

1927

Kenya

No. 10104

C0533/366

SUBJECT

Vacancies for
Crown Counsels.

Previous

Gov. 58444/25

Subsequent

15042/28

----- Mr. Grigg ----- 31st December, 1927.
Conf 17b

There is now a vacancy vice Mr. H. Bown who has resigned. Trs. Form of Particulars and asks that steps be taken to secure candidate with the qualifications mentioned. Adds as to salary.

The new scale $\text{D} = 30 - \text{£}870 - 40 - \text{£}920$
(Efficiency to $\text{£}850$) has been approved.

(Must be available before start of next year)

Please send a/c of.

W. H. K. L.

2/2/27

atcc

C. E. Denham
tel

17 March, 1927

Letter sent by Denham, 17/3/27, re $\text{£}870$.

Mr. Allen

no case offered, Mr. Denham file
(see Appn) on this scale

A. J. G.

W. H. K. L.

2/2/27

atcc

Mr. E. J. Davies appld. see file 30248 EA.

3

Gen. Lynch 28 Oct 1947

... recommendation in my despatch no. 107
Confidential of 14th October still holds and I am
addressing you by this mail with regard to
filling the post of Senior Crown Counsel.

Reiterate with deep ~~conv~~ ^{conv}

JW Allen
4/10
at all

4 Gen. Lynch 14 Oct, 1947

States that, in view of the apt of a legal
adviser to the U.K., it proves possible to
reduce the A.C.'s staff by one Crown Counsel,
and that it is not proposed to recommend
the confirmation of Mr. C. F. C. Doran. It is
will be found possible to find him further employment.

The recommendation is put forward
in my despatch largely on the ground that,
in the absence of the necessary ^{staff}, the
Dept. is overstaffed. It is recommended that
one Crown Counsel is necessary. Since the despatch
was written however, Mr. McClellan,
in the Dept. of the Crown Counsel, has accepted
a move, but the Gov. - see 3 - still wishes
the recommendation to stand. It can,
however, no longer be based on grounds
of overstaffing, and must be regarded
as a case of Mr. Doran having failed to

Satisfactory requirements - see E.S. of the Attorney Gen's
minutes. (The Conf. report of 24.4.47 on Mr. Doran's
file said "well reported on".)

Under E. 27 Apr 1943 the Gov. was the
right - subject to S.S. approval - to determine
the engagement at any time during the period
of probation, Mr. Doran will, no doubt, be
disappointed, but there appears to be no
reason for S.S. to withhold approval in view of the
passage in the Att. Gen's minutes above referred to.

And C.P.
The Gov. is still desirous to recommend that his apt.
should be determined. (May that having regard
to view expressed in E.S. of Att. Gen's minutes,
S.S. approves.)

As then to go to Prom's Branch as
to further employment (not a very ^{hopeful} ~~probable~~
case, I am afraid)

I make any addition to Prom's Dept
by suggesting a list of names of those employed

JW Allen
16/11/47

4.

X: 10/04
27

I must say that I do not like this at all. It is, I suppose, a serious matter in the case of any officer to refuse him confirmation. It is doubly serious in the case of a legal officer, because, when he accepts an appointment in the Colonies, he surrenders his career, burns his boats irrevocably, is left solely dependent upon his career abroad. It is a very serious step for any man to take, and I am sure that it is one of the factors which makes it so difficult for us at the present time to obtain legal candidates. When it gets round the Temple, as it will do very shortly, that persons who accept such appointments are liable to be turned off incontinently at the end of two years without being heard and upon no precise complaints, our difficulties in regard to recruitment will be seriously increased. Apart from the general aspect, however, the personal aspect of this case is hardly satisfactory. Mr. Moran received a good report after his first year, and even now it is said of him that he is keen and industrious and with more experience would prove a useful officer. All that is said against him is that he is not up to the standard which the Colony is entitled to expect from Crown Counsel having regard (these are most significant words) to the present rate of salary. I do not like the idea that, when a man accepts a post at a certain salary, he is two years later to be

considered

X: 10/04
27

55

considered unsatisfactory because the salary - having been raised it is thought at the higher rate a more able officer could be obtained, and one is getting a little bit tired of the Kenya idea, that for Kenya work, a special class of genius is required

argue -
In view of the presentation of Mr. McEwan to Fiji it is prima facie unnecessary to get rid of Mr. Moran in this summary fashion -
I should at any rate refrain from sending any answer to UO 4 until we have the despatch promised in UO 3 as to Mr. McEwan's successor -
I do not know much about Messrs. McCarty, Howell, Moran & Davies but we ought to be fully satisfied that before it is necessary to bring in a senior man over their heads before we require to get rid of Moran to make way for such a man

ISR
16/11/27

Wait for despatch promised - 3.

R. W. Wiseman
23/11/27
Yes - we shall get it in
a very few days. W.S. 25.11.27
since

X. 10104

17

5 — by Huggard — 24 Oct, 1917

post of
Considers it essential that Senior Crown Counsel should be placed on salary of £1,000 per annum and has ^{made} provision in the 1928 Ests. Considers it most important that post should be filled by a fully qualified and competent officer at as early a date as possible

The Law Officers' Department in Kenya consists of the Attorney-General, the Solicitor-General, and five Crown Counsel. In No.4 the Governor reported that he considered it necessary to reduce the establishment by one Crown Counsel, and he therefore proposed that the appointment of Mr. Doran, who is one of the Crown Counsel serving on probation, should not be confirmed. After his despatch had been written, however, one of the Crown Counsel (Mr. Schindler) was offered the appointment of Attorney-General, Fiji, and this transfer automatically brought the staff within the limits proposed by the Governor. He telegraphed, however (No. 3 on file), to say that in spite of this transfer, he still held to his original suggestion about Mr. Doran.

It will be noticed that he has now recommended that a separate post of Senior Crown Counsel should be created at a salary of £1,000 per annum. The pay of the Senior Counsel at the present moment is £840 - £840 - £920, the Senior Crown Counsel being marked as on a salary of £840 - £840 - £920.

Mr. Doran

Mr. Doran arrived the other day and called to see Mr. Bushe, and was amazed to hear that it had been suggested that his appointment should be terminated. He told Mr. Bushe that he left the Colony under the impression that he was being transferred to another Colony, and I understand that he received no formal notification, but was informed verbally by Mr. Huggard just before he left that this was the proposal.

The reasons for getting rid of Mr. Doran, apart from the question of reducing staff, are given in the Governor's despatch (No. 4) in the Attorney-General's minute enclosed in that despatch, and has also formed the subject of personal letters from Mr. Huggard to Sir John Risley and from Sir E. Grigg to Sir S. Wilson. The Governor's statement that Mr. Doran is "absolutely no good" is not borne out by Mr. Huggard's more judicial account of his work. Moreover, Mr. Huggard, in his letter to Sir J. Risley, says "Were it not that I feel I am at present over-staffed, I should have readily given him (i.e., Mr. Doran) a further trial before deciding whether or not to recommend his confirmation."

It must not be forgotten that when a barrister such as Mr. Doran goes into the Colonial Service, he throws up his practice in this country and he has nothing left to return to. If an appointment on probation means that a barrister is liable to be lightly got rid of, it will be likely to have a very prejudicial effect upon recruiting.

So far as the question of transfer to another Colony is concerned, there are no vacancies to which Mr. Doran could be transferred, and, having regard to his salary, it is not very likely that a

vacancy

vacancy will turn up in the near future. Moreover, if he is transferred because he is too bad for Kenya, what justification is there for sending him to another Colony? If, on the other hand, he could make good, and is not too bad, why should not Kenya keep him?

To my mind, Mr. Huggard's statement which I have quoted makes it quite impossible, in any fairness to Mr. Doran, to get rid of him, *in the grounds given*. So far as the creation of a new post of Senior Crown Counsel at £1,000 a year is concerned, Sir J. Risley tells me that it is highly doubtful whether we could get a candidate who was any better than one or other of the four Crown Counsel who are already in Kenya, one of whom, I believe, is quite good. It is, at any rate, quite impossible to guarantee doing so, and for that reason the proper course would seem to be for Sir J. Risley, if he wishes to create this post, to promote one of his existing officers to it. That again means that there ^{will be} no present redundancy of staff in the Colony.

The only hope that Sir J. Risley sees is that one of the puisne judges in Kenya may shortly be retired. His post could then perhaps be filled by one of the Resident Magistrates, and Mr. Doran could be appointed a Resident Magistrate in his place. This, however, is not a solution for to-day, but it points to a method of escape for Kenya in the future.

R. H. Huggard

2.12.27.

Mr. Doran told me that he had had no communication

communication, except a verbal one, from the Attorney-General, who told him that a reduction of staff in his Office was necessary and that he was going to propose Mr. Doran's transfer because he regarded his work in some respects as not up to the standard required in Kenya, that he had written to Sir John Risley about his transfer and that his Colonial career would ^{not} be affected, save, possibly, that he might have to wait for a time until a suitable transfer could be arranged. I felt bound to tell him that that was not at all the effect of the Kenya proposal; that the facts in relation to the reduction of staff were now altered and that the proposal was that, notwithstanding that, he should not be confirmed in his appointment. I said that, if the proposal was accepted, he could not regard himself as an officer on transfer with the right to another appointment. He was painfully distressed and said that, in that case, he was without a home or a job. I told him we should consider the whole question very carefully, but, of course, held out no promises one way or the other.

R. H. Huggard

Should a suitable vacancy occur during the Doran leave, we can transfer him and you apply to the Crown Council to have a special "Senior Crown Counsel" at £1,000 per annum.

If not, I think Mr. Doran should return to Kenya and they should agree on what to do with him. Crown Council

A. J. McLaughlin
C. G. Howell
C. F. G. Doran
R. J. Davis

until a vacancy is created by the transfer
of Mr. Doran or one of the others to another
post. When this happens we can,
instead of filling that vacancy, appoint
a new Senior Crown Counsel at £1000
as desired by the Gov.

It is quite possible that we may be able
to do this before Mr. Huggard comes home
as least bit of course we cannot guarantee

In any case however I think it would be
unwise to "transfer" Mr. Doran
in the way suggested by the Gov. as
it would mean either getting rid of
him entirely or keeping him on
as a kind of reserve until
a suitable opportunity arises for
him.

The C.A. report on the report
on the "Doran case" will be reported
upon. These short and simple
reports of the Gov. (Crown Counsel)
should not be de-referred

1. Rank. In view of
above minutes I think it
is an unlikely to be
increased in any way &
the time being at any rate
RST
8/12/27

As regards the conflict of testimony,
we have to bear in mind the possibility
that in the 10 days after he wrote to
Sir J. Rixley something happened to
make Mr. Huggard's balance uncertain

definitely adverse to Mr. Doran.

The reality of the Probation
condition should not be weakened,
though I fully realize the difficulty of
abandoning getting back. But is it
materially greater than that of
an agreement, whose agreement is
formulated - "absolutely as good" -
after one year?

Transfer is quite unjustifiable
from the point of view of the receiving
Colony & Mr. Doran should have
a further trial in Kenya if
anywhere.

As to a Senior Crown Counsel,
we must, as I have said, make sure
that none of the best men is
good enough - though from this
letter it seems a mere formality.
If not, then they should be told
that there is little chance of getting
a better man but that if they
care to face this ^{at the cost of the} ~~the~~ best it will
be approved.

W.S. 9/12/27

on probation
provision

Jaguel
J.H.K.

YSA
7/12/27

Mr. Allen 9/12

Mr. *Miscman* 20p

Mr.

Mr. E. J. Harding.

Sir C. Strachey.

Sir J. Shackburgh.

Sir G. Grindle.

Sir C. Davis.

Sir S. Wilson.

Mr. Ormsby-Gore.

Lord Lovat.

Mr. Asquith.

Downing Street,

31 December, 1927.

9

Sir,

I have the honour to acknowledge the receipt of your Confidential despatch No.112 of the 29th of October in which you recommend that the post of Senior Crown Counsel should be placed on salary of £1,000 per annum. You will learn from my separate despatch of even date that Mr. Doran is being allowed to return to Kenya for a further tour of service on probation and, ~~in these circumstances, there will be no vacancy in the rank of Crown Counsel owing to Mr. McElwaine's transfer to Fiji.~~ ^{in spite of} In these circumstances, while I am prepared to approve of the proposed increase in the pay of Senior Crown Counsel, I

DRAFT.

KENYA

Confidential (2)

Gov. Grigg.

have the glad to would
request that you will consider whether
the appointment could not be adequately
filled by one of the existing Crown
Counsel. If not, I fear that the pros-
pects of securing a better candidate are
somewhat remote; but if in spite of this
you are prepared to recommend
that the expenditure on the creation of an
extra post should be incurred, I shall
have no objection, and every endeavour will
be made to secure a suitable candidate for
I have, etc.,

(For the Secretary of State)
(Signed) W. ORMSBY GORE.

A.10104/1927 Kenya

Downing Street,
31. December, 1927.

Mr. Allen 19/12
Mr. Buxton 19/12
Mr. Wreaman 20

Mr. E. J. Hyndman
Sir C. Strachey
20/12/27

Sir J. Shackburgh.
Sir G. Grindie.
Sir C. Davis.
Sir S. Wilson.
Mr. Ormsby-Gore.
Lord Lovat.
Mr. Amery.

DRAFT.

KENYA
Confidential

Gov. Grigg.

To Doran
Conf. [Signature]
29 DEC 1927

C. D.
RECEIVED
S. B. 29

I have the honour to
acknowledge the receipt of your
Confidential despatch No. 107 of the
14th of October, in which you report
that Mr. C.F.G. Doran is not
recommended for confirmation in his
appointment as a Crown Counsel.

2. I observe that it is stated
in the Acting Governor's Confidential
report of the 24th of April, 1927,
that Mr. Doran is well reported on.
Also, although the Attorney General
is of opinion that Mr. Doran does not
possess at present practical ex-
perience and general knowledge essen-
tial to the efficient discharge of
the duties of a Crown Counsel in
Kenya, he is reported to be keen,
industrious, and with more experience
should

3ab

should prove a useful officer, ^{you} he ~~could~~

therefore, express the hope that further employment may be found for him elsewhere.

3. I cannot avoid the conclusion that if

~~3.~~ If Mr. Doran is not at present qualified to perform the duties of a Crown

Counsel in Kenya, he is, presumably, not

qualified to perform similar duties elsewhere,

and I should not feel justified in trans-

ferring an officer, even if a vacancy existed,

^{in the ground that} unless he had ^{made} good in the Colony in which

he ~~is~~ serving.

4. If, therefore, Mr. Doran's services are not to be dispensed with, any further trial

and, in my opinion, be given to him in the

present appointment which he ^{at present} holds, although

at the present time I am not satisfied that the

reasons given are sufficient to justify the

termination of his appointment without

affording him the opportunity to gain

further experience and show the improvement

of which he is apparently regarded as capable.

A refusal to confirm is serious in the case of any officer, but is especially serious in the case of a legal officer who, by accepting a Colonial appointment necessarily surrenders ^{what he may have established in this country} his prospects, and, by doing so, leaves himself solely dependent on his career in the Colonial Service, ^{This} ~~and this dis-~~ ^{consideration} ~~ability~~ is one of the factors which already seriously limits the field of legal candidates: and, in these circumstances, the termination of an officer's appointment except on the clearest grounds, is calculated to increase the difficulties of securing satisfactory candidates not only for Kenya, but for legal posts in other Colonies. ~~In this connection, I may say that the suggestion is explicit~~ ^{implicit} in the reference ^{at the end of Com. 226} to the improvement of the ~~salary of the post since~~ Mr.

*omit [] Honor will secure
 this of the nature of a
 "collateral step"
 Gov.*

It will appear that it is one that I

John Mack

*(An unable to meet
your wishes)*

Therefore he felt that I do

you in order to transfer or

to accept your recommendation

to transfer to Kenya. I will a
transfer to consider that ~~transfer~~

Mr. Moran will be allowed to return to Kenya for

a further year of service on probation,

and I trust that with additional ex-

perience he will show even increased

efficiency in the discharge of his duties

and will amply justify confirmation

of his appointment.

Mr. Moran will accordingly be

granted the benefit of the return leave

which he has earned. The C. Agents are

being requested to provide him with a re-

turn pass-book on the expiration of that

period. *I will be glad to check that*

*with the address of the C. Agents and
I have, etc.,*

RE

Doran's appointment is not one that I

could possibly expect.

John M. Mack

Therefore I regret that I do

*As unable to host
your work,*

offer to make a transfer or

not see any way to ~~accept your recommendation~~
~~to give Mr. Doran a transfer to the~~
~~field, and I consider that ~~Mr. Doran~~~~

should be allowed to return to Kenya for

a further tour of service on probation,

and I trust that with additional ex-

perience he will show such increased

efficiency in the discharge of his duties

as will ultimately justify confirmation

in his appointment.

Mr. Doran will accordingly be

the benefit of the return leave

and the C. Agents are

requested to provide him with a re-

passage on the expiration of that

period.

Kindly let the office check the

address to be used when a transfer is

RE

PRIVATE & PERSONAL.

*Sir J. Hickey
Mr. Baillie
What can be done?
25.11.27
J.H.H.*

14
GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.
2nd November 1927.

My dear Sammy,

Huggard has asked me to make a personal appeal to you about an appointment which is impending in his Department - that of Senior Crown Counsel.

The position is as follows. Since he came here Huggard has had to wrestle with many changes in his office which have considerably increased his work. Shortly before he arrived our existing Solicitor General was promoted to a Judgeship in Tanganyika and in his place there came a nice fellow ^{Gordon Smith} from Northern Rhodesia who played Golf admirably but was less efficient on the legal side. At one time when Huggard was away for some reason or another, I saw a good deal of his work and was not impressed with it. Gordon Smith was, however, promoted this year to the position of Attorney General in Northern Rhodesia and in his place we have had Bruce who has now been serving as Solicitor General for about, I think, six months. Huggard has been very patient in forming an opinion on him, but he tells me that he can....

PRIVATE AND PERSONAL

14

*Bin J. Kinley
Mr. Bostonley
What can be done?
My dear Sammy,
25/11/27
L.H.K.*

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.
2nd November 1927.

Huggard has asked me to make a personal appeal to you about an appointment which is impending in his Department - that of Junior Crown Counsel.

The position is as follows. Since he came here Huggard has had to wrestle with many changes in his office which have considerably increased his work. Shortly before he arrived our existing Solicitor General was promoted to a Judgeship in Tanganyika and in his place there was a nice fellow from Northern Rhodesia who played Golf admirably but was less efficient on the legal side. At one time when Huggard was away for some reason or another, I saw a good deal of his work and was not impressed with it. Gordon Smith was, however, promoted this year to the position of Attorney General in Northern Rhodesia and in his place we have had Bruce who has now been serving as Solicitor General for about, I think, six months. Huggard has been very patient in forming an opinion on him, but he tells me that he can...

GOVERNMENT HOUSE,
KENYA,
EAST AFRICA.

2.

can no longer refrain from saying that he is not as good as he is put forward for a Colonel of this kind. I have seen him and like his persona very much but I have no hesitation in endorsing Huggard's view as to his efficiency. He will in almost every way be like Huggard, but he is really not good enough to act in Huggard's place if Huggard went on leave or was away for any other reason. This is a matter of personal importance to me as well as to the Government, and if any change the Colonial Secretary were to effect I should with all probability ask Huggard to act in his place.

The next post in the office, that of Senior Crown Counsel, is of more importance in consequence. It has been very well considered to now by McElwaine, but you have just offered the letter the Attorney Generalship of Kenya and he has accepted it. Counting on McElwaine's capacity, the Government suggested a reduction of his staff by one Crown Counsel as he was turning over Railway work to a lawyer specially attached to the

Railway..

3.

Railway Department. It was also, between ourselves, an excuse for getting rid of the Junior Crown Counsel, Doran, who was absolutely no good. Now Doran is on leave for the moment and in the normal course would not have come back, but now that McElvaine is going there is a terrible danger that instead of getting somebody able to fill his place we may get Doran back. If this happened, that Department, apart from Huggard, would be very weak indeed, and I entirely agree with Huggard ^{that} there would be ground for real anxiety about it.

In view of all this we have asked leave to put up the pay of Senior Crown Counsel to £1,000 a year, as we have notified you by despatch, and it is of the gravest consequence to us that a really good man should be sent us. The Elected Members are equally anxious on the point and unanimously agreed to raising the salary - an unusual course for them. They also begged me to do my best to secure a good man.

I shall therefore be most grateful for your help with Sir John Rieley and your other advisers in an appointment of this kind. Huggard, I think, has written to Sir John himself or I would do so. Huggard is one of my best men,

very.....

3.

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In view of all this we have asked leave to put up the pay of Senior Crown Counsel to £1,000 a year, as we have notified you by despatch, and it is of the gravest consequence to us that a really good man should be sent us. The Elected Members are equally anxious on the point and unanimously agreed to raising the salary - an unusual course for them. They also begged me to do my best to secure a good man.

I shall therefore be most grateful for your help with Sir John Rieley and your other advisers in an appointment of this kind. Huzard, I think, has written to Sir John himself or I would do so. Huzard is one of my best men,

very.....

very capable, loyal to the marrow and full of common sense. He commands great confidence with everybody, including the unofficial world here, and speaks very well in Legislative Council. Mrs. Haggard also is popular. But his health has not been too good latterly and, apart from everything else, I am exceedingly anxious not to put too much strain upon him. Anything therefore that you can do to strengthen his Department will be a great help, not only to him, but indirectly to me. I am sure you will do your best.

Yours ever,
Erving

Brig. Gen. Sir Samuel Wilson.
K.C.M.G., K.B.E., C.B.
The Colonial Office.
LONDON.

Nairobi,
Kenya Colony.
16th Feb 1927

Dear Sir John

A despatch goes
home by this night containing
a proposal of mine that
in consequence of the
appointment of a separate
Legal Adviser to the Railway
the staff of this Department
should be reduced by one.
It is proposed accordingly
that Oran, Crown Counsel,
who is on probation, should
go on leave at the end of

the work and should
not return

I am sorry for Corson
and hope it may be
possible for you to offer him
a post elsewhere.

In the circumstances
I think it only right to
let you know exactly ~~about~~
my opinion of him. He
is, as I have said in my
letter to Government, keen
and industrious, but frankly
I do not consider that he
possesses either sufficient

19
experience or natural ability
to qualify him at present
for anything but a
comparatively junior legal
appointment. He is sadly
lacking in self-composure
and this has affected his
work here both in the office
and in Court. No doubt
time and experience may
remedy this, and were it
not that I feel I am at
present over-stuffed I
should have readily given
him a further trial before

this month and should
not return.

I am sorry for Gordon
and hope it may be
possible for you to offer him
a post elsewhere.

In the circumstances
I think it only right to
let you know exactly ~~about~~
my opinion of him. He
is, as I have said in my
letter to Government, keen
and industrious, but frankly
I do not consider that he
possesses either sufficient

experience or natural ability
to qualify him at present
for anything but a
comparatively minor legal
appointment. He is sadly
lacking in self-composure
and this has affected his
work here both in the office
and in Court. No doubt
time and experience may
remedy this, and were it
not that I feel I am at
present over-stuffed I
should have readily given
him a further trial before

deciding whether or not
to recommend his compensation
we can be given another
chance he should eventually
turn out to be a useful
officer.

Gordon Smith and
Brown (especially the former)
were a great loss to us,
but Brown's successor -
Davis - is an excellent
fellow and should have
a try please.

With kind regards

Yours sincerely

W. S. Burgess

deciding whether or not
to recommend his confirmation.
If he can be given another
chance he should eventually
turn out to be a useful
asset.

Gordon Smith and
Brown (especially the former)
were a great loss to us,
but Brown's successor -
Davis - is an excellent
fellow and should have
a try please

With kind regards

Yours sincerely

W. J. Morgan

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KENYA
Confidential
No. 112



GOVERNMENT HOUSE
NAIROBI,
KENYA.

20th October, 1927.

RECEIVED
21 NOV 1927
COL. OFF.

344
31 DEC 1927
(Mr. d. Long)

Sir,

With reference to your telegram of 17th October and the appointment of Mr. P.A. McElwaine to post of Attorney General, Fiji, I have the honour to inform you that I consider it essential that the pay of the post of Senior Crown Counsel in this Colony be placed on a salary of £1,000 per annum. I have consulted my official advisers and the European unofficial members of Council who all unanimously concur in this recommendation and provision will be made accordingly in the Estimates for 1928 with, I trust, your approval.

2. You are, I know, fully aware of the great importance of the post of Attorney General in this Colony and of the very special and delicate nature of much of the legislation which the Attorney General has to draft and defend in Legislative Council. The appointment of the present Attorney General has proved a great success and I am grateful to you for the care and trouble taken in making this selection. The Attorney General must necessarily go on leave once every thirty months and his post in Council is then taken by the Solicitor General,

who

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

who is also a member of the Legislative Council, and while the Solicitor General acts, the Senior Crown Counsel takes his place as Solicitor General.

3. The post of Solicitor General was only filled in May last and the present occupant's experience is such that it is obvious that the duties of the acting appointment are likely to prove very exacting to him. From present experience of his work he has not inspired confidence in his capacity. Mr. Huggard is due for leave early next year and I consider that it is most important that the post of Senior Crown Counsel should be filled by a fully qualified and competent officer at as early a date as possible and I trust that you will be so good as to request your legal advisers to give full weight to these considerations.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg

G O V E R N O R.

422



KENYA

No. 27

GOVERNMENT HOUSE,
NAIROBI,
KENYA

~~CONFIDENTIAL~~

RECEIVED
-5 NOV 1927

October, 1927.

Sir,

With reference to your despatch No.1110 of the 5th November, 1925, on the subject of the establishment of the Attorney General's Department, I have the honour to transmit copy of a letter from the Attorney General and to state that, in view of the appointment of a Legal Adviser to the Kenya and Uganda Railways, it will be possible to reduce the Attorney General's establishment by one Crown Counsel. The Attorney General, therefore, does not propose to recommend the confirmation of Mr. C.F.G. Doran who is at present serving on probation - vide your despatch No.1068 of the 26th October, 1925, - and arrangements are being made for that officer to proceed on leave at an early date.

Apr 25/27
26/11/25
26/11/25

Fr.A.G.
Conf./26.9.27

above no 3
in file 25112 to
C.F.G. Doran

2. It will be observed that the Attorney General is of opinion that Mr. Doran does not possess at present the practical experience and general knowledge which are essential to the efficient discharge of the duties of Crown Counsel in Kenya. He is, however, reported to be keen and industrious and with more experience should prove to be an useful officer. I

THE RIGHT HONOURABLE
LIEUTENANT COLONEL L.C.M.S. AMERY, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON S.W.

trust

trust therefore that it will be found possible to offer him further employment. You will be aware that since Mr. Doran's appointment here the scale of salary attached to the post of Crown Counsel has been improved.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Edward Gigg.

G O V E R N O R.

26th September, 1927.

CONFIDENTIAL.

The Hon'ble Colonial Secretary.

ATTORNEY GENERAL'S DEPARTMENT.
PROPOSED REDUCTION OF STAFF.

As you are aware, the personnel of this Department was increased at the end of 1925 by the addition of two Crown Counsel on the assumption that this addition would make it possible to place the whole time services of one Crown Counsel at the disposal of the General Manager, Kenya and Uganda Railway. In this connexion I would refer you to the Secretary of State's despatch No. 1110 of the 5th November, 1925 (Your File No. S/E.19039/12/108)

2. Accordingly Mr. Howell, Crown Counsel, has been definitely seconded to the Railway since the 1st February, 1926.

3. Recently, however, a Legal Adviser to the Railway has been appointed and this officer will arrive from England at the end of the present month. Upon his arrival Mr. Howell will return to this office.

4. The Department will thus consist of two Law Officers and five Crown Counsel (subject, of course, to leave). This number is, in my opinion, unnecessarily large and I consider that the number of Crown Counsel should be reduced by one.

5. There are at present four Crown Counsel on probation, namely, Messrs. McCarthy, Howell, Doran and Davies. In making a recommendation as to which

officer

officer should be selected for termination of employment I am naturally influenced by the quality of the work done by these officers. Taking this into consideration I have no option but to state that the work done by Mr. Doran is not up to the standard of that done by the other three officers, nor is it, in my opinion, up to the standard which the Colony is entitled to expect from Crown Counsel, having regard to the present rate of salary.

6. I propose, therefore, for His Excellency's consideration, that Mr. Doran, who has now completed 21 months' service, should go on leave as soon as possible, that he should not return to his present post, and that the Secretary of State should be asked to endeavour to find him other suitable employment.

7. In stating that Mr. Doran's work has not been up to standard I do not wish to convey the impression that his work has been wholly unsatisfactory. He is keen and industrious and with more experience should prove to be a useful officer. I do not consider, however, that he possesses at present the practical experience and general knowledge which are essential to the efficient discharge of the duties of Crown Counsel in Kenya, and I should have found it difficult to justify a recommendation that he should be confirmed in his present post at the end of the normal probationary period.

8. If my proposal is approved I sincerely trust that the Secretary of State may find it possible at an early date to offer Mr. Doran a suitable

suitable billet as I fully realize the serious consequences to any officer of an interruption of this nature in his career.

9. The acceptance of my proposal will necessitate an alteration in the draft Estimates for 1928 which I have already submitted. These draft Estimates were sent in before I was aware of the appointment of the Railway Legal Adviser.

sd. W.C.Huggard,
ATTORNEY GENERAL.

MJM

(Copy)

327

Original regd 34454/27 Jy (copy for Attorney Genl)
Duplicate regd. on file by 540 Fiji (McElwaine)
accepted above

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

Dated 28th October

(Received Colonial Office 3.28 p.m. 28th October, 1927)

No.334. 28th October

Your telegram of 17th October McElwaine is
recommended as suitable and accepts offer. He will
proceed to Fiji by first opportunity after 15th November.
I will advise Governor of Fiji of route and date of
departure. Recommendation in my despatch No.107
Confidential of 14th October still holds and I am
addressing you by despatch this mail with regard to
filling the post of Senior Crown Counsel.

not to be used

(There is no Senior Crown Counsel)

(copy)

327

Original regd 34654/27 Jy (copy for Attorney Genl)
Duplicate regd on file 14540 Fiji (Mc Elwaine
accepted above)

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

Dated 28th October

(Received Colonial Office 3.28 p.m. 28th October, 1927)

No.334. 28th October

Your telegram of 14th October McElwaine is
recommended as suitable and accepts offer. He will
proceed to Fiji by first opportunity after 15th November.
I will advise Governor of Fiji of route and date of
departure. Recommendation in my despatch No.107
Confidential of 14th October still holds and I am
addressing you by despatch this mail with regard to
filling the post of Senior Crown Counsel.

not H.P. Wood

(This is the Senior Crown Counsel)

V.

VACANCY FORM.

Mr Chiff 2.ii.27
MR. Allen 2/2/27

REFERENCE X 10109/27
KENYA

(1) PROMOTIONS BRANCH.

(2) PRIVATE SECRETARY (Appointments).

COLONY. KENYA

VACANCY. Crown Counsel.

CAUSE OF VACANCY. Impending retirement of Mr H. Bonn.

EMOLUMENTS. £720 - £30 - £840 £40 - £920, with
including any special notes as to efficiency tax at £840.

(a) Terms of appointment.

(b) Allowances.

(c) Quarters. Free or allowance in lieu.

(d) Passages. Free 1st Class; allowance of £40 towards cost of passage for wife and/or family each way each year.

REMARKS.

including any special notes as to

(a) Married Candidates. No objection.

(b) Duties. To assist the Attorney-General in advising Govt. on all legal matters, drafting legislation, prosecuting conducting civil cases etc.

(c) Qualifications required. of very great importance that the officer selected shall be a Barrister with practical experience of his profession; also, if possible, with experience in the Colonial Service.

(x) (289064) Wt. 19109/1546 Sp. 200 500 1.000 1.500 2.000 2.500 3.000 3.500 4.000 4.500 5.000 5.500 6.000 6.500 7.000 7.500 8.000 8.500 9.000 9.500 10.000
(289064) 2219/1600 3000 4000

Essential that candidate should take up duties

M. Allen Sir C Strachey

The vacancy. Kenya - Crown Counsel - £120-30-£140-40-£920
was brought before the Promotions Committee at their meeting
of the 24th of February, at which Sir John Kelsey was
present when they considered the names of:-

- M. L. J. N. Klaya Blood, MC, Asst. Attorney Genl. Nyasaland.
- M. W. S. Treby, Attorney Genl. St. Lucia.
- M. J. J. Hayden Registrar of High Court, Uganda.
- M. A. B. Home, MC, Registrar of High Court, Tanganyika.
- M. G. H. Jobling, Asst. Registrar of High Court, N. Rhodesia.
- M. H. K. Ryan, Crown Counsel, N. Rhodesia.
- Capt. J. A. Luca-Smith, O.B.E., President of a District Court, Cyprus.
- M. N. H. Tutton, Attorney Genl. St. Vincent.
- M. E. J. Davies, a candidate on the Private Secretaries' list.

They decided to reserve the vacancy to the Private

Sir J. Kelsey considered that Mr. Davies would
be a very suitable selection

Ed. Boyd
25/2/27

? to Major Dore
M. J. J. Hayden

25/2/27

M. J. J. Hayden

11/2/27

Mr. Allen Sir C Strachey

The vacancy. Kenya - Crown Counsel - [1920-30. 1940-40 - 1920]
was brought before the Promotions Committee at their meeting
of the 24th of February, at which Sir John Kesley was
present when they considered the names of:-

Mr. L. M. Lloyd Hood, M.C. Asst. Attorney Genl. Nyasaland.

Mr. W. S. Treby, Attorney Genl. de Lucia.

Mr. J. J. Hayden, Registrar of High Court, Uganda.

Mr. H. B. Stone, M.C. Registrar of High Court, Tanganyika.

Mr. G. H. Jobling, Asst. Registrar of High Court, N. Rhodesia.

Mr. H. K. Ryan, Crown Counsel, N. Rhodesia.

Capt. J. A. Lucas Smith, O.B.E., President of a District Court, Cyprus.

Mr. N. H. Tanton, Attorney Genl. de Lucia.

Mr. E. J. Davies, a candidate on the Private Secretaries' list.

They decided to reserve the vacancy to the Private

Secretaries.

Sir J. Kesley considered that Mr. Davies would
be a very sensible & suitable

J. A. Boyd

25/2/27

Mr. Major Rose

Mr. Strachey

Mr. C. S.

25/2/27

Mr. Andrews

Mr. 18/2

E 2

TELEGRAM. From the Officer Administering the Government
of Kenya to the Secretary of State for the Colonies

Dated 17th March, 1927.

(Received Colonial Office 2.22 p.m. 17th March, 1927).

No. 88 17th March.

My despatch of 31st December Confidential
No. 175 Crown Counsel scale of salary now £720
to £920 vide your despatch of 31st January
Confidential.

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GOVERNMENT HOUSE,
NAIROBI,
KENYA

KENYA

No. 175

CONFIDENTIAL.

December, 1926.

RECEIVED
31 JAN 1927
COL. OFFICE

Sir,

*file
10778*

Letter from A.G. dated
12.26. with encls.

Form of Particulars.

With reference to your despatch No. 837 of the 31st August last, I have the honour to transmit copy of a letter from the Attorney General intimating the intention of Mr. H. Bown to resign his appointment as Crown Counsel on the termination of his leave.

2. Mr. Bown proceeded on leave to England via Genoa on the 8th December and he is entitled to 70 days' leave exclusive of the period of the voyage.

3. I transmit the usual form of Particulars of the Office and shall be glad if steps can be taken to fill the impending vacancy.

It is of very great importance that the officer selected should be a Barrister with practical experience of his profession; also if possible, with experience in the Colonial Service.

4. With regard to the salary attached to the post, I would invite your attention to the recommend-

ation

THE RIGHT HONOURABLE

LIEUTENANT COLONEL

L.C.M.S. AMERY, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

*W. 8380 26
Kadipatan
(Munich)*

ation contained in Kenya Confidential despatch No. 164 of the 26th November, that the scale of salary for Crown Counsel should be £720 to £920.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Edward Sigg

GOVERNOR

*App. 8380 26
(Signature of (Name))*

ation contained in Kenya Confidential despatch No. 164 of the 26th November, that the scale of salary for Crown Counsel should be £720 to £920.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Edward Gigg

GOVERNOR

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