

1921/14

KENYA

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COLONIAL

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DECEMBER 1921

FOR CIRCULATION --

SUBJECT

ADMINISTRATIVE SYSTEM

Desp. to Governor requesting report on working of new system particularly as to co-ordination of policy in non-native areas generally etc. Also observations as to promotion of administrative officers from the non-native side.

- Mr.
- Mr.
- Mr.
- Mr. Grindle
- Sir H. Lambert
- Sir H. Reid
- Sir G. Mason
- Mr. Barton Smith.
- Mr. Wood
- Mr. Churchill

Previous Paper

MINUTES

File 49946A (Cm. Barton)  
File 59485 (Native Affairs)  
Df

No. for. com. 1885. 8 Dec 1921

Subsequent Paper

File 10812  
File 10449/22

I do not like this proposal, to promote Mr. Barton to the grade of senior commissioner. If he had not been transferred to the legal side Mr. Barton would still have been an A.D.C. *(or some grade administrator for some, I must be certain)* and it is now proposed to make him a senior commissioner over the heads of men, some of whom have seen more than double his service. It is right that, <sup>if he has</sup> ~~we~~ *covered by his having* ~~we~~ *obtained legal* ~~we~~ *he should have been* ~~we~~ *promoted to the* rank of district commissioner (or first grade administrative officer), but the present proposal seems to me quite a different matter, and to require careful consideration. When we agreed to the present scheme of the division of the administrative staff into native and non-native areas, it was contemplated that as an ideal for the future the non-native areas should be staffed by administrative officers who had acquired legal qualifications *(young* administrative officers being encouraged to become barristers for this purpose) so that they could act both as magistrates and administrative officers, and that in the meantime existing magistrates should be absorbed in the administrative staff on the non-native side. But I do not think that it was ever contemplated that it should be a condition of promotion to senior commissioner rank that the officer concerned should be a magistrate. That would be manifestly unfair.

(1) It is agreed that at present some of the first grade administrative officers on the non-native side must be ordinary administrative officers without special legal qualifications.

Are such officers to be in a blind alley and are they never to be promoted to senior commissioner rank?

(2) If the ordinary administrative officer does not possess the legal qualifications required in a senior commissioner in a non-native area, it is equally true that the legal officer does not possess the administrative qualifications required.

(3) If you rule out the ordinary administrative officer from promotion on the non-native side you are going to weigh down the balances most unfairly in favour of the magistrate. There are only 7 of these all told and of these, I understand from Mr. Sandford whom I have asked for information on the various points, it is proposed that 3 should continue to act as full time ~~time~~ magistrates, responsible only to the Chief Justice, and without any place in the administrative system.

The present magistrates are all officers without long Colonial service, and if they are to be given priority over administrative officers who have had two or three times their length of service, there will be complaints, and justifiable complaints from the ordinary administrative staff.

~~The administrative~~  
Establishment has been greatly increased ~~ships on the non-native side are to be confined to~~ in the last 10 years, but if the senior commissioners barristers it means that the number of senior posts open to the ordinary administrative staff is to remain the same

as it was 20 years ago. The result will be that while the administrative staff will have their chance of promotion considerably lessened, magistrates who already have good prospects on the legal side will have their chances increased out of all proportion.

I confess I am not altogether happy with regard to the scheme generally.

(1) I now gather that it is proposed that the senior commissioners in the non-native areas should be merely glorified first grade administrative officers and that they should not be given any position of responsibility over the others, all senior and first grade administrative officers reporting direct to the Chief Secretary. I fear I had not realised before that this was the intention. I read paragraph 8 of Sir E. Northey's letter of the 14th December 1919 (71436/19) "The Administration of non-native areas would in a similar manner be entrusted to a resident magistrate of 3 grades under the direction of the Chief Secretary," as meaning that he proposed that the provincial system should continue in the non-native areas as in the native areas. It was of course originally proposed to abandon it in both (how an experienced officer like Mr. Ainsworth could have proposed so retrograde a step in the native areas I have never understood). I see, however, by reference to the minutes on 71436/19 (see paragraph 3 (a) Mr. Parkin's minute) that it was realised *that the intention was to give a trial* here and that it was agreed to give the plan a trial in the non-native areas and see how it worked. I therefore write with diffidence when

I suggest that it seems to me just as important to have some co-ordinating authority in the non-native areas with regard to such questions as e.g. native labour, in fact, more so, as some of our officers in charge of such districts will be magistrates without any administrative experience.

(2) I am inclined to think that the divorce goes too far as I gather from Mr. Sandford has in practice been found to be the case. Take for instance native labour in settled areas. This is a question for the Chief Native Commissioner every bit <sup>as much</sup> as the native questions which arise in the native areas. In fact, Mr. Sandford admitted that however admirable in theory the scheme was not easy to work in practice and that unless arrangements were made whereby the administrative officers in contiguous native and non-native areas kept in close touch with one another there would be chaos. To make the scheme work there is needed to be co-ordination all the way up the ladder and not only at the top.

The idea of the scheme is no doubt sound enough and any flaws there may be found to be in it will probably be rectified as experience is gained in actual working. I think that we should take the present opportunity to ask for a report on the working of the scheme.

As to the case of Mr. Barton, I would put to the Governor the considerations in my minute above, as to the general promotion question, and say that for the reasons <sup>given</sup> the Secretary of State would find it very

difficult

difficult to approve Mr. Barton's promotion but say that before arriving at a final decision he will be glad to receive the Governor's views as to the principles to be followed generally with regard to the promotion of officers in non-native areas, and to be provided with further information as to the duties which senior commissioners will be required to perform: *and*

to take the opportunity as proposed above, to ask for a report on the working of the new scheme generally.

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DOWNING STREET,

8 December, 1921.

Sir,

I have the honour to acknowledge the receipt of Colonel Ketley's despatch No.1250 of the 8th of September recommending the promotion of Mr. C.M.Barton, Resident Magistrate, to the grade of Senior Commissioner with effect from the 1st of April last. Before considering this recommendation there are certain points with regard to the promotion of Magistrates and Administrative Officers in non-native areas as to which I shall be glad to be furnished with further information.

In the first place I have to observe that Mr. Barton is very junior in length of service as compared with the more senior first grade Administrative Officers, who would normally look for promotion to Senior Commissioner rank, and several of whom, I note, have been warmly commended by you for such promotion. In fact, he entered the service some years later than many Administrative Officers who are still serving in the lowest grade.

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**DRAFT.**

KENYA

1885

Gov. Sir E. Northey.

MINUTE.

Mr. Batterbee.

Mr.

Mr.

Mr. Grindle

Sir H. Lambers.

Sir H. Read.

Senatorial

Mr. Wood.

Mr. Churchill.

*Handwritten signature or initials at the bottom left.*

It is true that Mr. Barton has the advantage of legal qualifications, but if his promotion is to be approved, it is essential that it should be made clear that, for the purpose of performing the duties of a Senior Commissioner, his legal qualifications so far outweigh his lack of administrative experience as to render his claim to promotion superior to that of the senior members of the ordinary administrative staff. Otherwise, there will be complaints and justifiable complaints, from the Administrative Officers who have been passed over

3. As I understand the matter, when the present scheme of division of the administrative staff into native and non-native areas was approved, it was contemplated that, as an ideal for the future, the non-native areas should be staffed by administrative officers who had acquired legal qualifications (young administrative officers being encouraged to become barristers for this purpose) so that they could act both as magistrates and administrative officers, and that in the meantime existing magistrates should be absorbed in the administrative staff on the non-native side. But so far as I am aware it was never contemplated that it should be a condition of promotion to Senior Commissioner rank in this branch of the service,

that the officer concerned should be a magistrate.

Such a limitation would be manifestly unfair for several reasons:-

(a) It is agreed that at present some of the first grade Administrative Officers on the non-native side must be ordinary administrative officers without special legal qualifications, and that being



ee it is only proper that they should have equal claims to promotion to Senior Commissioner rank.

(b) If the ordinary Administrative Officer does not possess the legal qualifications required in a Senior Commissioner in a non-native area, on the other hand, it is equally true that the legal officer does not usually possess the administrative qualifications <sup>(not sufficient)</sup> required.

(c) If the ordinary Administrative Officer is to be debarred from promotion on the non-native side the result will be to weigh down the balance most unfairly in favour of the Magistrate. There are only seven Magistrates, of whom three I understand, are to continue to act as full time town Magistrates and will therefore presumably not be included in the administrative scheme. ~~(As to these three officers I may observe at once that there is of course no question of increasing the scale of salary attached to purely magisterial posts)~~ On the other hand, the administrative establishment has been greatly increased in the last 10 years and unless the whole of the Senior Commissionerships are to be thrown open to the Administrative Officers equally with the Magistrates it will follow that their chances of promotion will be considerably lessened while that of the Magistrates who also have prospects of promotion on the legal side will have been increased

increased out of all proportion.

For the reasons above explained I should find considerable difficulty in approving Mr. Barton's promotion, but, before arriving at a final decision I shall be glad to receive your views as to the principles which should be followed generally with regard to the promotion of officers in non-native areas, and to be furnished with further information as to the duties which Senior Commissioners will be called upon to perform.

I note that you state that Mr. Barton's claim to promotion is strongly endorsed by the Chief Justice. As to this, I would observe that while it is proper that you should consult the Chief Justice with regard to the legal qualifications of any candidates recommended for promotion on the non-native side, the recommendation as to the officer most suited for promotion should be <sup>made</sup> ~~made~~ *made to you by the Chief Secretary, to whom the Administrative Staff on the non-native side are responsible, then sent to Chief Justice.*

Further, I shall be glad to be furnished with a report upon the working of the new system of administration, particularly as regards the provision made for the co-ordination of policy in non-native areas generally, and for administrative co-operation between contiguous native and non-native areas. I gather that my predecessor agreed with some hesitation to the scheme for abolishing the provincial system on the non-native side, thereby leaving first grade Administrative Officers to report direct to the Chief Secretary, and I shall be glad to be informed particularly as to the working of this side of the scheme.

I have, etc. (Signed) WINSTON S. CHURCHILL