

1925

KENYA

36665

10 AUG 25

POST
D. A. G. DENHAM
TEL
358

DATE
8th August 1925.

OF CIRCULATION
Mr. *B. H. ...*
Mr.
Mr.
Asst. U.S. of S.
U.S. of S.
U.S. of S.
Secretary of State

RAILWAY ORDER-IN-COUNCIL.

Joint Committee of Kenya and Uganda accept all alterations proposed by S. of S. with modifications now suggested. Request earliest decision.

Previous Paper
O.A. *37963*

MINUTES

There was discussion in your room with the Secretary this morning.

(The ... (later ...))

As Bush still thinks 4(a) was unnecessary but that the general principle would be more fully worked out subject to a provision as to the limits of expenditure hereafter inculcated and being consistent with the Order in Council.

Clause 25 however, was not superfluous as the Order in Council 4(a) only covers the former. The latter related to the general principles relating with the services.

Subsequent Paper
D.A.G. 37963

As to the clause a sub-statement for

and leave 31. It was ^{not} considered necessary
but used of the other's definite statement
that the King is official members in
and accept the 8. 5. 1911 without it. It
was decided to recommend a resolution
of the 10. 1. 1911 alternative subject
to the adoption of this as shown in
d.p. henceforth forward.

After that has gone in favor of
the 10. 1. 1911 with the alternative
in place will be made. It is to return
to the 10. 1. 1911.

8/11/18 25

If you have a few minutes
I will be glad to see you and will
correctly put out the result of the
discussion.

The Session of Council begins 6. 11. 18

W.S. 11. 8. 25

36666

TELEGRAM from the Officer Administering the Government of Kenya to the Secretary of State for the Colonies.

Dated 8th August.

(Received Colonial Office 6.30 p.m. 8th August, 1925)

No. 355. 8th August.

*O.A.C.
33320
1/25
Lyon (11/25)*

Your telegram of 26th July Railway Order in Council. Joint Committee of Kenya and Uganda has met and accepts all the alterations proposed in your despatch including omission of clause 22 with the following suggested modification(s). Legal advisers of both Kenya and Uganda attach great importance to the retention of the old 4 (2) to be inserted as 3 (2). They point out that in view of the unrestricted powers given to the Commissioner by 3 (1) question arises whether it is consistent with the order to pass any ordinance dealing with service which in any manner directs the High Commissioner hcs he is to exercise his powers of control or management of the railway clause 25 even as proposed to be amended does not clear up this point.

If 4 (2) is inserted suggest that 2) becomes superfluous. It should be placed beyond doubt that powers of the High Commissioner are to be exercised in conformity with local laws not inconsistent with other provision of the order in the place of clause 31 following addition proposed by the joint committee begins:-

Lyon (11/25)

Nothing in this order shall limit the right(s) of the Legislative Council of Kenya or Uganda to petition His Majesty through the Secretary of State for the termination of this order or any provision of this order. Ends.

Uganda representative(s) accepted this but regard it as unnecessary. If however you consider this clause open to the same objections as stated in paragraphs 2 and 3 of your despatch

84
L.P. 11/15
(2)
despatch of 30th May No. 495. I suggest the following begins

If His Majesty after a period of 4 years from the date hereof is pleased to direct that this order shall cease to have effect it shall ~~then~~ and after a date to be fixed by an order of the Secretary of State cease to have effect ends.

Which would I believe be accepted by the unofficial members here. It will not be possible to secure agreement of the Kenya unofficial members who ask that order should contain some ~~reference to~~ possible termination, unless a clause can be inserted on the lines of those suggested above. Their desire to obtain an indication embodied in the Order of Council that it may be revised or withdrawn on the recommendation of the Legislative Council or after it has been given sufficiently long trial. The point of view of the Uganda Government is that it is prepared to leave the question of termination and mode of procedure to you provided that it is clearly understood that there is no differentiation in treatment as between Kenya and Uganda. Request your earliest consideration and decision.

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Mr. Seal 11.8.25
Mr. B. B. B. 11.8.25

Code 4 Sew
5.25

11 12 16
12

Mr. Sturges 11.8.25

ONG 36666

- Sir J. Shuckburgh
- Sir G. Davis
- Sir G. Grandall
- Sir G. ...
- Sir G. ...
- Sir G. ...

DRAFT Code 4 Sew

W. C. Clegg
W. C. Clegg
W. C. Clegg

Your telegram of August 23rd
Railway Order by Council of 26th August

Clause 4(c) of the
 your regulations shall not
 apply to the extent of the
 clause as far as the following
 shall be ordered after the
 the provisions of this Order on
 line 3 quotation begins
 and (c) in so far as is not
 inconsistent with the aforesaid
 provisions (c) in accordance
 with the provisions quotation ends

over

① new para

Clause 25 must be retained
it is not superfluous as 4(2)
only deals with powers of High Commissioners

② new para

Old Clause 31(5) Am willing
to accept first alternative clause
Suggested in telegram subject
to the inclusion at end of order as
support of usual solution from clause
follows quotation because His Majesty
His Heirs and Successors in Council
may from time to time by Order
alter, add to, or amend their Order
and nothing in their Order shall limit
quotation ends etc as in telegram

Secs