

1925

KENYA

37

16063

REC'D
RE: 7 APR 25

FROM *Ag. Sec. Gen. Dept.
Denham 29*

DATE

6 March, 1925

FOR CIRCULATION:—

Mr.

Mr.

Mr.

Asst. U.S. of S.

Mr. Staff

Perms. U.S. of S.

Part. U.S. of S.

Secretary of State.

*Appt. of det. Chief
Native Commissioner*

*during Mr. Maxwell's absence
on leave*

*Leads come in circulation from
St. Col. teachers protesting
against proposed appt. of
Mr. Hope*

Previous Paper

See Gov. 17726/22

MINUTES

*The Col. matters file in Kenya
seemed that this matter should
not be settled without reference
to him, and as Mr. Maxwell does
not add one or more. The point
there is to determine the Government
thing is to see that the Government
complete case to report to the Dept.
and I do not think we have got
that yet.*

*Set out minutes fully at
this stage, but I am with
Col.*

Subsequent Paper

OAC 19722

Mr. Tolson, 13. April 1925

Col. Batters, to this extent - that
a second in command ought to
act ~~for~~ except for strong reasons
& that if he is labelled "Deputy"
there is all the more ground for not
suspending him

I think we should let us in
my J.G. - he really do not know
the ground in the "hate" between
men two men

Col. B.
8/4/15

I held this back for reference to the matter
the various views of a actual difference
showing between the two - though honestly
no very well attitudes were in substance
to Gen limitations of native rights than
Col. W.

Col. G. G.

These points to the Col. is to "A Degree". The essence of
deputy is that he should be capable of acting - should act, with absence of
his chief. If he is unfit to act he should be removed from the position of
deputy. If the deputy is not to act, the post had better be abolished. Sir F.
would abolish Deputies in Nigeria, as he wanted a free hand. Sir H.
would re-constitute them, on the ground that it was better to have an
understanding deputy, selected with a view to acting for the chief, than to
be men away from duties which did not qualify for acting. C.S.

11/4/15

KENYA.

No. 29.

CONFIDENTIAL.
 GOVERNMENT HOUSE,
 NAIROBI,
 KENYA.

16063

 REF
 FILE 7 WK 25

6th March, 1925.

Sir,

I have the honour to forward for your consideration a communication addressed to you by Lieutenant-Colonel O.F. Watkins, C.B.E., D.S.O., Deputy Chief Native Commissioner, and now seconded as Commissioner for Native Industries protesting against a decision of the late Governor that Mr. J.Q.W. Hope, C.M.G., Senior Commissioner, should act as Chief Native Commissioner during Mr. Maxwell's absence on leave. I also annex copy of a report dated February 16th by Mr. Maxwell, Chief Native Commissioner, on Colonel Watkins' Memorial.

2. Sir Robert Coryndon saw Mr. Maxwell and Colonel Watkins on several occasions with regard to the acting appointment of Chief Native Commissioner and it was only after very full consideration that the Governor decided that it was not advisable to appoint Colonel Watkins to act and that Mr. Hope, who will be the senior Administrative Officer in the country at the time, should act as Chief Native Commissioner. Mr. Hope will at the time of acting have over 25 years of service in the Administration and has been

HIS RIGHT HONOURABLE

LIEUTENANT COLONEL I. S. S. AMERY, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON S. W.

Memorial
 Report by C.N.C. of
 Feb. 16th

been a Senior Commissioner for 4 years. Colonel Watkins will have had 17 years service and has never been in charge of a Province.

3. It is recognized that Colonel Watkins is an officer possessed of considerable ability, keenness and sympathy, but unfortunately he lacks the sense of discipline and subordination, and is impatient of control.

4. Mr. Maxwell has now deferred his leave until June, but the position remains the same, and I support the recommendation that Mr. Hope should act.

5. With reference to paragraph 9 of his Memorial Colonel Watkins was under no misapprehension as to Mr. Maxwell's views on the subject of his acting for him. Mr. Maxwell had represented on several occasions that Colonel Watkins was of little or no assistance to him in the office and that he was generally obstructive. Further, the Chief Native Commissioner had recommended the abolition of the post of Deputy Chief Native Commissioner and this recommendation had been considered by the Select Committee on the Estimates and approved by them - vide paragraph 17 of Kenya Confidential despatch No. 241 of 15th October, 1924.

*See
63606
nr*

6. Colonel Watkins was well aware of the Chief Native Commissioner's views and I agree with paragraph 7 of Mr. Maxwell's report of February 16th.

7. With regard to Colonel Watkins' contention that as Deputy he is entitled to act as a matter of right I do not consider that such a contention can possibly be accepted. It would mean that Government would be pledged in every Department where there is a Deputy to appoint that officer to act as Head of the Department on every occasion when the holder of such post was absent, whether the Deputy had shown himself fit to take charge of the Department or not. It is to be observed that a man may show himself quite competent to act as second in command while not necessarily fit to take the first place. Further as pointed out by Mr. Maxwell the appointment of an officer to act in an important post is a matter for the discretion of the Governor. Colonel Watkins was apparently chosen for the post of Deputy not because of his superior administrative experience but as likely to be most helpful to the Chief Native Commissioner in the office and in carrying on its work when the Chief Native Commissioner was away travelling as he has frequently to be. In Mr. Maxwell's opinion Colonel Watkins has failed not merely to give him such assistance as Deputy but also to show the qualities which would fit him to act during the period of leave which may extend to ten months or more now to be taken by the Chief Native Commissioner. There is no question of suspending Colonel Watkins from the office of Deputy

Deputy Chief Native Commissioner but only of not appointing him temporarily to the superior post for which the Head of the Department considers he is unfitted.

Colonel Watkins is at present temporarily seconded as Commissioner for Native Industries and provision has been made for his services as such up to June 30th. He has not been "transferred under protest to the Department of Education" - the facts being that as stated in paragraph 6 of his Memorial the vote for Native Industries was placed under the Education vote and in order to simplify and expedite correspondence Colonel Watkins was directed to correspond with Government through the Director of Education from the commencement of this year.

8. As regards paragraphs 10 and 11 of Colonel Watkins' Memorial the late Governor ordered that Mr. Hope should be appointed to act and stated that he was not prepared to appoint Colonel Watkins. As regards the statement which Colonel Watkins alleges that I made to him, it is correct that I told him personally that I had no objection to his acting as Chief Native Commissioner provided Mr. Maxwell was prepared to recommend him and I should have been glad to have utilized his services in this capacity - but only on this condition. I consider that it is essential to the interest of an important Department that the Head of the Department should be satisfied as to the continuity of policy and that he should be the person to make the recommendation as to who should act for him and who should not, as he is best qualified to form an opinion, especially

in connection with a subordinate of his own,

Mr. Maxwell has now fully satisfied me that he could not recommend Colonel Watkins, and that in view of the latter's attitude to him and his openly expressed criticisms - which is well known - that he could only regard his appointment to act as an expression of lack of confidence by Government in himself.

9. I have on several occasions recommended both to the Chief Native Commissioner and Colonel Watkins that the latter should take up a post as Senior Commissioner in which I believe he would do excellent work. His usefulness as an officer would certainly be greatly strengthened as would his claims to act if he had more experience as a field officer - It would, I believe, give him the opportunity of showing his worth in a way that he will never be successful in demonstrating either as Deputy Chief Native Commissioner or in acting as Chief Native Commissioner owing to the failings to which reference has already been made. The position is certainly a more important one than Deputy and it would give Colonel Watkins the chances which he desires.

10. The reasons for his not being recommended to act were clearly explained to Colonel Watkins and that he is not unaware of these is clearly shown by the statements made in paragraphs 13 and 14 of his letter of December 16th and by Mr. Maxwell's comments on Colonel Watkins' Memorial.

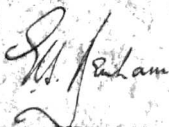
11. I do not consider that there are any grounds for an enquiry by Executive Council. There is no question of suspension or dismissal but only

of making the best arrangements possible for the Chief Native Commissioner's work while Mr. Maxwell is on leave. Of these the Chief Native Commissioner is the best judge and his opinion was supported by the late Governor and is endorsed by me.

I have the honour to be,

Sir,

Your most obedient, humble servant,



ACTING GOVERNOR.

EDUCATION DEPARTMENT
Nairobi,
Kenya Colony.

CONFIDENTIAL.

31st January, 1925.

The Right Honourable
The Secretary of State for the Colonies,
Downing Street,
London, S.W.

(Through His Excellency the Governor)
of Kenya Colony.

Sir,

I desire to appeal to you against a recent decision of His Excellency the Governor.

2. In August 1920, on my return from Military leave after the termination of hostilities, I was appointed Acting Chief Native Commissioner during the absence on leave pending retirement of Colonel J. Ainsworth, C.M.G., C.B.E., D.S.O.

3. I acted till August 1921 when Mr. G. V. Maxwell from Fiji was appointed Chief Native Commissioner. During my term of office I had every reason to believe that I commanded in an increasing degree the confidence alike of the Government and of the Administrative Officers serving under me.

4. With effect from August 1921 the post of Deputy Chief Native Commissioner, which had been placed on the estimates for the year, was filled by my appointment to it. This post was contemplated by the Report of the Labour Commission 1912-13, Section 21(ii), but was not at first filled for the reasons given in Confidential Despatch No. 146 of November 4th, 1916, Paragraphs 13 and 14.

*See
62012
116*

5. I have to contend that in the words of this Despatch, a deputy has the right to act for his Chief. There is no meaning in the word Deputy, unless it means the man who deputises.

6. His Excellency, however, has now ruled that Mr. J.W.Hope, C.M.G., is to act as Chief Native Commissioner during Mr. Maxwell's absence on leave (the first since his appointment), which begins in March next.

7. While not in any way denying the right of His Excellency to select the men to hold acting appointments, my contention is that the selection was made in August 1921 by the Officer administering the Government who appointed me as Deputy, and that it is not competent to suspend me from the exercise of my office without an enquiry by Executive Council under S. 53 et seq of the Colonial Regulations.

8. On this ground I have asked to be allowed to appeal to Executive Council against this decision. To this request I have as yet had no definite reply. In the meantime I have been transferred under protest to the Department of Education to administer a vote which lapses on June 30th, 1925.

9. During my term as Deputy, Mr. Maxwell has on no single occasion summoned me before him and told me that he considered my work unsatisfactory, nor on this occasion when he first recommended the appointment of a junior officer did he send for me to tell me that he proposed to displace me, when I heard of his intentions through other channels I asked Mr. Maxwell verbally for his reasons, and was informed that he considered me fundamentally opposed to him in native policy, and he feared lest I should reverse his advice to

Government. I admitted that there were points of difference, as was inevitable between two men, but denied that these were fundamental, and asked him to put in writing the points on which he considered me fundamentally opposed, offering to pledge myself in writing to support his policy on those points. To this I have had no reply. I then asked him in writing for a copy of any unfavourable reports on me, and received the reply that his recommendations had been verbal. I have by this method been deprived of the elementary right of hearing the evidence on which my suspension is based.

10. On December 31st, His Excellency the Governor kindly allowed me an interview during which he informed me of a number of vague and intangible statements which had been made to him about my attitude to Mr. Maxwell and his policy. I could get nothing definite or in writing. He also informed me that there was no question whatever as to my efficiency, but stated that in view of the very strong line taken by the Colonial Secretary in supporting Mr. Maxwell he felt he could hardly admit my claims.

11. I then saw the Colonial Secretary, who informed me that he had nothing against me personally, and indeed would be very pleased to accept me as Chief Native Commissioner if I could get Mr. Maxwell to withdraw his objections. He had however felt it his duty to support the head of my Department as the person best qualified to form a judgment on my work.

12. I then asked in writing for another interview with Mr. Maxwell. My request was ignored.

13. To appreciate the decision it is necessary to reconstruct my position. I have nearly 24 years of civil and military service, of which 17 have been spent in this Colony. During that time I have for nearly 5 years been the head of a big Military Dept^t, and for one year the acting head of the Native Affairs Department, and for over 3 years its Deputy head. I have been awarded the C.B.E. and D.S.O. for my Military work. In my Civil capacity I have been Chairman of one Government Commission and a member of others. This is a small community and individuals become well known. In the eyes of Europeans and Natives alike I am the natural successor to the duties of the Chief Native Commissioner in his absence. Yet I am to be publicly humiliated on the verbal recommendation of a Chief Native Commissioner who has known me only for three years of my long service, supported on academic grounds by a Colonial Secretary who has been out here little more than a year, and who apparently considers that at 47 years of age, with my record, it is sufficient to give me the opportunity of starting afresh in a post with a more limited scope. I submit that my treatment is hardly equitable.

15. Moreover by the accident of my Military service I am very well known in Uganda, Zanzibar and Tanganyika Territory, in all of which my Department had depots during the war, which I had to inspect, while scattered over them in official or private capacities are hundreds of men who served under me or with me and still keep in occasional touch. In the eyes of all these, if my treatment is just, there must be reasons which are being concealed.

16. Nor is the financial aspect without its importance to me. The Acting Allowance amounts to nearly £25.0.0 per month. I am a married man with a family and consider that in effect a fine of £250 has been imposed upon me without adequate reason given.

17. I submit, Sir, that if I am not to act as Chief Native Commissioner, in the ordinary course of my duty as a Deputy, I am in justice entitled to a full and adequate explanation of my supersession.

18. I attach copies of the correspondence I have had with Government.

19. I trust also that any recommendations for the abolition of the post of Deputy Chief Native Commissioner will be considered in the light of the foregoing. To Native administration it is of importance that the senior officers at least should not change too frequently. If during the absence on leave or through sickness of the Chief Native Commissioner some Senior Commissioner is to be called on to leave his Province the result must be detrimental to that Province, since he must be absent, including his own leave, for a minimum of 16 months in each period of 38. If smaller Departments require a Deputy still more is one essential in the Native administration, and in the interests of the Natives this question should be kept distinct from any arising from jarring personalities.

I have the honour to be,

Sir,

Your most obedient, humble servant,

B. J. Watson

DEPUTY CHIEF NATIVE COMMISSIONER.

~~CONFIDENTIAL~~

NATIVE AFFAIRS DEPARTMENT
Nairobi,
16th December, 1924.

49

To
His Excellency the Governor
(Through The Honourable
the Chief Native Commissioner),
Nairobi.

Your Excellency,

On November 26th I asked for an interview with the Chief Native Commissioner and enquired from him whether it was the case that he was recommending the appointment of Mr. Traill to act for him during his absence on leave. He replied that it was and the reason he gave me was that I differed materially from him on important points of policy, and he was afraid that I should try to overthrow his arrangements.

2. I replied that as acting Chief Native Commissioner for a few months I should certainly do nothing of the kind, and in fact rather resented the suggestion, but told him that if he would lay down in writing the points to which he attached most importance I would give him my assurance in writing to abide by them.

3. He said he might try to do something of the kind and the interview terminated.

4. The next I heard was that Mr. Traill had applied for leave and Mr. Hemsted's name was under the Chief Native Commissioner's consideration. After two or three attempts I succeeded in getting an interview with Mr. Maxwell at 4 p.m. on Monday, December 15th, and was informed that the Colonial Secretary had agreed to support the Chief Native Commissioner's recommendation to appoint Mr. Hemsted.

5. I desire to record my strong protest against this appointment on the following grounds,-

6. In October 1916 a committee consisting of Messrs. Hamilton (Chief Justice), Bowring (Chief Secretary), Barth (Attorney-General) and Ainsworth (Provincial Commissioner) was appointed to consider the detail of the formation of the Department of Native Affairs, which had been recommended by the Native Labour Commission of 1912/13. They recommended the appointment of five officers, one of whom was to be Asst. Chief Native Commissioner, and the Governor, in his despatch on this point, stated that he had ascertained that the reason for not appointing a deputy was that none of the existing Provincial Commissioners could be considered qualified for the post, but that in his opinion the post would ultimately have to be re-inserted.

The names of the Committee, all men of long experience of the Colony and its Officers, demand attention to their views.

7. To those who were in the country at that time I need not recall that one of the main reasons for the formation of the Native Affairs Department was to secure continuity of native policy, after a state of things in which each Provincial Commissioner was left free to follow his own line in his own Province, and only too often left his District Commissioners to follow each his own policy in his own district. It was in order further to secure continuous co-ordination, and to prevent repeated changes and the constant disorganisation of Provincial Administration by the arbitrary selection of some Provincial Commissioner to act during the Chief Native Commissioner's absence, that the post of Deputy was created since that Officer, in the words of the despatch, was to be regarded as having a right to act for the Chief Native Commissioner.
8. In July 1920 I returned from leave after the war to Civil duty and in August was appointed Acting Chief Native Commissioner, though I was at that time some way down the list of District Commissioners and though all the officers who are now Senior Commissioners were available. I acted for a year till Mr. Maxwell arrived in August 1921.
9. I have at no time heard, either directly or indirectly, any animadversions on my discharge of my functions, and no man could have received more loyal and whole-hearted support than I did from the senior officers I had superseded. I can only conclude that during that period nothing occurred to disqualify me from acting again.
10. From August 1921 I was given one of the 10 senior posts at £800 to £1000 as Deputy Chief Native Commissioner which appointment I still held. During the three years that have intervened I have at no time, either verbally or in writing, received any direct intimation from Mr. Maxwell that my work was unsatisfactory, but on the contrary Your Excellency will find on enquiry evidence that Mr. Maxwell was till a recent date prepared to give me charge of one of the larger Provinces. I am now told that I am to be superseded without explanation by an Officer, who though he has been longer in the Kenya Service, is none the less junior to me by two years in the senior grade, and whose appointment will cost the Government more than mine.
11. I have to submit to Your Excellency that this is very unjust treatment. There is no reason given, no allegation that I can controvert. I have to maintain that I was appointed not by the Chief Native Commissioner but by the same authority that appointed the Chief Native Commissioner. If I am not to act I am at least entitled to be shown good reasons why I should not act, and given a copy of any unfavourable reports.

12. I desire to represent that this is in no way a purely departmental matter. To pass me over for a post which carries with it a seat on Legislative and Executive Councils and which I have already occupied for 12 months is a slight of the most public nature, which is bound to excite wide comment and speculation and is calculated to deprive me not only of that official promotion in other Colonies to which a Deputy Head may reasonably look, but also to close to me such openings outside the Service in this Colony as might otherwise be open to an Officer in my position on retirement. Moreover in the event of Mr. Maxwell's death or promotion while on leave it would seriously prejudice my chances of succeeding him.

13. I admit that the existence of friction is not good for the Department. I regret that my views have not always coincided with those of Mr. Maxwell, but it would have been a miracle if two men of the same age and such diverse training and outlook had invariably agreed. I have taken the line that the Chief Native Commissioner would wish to hear my candid opinions but I can recall no occasion on which I have not loyally subordinated my action to his views and I have often drafted and signed rulings of which I did not wholly approve. I would in any case represent to Your Excellency that during Mr. Maxwell's absence this friction will disappear, and am prepared to be guided by Your Excellency as to whether I should not retire on pension after 18 years service when Mr. Maxwell returns.

14. It is plain that the greater questions of policy are a matter for Your Excellency's Government and not for any particular officer, and I cannot but feel that the sole reason which has been given to me (and that verbally) is not the only one. I submit that the question is not one to be decided on personal likes and dislikes, nor should a high position under Government be regarded as a reward in the gift of a Departmental Head for pleasing him. It must be presumed that in 1920 there were adequate reasons for selecting a Junior officer over the heads of those whose names are now under consideration. It is reasonable to ask that equally strong reasons should be advanced for reversing that selection particularly when seniority can no longer be pleaded. I Trust Your Excellency will not adopt the recommendation to deprive me now without a full and adequate explanation of the duties and opportunities naturally appertaining to any post.

15. I understand that Mr. Maxwell goes on leave in February. I would ask that Your Excellency's decision may be taken as early as possible; as the matter is to me one of the greatest importance seriously affecting my plans for the near future.

I have the honour to be,
Your Excellency's
Most obedient servant,

(sgd) O. S. Watkins

Deputy Chief Native Commissioner.

Copy to

The Honourable
the Chief Native Commissioner.

NATIVE AFFAIRS DEPARTMENT
Nairobi.
2nd January, 1925.

To His Excellency the Governor
(Through the Honourable the Colonial Secretary),
Nairobi.

Your Excellency,

Further to my letter of the 16th December last and to my interview with Your Excellency on December 31st, I have the honour to confirm my verbal request that in the event of Your Excellency deciding to accept the recommendation of the Colonial Secretary and the Chief Native Commissioner to appoint anyone rather than myself as Acting Chief Native Commissioner the matter may go before Executive Council or a Committee thereof for enquiry.

2. In support of this request I desire to draw attention to Section 53 et seq. of the Colonial Regulations under which alone a Governor has power to suspend an officer from the exercise of his office. Since it is plainly the office of a deputy to deputise for his Chief, I submit that the recommendation now before Your Excellency is a recommendation to suspend me from the exercise of my office. I am, therefore, entitled under B. 55 to be allowed to defend myself orally before Executive Council in the matter of my suspension, and to hear and question any witnesses against me under B. 57.

3. I have to remind Your Excellency that even now, in spite of repeated requests, I have been given no copy of any report against me, nor any indication of the pernicious views which I have been alleged to hold. All I ask of Your Excellency is an open accusation and a fair trial.

I have the honour to be,
Your Excellency's
Most obedient servant,

(sgd) D. W. Watkins

DEPUTY CHIEF, NATIVE COMMISSIONER.

A.18/1a/1

NATIVE AFFAIRS DEPARTMENT

Nairobi,

13th January, 1925.

CONFIDENTIAL.

Lt-Colonel Watkins, C.B.E., D.S.O.,

(Through The Hon. Director of Education),

Nairobi.

With reference to your letters of the 16th December and 2nd January addressed to His Excellency the Governor, I am directed to inform you that His Excellency has upon full consideration approved the appointment of Mr. J.O.V. Hope, C.M.G., to act as Chief Native Commissioner during my absence.

2. I am further to inform you that Government does not at the moment accept your contention in the second paragraph of your letter of January 2nd, but that a further communication will be sent to you on this point in due course.

(sgd) G.W. Maxwell

CHIEF NATIVE COMMISSIONER

NATIVE AFFAIRS DEPARTMENT
Nairobi,
16th February, 1925.

CONFIDENTIAL.

The Honourable
the Colonial Secretary,
Nairobi.

Reference your G/A.19008/21/2 of 3rd instant.
.....

I regret the delay in replying, but as you are aware I only returned to Nairobi from tour on the 15th instant.

2. I request that copies of my letters A.18/1A/1 of the 17th October 1924, A.18/1A/1 of the 5th January 1925, A.18/1A/1/48 of the 15th January 1925, and of this letter be forwarded to the Secretary of State when Lt-Colonel Watkins' appeal is transmitted.

3. To what I have already stated in my previous letters, I may add that Lt-Colonel Watkins was appointed Deputy Chief Native Commissioner against my wishes, and that Confidential Despatch No. 89 of the 15th February 1922 is incorrect. All that I agreed to was that he should be made a Senior Grade Administrative Officer on the clear understanding that he would be interchangeable with any other Officer of that grade and not necessarily posted to my office. My reason for this was that while I felt that his past services merited recognition, I had already found him temperamentally very difficult to work with.

4. Lt-Colonel Watkins proceeded on leave in March 1922 and returned to duty in November 1922. In the meantime my office had been transferred to the Secretariat building, the two clerical staffs had been amalgamated and the Secretariat and Native Affairs Department were working on the one set of files. Matters were no better than before as far as Lt-Colonel Watkins was concerned. He either could not or would not adapt himself to my policy or methods either in administration or office procedure, persisted in doing everything his own way and moreover gave continual offence to other Departments and to the Public, and thus to me, by the discourteous tone of the letters which he issued in my name. Nevertheless on account of his Military record I put up with him as patiently as I could.

5. In 1924 the position had become so intolerable that I represented verbally to the Colonial Secretary that I could stand it no longer and that one or other of us must go. I felt that Lt-Colonel Watkins was officiating not as Deputy Chief Native Commissioner but as anti Chief Native Commissioner.

6. To relieve the situation Lt-Colonel Watkins was then seconded for special duty as Commissioner of Native Industries. Since then his attitude has been one of passive hostility. Although in his new capacity he remained in my Department, utilised the services of my office staff including those of my confidential stenographer, and headed all his letters "Native Affairs Department", he set himself deliberately to ignore me and made his reports and recommendations direct to the Colonial Secretary. He refrained from submitting to me any reports or proposals as to his activities: For instance, incredible as it may seem, all the arrangements for the establishment of the Native Technical School at Kabete were made without my knowing anything whatever about it. He passed vouchers direct to the Treasurer in my name without my authority, for his motor and mileage claims. On my requesting a report of his activities on a journey for which he claimed something like Sgs.1442/50 for motor and Sgs.199/50 for travelling allowance, I received a very inadequate report of which I attach a copy. Of course it is not a report at all and is clearly intended as a direct challenge and repudiation of my authority.

7. It is absurd for Lt-Colonel Watkins to pretend to be unaware that I was not satisfied with him. I have remonstrated with him again and again, but it simply had no effect. Although he may now offer to pledge himself to support my policy in my absence on matters in which he disagrees with me, I believe him to be temperamentally quite incapable of doing so.

I desire to add here in parenthesis that I pursue no policy which has not been sanctioned by Government.

8. In conclusion I am very sorry indeed to have to say that I have no confidence in Lt-Colonel Watkins as an officer to discharge my duties during my absence, and that I should regard his appointment to act for me as Chief Native Commissioner as a reflection upon my work and a direct intimation by Government of lack of confidence in my administration of the Native Affairs Department.

Dr. G. V. MAXWELL

CHIEF NATIVE COMMISSIONER.

Hon. C.M.C.

With reference to Mr. Wade's request for a diary of my movements in connection with the voucher to which you took exception, I append it herewith.

2. I left Nairobi for Nakuru by car via Lamoru on Sunday October 28th, and spent the night there. On Monday October 27th I went to Soy via Ravine and Eldoret. On Tuesday 28th via Malakisi I went to Lukenge just over the Ugandan border. On Wednesday I reached Nabanule, at which there was a big exhibition of native industries which was the main object of my visit. The C.M.S. central school at that place is worked on industrial lines as are all its outschools, and send in exhibits to an annual show, of work in sisal and fibre, basket and woodwork of all kinds.

3. On October 30th I returned to Buchenya and slept there, inspecting the C M S school work at Butere and the Government farm at Bakura, and holding a Swahili examination there.

4. On October 31st I inspected Maseno school en route to Kisumu where I slept.

5. On November 1st I held a Swahili examination at Kisumu and went on to Kapsabet where I slept.

6. On November 2nd I went on to the Elgae Saw Mills, to see to what extent African apprentices were being or could be used in an undertaking of that nature.

7. On November 3rd I returned to Nakuru where I slept, returning next day to Nairobi.

8. I have discussed various educational points with the Director of Education and have investigated various questions of possible trade, but am not yet in a position to put up a report with regard to this. I hope to do so later.

(sgd) G.F. Atkins

Commissioner for Native Industries.

DEPARTMENT OF NATIVE AFFAIRS,
Nairobi,
17th October, 1924.

CONFIDENTIAL.

The Honourable
the Colonial Secretary,

Nairobi.

Reference your Confidential letter of 14th instant.

Proposed abolition of the post of Deputy Chief
Native Commissioner.

I have to admit at once that in my letter No. 9242/A.18/A.1/1 of the 10th October, 1921, I pressed for the retention of the post of Deputy Chief Native Commissioner. It must be remembered, however, that I had then been less than two months in the Colony, that I was of necessity acting on the advice of Colonel Watkins who was acting as Deputy Chief Native Commissioner, and that I was alarmed at the proposal to reduce my Staff just when I had newly arrived in Kenya and was faced with the task of making myself acquainted with conditions in a large Colony and among a numerous and diverse native population of whom I had no previous experience.

2. Now, after three years experience as Chief Native Commissioner, I am satisfied that the post of Deputy Chief Native Commissioner is not only unnecessary, but undesirable, for the following reasons:-

(a) If the holding of the post of Deputy carries with it a prescriptive right to act for the Chief Native Commissioner when he goes on leave, and to take his seat as an ex-officio member of the Executive and Legislative Councils, then the post should certainly be held by the senior Senior Commissioner. It is manifestly undesirable and unfair that a Junior Officer should be promoted, even temporarily, over the heads of the Senior Commissioners and deprive each of them of the privilege of acting as Head of the Native Affairs Department. At the same time when the Chief Native Commissioner is in the Colony the services of the Senior Commissioners are utilised to the best advantage by their administering their respective Provinces and an Officer of the rank and seniority of a senior Senior Commissioner would be wasting his time if merely doing office work in a subordinate capacity.

(b) The requirements of the Department are, I find, far better filled by a 1st Grade Administrative Officer acting as Senior Secretary. He becomes acquainted with all questions which are dealt with by the Department

and with the records relating to them, relieves the Chief Native Commissioner by dealing with all petty or routine matters, and by preparing all necessary references and information relating to major questions for submission to the Chief Native Commissioner.

(c) Nearly three years experience have proved to me that a Deputy is more of a hindrance than a help, and since the Deputy Chief Native Commissioner has been seconded for other duty and I have had an Officer acting as Senior Secretary the change for the better has been striking, and the work of the office has been more efficiently carried out. The Department has, therefore, been strengthened and not weakened as suggested in the 1st paragraph of Colonel Watkins' memorandum.

3. I am unable to appreciate the statement in Paragraph 4, that the provision of a Senior Secretary does not give the public an authority to whom reference can be made during the Chief Native Commissioner's absence on tour. No instance or example is given. As a matter of fact when members of the public come to me they come for information as to facts or as to procedure. Decisions in matters of dispute arising between members of the public and natives are dealt with either by the Courts or by the Administrative Officer of the area in which the matter arises. Similarly, the details, applications or proposals by the public relating to business matters with natives or native communities are dealt with by the local Administrative Officers. The functions of the Chief Native Commissioner relate more to questions of policy than of detail, and I cannot call to mind any instance in which an emergency has arisen during any of my absences on tour where it has been necessary for the Deputy to take any action which could not equally well be taken by a Senior Secretary. I am very seldom at any great distance from a telegraph line, and am in constant telegraphic communication with my office when on tour.

4. LABOUR SECTION There is no proposal to abolish the Labour Section: on the contrary it is to be strengthened by additional Officers. The effect of abolishing the post of Principal Labour Inspector will merely mean -

(a) that the Labour Inspectors will work directly under the Head of the department, and

(b) that the present Principal Labour Inspector, Mr. Deck, who was seconded from the Administration for this duty and has done excellent work in organising this Section, will revert to his proper place in the Administration and thus have a better chance of earning promotion to Senior Commissioner.

5. REGISTRATION SECTION. The Secretary of State has decided that the activities of the Registration Section are not to be extended, vide Colonial Office despatch on the

3.

Estimates for 1924, and Colonel Watkins admits that its present functions can be carried on without a Chief Registrar. I would like to add that Major Gray deserves the greatest credit for the work that he has done in organizing the Registration Section. He has built up a wonderfully complete and efficient machine, but the work of construction is complete and the machine can now be kept running smoothly by an Officer drawing a lower scale of emoluments. Major Gray, who was seconded for this duty, should now revert to his place in the Administration with its better prospects of promotion.

6. It will be observed that the names of both Mr. Deck and Major Gray have always been retained in the Staff List showing their respective seniority among the 1st Grade Administrative Officers (District Commissioners).

M. C. MAXWELL

CHIEF NATIVE COMMISSIONER.

NATIVE AFFAIRS DEPARTMENT

Nairobi,

5th January, 1925.

CONFIDENTIAL.

The Honourable
the Colonial Secretary,

Nairobi.

I attach for your information copy of a letter received this morning from Lt-Colonel Watkins, and of my reply thereto.

2. In his despatch Confidential No.76 of the 18th March last, the Governor wrote as follows to the Secretary of State, -

- " I consider that it should be open to the
- " discretion of the Governor, when occasion
- " arises, to recommend for this appointment
- " the Officer who, in his opinion, is likely
- " to discharge the duties of the acting post
- " with advantage to Government."

In his despatch Confidential of the 14th May last the Secretary of State concurred in this view.

3. This correspondence refers to the post of Colonial Secretary, but I submit that the principle applies equally to the post of Chief Native Commissioner.

4. I regret that if Colonel Watkins were appointed against my recommendation to act as Chief Native Commissioner, I should have to regard it as a direct intimation by Government of a lack of confidence in my administration of the Department.

W. G. V. MAXWELL.

CHIEF NATIVE COMMISSIONER.

SECRET

Nairobi,
2nd January, 1925.

The Honourable
the Chief Native Commissioner,
Nairobi.

I understand that you have furnished to His Excellency an unfavourable report on my conduct or qualifications to act as Chief Native Commissioner during your absence.

In accordance with Secretariat Confidential Circular No.77 of the 7th October, 1924, Section 5, I have the honour to request that I may be furnished with a copy of this and any other unfavourable reports that may have been sent in.

(sgd) C.F. Watkins

Deputy Chief Native Commissioner.

MAIROBI

5th January, 1928.

**Lt-Colonel Watkins, C.B.E., D.S.O.,
MAIROBI.**

Reference your letter of the 2nd instant.

I have informed His Excellency verbally that I am not prepared to recommend you for selection to act as Chief Native Commissioner because I have found that our views and methods differ and I do not consider, therefore, that you would be a suitable officer to carry on my work.

2. In making proposals to Government for the selection of an officer for this or any other duty, I hold myself at complete liberty to make such recommendations as seem to me conducive to the efficiency of the public service.

3. I am further confirmed in my opinion as to your unsuitability, by your conduct in failing to keep me informed as to your activities as Commissioner for Native Industries, by your recent action in addressing letters direct from my department to the Colonial Secretary without reference to me, and by your deliberate disregard of No. 224 of the Code of Regulations in not submitting to me your application for an interview with the Governor. I regard your conduct in these respects as definitely insubordinate.

(sgd) G.V. Maxwell

CHIEF NATIVE COMMISSIONER.

A.12/1A/1/45.

NATIVE AFFAIRS DEPARTMENT
Nairobi,
19th January, 1925.

CONFIDENTIAL.

The Honourable
the Colonial Secretary,
Nairobi.

APPOINTMENT OF ACTING CHIEF NATIVE COMMISSIONER

Reference your Confidential letter of to-day's date
.....

It is not clear to me whether the Attorney-General is advising on a point of law or on a point of policy. If he is advising on a point of law it would be very helpful if he would quote the law in support of his arguments. If it is a matter of policy, I submit with respect that the decision lies solely with the Governor.

2. The minute, of which you have forwarded me a copy, is expressed in such hesitating and doubtful terms that it is a little difficult to understand what the final conclusion really is. I therefore submit for consideration my view on the whole matter,-

(a) The appointment of Chief Native Commissioner is a statutory post carrying an ex officio seat on Executive Council, as provided in Article 4 in the Royal Instructions dated 11th September, 1920. There is no statutory post of Deputy Chief Native Commissioner; that post was created merely for departmental convenience (though it has proved anything but convenient), and carries no statutory authority or duties whatever.

(b) It cannot surely be contended that in the absence of a definite appointment by the Governor the Deputy Chief Native Commissioner could in the event of the death or sudden absence of the Chief Native Commissioner walk into Executive Council and take the Chief Native Commissioner's seat. Colonial Regulations 76, 77 and 79 make it perfectly clear that when an Officer goes on leave a person has to be appointed by the Governor to act in his stead. These Regulations seem to me to dispose of the doubts expressed by the Attorney-General as to whether a Deputy requires any special appointment to act for his Principal.

(c) It surely cannot be argued that the fact that there is a Deputy Chief Native Commissioner holding a non-statutory post deprives the Governor of his right and authority to make appointments.

(d) The Secretary of State has already said down that the selection of an Officer to act as Colonial Secretary is a matter for the discretion of the Governor; a fortiori the selection of an Officer to act as Chief Native Commissioner, which is a post junior in rank to that of Colonial Secretary, is a matter for the sole discretion of the Governor.

(c)

(e) I submit therefore that the facts are not as stated in the Attorney-General's minute and that there is no question at present of suspending Colonel Watkins from the exercise of his post.

3. If it is desired that I should bring charges against Colonel Watkins with a view to his suspension from office I can do so because I consider that he has been insubordinate and contumacious. I have not however hitherto considered that his conduct has been such as to render it imperatively necessary that I should take action against him under Colonial Regulations 55 to 71, and in view of Colonel Watkins' past service I still prefer not to do so. At the same time, as I have already intimated to Government, I am unable in the public interests to recommend that he should act for me during my absence on leave. I consider that the work of the Department would suffer exceedingly by such an appointment and it would make it almost impossible for me to resume office. I trust therefore that the arrangement already made will stand, namely, that Mr. Hope should act as Chief Native Commissioner during my absence on leave.

4. I see no reason whatever why the matter should be referred to the Secretary of State for the Colonies in view of his definite ruling as to the post of acting Colonial Secretary. Doubtless however His Excellency will desire to report the arrangements that he has made for filling the post of Chief Native Commissioner during my leave.

CHIEF NATIVE COMMISSIONER.

Ex/16063 long

6.

- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

Handwritten notes:
 2nd
 Answer
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Handwritten notes:
 Codes & Sent
 7.20 pm
 13th April '25
 C.W.



Conf Code
DRAFT TEL

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Handwritten: Confidential 13th April

Handwritten:
 Your draft of 6 March
 Confidential 29 no decision
 will be taken pending return of
 S. 45. see his telegram of

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 23 March @ I should be
 glad to receive by first mail
 explanation of reference at
 end of para. 8 of your draft
 to openly expressed criticism and
 some particulars of discourtesy
 being me para. 4 of C.N.C.
 letter of 16 February O.K.

not yet clear whether
differences relate to
matters of public
policy and if so what
the differences are.

Secor