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# PUBLIC RECORD OFFICE

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2. With the excision of West Suk, Trans-Nzoia and Marakwet districts have no claim to be established as a separate province. The possibility of joining a part of the North Kavirondo Native Reserve with them was closely examined but abandoned. Indeed Marakwet and Elgeyo are closely allied and the union for provincial purposes is in itself desirable. I considered therefore that the establishment of one Province to include the districts of Trans Nzoia, Marakwet, Elgeyo, Uasin Gishu and Nandi was the best orientation and one which has a great deal to be said for it quite apart from the question of the West Suk which actually gave rise to its consideration.

no 8. 3. I have now received your telegram approving this modification of the former proposal and am taking steps forthwith to put the new scheme into operation. There are a number of minor adjustments of district boundaries which have been made since 1924, some outstanding points for discussion as to the disposition, whether in Native reserve or in Non-native district, of certain small areas of land, and some cases where, in order to make District Council areas of jurisdiction coincide with administrative boundaries, minor boundary rectifications are required. These matters though of minor importance take a considerable amount of time to settle finally for purposes of description and gazettment: they will be dealt with as soon as possible by the various Provincial Commissioners and I hope that it will be possible to issue in Booklet form at no distant date a complete Proclamation

on the lines of that issued in 1924.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble servant,



ACTING GOVERNOR.

RECEIVED  
26 JUL 1929  
COL. OFFICE

11  
2  
1

Telegram from the O.A.G. of Kenya to the Secretary of State for the Colonies.

Dated 25th July, 1929.

( Received Colonial Office 2.48 p.m. 25th July, 1929.)

----

Confidential. No. 215 25th July. Your despatch 15th March Confidential Re-grouping of Provinces. Senior Commissioners and the Executive Council unanimously advise that the administrative purposes will be better served by including West Suk with Turkana rather than in Nzoia Province. I agree and with the concurrence of the Executive Council consider that in this case impracticable to establish separate Nzoia Province. Propose therefore to include Trans-Nzoia Marakwet Uasingishu Elgeyo Nandi in one Province and reduce the total number of Provinces to 10. Should be glad to receive telegraphic approval of this modification whereupon proclamation will be issued dividing the Colony into 10 Provinces comprising 32 districts and utilising for the time being the existing boundaries. Some of these require modification and this I hope will be effected during the next few months.

no.2

ms. 30.7.29 258

X. 15504/29 Kenya

12  
4

Mr. Parkinson 17.6.29

Downing Street,  
2 June 1929.

Mr.  
Mr.

~~8/5~~

X Mr. Bottomley 18.6.29

S E. Harding.  
Sir J. Shuckburgh.  
Sir G. Grindle.  
Sir C. Davis.  
Sir S. Wilson.  
Mr. Ormsby-Gore.  
Lord Lovat.  
Mr. Amery.

C. F.  
R 18 JUN  
D 21

Sir,

I am directed by Mr. Secretary Webb to inform you that since your departure from Kenya on leave of absence certain proposals for re-organising the Provincial Administration, which <sup>will</sup> affect your own position as Chief Native Commissioner, have been approved.

DRAFT.

G. V. MAXWELL ESQ.,  
Sports Club,  
St. James's Square,  
S.W.

11 Royal Service AVENUE  
Nairobi

SW 3.

2. The principle upon which the proposals are based is that each Province (so far as this may be practicable) shall include both native and settled areas, and shall be under the charge of a Senior Commissioner who will be not only the Head of the Native Administration in his Province, but also Chairman of any District Council which the Province may contain. The

~~Copy to Kenya~~

Copy Gov. 474 24 JUN 1929

Senior

Senior Commissioner will thus be in a position, as Senior Administrative Officer of the Province, to maintain the necessary liaison between the local authorities in the settled areas and the Native Reserves situated within his Province.

*3. This will involve an alteration in the*

~~2. The system of dual administration~~  
under which Provinces have been regarded primarily as groups of Districts consisting of Native Reserves, and the Senior Commissioners, who have been under the direct administrative control of the Chief Native Commissioner, ~~will therefore have to be altered.~~ Hitherto Senior Commissioners,

in forwarding communications from District Officers, have addressed the Chief Native Commissioner, who has forwarded to the Colonial Secretary such communications as affect the settled areas. Under the new arrangements *it is clear that* Senior Commissioners must clearly look to some single and undivided authority under the Governor, and that authority will necessarily be the Colonial Secretary. *In future therefore*

(Senior Commissioners will therefore communicate direct with the Colonial Secretary)



all matters concerning the administration of their Provinces whether affecting settled or native areas, and the Colonial Secretary will refer to the Commissioner for Local Government, Lands and Settlement who will in effect be Secretary for non-Native Affairs, or to the Chief Native Commissioner, who will in effect be Secretary for Native Affairs, or to both, as circumstances may require.

The Chief Native Commissioner will communicate with the Governor through the Colonial Secretary in the same way as other Heads of Departments, and the normal procedure followed when the Governor desires personal discussion with a Head of a Department, will similarly apply in his case. There is, of course, no question of the abolition of the office of Chief Native Commissioner; and although some alteration in the status of the post is necessarily involved, he

*the Chief Native Commissioner* will

will retain his seat in the Executive Council and in the Legislative Council.

The pay of the appointment will not be affected.

4. The Secretary of State feels that it should be unnecessary to assure you that the changes made do not imply any reflection whatever upon your work as Chief Native

Commissioner, or any lack of confidence in you personally; <sup>but in order that there may be no possible room for mis-understanding</sup> he wishes to place ~~this~~

formally on record in this letter, of which

a copy is being sent to the Officer Adminis- <sup>that there is no such implication,</sup> tering the Government of Kenya, and to ~~make~~ state

~~it clear~~ that the reorganisation which has been

approved is based solely upon considerations of <sup>general</sup> administrative efficiency and ~~finance~~ convenience.

I am,

etc.

will retain his seat in the Executive Council and in the Legislative Council.

The pay of the appointment will not be affected.

4. The Secretary of State feels that it should be unnecessary to assure you that the changes made do not imply any reflection whatever upon your work as Chief Native

Commissioner, or any lack of confidence in you personally; <sup>But in order that there may be no possible room for mis-understanding</sup> he wishes to place ~~this~~

formally on record in this letter, of which

a copy is being sent to the Officer Administering the Government of Kenya, <sup>(that there is no such implication)</sup> and to ~~make~~ state

~~it clear~~ that the reorganisation which has been

approved is based solely upon considerations of general administrative efficiency and ~~finance~~ <sup>convenience</sup>.

I am,

etc.



14  
3  
GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. 56

30 April, 1929.

CONFIDENTIAL.

RECEIVED  
27 MAY 1929  
COL. OFFICE

Sir,

I have the honour to refer to paragraph 10 of your Confidential despatch of the 15th of March, on the subject of the re-grouping of the Provinces of Kenya wherein you requested me to inform Mr.G.V. Maxwell, Chief Native Commissioner, of the alteration in his position which will result from the proposals to which you have accorded your approval.

2. Information has been received from Mr. Maxwell to the effect that he intended to leave New Zealand on or about the 13th of April and expected to arrive in England early in June. In the circumstances I suggest that it will be preferable if the relative communication be addressed to him direct from the Colonial Office and I trust that you will be disposed to give instructions accordingly.

3. Mr.Maxwell's address while in London will be -

The Sports Club,  
St.James Square,  
London, S.W.1.

I have the honour to be,

Sir,  
Your most obedient humble servant,

*[Signature]*  
ACTING GOVERNOR.

THE RIGHT HONOURABLE  
LIEUTENANT COLONEL L.C.M.S. AMERY, F.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

*Handwritten:* 12th April 1929 JUN 1929

*Handwritten:* No 2

14  
3



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. 56

CONFIDENTIAL.

30 April, 1929.

RECEIVED  
27 MAY 1929  
COL. OFFICE

Sir,

I have the honour to refer to paragraph 10 of your Confidential despatch of the 15th of March, on the subject of the re-grouping of the Provinces of Kenya wherein you requested me to inform Mr. G. V. Maxwell, Chief Native Commissioner, of the alteration in his position which will result from the proposals to which you have accorded your approval.

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3. Mr. Maxwell's address while in London will be -

The Sports Club,  
St. James Square,  
London, S.W.1.

I have the honour to be,  
Sir,  
Your most obedient, humble servant,

ACTING GOVERNOR.

THE RIGHT HONOURABLE  
LIEUTENANT COLONEL L. C. M. S. AMERY, F.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET, LONDON S.W.

*Handwritten:* 21 JUN 1929

*Handwritten:* No 2

R 11 MAR  
D. H. S.

2

Mr. ~~Allen~~ 27/12 27/13  
Mr. ~~Adams~~ 9.4.29

Downing Street,

February, 1929.

- Mr. Bottomley 11.3.29
- Sir E. Harding.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord Loat.
- Mr. Amery.

*Handwritten:* Maxwell  
copy for file  
Maxwell

15 March

Sir,

*Handwritten:* 85  
Annex. No. 3 1929  
(15406)

I have the honour to refer to ~~the~~ Sir Edward Grigg's confidential despatch No. 129 of the 30th of November, 1928, regarding the proposed regrouping of the Provinces of Kenya, the Colony.

**DRAFT.**

*Handwritten:* Copy

KENYA

Confidential

D.A.G.

(15206/29)  
No. 1

2. The proposals for re-organising the Provincial Administration were outlined by Sir Edward Grigg in para. 7 and 8 of his confidential despatch No. 129 of the 13th October, 1928, and are further explained on page 12 of the Report of the Select Committee on the Estimates for 1929.

3. The proposals are based on the principle that every Province (with a few exceptions such as the

R 11 MAR  
D 11 MAR

2

Mr. ~~Allen~~ 27/12 27/13  
Mr. ~~Johnson~~ 9.3.29

Downing Street,

February, 1929.

- Mr. Bottomley 11/3/29
- Sir E. Harding.
- Sir J. Shuckburgh.
- Sir G. Grindle.
- Sir C. Davis.
- Sir S. Wilson.
- Mr. Ormsby-Gore.
- Lord Local.
- Mr. Amery.

~~Handwritten notes and signatures~~  
L. M. ...  
copy on file  
W. Maxwell

15 March

Sir,

15  
Mun. No. 3 97  
(15406)

I have the honour to refer to ~~the~~ Sir Edward Grigg's confidential despatch No. 129 of the 30th of November, <sup>1928</sup> regarding the proposed regrouping of the Provinces of Kenya and the Colony.

DRAFT. *Cayan*

KENYA

Confidential

C.A.G.

(15206/29  
No 1)

2. The proposals for re-organising the Provincial Administration were outlined by Sir Edward Grigg in para. 7 and 8 of his confidential despatch No. 122 of the 19th October, <sup>1928</sup> and are further explained on page 12 of the Report of the Select Committee on the Estimates for 1929.

3. The proposals are based on the principle that every Province (with a few exceptions such as the

Northern Frontier Province

~~shall~~ <sup>shall</sup> include both native and settled areas, and that each Province shall

be under the charge of a Senior Commissioner who would be not only Head of the Native Administration

<sup>this</sup> in the Province, but also Chairman of any District Council which the Province may contain in the <sup>Province</sup>

of the Province and a Senior <sup>It would be the</sup> District Officer of the Province

~~shall~~ <sup>7</sup> be responsible to the local authorities in the settled areas and his office shall be situated within his Province.

4. The re-organization of the

provides the division of the Colony and Protectorate into <sup>eleven</sup> ~~11~~ Provinces, Trans-Nazia Province being established separately

from the Trans-Nazia Province. The staff of Senior Commissioners is <sup>eleven</sup> ~~11~~ consequently to be increased to <sup>7</sup> ~~11~~ of



Northern Frontier Province)

~~shall~~ include both native and settled areas, and that each Province ~~shall~~ <sup>should</sup>

be under the charge of a Senior Commissioner who would be not only

Head of the Native Administration

<sup>this</sup> in ~~the~~ Province, but also Chairman of

any District Council which the Province

may contain in its area. <sup>(It would be the</sup> ~~of~~ <sup>of</sup> ~~int~~

of the Senior Commissioner as Senior

Administrative Officer of the Province

<sup>67</sup> ~~would~~ <sup>to</sup> maintain liaison between

the local authorities in the settled

areas and native reserves situated

within his Province.

4. This re-organization in-

volves the division of the Colony and

Protectorate into <sup>eleven</sup> ~~12~~ Provinces, Turkana

Province being established separately

from the Trans-Nzoia Province. The

staff of Senior Commissioners is con-

sidered to be increased <sup>eleven</sup> ~~7~~ of

whom four would be first-grade Senior Commissioners, and seven second-grade Senior Commissioners, though for staff reasons, it is temporarily necessary to provide for five first-grade and six second-grade posts. ~~I note that~~ Provision has been made accordingly in the Estimates for 1929.

5. Also for the reasons which are explained in the Report of the Local Government Commission (Vol. II pages 88-90), it is proposed to alter the existing system of dual administration under which Provinces are regarded primarily as groups of districts consisting of native reserves <sup>regarded as</sup> and the Senior Commissioners <sup>are</sup> under the administrative control of the Chief Native Commissioner. <sup>under</sup> The <sup>principle underlying</sup> this system is <sup>that</sup>

If a re-organisation is effected as recommended, Senior Commissioners would communicate direct with the Colonial Secretary on all matters concerning the administration of their Provinces, whether affecting settled or native areas, and the Colonial Secretary would refer to the <sup>for</sup> ~~Commissioner~~ Local Government, Lands and Settlement, who would in effect be Secretary for non-Native affairs, or to the <sup>Chief</sup> Native Commissioner, who would in effect be Secretary for Native Affairs, or to both, as circumstances may require. The Chief Native Commissioner would communicate with the Gov<sup>t</sup>., through the Colonial Secretary in the same way as other Heads of Departments, and the normal procedure followed when the Governor wishes personal discussion with a Head of a Department would

similar)

justified in coming to <sup>a</sup> any decision  
in regard to these proposals pending  
~~the~~ consideration of any relevant

recommendations in the Report of the  
~~Commission on Over-land in S. Africa~~  
~~Glosser Union Commission~~, and ~~the~~ the  
settlement of the questions arising  
out of the Native Lands Trust Bill.

Since then the presence of Sir <sup>Edward</sup> ~~H~~  
Grigg in this country has afforded  
an opportunity for <sup>a</sup> ~~the~~ full dis-  
cussion of the proposals, and I am  
now satisfied that they are not of a  
nature to which it is necessary to  
take any exception from the point of  
view of the Commission's Report,

nor to delay giving effect to them  
<sup>↑</sup>  
further pending <sup>action on</sup> ~~a settlement~~ of the  
~~question of the~~ Native Lands Trust <sup>Bill</sup>

17. The adoption of the mea-  
sures of local <sup>based upon</sup> government arising out  
~~of~~ the Report of the Peetham  
Commission

satisfied that those interests would tend to gain rather than to lose by the increased sense of responsibility for Native Affairs which would be felt by the Colonial Secretary under the new arrangements.

8. I have, therefore, decided to approve forthwith the re-organisation of the Provincial Administration on the lines proposed, and I have already in my confidential telegram of the 27<sup>th</sup> February conveyed to you general approval of the Estimates for 1929 which include provision for the staff arrangements necessary to give effect to this re-organisation.

15431/29

9. I also approve of the issue under the Kenya Colony and Protectorate (Boundaries) Order-in-Council of 1921 of a proclamation declaring the new administrative boundaries as shown on the map which

accompanied

communicated with accordingly, and when this is done, I should wish it to be made clear that the re-organisation which I have approved is based solely upon considerations of administrative efficiency and convenience, and that it does not imply any reflection whatever upon Mr. Maxwell's work as Chief Native Commissioner or any lack of confidence in him personally.

11. No decision is called for on Sir Edward Grigg's recommendations with regard to Mr. Maxwell's salary, since they were conditional on a transfer being found for him before the end of this year, a contingency which, as I have already stated, is not likely to arise.

I have, etc.

Signed L. S. AMERY

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I have, etc.

(Signed) L. S. AMERY

2

PROVINCIAL RE-ORGANIZATION AND ABOLITION  
OF OFFICE OF CHIEF NATIVE COMMISSIONER.

-----

(1) These questions were discussed by Mr. Bottomley with Mr. Martin on the 30th January, Mr. Parkinson and Mr. Allen also being present.

(2) Mr. Martin expressed the opinion that if Mr. Maxwell did not receive promotion, he would, if the question of his Fiji pension was settled satisfactorily, be prepared to retire on pension when he had earned the maximum. Mr. Maxwell had already showed himself determined to maintain his claim to a position different from other Heads of Departments and justified <sup>his attitude</sup> by the terms of his appointment - that is, he can have direct relations with the Governor without the intervention of the Colonial Secretary. Sir Edward Grigg had seen some advantage in this arrangement as affording relief to an over-worked Colonial Secretary; but, in connection with the re-organization of the Secretariat, it had been ~~decided~~ <sup>intended</sup> that the Chief Native Commissioner (Mr. Maxwell) and the Local Government Commissioner (Mr. Martin) should hold similar positions ~~not~~ subordinate to the Colonial Secretary. This arrangement had been followed in the case of the Local Government Commissioner, but Mr. Maxwell, the Chief Native Commissioner, had insisted on the maintenance of his special position with the result that whereas the Local Government Commissioner

Commissioner



Commissioner addressed minutes to the Colonial Secretary, the Chief Native Commissioner addressed them to the Governor.

Mr. Martin said that he, as Local Government Commissioner, had frequently seen the Governor without the Colonial Secretary being present, and had discussed the position with Sir E. Denham, who was quite agreeable to such direct discussions and did not wish to insist on being present.

Mr. Martin suggested that the correct procedure when the Governor wished to discuss matters with a Head of a Department was an intimation to that effect to the Colonial Secretary, it being left open to the Colonial Secretary to attend or not as he wished.

Mr. Martin also suggested that the position of the Colonial Secretary ought to be maintained, although he thought there might be political difficulties in the way of changing the status of the Chief Native Commissioner to that of Secretary for Native Affairs since definite subordination to the Colonial Secretary would tend to diminish the nominal power and status of the post, and critics might see behind the change some move inimical to native interests.

Mr. Bottomley expressed the opinion that the answer to the political argument might be

- (a) That a similar arrangement in Tanganyika was not criticised;
- (b)

[I had gathered from Sir E. Guss' earlier conversation with you, that this was his usual practice] G.S. and

\*Not of course an answer to critics but a reason for doubting whether this could be arranged in practice.

(4) That interest in this country was fixed more on the Annual Report of the Native Affairs Department than on the office and personality of the Chief Native Commissioner, and he thought that if the Annual Native Affairs Report were continued there would be no insuperable difficulty making the change.

(5) In accordance with the suggestions of the Local Government Commission, it is proposed to divide the Colony and Protectorate into eleven Provinces (instead of nine as at present), each under the charge of a Senior Commissioner whose duties would be to maintain liaison between the local authorities in the settled areas and native reserves situated in his Province. District Officers in charge of non-native Districts at present correspond direct <sup>with</sup> the Secretariat, but will in future correspond with the Senior Commissioner who will refer to Government only in cases with which he is unable to deal personally. The Draft Estimates contemplated only ten Provinces, but it is considered necessary to constitute a separate Turkana Province, making eleven in all. It is proposed that the ultimate establishment of Senior Commissioners should be four First Grade <sup>φ</sup> and seven Second Grade <sup>x</sup>, but for staff reasons it is temporarily necessary to have five First Grade and six Second Grade posts.

After some discussion of these proposals, Mr. Bottomley said that he was disposed to support them, and he suggested that if the Secretary of State decided to approve provincial re-organisation with the result that Senior Commissioners would report to the Colonial

Secretary

Q 21350 V  
x 21200 W

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Handwritten notes in the left margin: "1350 V 9" and "2 (1200) H."

Secretary instead of the Chief Native Commissioner, the status of the post of Chief Native Commissioner would have to be altered to that of <sup>a</sup> Secretary for Native Affairs, and Mr. Maxwell would either have to accept the altered position or retire on pension.

Mr. Martin suggested that the effect would be that there would really be two Secretaries of Affairs under the Colonial Secretary, the Chief Native Commissioner becoming Secretary for Native Affairs and the Local Government Commissioner, Secretary for Non-Native Affairs - this would be a complete division as Indian Affairs now dealt with by the Local Government Commissioner would still fall to him in his new capacity as Secretary for Non-Native Affairs. <sup>N.P.</sup> The position in the hierarchy of the new temporary Adviser on Indian Affairs to be nominated by the Viceroy of India will no doubt require consideration.

Labour Inspectors.

The position of these officers was also discussed; and the Estimates for 1929 contemplated the deletion of the provision made for the post under the Native Affairs Department, and for an addition to the number of District Officers to enable the work to be carried out by Administrative Officers.

Mr. Martin pointed out that the work of labour inspection was distinctly delicate and required considerable tact as it involved a certain measure of interference between the employer and the native; and that <sup>the Government</sup> ~~did not tend to~~ get quite the type of man <sup>Locally: the Inspector is</sup> ~~they was~~ rather inclined to take up ~~the~~ <sup>his</sup> appointments for a short time and use ~~his~~ <sup>their</sup> opportunities for the purpose of ~~taking a~~ <sup>advancing</sup>

Managership of Estates. There are five posts of Labour Inspector, of which one is pensionable. As a matter of fact, however, there are only three such Inspectors working at present; and it is suggested that the pensionable officers should be absorbed in the Administrative Staff and carry on, the two non-pensionable officers being got rid of, ~~and~~ <sup>a further</sup> ~~and~~ <sup>and</sup> addition of two District Officers being made to the Establishment for the work. As appeared <sup>compared</sup> ~~with~~ from the 1928 Estimates this would involve an increase in the number of District Officers from 99 to 102. In case the disappearance of the post of Labour Inspector from the Estimates and a mere addition to the number of District Officers might

attract

attract suspicions with regard to the change, it would be possible to show separately the administrative appointments to which the special duties of labour inspection are attached, e.g., instead of labelling all Administrative Officers as District Officers they <sup>might</sup> be classed as Administrative Officers (District) and Administrative Officers (Labour), etc., etc.

Yes; this, I think, is the most desirable <sup>arr.</sup>

27  
END



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. 129

CONFIDENTIAL.

30<sup>th</sup> November, 1928

RECEIVED  
31 DEC 1928  
GOV. OFFICE

*15404/28  
15406/28  
in letter dated  
re telephone - Govt  
and printed at  
Sir,  
1/11*

With reference to paragraph 13 of my Confidential despatch No. 101, and paragraph 7 of my Confidential despatch No. 102 of the 18th October, I have the honour to transmit, for your information, a map showing in detail the proposed re-grouping of Provinces.

2. The proposals illustrated in the map were endorsed by the Senior Commissioners at their meeting on the 27th instant, and I trust I shall have an opportunity of discussing them with you during my stay in England.

I have the honour to be,  
Sir,

Your most obedient, humble servant,

*Edward Gigg*

GOVERNOR.

*Ans. d. Conf. - 15 MAY 1928*

THE RT. HON. LT. COL. L.C.M.S. AMERY. P.C., M.P.  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.