

DESPATCH.

EAST AFR. PROT.

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28280 210  
LLC  
23 AUG 09

Governor. No.

from Conf. by

1909

8 July

Previous Paper

4/10/1909

Deputy Governor.

To minute by Crown Advocate as to Mr Hobley's official designation. Propose merely to empower him to sign documents during Ag Grows absence. Ask for concurrence.

Mr. Cox.

What do you say?

H. J. R.

24/10/1909

Mr. Read

I should do it. The title of acting deputy governor is confusing. The only deputy governor ~~can~~ is a deputy afft: by the Gov: under article XVI of the 1907 ~~Ord~~ Ord in C. Let the matter rest until Mr Hobley arbitrates for a title.

HJR  
25/8

Patby. at once

H. J. R.

25/8

8280

REC-23 AUG 1909

East Africa Protectorate

Confidential (69)

Governor's Office

Khartoum

28 July 1909

My Lord,

Jov  
18019

I have the honour to acknowledge the receipt of Your Lordship's despatch N<sup>o</sup> 311 of the 10<sup>th</sup> ultimo, respecting the official designation of Mr Hobley as Deputy Governor and to enclose a minute by the Crown Advocate on the subject.

1. His argument which appears to have some justification, is that the title Deputy Governor can only exist during the periodical absences from Headquarters of the Governor or Acting Governor.

2. It was in point of fact rather a difficult matter to find a suitable designation for Mr Hobley. The title Acting Chief Secretary would not have fitted the case, as it would have been

neither

Principal Secretary of State  
for the Colonies  
Downing Street  
London.

neither desirable nor feasible to have withdrawn Mr Hobley from his duties as Provincial Commissioner of the Ukamba Province to work in the Secretariat Offices, where a special acquaintance with previous correspondence is required. The absence of this in an officer through whose hands all business would have had to pass before reaching myself, would have seriously delayed the settlement of many important questions and in point of fact the idea, which previous experience has shown to be impracticable, was never contemplated.

4. It was really out of consideration for Mr Hobley's personal wishes that a special title was asked for on his behalf, but in the absence of any actual duties discharged by him which would justify it, it would perhaps, in view of the Crown Advocate's remark, be desirable to drop the question and merely empower him from time to time during

during my absence from Headquarters  
to sign such urgent documents as  
would otherwise require my own  
signature.

5. I should be glad to know if  
Your Lordship concurs in this view.

I have the honour to be  
with the highest respect  
my Lord,

Your Lordship's most obedient  
humble Servant

J. J. Falkner

INCLOSURE

In Despatch No. 17 of 28-7-1909

C/O  
78280MEMORANDUM.

10 AUG 09

I consider that to gazette Mr. Hobley as Deputy Governor would lead to confusion. Provision is made in the Order in Council and in the instructions thereunder for the appointment of a Deputy Governor to act for and on behalf of the Governor when temporarily absent from headquarters. With certain limitations the Deputy Governor can be vested with all the powers of the Governor.

Mr. Hobley is not authorized or required to exercise any of the powers vested in the Governor, and except that as Senior Provincial Commissioner he becomes a member of both the Executive and Legislative Councils he is not called upon to perform any duties which he was not performing while His Excellency the Acting Governor was Lieutenant Governor.

The Courts would ordinarily accept any document signed by the Deputy Governor as signed with legal authority; if however officers are appointed to be Deputy Governors without any of the powers of the Governor the Court will require that the authority of the Deputy Governor to sign any document or make any order shall be proved.

The title Acting Deputy Governor is unsatisfactory but has the advantage of being meaningless and is therefore less likely to cause confusion in official and non-official circles than the title of Deputy Governor.

If.

If it is considered that the title Senior Provincial Commissioner does not confer sufficient distinction on the Provincial Commissioner who becomes in the absence of the Lieutenant Governor a member of the Executive Council I would recommend that some title should be selected other than that of Deputy Governor or Acting Deputy Governor.

Nairobi,

July 21st 1909.

Sd/- R.M.COMBE.

Crown Advocate.