he would be required to retire before the conclusion of a full tour of three years should such a course be considered by Covernment to be in the public service.

Government considered that he should proceed on leave in June this year prior to retirement, but as there was no officer with the necessary experience to replace him he was asked and agreed to stay on duty until December this year, by which time it was hoped that his successor would have been appointed and arrived in the Colony. This would have involved an overlap of salaries.

That plan is now affected by the following considerations. Mr.A.Phillips, Crown Counsel, has applied for the post of Registrar-General and is recommended by the Acting Attorney-General.

Mr.Phillips, it will be remembered, was appointed to the Kenya Administration in 1930 and was transferred in 1936 to the Colonial Legal Service as Crown Counsel in Kenya with a salary scale of 1600-840-920.

The Governor does not consider that
Mr.Phillips is either old enough or possessed of
sufficient experience for the post of Registrar-General
The Governor wants the best man possible for the job
and considers that to get the right man it will be
necessary to offer the existing salary of the post
(£1,050) despite the recommendation of the Select

Committee on Economy (1935), that on the retirement of Dr.Keatinge the salary scale of the Registrar-General should be reduced to 2720-840-920. Incidentally, the post of Assistant Registrar-General, (£720), was abolished in 1936 on the recommendation of the Select Committee on Economy.

Failing a better candidate the Governor will accept Mr.Phillips, but only on a salary scale of £720-840-920. Mr.Phillips could not, nowever, be released for the Registrar-General post until a new Crown Counsel were available.

So it boils down to this. Assuming that Mr.Phillips is not the right man, is it possible to find a suitable officer on the scale recommended by the Select Committee on Boonomy, or will it be necessary to offer the existing salary of £1,050 to attract the right man? Are the responsibilities of the Registrar-General, who is also Public Trustee and Official Receiver, greater than those of the Registrar of the Supreme Court whose present scale is £720-440-920?

I suggest that the reply should be that the Secretary of State agrees that ir. Phillips does not possess the necessary experience for promotion to the post of actistrar-descral; that the Secretary of State agrees that to attract a candidate possessing the requisits experience it would be necessary.

WENCE

to offer the salary at present attaching to the post; that in accordance with the last paragraph of No. o no steps will be taken to select a candidate pending the receipt of a further despatch from the Governor.

C. A. from it

-3.0.37.

196000

The Governor has not sent a paper of particulars (see paragraph 6 of No.1) but I suppose that the duties of the post are still much what they were in 1923 (see 43690/23) i.e. the registration of conjects, trade marks, patents, etc. If so, the post is one which could more appropriately be filled by a solicitor than by a barrister, and Mr. Phillips, who is mentioned in No.2, might be ill-advised to take it unless he got substantial financial advancement from the move.

A list of possible candidates is attached. Of the three barristers Mr. Howard-Flanders of Northern Rhodesia is the best candidate, and if Mr. Parnall, as is likely, would not be attracted. Mr. Cumming of Uganda is. I should say, the pick of the solicitors. Either of these men would want something more than the suggested scale of £720-£920, and I agree generally with the reply proposed by Mr. Grossmith, though I think we might say that £10. (the existing salary) or £1000 would be necessary to attract a candidate with the

I should agree here M Henry M Rice 8 M Rose all look good but they are too jumm requirite experience, and we might also say
that the post is one which the Secretary of
[7194]
State c msiders (would best be filled by a
solicitor, and ask that if the Governor wishes
it to be filled the paper of particulars may be
sent.

3.7.3 Alg

The past is one of responsibility as it impoles Public Trustee work and we have good reason to Know that there may be large sums at issue which may be lost.

So I think a fairly senior officer is needed and the realon whould not be lovered.

There is not point in anding for a paper of parliculars as are Know all about it really But the Puller Traceles worst makes it particularly important to show a good man. A lot of people leave peoplety in Kenya There is lots of line. Of herewill.

A / Sur the vacancy (is Assumed interferentety)

has pit been upolia from lot. ( Ripin . I.

kuile) has lied in on his seals of 880 - (1000)

and oney him privary were from his list

in him paper is he alkastis, has can

hors T. ammuning in warre for this.

5.7.37

Trs.copy of appln.for post of Registrar Geal.read Erom Mr.J.O.P.Relly, Dop.Registrat, Surreas Court, and norments thereon.

Mr.Kelly is like the other junior solicitors in the list. That is, as is suite good and apparently a nice chap but is too young and too junior in the jervice to be appointed to the responsible post of Registrar-General. It is satisfactory to learn that the acting shief Justice is already able to recommend are Kelly for consideration but one can only agree with the sovernor that his a general experience are not enough.

I have added a puregraph to the despetch already drafted and I hope it can now get off before we have any more despetches.

VEW Hon

9.7.37.

Lokenya - bout (4) - (13 acrya) cono 16/7/77

Promotions A

Transmemo.by Registrar Genl. setting out duties of pos of Registrar General and commentate filling of vacancy

6. Gowin dep. 120
Chakes that the Registran General may be appoint as early as possible in view of the death of to war meanings.

The puestion of fishing the post of Armini Galor- Feneral, Kenya los and become went.

Son Branch have Considered

they put forward the name of the Comming , Admin to the femine the hurt suitable Constitato As it has now been excertined. Chat Kenya want a folicitor, her Comming is, I think the right man. The the post to his Cuming at a Palary of X1050 Committe (9/3) 9.9. Pari Mr. Comming suppered us He has been me mie fran a cours of promoted in ayama ai a tace, but we may hope den Cost that he has got over their ( ou No 60 on his file - the (otest cay report). Hesting 7.9.37 and with the action proposed. 6 Ban 8/9/37 /1. Drincan West. 8.9.

ÁIR MAIL

No. /20



GOVERNMENT HOUSE NAIROBI KENYA

9 6 August, 1937.

Sir,

With reference to Sir Robert Brooke-Popham's Confidential despatch No.111 of the 16th August and to previous correspondence regarding the post of Registrar General in this Colony, I have the honour to state that owing to the sudden death of Dr.W.M.Keatinge, already reported to you by telegram on the 23rd August, the question of the appointment of a successor to the post has become one of urgency.

Owing to the absence on leave of several officers it has not proved practicable to second as a temporary measure either Mr.Kelly or Mr.Phillips, to whom reference is made in Kenya Confidential despatch No.94 of the 2nd July, to act as Registrar General. For the time being therefore, it has been found necessary to appoint as Acting Registrar General Mr.L.R.Fisher, the Accountant of the Department. Since Mr.Fisher has no legal qualifications, this arrangement is one which should not continue for a longer period than is absolutely necessary. It would be appreciated, therefore, if a successor to the late Dr.Keatinge could be selected as early as possible and arrangements made for his arrival in the Colony without delay.

I have the honour to be, Sir, Your most obedient, humble servant,

GOVERNOR'S DEPUTY

THE RIGHT HONOURABLE
W. ORMSBY-GORE, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES.
DOWNING STREET, LONDON S.W.

No. ///

CONFIDENTIAL.



GOVERNMENT HOUSE NAIROBI.

KENYA

August, 1937.

Sir,

With reference to your despatch
Confidential(4) of the loth July on the subject
of the filling of the post of Registrar General
which will become vacant on the retirement of
Dr.W.M.Keatinge, I have the nonour to transmit
a memorandum by the Registrar General, in which
the duties of the post are set out in detail.
In this connection I would invite reference to
the Annual Reports of the Registrar General
which give a good indication of his various
activities.

Memoran dum D/ 28.7.1937.

2. In regard to the selection of a barrister or a solicitor for the appointment.

I understand that the work involved is of such a nature that a solicitor is much more conversant with it than a barrister. I therefore incline to the view that a solicitor should be appointed. If any difficult point of law should arise arrangements could always be made whereby the matter would be submitted to the Attorney General for his opinion.

I have the honour to be, Sir, Your most obedient, humble servent,

ATR CHIER MARSHAL.

COVERNOR.

### DEPARTMENT OF THE REGISTRAR GENERAL P.O. Box No. 231,

Nairobi. 28th July,1937.

No .ES1/163/37.

#### CONFIDENTIAL.

The Hon ble Colonial Secretary, The Secretariat, Nairobi.

IMPENDING VACANCY IN POST OF REGISTRAR GENERAL.

Ref. your No.S/E.20/1/24/II/54 of 22nd July,1937.

The duties of the Registrar General are:-

- (a) PUBLIC TRUSTEE: Administration of deceased estates and acting as Trustee for minors or under wills, settlements, etc.,
- (b) OFFICIAL RECEIVER IN BANKRUPTCY and in the Winding-up of Companies under the Companies Ordinance, and Registrar of Deeds of Arrangements;
- (c) Assistant Estate Duty Commissioner under the Estate Duty (Consolidation) Ordinance, 1926;
- (d) Registrar of Companies and Business Names;
- (e) Registrar of Trade Warks, Patents and Designs;
- (f) Registrar General of Births, Deaths and
  Marriages (The principle work under this
  Ordinance is done by the Principal
  Registrar of Births Deaths & Marriages
  and his staff)
- (g) Registrar of Co-operative Societies under the Co-operative Societies Ordinance, 1931;
- (h) Registrar of Bills of Sale under the Chattels Transfer Ordinance, 1930.
- 2. The Registrar General also acts as Registrar under the following Ordinances, but the work involved is very slight:
  - (a) Adoption of Children Ordinance, 1933;
  - (b) Limited Partnership Ordinance, 1933;
  - (c) Book and Newspaper Registration Ordinance, 1906
  - (d) Registrar of Naturalization Certificates.

Mr. Flood. 5. 7.37.

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Din G. Bushe 9 7

Sir G. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

## DRAFT.

CONFIDENTIAL. (4)

FURTHER ACTION.

rage or Brand Fre

38321/37. Cenya.

84

Downing Street.

16 July, 1987.

sir,

I have the honour to

confidential despatches no. 75 of the 17th of May and No. 83 of the 1st of June from which I strong that the appointment of Registrar-General will become vacant on the retirement of Dr. W. M. Kestinge, which the apparently take effect on the comparation of Dr. Westinges 1 and comparently take effect on the comparent about the middle of 1938.

2. I note that you are of opinion that the Department requires to be in the charge of an officer coonly of spility but also of experience, and that for that reason

you do not thin that Mr. Phillips can be regarded as sufficiently qualified in view I have a serior of the post and the desirability of its bein filled by a senior officer of consider of the post and the desirability of its bein filled by a senior officer of consider of the errors, and for that reason I share off Jules. Syrne's locate as to the aivi sollity of the appointment, which seems to me ore than at sufficient to secure the services of a suitable officer with the necessary legal qualifications.

and this was recognized in paragraph 135 of the report of the Select Chamittee on aconomy.

Trustee work which falls to the Registrar-General, and this was recognized in paragraph 135 of the report of the Select Chamittee on aconomy.

Trustee them to proceed with the consideration of possible candidates afthin the service so that on receipt of a further request from you have beable to sifer he appointment with as the last paragraph of the select of the select from your last be able to sifer he appointment with as the select of the select for the select from your last be able to sifer he appointment with as the select for the select for the select from your last be able to sifer he appointment with as the select for t

C. O.

Mr.

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Sir C. Parkinson Sir G. Tomlinson Sir C. Bottomley

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

# DRAFT.

furnished with a full paper of
particulars setting out in letell the
duties of the post, and I should also
be glad to learn whether you would
wish a barrister or a solicitor to be
selected for the appointment. The
nature of the post is such that it
... Intequally well be filled by either,
that it is not a solicitor in the post is such that it
... In the quality well be filled by either,
that is eneral rounds, it appears
to me that a solicitor minute.

#### EXEXXEXERXX

preferable.

the receipt of your confidential response.

.0.94 of the and of only forwarding an application from ar.J.O'B.Kelly, the Deputy Registrar of the Supreme Court.

I am glad to note that hr.kelly's work has been sufficiently satisfactor.

to merit the recommendation of the

acting Chief Justice but for the

FURTHER ACTION.

your view that he is too junior in age and lacking in experience for the post of Registrar-General.

I have etc.

(Signed) W. ORMSBY GORE.

No.94

CONFIDENTIAL



GOVERNMENT HOUSE NAIROBI, KENYA

July, 1937.

10

Sir.

I have the honour to refer to my Confidential despatch No.83 of the 1st June regarding the post of Registrar General which will become vacant on the retirement of Dr.W.M.Keatinge in the middle of 1938, and to forward, for your consideration, the accompanying copy of an application for the post received from Mr.J.O.B. Kelly, Deputy Registrar of the Supreme Court.

Application. 14th June.

- 2. Although Mr.Kelly's application is recommended by the Acting Chief Justice I do not consider that he is possessed of sufficient experience to fill the post for which, as you are aware, it is hoped to obtain an officer of ability, personality and experience. He is only 30 years of age and has only held his present appointment for fifteen months.
- 3. I am prepared, if necessary, to consider the possibility of seconding him temporarily to act as Registrar General during the period of Dr.Keatinge's leave next year and pending some substantive appointment to the post. It may indeed prove more convenient that Mr.Kelly should take charge of the Department than either Mr.E.J.O'Farrell or Mr.A.Phillips and such an arrangement would be more economical than the proposal originally made in paragraph 4 of Sir Armigel Wade's Confidential despatch No.79 of the 17th May; although if a substantive appointment to the post has eventually to be made from

Congre - la

THE RIGHT HONOURABLE
W. ORMSBY-GORE, P.C., M.P.,

amongst

amongst officers serving in this Colony I consider that the claims of Mr.Phillips would outweigh others,

4. I shall await with interest your views as regards the appointment of a successor to Dr.Keatinge and in this connection I cannot urge too strongly that the new Registrar General should not only possess the necessary qualifications and experience to carry out the general duties of the post but should be keen and energetic and particularly experienced in the duties of Public Trustee. I trust therefore that you will be able to make some suitable appointment in due course from outside the Colony.

I have the honour to be, Sir, Your most obedient, humble servant,

Derwoke- Dollan AIR CHIEF MARSHAL.

GOVERNOR.

LAW COURTS,

NAIROBI,

14th June, 1937.

The Honourable The Colonial Secretary, Through His Henour The Acting Chief Justice, Wairobi.

Sir,

Re Post of Administrator General of the Colony and Protectorate of Kenya.

I understand that the above post is due to become vacant in January 1938 by the retirement of its present occupant and in this connection I beg to communicate with you in the following terms.

- (1) I obtained the degrees of B.A.(Mod.Legal and Political Science) and LL.B., Dublin University, in December 1929.
- (2) I am a Solicitor (Irish Free State) of over 6 years standing, having been admitted as such in April 1931.
- (3) From May 1931 to March 1935, i.e. the date of my appointment as Deputy Registrar of the Supreme Court of Kenya, I was engaged in private practice as a Solicitor at Limerick in the Irish Free State. I had during that period wide experience in all Branches of Legal work and acted as Solicitor to certain Public Institutions.
- (4) From April 1936 to May 1937 I held the posts of Deputy Registrar of His Majesty's Supreme Court of Kenya and also of ex officio Agent for the Public Trustee and Deputy Official Receiver at Mombasa. During this latter time I gained considerable experience in the Law and Practice in this Colony and in particular in the administration of Estates of Deceased persons and Bankruptcy. I also made myself familiar with the various other Branches of the work which form part of the duties of the above office.

(5) I am, since the 26th May 1936, Acting Registrar of His Majesty's Supreme Court of Kenya and His Majesty's Court of Appeal for Eastern Africa.

In the light of the foregoing circumstances
I should like to be considered as candidate for the
above post when it becomes vacant. In any event I should
like to be appointed to act on behalf of the present
Holder when he goes on leave pending retirement.

I have the honour to be, Sir, Your obedient servant, sd.John O.B.Kelly.

# Registrar General , Kenya.

France A.A., 36 Harden W.F. Howsh L. McKinstry., S.A.	3 admin Gene. Official Recewer.	B. Honduran	£150 (840) + 913. £930	1927	1936	923
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GOVERNMENT HOUSE NAIROBI.

KENYA

/ June, 1907.

sir.

With reference to Sir Armigel Wadets Confidential despatch No.79 of the 17th May on the subject of the filling of the lost of Registrar General which will become vacant on the retirement of the present holder Dr. W. M. Keatinge, I have the honour to inform you that an application for his name to se considered in connection with the vacancy has been received from Mr.A. Phillips, regarding whose recent appointment as Crown Counsel your Confidential despatch of the 27th April refers.

The Acting Attorney General in recommending the application states that Mr. Phillips is a very conscientious and hard working officer for whose ability he has the greatest regard, although were he to be appointed as Registrar General he could not be released from his duties as Crown Counsel until such time as another Crown Counsel had been appointed. As stated in Sir Armigel Wade's despatch under reference I am of opinion that the department requires to de in the charge of an officer not only of ability out also of experience and I do not consider that Lr. Phillips, who attains the age of 3. years in .. ie. days' time, is either old enough or go and pea of sufficient experience adequately to file the posts

In the event of no more suitable candidate

. or

THE RIGHT LO CURA LE V. ORMSBY-GORE, P.C., M.P. SECRETARY OF STATE FOR THE COLONIES, DOWNING STREET, LONDON S. V.

Phillips's present scale.

3. Pending the receipt of your views on the application of Mr.Phillips in particular and the filling of the post in general, I would request that no definite action be taken to give effect to the suggestion contained in paragraph 4 of Sir Armigel wade's despatch that a new Registrar General should arrive in the Colony in the last week in December. By reason for this request is that in order to avoid an overlap of salaries it may prove possible to post Mr.E.J.O'Farrell to be Acting Registrar General on his return from leave early next year during the period of Dr.Keatinge's leave and pending the arrival of Dr.Keatinge's successor.

I have the honour to be, Sir, Your most obedient, humble servant,

RUS 200ke-Poplan

GOVERNOR.

KENYA. No. 79

CONFIDENTIAL.



GOVERNMENT HOUSE. NAIROBI.

KENYA.

/7 May, 1937.

Sir.

I have the honour to address you on the subject of filling the post of Registrar General which will become vacant on the retirement of the present holder, Dr.W.M.Keatinge, IL.D., early next year.

In accordance with the approval contained in despatch Confidential (2) of the 30th June, 1934, from Sir Philip Cunliffe-Lister (now Viscount Swinton) Dr. Keatinge was informed in December last that I had accepted the advice of Executive Council that he should proceed on leave pending retirement in June next, by when he would have completed two years' residential service.

At that time it was anticipated that no difficulty would have been experienced in seconding a suitably qualified officer to take over Dr. Keatinge's duties on his departure, and it was thought that after a period of trial as Acting Registrar General the officer would probably have been recommended for appointment to the vacancy in a substantive capacity.

It has not, however, proved possible to select a suitable officer for secondment and in the circumstances Dr. Keatinge has been asked to remain on duty until the end of the year in order that time may be afforded you to obtain a suitable candidate for the

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THE RIGHT HONOURABLE W. ORMSHY-GORE, P.C., M.P. post

post from another Dependency. Dr. Keatings has readily consented to do this.

- 4. The Governor is leath to leave the department without a senior officer in charge, who must have legal qualifications. He trusts, therefore, that you will agree that Dr.Keatinge's successor, when appointed, should arrive in this Colony and take over from Dr. Keatinge before the latter proceeds on leave. With this end in view it would be appreciated if arrangements could be made for the new Registrar General to arrive here about the last week in December. This proposal would of course entail an overlap of salaries, but it will no doubt be possible to meet the small additional cost for this year from general savings, while in the 1938 draft Estimates due provision will be made for Dr.Keatinge's leave salary.
- 5. You will be aware from paragraph 65 of Kenya Confidential despatch No.125 of the 6th October, 1935, that the Select Committee on Economy were of opinion that the question of a revision of the salary scale appertaining to the post of Registrar General would need examination on the retirement of the present holder. The Governor shares Sir Joseph Byrne's doubts, however, as to the possibility of any modification being made and considers that to obtain an officer of experience and personality no reduction in the present salary of the post is possible.
- 6. In the peculiar circumstances of the case it has not been deemed necessary to submit the usual form of particulars of the vacant office.

I have the honour to be, Your most obedient, numble servant,

GOVERNOR'S DEPUTY.

(5) on 38161/35