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Order. 23. 1928

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MAR 1921

With reference to Lord Milner's despatch No. 1820 dated the 15th of December, 1920, I have the honour to transmit herewith two authenticated and printed copies of the Widows and Orphans Pension Ordinance 1921 which was passed by the Legislative Council on the 25th of February, 1921, together with a Statement of Objects and Reasons and a Comparative Table prepared by the Attorney General.

2. With the exception of one or two minor amendments, which are referred to in the Comparative Table, the Ordinance is in the form of the draft sent out by Lord Milner under cover of his despatch referred to above.

3. The Civil Servants' Association, to whom the Bill was submitted for comment, has suggested various amendments. A separate despatch is being addressed to you on this subject and if the suggested amendments are approved, an amending Bill will be introduced at a subsequent Session of Legislative Council.

4. I have assented to the Ordinance in the name of His Majesty.

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

*Edwin Montagu*  
GOVERNOR.

THE RIGHT HONOURABLE  
WINSTON CHURCHILL, F.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
ROBINSON SQUARE,  
LONDON, E.C. 4.

MARCH 1921

With reference to Lord Milner's despatch No. 1223 dated the 15th of December, 1920, I have the honour to transmit herewith two authenticated and ten printed copies of the Widows and Orphans Pension Ordinance 1921 which was passed by the Legislative Council on the 25th of February, 1921, together with a Statement of Objects and Reasons and a Comparative Table prepared by the Attorney General.

2. With the exception of one or two minor amendments, which are referred to in the Comparative Table, the Ordinance is in the form of the draft sent out by Lord Milner under cover of his despatch referred to above.

3. The Civil Servants' Association, to whom the Bill was submitted for comment, has suggested various amendments. A separate despatch is being addressed to you on this subject and if the suggested amendments are approved, an amending Bill will be introduced at a subsequent Session of Legislative Council.

4. I have assented to the Ordinance in the name of His Majesty.

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

*Edmund Barton*  
GOVERNOR.

HIS HIGH HONOURABLE  
WINSIE CHURCHILL, F.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
BRITISH MUSEUM,  
LONDON, E. C.

~~THE KENYA AND SOMALILAND PROTECTION ORDINANCE, 1921~~

~~STATEMENT OF OBJECTS AND REASONS~~

1469 9854-  
 The present Ordinance was passed by the instructions of the Secretary of State in his despatch of 16th December last. It was pointed out that it was essential that the scheme should be introduced by the first of April in the different territories of Eastern Africa, and the Ordinance was consequently passed as in the draft sent out with some minor alterations.

Certain amendments have been suggested by the Kenya Civil Servants' Association. These are being submitted to the Secretary of State and if approved will be embodied in an amending Bill.

Nairobi.

Sd. R. W. ...

The 14th day of March, 1921.

ATTORNEY GENERAL.

~~ORDINANCE~~

Section.

D

Remarks.

2.

In the definition of "European Officer" the word "pure" has been inserted before "European" in line 7.

30.

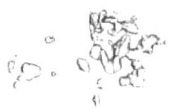
"Governor-in-Council" substituted for Governor in lines 5 and 6;  
"subject to appeal to the Secretary of State for the Colonies" inserted in line 7;  
"and shall be final to all intents and purposes" in line 8 deleted.

The remaining Sections are as in the draft sent out by the Secretary of State in his despatch No.1823 of 15th December last.

Nairobi,

(the 14th day of March, 1921.

Sd. R. W. KYLL-GRANT,  
ATTORNEY GENERAL.



Downing Street,  
27 July, 1921.

*54*

**DRAFT.**

Sir,

I have the honour to ack. the receipt of Sir Edward Northey's desp. No. 409 of the 21st March, and to inform you that His Majesty will not be advised to exercise his power of disallowance <sup>in respect of</sup> ~~with regard to~~ Ordinance No. ~~40~~ <sup>XXII</sup> of the

**MINUTE.**

Legislature of Kenya, entitled "An Ordinance to make Provision for Granting Pensions to Widows and Children of Deceased European Public Officers".

2. I have, however, to make the following observations on the Ordinance:-

(1) Section 2 (1). In the definition of "European Officer" the word "pure" has been inserted before the words "European descent". I am advised that the insertion of the word "pure" is unnecessary, and that the original definition as made in the draft Ordinance prepared in this Department is adequate.

(2) Section 9. There is a misprint in the shoulder-note, where the word "contribution" should read be "contributors".

(3) Section 14 (1). The words "Section II (2)" should be "Section 11 (2)".

Mr. Parkinson 22/7/21.

Mr. *Edwards* 22

Mr. *Bottomey* 22/6

Mr. Grindle

Sir H. Lambert

Sir H. Road

Sir G. Piddar

Mr. Wood

Mr. Churchill

*Copy to Mr. 29 July 21*

*in this bundle for  
use of 205079  
new 14/1/21  
A. H. B.*

Sections 16 (2) and 19.

After the word "pro-tem" the words "or territory" should be inserted.

(5) Section 30.

I regret that I cannot accept the amendment which you have made in Section 30 as originally drafted. As regards an appeal to the Secretary of State, there is always in fact, if not in law, the possibility of an appeal from the Governor to the Secretary of State, and the Governor would no doubt refer to the Secretary of State in a doubtful case, as a decision may have been given on the same point in another Dependency; but I am advised that it is not necessary or desirable that provision should be made in the Ordinance for appeal. Further, the words "Governor-in-Council" should not be substituted for the word "Governor", seeing that there is no Governor-in-Council in some of the East African Dependencies. If the words "Governor-in-Council" are substituted for the word "Governor", the Section ceases to be applicable to the East African Dependencies generally, and the word "Governor" should therefore be restored. Of course, in a Dependency where there is an Executive Council, the Governor would normally refer any question