

EAST AFR. PROT
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029
Bowling 217

1917
25 June

Last previous Paper:
21594

To Mrs Hubbard 24 June 17
Del to Mrs Hubbard 24 June 17

Next subsequent Paper:
32152

DEATH OF SERGEANT A. F. HILBERT
Reports from Malaya. Dated June 20th.

Hand to S.

W. B. ...

Off ...
ack

Further action as on draft.

20/6/17

Col.

26.6.17

We beg to remind Your Excellency that the appointment of unofficial members to the Executive Council is provided for in Section 23. of the Regulations of His Majesty's Colonial Service and therefore cannot be regarded as an innovation.

We trust that Your Excellency will give our request the strongest possible support. It may be that there are certain matters of detail which cannot be incorporated in a letter, which Your Excellency would wish to discuss: we shall, therefore, be very pleased to meet you, should you think it desirable.

We have the honour to be,

Your Excellency's most obedient
servants,

- Sd/- P. H. Clarke
- Delanere
- W. C. Hunter
- W. McLellan Wilson.
- A. C. Hoey.

INCLOSURE

In Despatch No. 104 of 23. 6. 1917

Nairobi,

May 28th. 1917.

To

His Excellency the Governor,
Nairobi.

274

Your Excellency,

At the Meeting of the Special Committee of the Legislative Council dealing with Electoral Representation, held this morning, the Unofficial members raised the question of the appointment of two of their number to the Executive Council. The Official members of the Committee expressed themselves as individually supporting this suggestion on the ground that these appointments would tend to smoothen working of the machinery of Government. The Chairman, however, was compelled to rule that this matter could not be included in the report of the Committee as it was outside the terms of Reference.

On the advice of the Chairman, we are bringing this matter before your Excellency, and would ask you to forward this letter to His Majesty's Secretary of State for the Colonies at the same time as the Report on Electoral Representation.

We feel sure that Your Excellency will fully realise that the presence of unofficial members at the deliberations of the Executive Council would greatly facilitate the drafting of bills as the points of view both of Government and the unofficial community would be better understood. Similarly in all executive decisions such appointments would tend to smoothen working, as it is naturally impossible for Unofficial members to be in possession of all the facts of the cases before them from the point of view of the Unofficial Community.

to be members of the Executive Council would tend to remove a considerable amount of dissatisfaction on the part of the general public, and would lead to a better feeling generally and a greater confidence in the actions and policy of Government, and I believe that Sir Henry Belfield holds similar views.

9. I have accordingly the honour to recommend most strongly that the request of these gentlemen be favourably entertained, and that I be authorised to inform them that you have agreed to the appointment of non-official members to the Executive Council, either now or at the time that affect has been given to the principle of non-official representation on the Legislative Council.

10. Presumably their reason in asking that their request be forwarded home at the same time as the report on electoral representation was because they considered that, although the unofficial members of the Executive Council would be nominated, the nominations would eventually at least be confined to elected members of the Legislative Council.

I have the honour to be,

Sir,

Your humble, obedient servant,



ACTING GOVERNOR.

possible to arrange for special monthly meetings at which more important matters of principle and contemplated legislation might be considered. They expressed the hope that some such arrangement might be arrived at, but reiterated their request that two members might be appointed, one from the Capital and one from the country.

5. They then asked to be allowed to cancel the quoted paragraph, adding that Mr. Hoey had authorised them to act on his behalf in any matter arising out of their original letter.

6. You will observe that it is asked that the letter be forwarded at the same time as the report on electoral representation. That report has now been submitted, but owing, inter alia, to the necessity for preparing maps it will not be possible for me to forward it by this mail.

I see no reason, however, why the question of non-official nomination to the Executive Council should not be dealt with apart from the question of elective representation to the Legislative Council. It would appear that no amendment of the East Africa Order-in-Council, 1906, nor of the Royal Instructions issued thereunder, would be necessary in order to give effect to this innovation, and that action could be taken on an instruction from you.

7. I, myself, have always most strongly held the opinion that the appointment of one or two gentlemen, not holding office under Government,

to

They hastened to assure me that such was not their intention, but that they realised that in the peculiar circumstances of the East Africa Protectorate it would be very difficult for any member not residing in the Capital to attend regularly, while at the same time they thought it essential that a representative of the rural areas should be appointed. I replied that the same difficulty occurred to me, but that the fact remained that any gentleman who became a member of the Executive Council became at the same time an important member of Government, that in the execution of the powers and authorities vested in him the Governor is required to consult with the Executive Council, except in very special cases or where the matters to be decided are comparatively unimportant, and that for that reason it was highly desirable that all members of the Council should always be available to tender their advice. I pointed out that at present the Council sat on an average for about four hours, or one whole morning, in every week, that, in addition, a considerable amount of the time of the members was taken up in perusing files noted for consideration in Council, and that a large number of such files dealt purely with matters of administrative routine and procedure the consideration of which unofficial members would probably consider to be unimportant and tedious. I stated, however, that it might be possible

"On this understanding Council considers that one member would be sufficient to meet the case".

3. In the letter as originally handed to me the following paragraph occurred:-

"We have suggested the appointment of two members because a large amount of work would be involved, and the existence of two members would facilitate the presence of at least one of their number at meetings of the Executive Council."

It was this paragraph which induced Council to record the fact that any members nominated should be expected to attend regularly.

4. When the Legislative Council reassembled this week, I took the opportunity of discussing the proposal with the unofficial members, all of whom were present with the exception of Mr. A. C. Hoey, who was absent on military duty. I explained to them the necessity for regular attendance, and pointed out that the above quoted paragraph as it stood might possibly be regarded as a desire to appoint two unofficial members on the Council, of whom only one would attend meetings, thus giving the impression that their object was to keep a careful watch on the proceedings of the official members by, so to speak, relieving guard and always having one sentry on duty.

They

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They

AFRICA PROTECTORATE.

No. 104

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICACONFIDENTIAL

June 23rd, 1917.

Sir,

I have the honour to enclose herewith a copy of a letter which I have received from the non-official members of the Legislative Council in which they ask that two unofficial members of that body be appointed also to the Executive Council.

Letter
28. 5. 17

2. The letter was handed to me at the commencement of the recent session of the Legislative Council, and was considered by me in Executive Council on the 2nd instant, when the following minute, with which I concurred, was recorded:-

"Council considers that it is desirable that there should be unofficial representation on the Executive Council but that it should be clearly understood that any members nominated should be required to attend meetings regularly.

On

THE RIGHT HONOURABLE

WALTER LONG, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

Executive Councils

Manitowish had at one time two unofficiaries on the Executive Council but the provision for such appointments was removed in 1910.

Guamada, S. Lucia + S. Vincent unofficiaries on the Executive

Hong Kong Executive Council

2. unofficiaries, they do not appear to be on the Legislative Council.

Jamaica has unofficiaries on the Privy Council, and Bermuda, Barbados + Antigua have members of Assembly on the Executive.

There may be other cases.

Gloucester see with this 55122
and 7612:14 Hong Kong.

W. 78

elective representation, to decide in what form, if at all, the request for representation on the Executive Council shall be ^{arranged} ~~made~~. There is no hurry.

For my own part, I share Mr. Bowring's strongly expressed view that the appointment of two unofficial (nominated) members on the Executive Council would greatly facilitate the despatch of Government business and would go a long way towards satisfying the white population of the East Africa Protectorate.*

? Wait for the present.

Yours

20 8 17

* So far we have considerable experience of this arrangement in the U.S. & find it acts well. The nominated Councilors give confidence to the public; & on the other hand cannot well oppose in Leg. Co. what they have agreed to in the C. no so secure the public's unofficial support in the Legislature. But, of course, the unofficial representatives must be nominated by the Crown not chosen by the Council, & if the arrangement is to work, there should be at least two - a single one would be at once suspected of having been "got at" by the

See note
attached
Cm.
1/9/17
J.S.