

1934
23233

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KENYA

C0533/450

1. Compensation to dependents of native Govt.

employees who die from diseases contracted on duty.

2. Compassionate gratuity to widows of Jacobo Adoyo.

Previous	297		
29444/29 H.			
Subsequent			
SEE 40175/36 UGANDA			
SEE 38304/37 KENYA			
Reg 297	14/7		
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23233

FILE A.

214 W. 107th St. New York 25, N.Y.

6. If gratuity is granted to widow of Jacobs Adage. compensation to dependents etc.

Govt Deputy Moore 309 _____ 12 June 34

Seeks sanction of payment of a ^{gratuity} compensation to the dependents of Jacobs Adage on the grounds that his death was accelerated by his work's exigencies whether authority can be given for payment of compensation to dependents of native Govt employees who die from diseases contracted on duty.

Section 900 of the ^{Kenya} Public Regulations
says "An Act or Officer of the non-pensionable staff may:-
(a)

(b) if he has served for not less than 15 years and his retirement is caused from infirmity of mind or body, permanently incapacitating him from the duties of his employment

be granted a gratuity not exceeding £1, or one week's pay (whichever is the greater), for each completed year of service, subject to the limit of one year's pay, including home allowance, if eligible therefor.

Had the deceased officer retired on the 26 Feb 1934, he would have been eligible for a gratuity of £16.

? Payment to the widow may be approved.

Reminds the request in paragraph 3, the fact of Kenya Grants P.D. ~~request~~ the Ken. Jangitara have been authorized to pay, without prior reference to Q

29 June/39

C.P.T.

of gratuity with
grant to wife of
Jacob Adage.
compensation to
dependents etc.

Govs Deputy Moore 309 _____ 12 June 34
Seeks sanction of payment of a ^{gratuity} compassionate to
the dependents of Jacob Adage on the grounds that his
death was accelerated by his work's exigencies whether
authority can be given for payment of compensation to dependents
of native Govt employees who die from diseases contracted on duty.

Section 900 of the Public Regulations
says: The Chief Officer of the
Non-Permanent Staff may:-

- (a)
- (b) if he has served for not less than
15 years and his retirement is
caused from infirmity of mind or
body, permanently incapacitating
him from the duties of his
employment

be granted a gratuity not
exceeding \$1, or one week's pay
(whichever is the greater), for each
completed year of service, subject
to the limit of one year's pay,
including home allowance, if eligible
therefor.

Had the deceased officer retired on the
26 Feb 1934, he would have been
eligible for a gratuity of \$16.
? Payment to the widow may
be approved.

Regarding the request in paragraph 3,
the Govt of Kenya under A.D. ~~regulations~~
the Govt. Regulations have been authorized
to pay, without prior reference to the
C.P.O.

29 June 39

PUBLIC RECORD OFFICE					
1	2	3	4	5	6
Reference					
C.O. 533					
450					
CONTAGIOUS PHOENIX - 1910 TO					
RE APPROPRIATION TO THE GOVERNMENT					
PUBLIC RECORD OFFICE - LONDON					

upto 20

Left compensation to the dependents
 of native permanent employees
 who die as a result of accidents
 sustained in the course of their
 official duties. There would
 seem no objection to similar
 authority being granted
 for the payment of compensation
 when the employee dies as
 a result of disease contracted
 in the actual discharge of
 duty ^{the disease was} specifically attributable
 to the nature of the duty.

I am not sure whether Treasury
 need be approached and what
 Panyangika.

C. J. Prosser
 14/7/34

H. Hunter
 14

rather think it might be necessary,
 but see O'Keefe's memo of 15.10.29 on
 29444/19. It would assist in deciding
 if Pension Branch could say if the
 point involved (entire payment of
 actually disease contracted on
 duty) is a major one of principle
 when the Treasury might find it difficult
 to accept.

S. Steel
 14/7

In this connection please see X
 of Mr Ponsie's memo of 5th May, 1926
 in C. 22381/1926 Genl. in which he
 refers to a Treasury letter of 7th
 August, 1919, in which it is stated
 that the Treas. do not regard
 the wording of the Warrant of 17th
 Jan. 1919 (under Sec. 1 of the Superannua-
 tion Act, 1887), as excluding from
 the benefits of the Warrant the
 widows etc. of men who succumb to
 disease. The C.O. practice
 regard. disease is set out in 22381/6
 Genl.

In view of X I think it might
 be held that the Treasury have
 accepted the principle of including
 disease in the interpretation of
 injury in cases of compensation
 to dependents, and that the
 authority given in 29444/2977
 Genl. might, following the
 decision on 22381/26 Genl. very
 well be extended to disease.

H. Panyangika
 19/7/34

I think our policy should
 be to allow Pensioners all
 reasonable discretion in dealing
 with purely local staff. I

C.O. 533
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 ALLY WITHOUT PERMISSION OF THE
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don't think we need tie
them up, in this instance,
with the 1926 ruling, but
would merely approve the
Kenya proposal as it
stands, and send copies
of the cover to the other E.A.
Govts. (i.e. Uganda, T.T. &
Zanzibar) concerned, LFF

J. Jeffries

21.7.34

I agree, but the proposal drops the important
condition that the disease must have been attributable
to some specific occasion. As ^{discipline} it is only to be
given in cases of natives up to £20 I don't think
it matters. Mr Lloyd says there are precedents for
relaxing that bit of the rule.

? As Mr Jeffries proposes

J.L.O. Hunt

23.7.

Sheet
21.7

J. Helder

25.7.34

at home

1/ff action
side draft(s) 2 To Kenya 620 (1 answer) 31 JUL 1934
3 To Uganda, 403
4 " " 102 } 1/001 + 2 A/1
5 " T.F. 289 }
6 AUG 1934

don't think we need tie them up, in this instance, with the 1926 ruling, but would merely approve the Kenya proposal as it stands, and send copies of the comms. to the other E.A. Govts. (i.e. Uganda, T.T. & Zanzibar) concerned. LFF

J. Higgins
21.7.34

I agree, but the proposal drops the important condition that the disease must have been attributable to some specific occasion. As ^{direction} it is only to be given in cases of natives up to £20 I don't think it matters. Mr Lloyd says there are precedents for relaxing that bit of the rule.

? As Mr Higgins proposes

J.L.O. Hand

23.7.

Steel
21.7
H. Alder
25.7.34
at home

Eff action / side draft(s)
2 To Kenya 620 (1 answer) 31 JUL 1934
3 To Uganda, 403
4 To Tanganyika 102 } 4/20 (2 A/1)
5 To T.F. 554 } 6 AUG 1934

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1	2	3	4	5	6
Reference -					
C.O. 533					
450					
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W.S.A. 2 4

C. O.

- Mr. Grossmith.
- Mr. *Cliffe* 27/7
- Mr.
- Mr. Parkinson.
- Mr. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

Downing Street,
31 July, 1934.

Sir,

I have etc. to acknowledge the receipt of your despatch No.307 of the 1st of June and to inform you that I approve the grant of a compassionate gratuity of £18 to the widow of Jacobo Adoyo, ^{5%} ~~the son of~~ Abongo.

2
 27 JUL
 12th

DRAFT.

KENYA.
NO. 620
 GOVERNOR.

SK

2. With regard to the third paragraph of your despatch, I ^{approve} ~~approve~~ the ~~proposal~~ that in the case of the ^{Govt.} ~~death of a native Government~~ employees ^{who die} ~~from natural causes~~, compensation up to a limit of £20 may be paid to the dependents, without prior reference to me, provided that there is clear evidence that the disease was contracted in the actual discharge of ^{the employee's} ~~duty~~ and was specifically attributable to the nature of ^{his} ~~the~~ duty.

③
 ④
 ⑤
copy to [unclear] [unclear] [unclear]

FURTHER ACTION.

Copy corres. to Ug.,
 T.T., and Zanzibar
 l.f.f.

Ref 6.4.7 a
 29/7/34

I have, etc.

(Sgd.) P. CUNLIFFE-LISTER

FD
W.G.
2
4

C. O.

Mr. Grossmith.

Mr.

Mr.

Mr. Parkinson.

Mr. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

31 July, 1934.

Sir,

I have etc. to acknowledge the receipt of your despatch No.307 of the 1st of June and to inform you that I approve the grant of a compassionate gratuity of £18 to the widow of Jacobo Adoyo, ^{3/6} ~~the son of~~ Abongo.

2. With regard to the third paragraph of your despatch, I ^{again} ~~approve~~ the ~~proposal~~ that in the case of the ~~death of a native Government employees~~ ^{who die} from natural causes, compensation up to a limit of £20 may be paid to the dependants, without prior reference to me, provided that there is clear evidence that the disease was contracted in the actual discharge of ^{the employee's} ~~duty~~ and was specifically attributable to the nature of ~~the~~ ^{his} duty.

I have, etc.

(Sgd.) P. OUNLIFFE-LISTER

DRAFT.

2
27 JUL
1934

KENYA.

NO. 620

GOVERNOR.

ST

FURTHER ACTION.

Copy corres. to Ug.,
P.T., and Zanzibar
l.f.f.

Ref 6.4.7 m
29444/29

(3)
(3)
(3)
copy to
2/1/34

Public Office
C.O. 533
450

KENYA.

No. 307



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

R
- 9 JUL 1934
C. O. REGY

1/24 June, 1934.

- Sir,

Unrecord (2)

I have the honour to inform you that an application has been received for the grant of a compassionate gratuity to the widow of a native, Jacobo Adoyo, s/o Abongo, who worked in various capacities at the Health Office, Kisumu, since the 1st October, 1915, from which date until his death from acute pneumonia, on the 26th of February, 1934, he gave the greatest satisfaction to his senior officers, carrying out his duties in a highly efficient, zealous and loyal manner.

2. This deceased officer left a widow and three young children entirely destitute, and in view of the fact that his duties brought him into constant contact with the swamps surrounding Kisumu the Director of Medical Services and the Treasurer have recommended that a gratuity of £18 equivalent to the amount which would have been due to him under Section 900 of the Code of Regulations had he retired for medical reasons on the 26th of February, 1934, should be granted to his widow, on the ground that his death was accelerated by the nature of his work. I am in agreement with this recommendation, and shall be glad if your sanction

*copy 2 { (3) (4) (5) }
L.T.
Adoyo*

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

may

may be accorded to the payment of a compassionate gratuity of £18 to the dependents.

No 5

29444/39
TT

3. In this connection I would invite your attention to Lord Passfield's despatch No.839 of the 23rd of October, 1929, wherein it was agreed that compensation to dependents of native Government employees who die as a result of accidents should be paid on the Governor's authority up to a limit of £20, and would enquire whether you would be prepared to extend this authority to cover cases of deaths from natural causes, where there is clear evidence that the disease was contracted in the actual discharge of duty and was specifically attributable to the nature of the duty.

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

J. W. Moore

GOVERNOR'S DEPUTY.