

1923

KENYA

58826

3 DEC 23

DATE

26TH NOVEMBER 1923

S. V. MCG.

CIRCULATION :-

SUBJECT

LIEUT COL: J. K. ROBERTSON

Requests copies of official documents in order that he may impeach this officer before the Council of the Instith of Civil Engineers for unprofessional conduct.

U.S. of S.

S. H. ... 23

U.S. of S. v

U.S. of S. 11. XII. 23

Secretary of State.

Previous Paper

C.A.
3526 24002
22

MINUTES

Before a full examination of the points at issue is undertaken, I should like first to state whether it is considered necessary. It appears to me that the only possible answer to Mr Rossi's demand is that the S. of S. must regard the advice given to the Govt & by my Office, technical or other, in its employment, as and that no ~~Colo-Robertson~~ ~~has~~ ~~adviser~~ ~~to~~ ~~have~~ ~~published~~ it is not consistent with the duty of an Official to give such advice that he should be exposed

Subsequent Paper

R.
14604

14 DEC 1923

Mr S. of

to ~~the~~ attach in
respect of it.

It is also necessary to
add something about the
"personal not capable"
~~stuffed~~ ~~unimportant~~,
on which I believe that
that you said ~~at~~ the
interview was by no
means of the nature of
anecdote. We should
quote from our tele. on

Gr/18308/22. —

"His position has
remained... are you
satisfied that personnel
to be recruited from
P.W.D. in any report
suitable for change of
this work?"

and report after it has
been quotation from the
Governor's reply (28/22/23).

That should settle the
point, but I think
that if his ^{sensibility} ~~unimportant~~
nature had permitted

Quite so
I read him the material portion
of the telegram. He was
taken aback +, as I thought
realized that he had been
proceeding on a false
H.D.H.

MINUTES

MINUTES NOT TO BE WRITTEN ON THIS SIDE.

to the attach in report of it.

It is also necessary to add something about the "personal at copala" ~~stages~~ ~~stages~~, or what I believe that what you said at the interview was by no means of the nature of a promise. We should quote from our tel. of

So/18308/22:—

"His position has been considered... are you satisfied that personal at copala retraced for P.W.D. in any report suitable for change of this work?"

and about after it his Rom's invitation from the Governor reply (28622/23).

That should settle the point, but I think ^{some light} ~~some light~~ that if his ~~reputation~~ ~~reputation~~ ~~reputation~~ had permitted

Quite so I read him the material portion of the telegram. He was taken aback & as I thought realized that he had been proceeding on a false note. H.S.K.

28622

535 6 to 49.

in tel. may well have been not off without his knowledge.

535/47

535 p. 337 ^{points} to letter from to 123 just above 52.

535 H. 58

assurance from the Governor in five minutes at the time.

It is stated that the retracements in question included the C. H. Reguero is for some regions.

^{Personal} The "staff at copala" telegram was sent on 14 June 1922.

On August 22 he told Mr. Reguero that "Head Office decision is your call is that you should return from leave & resume duty" but that if he wished to return he would need "if you want to return, as it is included that you should, say nothing".

On Nov. 2/22 he Ross left on leave; On 300 +. The Gov (by tel.) recommended the advancement of Mr. Reguero.

On arrival here the Ross explained both to the Reguero his advancement and of the advancement.

I cannot find when the advancement was suggested. The Gov. told us that it was not contemplated at the time of Mr. Reguero's departure on leave (May) but

that it arose out of a later recommendation
by the Economy C^o. The reports of the
Committee do not show the date of the
recommendation.

^{of my recollection}
At this stage Sir C. Bowring called on
me & I asked him about the point
(without mentioning Mr Ross's attendance
Col. Robertson. The recommendation that
an Executive Engineer should be retained more
out of the ongoing view of the C^o than the
P.W. Dept. should be obtained: it was with
reference to recommendation by the C^o. Mr Ross
refused to nominate an Executive Engineer
for retention and his decision to
retire Mr Reynolds. I suppose - although I
tell Mr Ross had been made quarters. I.e.,
as we should have expected, the tel. of 30 Oct.
was met by or once.

I.e. the copy
(no: 58) is
not a copy of
the original.

In view of course only an extract
from the ~~the~~ private letter of Aug. 22, but
there seems to be some lack of candour
towards Mr Reynolds (with unfortunate
results) & some lack of loyalty to
the General Govt.

For present purposes I think we
may use the extract as the one
sent to Mr Ross as showing that
at the time of the tel. of 14 June
Mr Reynolds was not among the
retirees.

~~600~~ W.L.S. 6.12.23.

that it arose out of a later recommendation
by the Economy C^o. The reports of the
Committee do not show the date of the
recommendation.

At the stage of my minute
of this stage Sir C. Bowring called on
me & I asked him about the point
without mentioning Mr. Ross's name or
Col. Robertson. He recommended that
an Executive Engineer should be selected
out of the existing class of the C^o that the
P.W. Dept. should be selected: it was with
reference to recommendation by the C^o. Mr. Ross
refused to nominate an Executive Engineer
for retrenchment & he decided to
renew Mr. Reynolds's name for all work
all Mr. Ross had left headquarters. I.e.,
and should have expected, the Cal. of 30 Oct
was met off at once.

In view of course only on account
from the private letter of Aug. 22, but
there seems to be some lack of candour
in Mr. Reynolds (with unfortunate
results) & some lack of loyalty to
the Public Govt.

For present purposes I think we
use the extract as we are
able to let Mr. Ross see clearly that
at the time of the Cal. of 14 June
Mr. Reynolds was not among the
retrenchees.

6.12.23.

Sir J. Matheson - Smith?

270

I send you, as Mr. Ross will
probably try to get the matter raised
with Mr. P. S.

? Reply as proposed by Mr. Bottomley
at the beginning of his minute or
dispute of Mr. Ross's statement that
Mr. Reynolds was included among the
retrenchees.

[as regards the other matter referred
to in Mr. R's letter - Col. Robertson's
recommⁿ as to the Public Works
Dept. - his work on the Train
R^o - ~~the settlement~~ the settlement
of public utility of the kind must
be left in the hands of the S. P. B.
& the local govt. Mr. R. has no
longer stands, especially as he has
retired from the service of the
Govt.]

Mr. Ross

Public Works

? The papers.

10.12.

James Matheson

271

WODEN COTTAGE,
PIRS ROAD,
WIMBORNE, SURREY.

November 28th., 1923.

CONFIDENTIAL

RECEIVED
3 DEC 1923
C.C.

C.C.
58826
3 DEC 23

HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE
FOR THE COLONIES,
from W. McGREGOR ROSS, M.Inst.C.E.,
(late) DIRECTOR OF PUBLIC WORKS,
KENYA COLONY.

My Lord,

I have the honour to enquire whether I may be supplied with copies of certain official documents relating to the participation of Lt. Col. J. K. Robertson in recent consultations and projects of an engineering nature in Kenya, for the confidential information of the Council of the Institution of Civil Engineers in order that I may formally impeach that officer before them for unprofessional conduct.

2. As long ago as July 1922 I addressed to Your Lordship's predecessor a formal complaint as to that officer's actions. It was respectfully worded and was transmitted through His Excellency Sir Edward Northey. Immediately thereafter my post of Director of Public Works at a salary of £1,200 was abolished and I was retired on pension.

3. Having received no acknowledgment of, or reply to, my letter, although I was expecting, from month to month, that something of the sort would be forwarded on to me from Nairobi, I applied for, and was granted, an interview with Sir Herbert Read. I then learned that an answer had been sent to Nairobi, to be communicated to me only if I was still in the Colony at the time of its arrival. I had already left, however, under Government orders, and I have not had a copy of the reply either there or here.

4. The facts of the case are that Mr. Robertson, having been employed in the Protectorate about 1915 at a salary of £900 or so, returned in 1920 as Lt. Col. Robertson at a salary of £3,000, and that thenceforward his behaviour was such as, in my opinion, constituted him a common danger to other Engineer officers

CONFIDENTIAL

WOODH GOTTAGE,

FIRS ROAD,

SURREY.

November 28th., 1923.

271

RECEIVED

3 DEC 23

CC

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FOR THE COLONIES,
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(late) DIRECTOR OF PUBLIC WORKS,
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of the Service. In 1921 he reported to Government that the Public Works Department was so essential to the life and development of the Colony that it should be expanded to such an extent that none of the senior officers then connected with the Department could be trusted with any share in its direction. They should all be replaced, he urged by more experienced engineers, to be obtained from some other country. Within a year, i.e. in May 1922, he supplied another report to the Economic and Financial Committee urging that the Public Works Department should be abolished. He recommended that the Civil Engineering activities of Government should be directed by General Northey's son-in-law, a young gentleman with no Engineering training or experience.

5. His proposal involved the dismissal of a number of Engineers, all corporate members of the Institution of Civil Engineers at five or six weeks' notice — to take effect on June 30th., 1922. A few, he suggested, might be re-engaged to work under the untrained Director above-mentioned, but as locally-engaged hands, without their previous privileges of home-leave and overseas passages.

6. Incidentally, his first report was covered with ridicule by myself in a public debate in the Legislative Council on October 27th., 1921, in which I summarised it as a "singularly careless compilation, with some discreditable features." Its recommendations, where they diverged from previous ones of my own, were disregarded by the local Government and Your Lordship's office, and Lt.Col. Robertson was informed that attacks in it upon individual officers were ultra vires to his position on the Public Works Commission, and that no notice would be taken of them in Your Lordship's office.

7. Later, when the Economic and Financial Committee sent to Government a unanimous recommendation that the next piece of railway construction in the Colony should be constructed Departmentally, Lt.Col. Robertson submitted a memorandum traversing that view, and finally, representations of his led to General Northey's cabling to Your Lordship's office on June 14th., 1922, with reference to a project for extending the Thika Railway to Nyeri, as follows:-

"Have carefully considered question of Departmental construction with Robertson.

273

We agree personnel not capable?

Writing subsequently to the then General Manager of the Uganda Railway General Northey asserted that this remark had no reference whatever to Railway staff. It must therefore have referred to staff working under myself in the Public Works Department. Sir Herbert Read, at my interview with him on the 1st. ult., was good enough to say that a statement would willingly be supplied to me to the effect that it had no reference to myself. This I shall much appreciate, and I beg to request that it may be supplied to me. But that will in no way serve to exculpate Lt.Col.Robertson. If, as Sir Herbert Read surmised, it was to be taken as referring only to the "retrenchees" from the Public Works Department, they included my late Executive Engineer Mr.C.H. Reynolds, whom Your Lordship has just promoted to be Deputy Director of Public Works in Tanganyika Territory, and who, when working under me, was Resident Engineer on the Tika Railway construction, which, on the account being taken of the class of work and the nature of the country traversed, remains to this day the cheapest piece of metre-gauge line in Africa. Lt.Col.Robertson's aspersion on this officer, as "not capable" of extending the line which he constructed with credit in 1913, would appear to provide further grounds for representing his behaviour as professionally improper. I may add that his own work (the Usin Gishu Railway survey and construction) has given rise to such misgivings in the Colony that the settlers' Convention of Associations has just passed a resolution urging the appointment of a Commission of Enquiry, "with the widest terms of reference" to enquire into "the whole matter of the building of the Usin Gishu Railway." Vide "The East African Standard," September 15th., 1923.)

8. If Government views manoeuvres of the class that is here alluded to, with unconcern and inaction — a suggestion which even a year's silence leaves me unwilling to believe — I feel confident that the Council of the Institution of Civil Engineers would regard their occurrence among its Members with neither the one nor the other. Among resolutions at a conference of my Executive Engineers, (all

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corporate members of the Institution) were the following:-

"We are of opinion that the action of Colonel Robertson as Chairman of the late P.W.D. Commission, in describing the Executive Engineers as unfitted to hold the post of Deputy Director in this Colony, is improper and misleading, and being outside the terms of reference, so derogatory as to constitute unprofessional conduct.

"Since this public statement has had a great effect in creating the present situation, we are of the opinion that should it prove necessary to address the Council of the Institution of Civil Engineers, this action should be referred to in detail.

"With regard to the various bitter attacks which have from time to time been delivered against this Department we desire to record our opinion that it is the duty of Government to protect and defend the professional reputation of its officers who are denied the usual right of public explanation."

9. I need scarcely add that the proposal for the abolition of the Public Works Department was easily disposed of, and was entirely disregarded by the local Government.

10. I trust that Your Lordship, since no other action would appear to have been taken upon receipt of my complaints, will at least not seek to shield this officer by refusing to grant me copies of documents, without which I shall be unable to afford him an opportunity of defending his actions before the Council of the Institution of Civil Engineers upon a formal indictment for unprofessional conduct. I will, of course, be fully informed as to my charges, and his explanations will be invited by the committee of the Council charged with the duty of adjudicating upon charges of professional misconduct among corporate members of the Institution.

11. I cannot of course support my charges without resorting to official documents. I attach a list of the documents of which I request that I may be supplied with copies for the purpose stated.

I have the honour to be

Your Lordship's

Most obedient humble servant,

H. Mc Gregor Esq.

ENCLOSURE in confidential letter dated November 28th., 1923 from
Mr. W. McGregor Esq.

1. Lt. Col. Robertson's report on the alignment and cost of the Uasin Gishu Railway.
 2. Colonel Hammond's review of same, traversing the writer's arguments.
 3. Chief Engineer, Uganda Railway's review of same, traversing the writer's arguments, - No. 6626/27 of 11/10/21.
 4. Undersigned's letters No. 736/57/26 of March 8th., 1922 and 1075/57/26 of April 3rd., 1922 traversing the writer's arguments.
 5. The Consulting Engineers' review of same, pointing out improper use of figures to a sum of over £100,000.
 6. Lt. Col. Robertson's recommendation of May 13th., 1922 to the Economic and Financial Committee that the Public Works Department should be abolished.
 7. Undersigned's rejoinder to same, addressed to H.E. the Governor and dated June 23rd., 1922.
 8. Lt. Col. Robertson's recommendation to the Economic and Financial Committee that railway construction in Kenya should not be done Departmentally, dated probably in April 1922.
 9. Extract from Governor's cable of June 14th., 1922 reading: -
"Have carefully considered question of Departmental construction with Robertson. We agree personnel not capable."
 10. Hon. Commissioner of Lands Mr. H. T. Martin's memorandum to the Economic and Financial Committee upon the proposal that he should assume control of Public Works in Kenya Colony.
 11. Secretary of State's despatch in reply to Kenya Government's No. 1595 of November 17th., 1921 upon the P.W.D. Commission's Report.
- (H.B. The P.W.D. Commission's Report, the report of undersigned's speech in Legislative Council on Oct. 2, 1921 rebutting mis-statements in same, and Kenya Government's despatch No. 1595 are already public.)

H. McGregor

P
47.1.58826/23 Kenya

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D 14

14 December 1923

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24

Sa
Sc

DRAFT.

I am etc. back.

Gregor Ross Esq. P.I.C.E.

MINUTE.

- Mr. Seel ^{12.12.23}
- Mr. Calder 13.12
- Mr. Bottonley 13.12.23 *fs*
- Mr C Davis
- Mr G. Grindie
- Mr H. Road
- Mr J. Masterton Smith
- Mr Ormsby-Gore
- Mr de Devonshire

the receipt of your letter of the 28th of November, enquiring whether you may be supplied with certain official documents relating to the ^{participation} ~~participation~~ of Lt. Col.

J. K. Robertson ^{in regard} with regard to ~~consultation~~ ^{consultation} and projects of an ~~engineering~~ ^{engineering} ~~operations~~ ^{operations} in Kenya; and

to inform you that he is unable to meet you wishes 2 The S. of S. as he must regard as privileged the advice given to a colonial government by any officer, technical or

Otherwise, in its employment,
and ~~that~~ it is not consistent
with the duties of an official
to give such advice, that
he should be exposed to
attack in respect of it.

3. I am, however,

to His Grace's attention has,
however been drawn
to the ~~sketch~~ remarks in
para 7 of your letter regarding
the telegram which was
sent to the C.O. on the
14th June, 1922, by the
Governor of Kenya. That
telegram was sent in
reply to a telegram
from the S.F.S. dated
the 25th of April, ~~from~~ which
the following is an extract
"Has Robertson been
consulted... Are you

otherwise, in its employment,
and ~~that~~ it is not consistent
with the duties of an official
to give such advice, that
he should be exposed to
attack in respect of it

3. I am, however,
to His Grace's attention has,
however been drawn
to the ~~stated~~ remarks in
para 7 of your letter regarding
the telegram which was
sent to the C.O. on the
14th of June, 1922, by the
Governor of Kenya that
telegram was sent in
reply to a telegram
from the S.F.S. dated
the 25th of April, ~~from~~ which
the following is an extract
"Has Robertson been
consulted... Are you

satisfied that personnel
to be retrenched from Public
Works Department is every
respect suitable for charge
of their work."

The Governor's ~~replied~~
to this telegram ~~reply~~ to
telegram in reply to this
enquiry contained the
language already quoted
in your letter in reply,
as follows:-

"I have carefully considered
question of departmental
construction with Robertson.
We agree personnel not
capable"

His Grace trusts that
~~It is clear~~
it will be clear from
from the foregoing that
the Governor's telegram
of the 14th of June, 1922, referred

DRAFT.

MINUTE.

Mr. Davis
Mr. Grindle
Mr. Road.
Mr. Masterton Smith
Mr. Ormsby-Gore.
Mr. of Devonshire

otherwise, in its employment,
and ~~that~~ it is not consistent
with the duty of an official
to give such advice, that
he should be exposed to
attack in respect of it

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14th of June, 1922, by the
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"Has Robertson been
consulted... Apr 4 on"

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to be retrenched from Public
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respect suitable for charge
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~~to this telegram~~ ~~reply~~
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DRAFT.

MINUTE.

- M.
- M.
- M.
- M. Davis
- M. Grindle
- M. Head
- M. J. Masterton Smith
- M. Ormsby-Gore
- M. of Devonshire

to ~~the personnel~~ those
Officers of the Public Works
Dept. whose abtln. it
was necessary to terminate
for reasons of economy,
and not to the whole of
the Dept.

3 With regard
to ~~the~~ ^{your} allegation that the
personnel ~~referred to~~ ^{referred to}
_(Governor) ^{of the P.W.D. (Aug. 1922)}
in the telegraph included
Mr. C. H. Reynolds, I am
to point out that at the
date on which the tel.
was sent Mr Reynolds
had not been selected for
abolition by the Government.
In this connection I am
to refer to a letter written
by yourself to Mr Reynolds
on the 22nd. of August, 1922,
of which the following

to the personnel. These
 Officers of the Public Works
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 and not to the whole of
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 to ~~the~~ ^{your} allegation that the
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 of the ^{Governor} ~~the~~ ^{of the P.W. Dept. 1922}
 in the Telegram included
 Mr. C. H. Reynolds. I am
 proud to say that at the
 date on which the let
 was sent to Reynolds ^{3'}
 that was not amongst
 those selected for
 reduction by the Government.
 In their connection I am
 refer to a letter written
 by yourself to Reynolds
 on the 22nd of August, 1922,
 of which the following

DRAFT.

MINUTE.

M.
 M.
 M.
 M. Doss
 M. G. Grindle
 M. H. Read
 M. J. Masterton Smith
 M. Ormsby-Gore.
 M. of Devonshire

is an extract:-

"Retrenchments are
 taking place in your grade
 and if you wished to sever
 connection with the Service
 now, I have little doubt
 that a cabled resignation
 from you would be accepted.
 At the same time, please
 note that Head Office decision
 in your case is that you should
 return ^{from} leave and resume
 duty. On
 receipt of this, if you wish
 to retire, send a cable
 If you want to return as
 it is intended that you
 should, say nothing."



(Signed) H. J. READ

to the personnel those
Officers of the Public Works
Dept. whose appls. it
was necessary to terminate
for reasons of economy,
and not to the whole of
the Dept.

3 With regard
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personnel ~~is~~ referred to
^{Governor} of the P.W.D. 1922
in the telegram included
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report and that at the
date on which the tel
was sent the Reynolds' ^{post}
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If you want to return as
it is intended that you
should, say so in this."

DRAFT.

MINUTE.

- M.
- M.
- M.
- M. Davis
- M. D. Grindley
- M. H. Read
- M. J. Masterton Smith
- M. Ormsby-Gigg
- Chief of Devonshire

(Signed) H. J. READ