

MEETING OF THE COUNCIL on THURSDAY 12th SEPTEMBER 1907

STANDING ORDERS

The Crown Advocate moved the suspension of the Standing Orders for the purpose of reading the Bill for the Abolition of Slavery on 3rd June, due notice not having been given.

The Land Commissioner seconded and this was agreed to without dissent.

SLAVERY BILL- THIRD READING.

The Crown Advocate moved the Third Reading of a Bill for the Abolition of Slavery throughout the East Africa Protectorate.

The Land Commissioner seconded and this was agreed to without dissent.

DISEASES OF ANIMALS- REPORT OF THE SPECIAL
COMMITTEE

The Report of the Special Committee constituted to consider the Bill to make further provision for prevention of spread of diseases among the animals was laid on the table of the House and was ordered by the President to be read to the Council.

The Senior Commissioner seconded and this was agreed to without dissent.

The Land Commissioner moved that the Council go into Committee to consider this Bill.

The Senior Commissioner seconded and this was agreed to without dissent.

COMMITTEE STAGE

Section 1

The Crown Advocate moved the insertion of the word "fencing" in brackets after "animals" in Section 1.

The Land Commissioner seconded and this was agreed to without dissent.

Section 2

The Crown Advocate moved to delete the definition of "fence" and "dividing fence" in the section and to

~~substitute~~
~~substitute:~~

" Fence shall mean a suitable stock proof fence with gates at places where it ~~crosses~~ ^{crosses} public or private roads and suitable appliances where it crosses other obstacles erected and maintained in accordance with the requirements of rules made under section 12 of this Ordinance of which the Commissioner of lands with the advice of the Land Board shall in particular case declare to be legal fence."

" Dividing fence " and " Fence dividing farms" shall mean a fence as above defined separating the lands of adjoining owners. Provided however that whenever a fence intended to prevent the the stock owner of a farm from entering on the farm of the adjoining owner shall have been erected with the expressed approval in writing of both such owners wholly or partly on the land of either such owner such fence shall be deemed to be a dividing fence."

This was ~~seconded~~ ^{seconded} by the Land Commissioner and was agreed to without dissent.

The Crown Advocate moved to insert the words " as regards land " after " shall" in the definition of the " owner" in Section 2.

This was seconded by the Land Commissioner and agreed to without dissent.

Section 3

The Crown Advocate moved the deletion of Section 3 and substitution of the following:

" The Commissioner of Lands may with the consent of the Governor cause to be erected a fence or fences within or around the portion or whole of the boundries of any farm or farms within an infected or suspected area or of any town lands within such area or of any Native Reserve whether within such area or not ".

The Land Commissioner seconded and this was agreed to without dissent.

Section 4

The Crown Advocate moved the deletion of Section 4 and substitution of the following:

" the cost of erecting any fence under the provisions of section 3 of this Ordinance shall be defrayed by the Government, and the fence so erected shall be the property of the Government and may subject to the provisions of this Ordinance be at any time removed by the Government.

The Land Commissioner seconded and this was agreed to without dissent.

Section 5

The Crown Advocate moved the insertion of a new Section 5:

" The Commissioner of Lands may with the consent of the Governor may cause to be erected a fence or fences within or around a portion or whole of the ~~boundries~~^{boundries} of any farm, whether within an infected or suspected area or not, the owner

" of which shall have made an application to him for erection of such fence and shall have given security to the satisfaction of the Commissioner of Lands for the repayment to the Government of the cost of erection of such fence or fences ."

The Land Commissioner seconded and this was agreed to without dissent.

Section 6

The Crown Advocate moved the insertion of a new section 6:

" The costs of erecting any fence under the provisions of section 6 shall be in the first instance defrayed by the Government provided that such cost shall be repaid together with interest at the rate of 3 per cent per annum by equal yearly instalments commencing two years after the fencing is completed such instalment being so calculated and fixed that the said cost and interest shall be wholly repaid within a period of ten years from the date from which the first instalment become due as shown in the schedule to this Ordinance.

Such repayment of cost and interest shall be made by the owner of any farm under the last preceding section or if the fence divides the farms of adjoining owners both of whom shall have had their farms fenced at the same time under the last preceding section then each such owner shall pay half of the cost of the part of the fence dividing such farms together with interest as aforesaid."

The Land Commissioner seconded and this was agreed to without dissent.

Section 7

The Crown Advocate moved the insertion of a new section 7

" the particular class of fencing erected under this Ordinance shall be determined by the Commissioner of Lands."

The Land Commissioner seconded and this was agreed to without dissent.

Section 8

The Crown Advocate moved the insertion of a new section 8:

" The Commissioner of Lands shall in every case before exercising the powers conferred upon him by section 3, 5, 7, 9, 10 and 12 of this Ordinance consult the Land Board."

The Land Commissioner seconded and this was agreed to without dissent.

Section 9

The Crown Advocate moved the insertion of a new section 9:

" Whenever any fence shall have been erected on any farm under section 3 of this Ordinance the Commissioner of Lands may allow the owner of such farm to purchase the said fence by paying to the Government the cost of erection of the fence together with interest thereon at the rate of three per cent per annum such payment being made by equal yearly instalments so calculated and fixed by the Commissioner

" of Lands that the said cost and interest shall be wholly paid off within a period of ten years from the date of the agreement to purchase or he may allow the owner to use such fence for such time as the Commissioner of Lands may think fit on his entering into an agreement to pay to the Government 5 per cent per annum on the cost to date of such fence.

Provided however that should any such owner after having entered into such last mentioned agreement be permitted to purchase the said fence there shall be deducted from the purchase price which such owner would be required to pay under this section 2/5ths of such sum as he shall have paid to the Government for the use of such fence."

The Land Commissioner seconded and this was agreed to without dissent.

Section 10

The Crown Advocate moved the insertion of a new section 10:

" The owner of a farm who shall hereafter fence his farm with a legal fence and the owner of a farm which shall have been fenced under section 5 or who shall have purchased a fence under section 9 may recover from the owner of an adjoining farm one half of the value of so much of a dividing fence as such last mentioned owner shall use or avail himself of in any of the following cases:

(a) When the farm adjoining the first farm

first fenced shall be fenced under section 5.

- (b) When the owner of the farm adjoining the the first farm fenced shall have agreed to purchase a fence on such ~~first~~^{first} mentioned farm under the provisions of section 9.
- (c) When the owner of the farm adjoining the farm first fenced shall fence his farm.

The money so recovered shall be paid to the person liable to pay the same either in a lump sum or by such instalments agreed over such period as the Commissioner of Lands shall determine and such lump sum or any such instalment when due may be sued for and recovered in the Court of a Magistrate of the First Class.

Section 5 and 6 shall be deemed to be extended so as to enable the Commissioner of Lands to advance the money so recoverable and any such sum so advanced shall be repaid by the same persons and in the same manner as the cost of erecting of a fence repayable under this section.

The Land Commissioner seconded and this was agreed to without dissent.

Section 11

The Crown Advocate moved the insertion of a new section 11:

" When any dividing fence to the cost of erection of which the owner of the land on either side shall have contributed or are liable to contribute shall be out of repair such owners shall be liable for the cost of repairing such in equal proportions.

The Land Commissioner seconded and this was agreed to without dissent.

Section 12:

The Crown Advocate moved the insertion of a new section 12:

" The Commissioner of Lands shall make or may from time to time alter or revoke rules prescribing what fences shall be deemed to be legal fences for the purposes of this Ordinance."

The Land Commissioner seconded and this was agreed to without dissent.

Section 13

The Crown Advocate moved the insertion of a new section 13:

" The owner of a farm which shall have been fenced under the provisions of section 5 and the ~~owner~~^{owner} of a farm who shall have agreed to purchase a fence erected on his farm under section 3 shall at all times until the cost of erection of such fence and the interest thereon has been wholly paid to the Government maintain the fence in good and substantial repair to the satisfaction of the Commissioner of Lands.

Should any such owner after a notice has been served upon him by the Commissioner of Lands requiring him to do any repairs to such fence within such time as the Commissioner of Lands may consider reasonable the Commissioner of Lands may cause the fence to be ~~repaired~~^{repaired} at the expense of the Government but in every such case the cost of such repair shall be added to the original cost of erection of such fence and shall be ~~repaid~~^{repaid} to the Government with

" interest at the rate of 3 per cent per annum by the owner of such farm, and the instalments payable by such owner under this Ordinance shall be increased accordingly."

The Land Commissioner seconded and this was agreed to without dissent.

Section 14

The Crown Advocate moved the insertion of a new section

14:

" The owner of a farm who shall have been fenced under section 5 of this Ordinance and the owner of a farm who shall have agreed to purchase a fence erected under section 3 shall not remove any part of such fence or make any alterations in such fence without the consent of the Commissioner of Lands until the cost of ~~erection~~^{erection} and repairs (if any) of such fence and the interest thereon shall have been wholly repaid to the Government.

The Land Commissioner seconded and this was agreed to without dissent.

Section 15

The ~~Crown~~^{Crown} Advocate moved the insertion of a new section

15:

" The Commissioner of Lands and any person authorised by him and his or their servants may at any time enter upon any land for the purpose of repairing a fence erected under section 3 of this Ordinance and may for the purpose of protecting such fence from fire clear the ground near such fence.

Provided that this section shall not be deemed to confer any duty upon the Government.

" in respect of repairs of fences in
section 13."

The Land Commissioner seconded and this was agreed to
without dissent.

Section 16

The Crown Advocate moved the insertion of a new
section 16

" A municipal Council shall be deemed to be
the owner of a farm in respect of any town
lands fenced under this Ordinance".

The Land Commissioner seconded and this was agreed to
without dissent.

Section 4

The Crown Advocate moved the deletion of the original
section 4.

The Land Commissioner seconded and this was agreed
to without dissent.

Section 5

The Crown Advocate moved to delete the words " the
preceding section " in section 5 and to substitute " this
Ordinance ". This Section to become Section 17.

The Land Commissioner seconded and this was agreed to
without dissent.

Sections. 6,7,8, 9 and 10 and 11.

The Crown Advocate moved to delete original sections
6,8,9,10, 11 and section 7 to become Section 18.

The Land Commissioner seconded and this was agreed to
without dissent.

Section 12

The Crown Advocate moved the deletion of original
Section 12 and the substitution of a new section 19:

" Nothing in this Ordinance shall make it
~~lawful~~ ^{lawful} for the Commissioner of Lands to accept

" from any person ^{liable} ~~laible~~ to make any repayment to the Government under this Ordinance a payment at any time of a sum equal to the value at that time of the instalments due and unpaid by such person".

The Land Commissioner seconded and this was agreed to without dissent.

Section 13

The Crown Advocate moved to delete the words " provided.... native" inclusive in section 13. This section to become Section 20.

The Land Commissioner seconded and this was agreed to without dissent.

Sections 14, 15, 16, 17 and 18

The Crown Advocate moved that Sections 14, 15, 16, 17 and 18 to become 21, 22, 23, 24 and 25

The Land Commissioner seconded and this was agreed to without dissent.

Schedule:

The Crown Advocate moved that the word " four" in the schedule become " six".

The Land Commissioner seconded and this was agreed to without dissent.

The Crown Advocate moved to report the Bill to the Council.

The Land Commissioner seconded and this was agreed to without dissent.

The Crown Advocate, after the Bill was reported to the Council and debated, gave notice that he would move the Third reading of this Bill at the meeting held first Monday in October 1907.

CUSTOMS BILL. COMMITTEE STAGE.

Mr Wilson moved that the Council go into Committee for the consideration of the Customs Bill 1907.

The Treasurer seconded and this was agreed to without dissent.

SPECIAL COMMITTEE

Mr Wilson proposed the formation of a ^{Special} ~~Special~~ Committee for the further consideration of this Bill, to consist of the Treasurer, the Crown Advocate and Mr Wilson.

Lord Delamere seconded and this was ^{agreed} ~~agreed~~ to without dissent.

BRANDING BILL-- COMMITTEE STAGE

The ^{Crown} ~~Crown~~ Advocate moved that the Council go into Committee to consider the Branding Bill.

The Land Commissioner seconded and this was agreed to without dissent.

REPORT OF THE SPECIAL COMMITTEE

The Report of the Special Committee constituted to consider this Bill was laid on the table and ordered to be read to the Council, by the President.

Preamble:

The Crown Advocate moved that the preamble shall read " to make provision for registration of brands for stock"

The Land Commissioner seconded and this was agreed to without dissent.

Section 1

The Crown Advocate moved that October 1907 in Section 1 become January 1908.

The Land Commissioner seconded and this was agreed to without dissent.

Section 2

The Crown Advocate moved to delete " great" in section 2.

The Land Commissioner seconded and this was agreed to without dissent.

The Treasurer moved to insert " Zebra" after " ass " in section 2.

The Crown Advocate seconded and this was agreed to without dissent.

The Crown Advocate moved to insert at the end of Section 2 " District Commissioner " shall include " Assistant District Commissioner ".

The Land Commissioner seconded and this was agreed to without dissent.

Section 3

The Crown Advocate moved to delete the words " European Officer of Police" in section 3 and substitute " European Police Officer above the rank of Inspector".

The Land Commissioner seconded and this was agreed to without dissent.

Section 5

The Land Commissioner moved to delete the words " other than a native" in section 5.

Lord Delamere seconded and this was agreed to without dissent.

Section 11

The Land Commissioner moved to insert the words " pound master " and post office at the end of section 11 and to delete the word " and" before " every".

The Senior Commissioner seconded and this was agreed to without dissent.

Section 16

The Crown Advocate moved to delete Section 16.

The Land Commissioner seconded and this was agreed to without dissent.

RECOMMITTAL TO SPECIAL COMMITTEE

The Treasurer moved that the Bill be re-committed to the Special Committee.

The General Manager Uganda Railway seconded and this was agreed to without dissent.

ADJOURNMENT

The Council adjourned till 9 a.m. on Saturday the 14th of September 1907

RE-ASSEMBLY

The Council re-assembled at 9 a.m. on Saturday the 14th of September 1907.

CLOSURE

The President declared the meeting closed.