

EAST AFRICA PROTECTORATE.

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Minutes of the Proceedings  
of the Legislative Council  
of East Africa.

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First Session,  
1918.

*The 18th, 19th, 20th, 25th, 26th and 27th of February, the 1st, 5th,  
6th, 12th, 13th, 15th, 19th, 20th and 22nd of March,  
and the 11th, 12th, 22nd and 25th of April, 1918.*

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Mairobi.

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa.

# Minutes of the Proceedings of the First Session of the Legislative Council, 1918.

Held at Nairobi on the 18th, 19th, 20th, 25th, 26th and 27th  
of February, the 1st, 5th, 6th, 12th, 13th, 15th, 19th, 20th  
and 22nd of March, and the 11th, 12th, 22nd and  
25th of April, 1918.

The Council assembled on the 18th of February, at 10 a.m., HIS EXCELLENCY  
THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.) presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
THE HON. THE TREASURER (H. P. ESPIE).  
THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
THE HON. F. W. MAJOR, C.M.G., I.S.O.  
THE HON. A. C. MACDONALD  
THE HON. C. W. HOBLEY, C.M.G.  
THE HON. R. BARTON WRIGHT.  
COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
THE HON. P. H. CLARKE.  
THE RIGHT HON. LORD DELAMERE.  
THE HON. A. C. HOEY.  
THE HON. W. C. HUNTER.  
THE HON. W. MACLELLAN WILSON.

## OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the HON. THE ACTING MANAGER  
OF THE UGANDA RAILWAY (A. F. CHURCH).

## MINUTES OF MEETING.

THE HON. THE ACTING CHIEF SECRETARY moved that the Minutes of the Meeting of the  
Council held on the 8th of October, 1917, which had been circulated amongst Honourable  
Members, be taken as read and be confirmed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

## THE PRESIDENT'S ADDRESS.

THE PRESIDENT delivered the following Address:—

Honourable Members of the Legislative Council,

You have all doubtless seen the gracious and heartening messages from His Majesty  
the King and Their Majesties the King and Queen which were published in a Gazette  
Extraordinary on Christmas Day. Copies of telegrams which on the same occasion passed  
between this Government and the General Officer Commanding-in-Chief of the East  
African Expeditionary Force were published in the Official Gazette of 28th December.

As notified in the local press last week, I have within the last few days been informed  
by the Secretary of State for the Colonies that our late Governor retired on pension with  
effect from January 1st. On a previous occasion I referred to Sir Henry Belfield's long  
and arduous tour of service. I know that it is a great disappointment to him that he was  
prevented from seeing, before his retirement, the results of his many efforts to increase the  
prosperity and utility of the Protectorate both by the inauguration of public works of  
considerable magnitude and by improving the internal organisation of the administration  
and the position of the legislative body. Unfortunately the outbreak of war within two  
years of his assumption of office necessarily held up indefinitely a number of schemes  
initiated or strongly advocated by Sir Henry which would in all probability otherwise have  
been completed by now to the benefit not only of the colonists and the natives of British  
East Africa but of the British Empire as a whole.

I welcome this opportunity of expressing in as public a manner as possible my  
personal regret that my official connection with the late Governor has been severed.

With the retirement of the German Commander across the Rovuma River, and the ejection of the last remnants of his forces from German territory, another phase in the local campaign may be considered to be completed, and it is to be hoped that it will not be long before the majority of our local men will be released from military duty—their task accomplished. For the present we must remember that in the present crisis Imperial requirements must come first and that the policy which has been followed has been in accordance with the desire of His Majesty's Government that, after satisfying the bare necessities of civil life, the man power of the Protectorate should be made available for the East Africa Expeditionary Force. When the time arrives that the statistics may be published, both as regards the European community and the natives, the figures will, I am sure, come as a surprise to everyone.

Meanwhile the frequent appearance in the military honours lists of the names of members of the local forces and of local men attached to other units and organisations is a constant source of gratification to us all. The quiet unobtrusive war-work which is being carried out by the men left behind and by the women of East Africa is another matter to which we shall in future happier days always look back with feelings and pride.

It had been my intention before now to have visited most of the settled portions of the Protectorate, and though circumstances curtailed my programme I was able to see for myself what had been done in the whole of the Kyambu district and in portions of Naiyasha and Nakuru. The progress which had been maintained by a greatly reduced population was astonishing and an ample testimony to the efficient manner in which the country had organised itself through the various District Committees.

It may interest Honourable Members if I recapitulate briefly the efforts which have been made by Government to assist in the development of the more important of our local productive industries handicapped as they have been by the restrictions imposed on imports into East Africa, the shortage of shipping for our exports, and the requirements of the military authorities.

With regard to imports, the chief disability, as Honourable Members are aware, is the restriction placed on the export of machinery, &c., from the United Kingdom by the Minister of Munitions because of the requirements of the Imperial authorities for purposes connected with the war. At our last meeting I endeavoured to show that the local Government had placed the local position before the home authorities many months ago, but as I believe a certain amount of misunderstanding still to exist on the subject I will now explain in greater detail exactly what transpired.

On March 2nd, 1917, the late Governor addressed the Secretary of State for the Colonies by telegram in the following terms:—

"Representations have been made that great difficulty is being experienced by local firms in obtaining machinery from England which is absolutely necessary to maintain nascent industries here and to produce marketable articles especially needed in the United Kingdom. There is urgent need for compliance or partial compliance with such requisitions and I desire to place situation before you and enquire whether any degree of priority can be granted in respect of such orders. Information regarding them can be obtained from Lamberts Ltd., 55 Southwark Street, E.C."

On March 30th the Secretary of State replied as follows:—

"With reference to your telegram 2nd March, No. 95, Machinery, have not been able to secure priority. For the future arrangements in such cases see my despatch 25th January Circular."

The circular despatch therein referred to was the one directing the formation of the local Priority Committee. The Secretary of State's telegram was confirmed in due course in a despatch dated April 2nd transmitting copies of correspondence with the Ministry of Munitions from which I will quote the following passages:—

The Colonial Office to the Ministry of Munitions, 14th March, 1917:—

"In view of the importance attached by the Governor to the supply of machinery required for the development of industries which are of national importance Mr. Long will be glad if Dr. Addison can see his way to grant the desired certificates of priority."

Ministry of Munitions to Colonial Office, 24th March:—

"I am directed by the Minister of Munitions to state, for the information of Mr. Secretary Long, that in deference to Mr. Long's wishes this matter has been specially considered. After a full consideration of the circumstances, the Minister regrets that it is quite impossible to sanction the issue of any priority classification for materials required in connection with the manufacture of the plant referred to."

The following are extracts from further correspondence received by this Government through the Colonial Office:—

Lamberts Ltd., London, to Colonial Office, 4th May, 1917:—

"We herewith enclose a list of the indents we have on hand from our Works in British East Africa. The flax and coffee machinery is especially wanted because the settlers have their crops growing and cannot put them on the London market unless they have the machinery to prepare the same. All indents are urgently required so as to clear the crops, increase the revenue, and provide tonnage for ships returning to England. At present a great many ships are only partly filled up on the return journey through lack of machinery in British East Africa. The crops are going to waste and thus valuable revenue is lost. We urge that permission be granted to make and export these small indents, provided the Ministry of Munitions and War Trade Department can possibly see their way to granting it, as the benefits obtained are so large in comparison to the amount of material involved."

Lamberts Ltd., London, to Colonial Office, 14th May:—

"With further reference to our letter to you of May 4th, we have now pleasure in informing you that we have to-day received a cable from our East African Works, of which the following is a copy":—

"Priority Committee's recommendation received yesterday follows—Lamberts have the only engineering works in the country is recommended all indents required for maintenance of machinery be allowed if such items are permissible signed Eastwood. Make every endeavour to expedite, position very serious. Lamberts."

Colonial Office to Ministry of Munitions, 18th May:—

"I am directed by Mr. Secretary Long to transmit to you, to be laid before the Minister of Munitions, the accompanying copy of further correspondence with Messrs. Lamberts Ltd., and to request that, in view of the recommendation of the local Priority Committee, special consideration may, if possible, be given to the indents which accompanied the firm's letter of the 4th of May."

Ministry of Munitions of War to Colonial Office, 26th May:—

"I am directed by the Minister of Munitions to state, for the information of Mr. Secretary Long, that the recommendations of the local Priority Committee have been given careful consideration but that it is regretted that, in view of the urgent War orders already placed with the principal makers of machinery, he cannot at the present time sanction the issue of a permit for the machinery required by Messrs. Lamberts Ltd."

On August 30th I addressed the Secretary of State forwarding a report prepared by a special sub-committee of the Nairobi Chamber of Commerce dealing with the question of applications for priority assistance in procuring supplies of materials from the United Kingdom. In this despatch I stated that it was the fact that considerable loss must be incurred if the existing procedure adopted by the local Priority Committee were rigidly adhered to, and I trusted that it would be possible for special representations to be made to the Minister of Munitions, having regard to the serious check to local enterprise which must necessarily follow the strict interpretation of their instructions which had hitherto guided the local Priority Committee in its consideration of indents.

On September 26th, I addressed the Secretary of State again by cable and enquired whether priority might be recommended for new equipment for estates now arriving at the stage where new plant was essential for their development. The Secretary of State replied to that despatch and this telegram on November 28th as follows:—

"Your telegram 2/9, No. 641, your despatch 30/8, No. 503. Local Priority Committee may make recommendations in special cases if it sees fit where plant, &c., considered absolutely essential to save from ruin estates or valuable crops. Ministry of Munitions may have to refuse in many cases and ask that Committee will bear in mind that applications should not be submitted in connection with crops or products for which tonnage not likely to be available."

On November 28th I telegraphed as follows to the Secretary of State:—

"In view of importance of increasing Protectorate's food production scarcity of agricultural implements and the shortage and high local price of iron strongly urge that indents for agricultural implements and machinery for cultivation and harvesting of cereal crops may be given priority and that I be authorised to instruct local Priority Committee to issue certificates accordingly."

and in due course received the following reply, dated 19th December:—

"Your telegram 28th November, 926. You are authorised to instruct local Priority Committee as proposed subject to point referred to in last sentence of my telegram of 28th November."

Turning now from the general subject of the difficulties we have experienced in obtaining machinery and appliances for raising and harvesting our economic products, I will deal separately with the products themselves. These may be roughly classified under three distinct categories, namely, firstly, those crops which can be produced locally, which are required for local consumption but which have hitherto been imported from overseas; secondly, crops and economic products which are required for Imperial purposes outside British East Africa and of which a quantity in excess of our requirements can be produced locally; and, thirdly, commodities which until recently found a ready market outside British East Africa but which are not considered essential for Imperial purposes at the present time and for which shipping space cannot be made available.

Under the first heading the most important are probably wheat, rice, and sugar. The Secretary of State for the Colonies has, in connection with the present shortage of shipping, drawn special attention to the necessity for increasing the amount of foodstuffs produced locally for local consumption, and the Agricultural Department has been directing its attention to this important matter. As regards wheat, the Chief of the Economic branch of the department has been detailed to assist in the matter of increased production and is at present engaged on those duties. A notice was published in the Official Gazette of 28th December, announcing that for three years from 1st December next the importation of wheat and wheat flour would be prohibited except on licence, that licences would only be granted to meet deficiencies in the local supply, and that maximum prices would be fixed at rates which would ensure growers and millers a legitimate profit and consumers a reasonable price. On this pronouncement the principal local milling firm has guaranteed to take over all the wheat produced at a fixed price, and it is hoped that the stimulation of the wheat growing industry by these means will not only render us independent of outside supplies for so long as the shortage of shipping continues but will also serve to place it on a firm and permanent footing as one of the principal industries of the country.

The question of rice production has also been taken up. The Department of Agriculture is providing seed rice which is being issued under supervision to natives in various districts. I have recently visited the Coast where I went fully into the question with the Provincial Commissioner of the Seyidie Province. In the Vanga district the matter is well in hand, and provided the Umba river rises, as may be reasonably expected, a fair crop should be assured. I have entrusted the question of rice production in the remainder of the Province to two officers, one of whom is Sheikh Ali bin Salim, Assistant Liwali of Mombasa, who has always greatly interested himself in the subject and whose influence amongst the Arabs and natives of the Coast is well known. I hope too that some definite scheme will soon be completed in the Tanaland Province.

Trials with "hill" rice are being carried out throughout the Highlands under the auspices of the Agricultural Department, and the production of "swamp" rice in the Nyanza Province is similarly receiving attention.

The successful production of sugar on a large scale is a more difficult problem because of the large amount of capital required for the necessary factories and the fact that the industry is very highly specialised. There are, however, indications that the matter is engaging the attention of persons interested in it, and it is hoped that it will be taken up seriously before long.

In the meantime the arrangements made for the importation of essential foodstuffs, to which I alluded at our last meeting, continue to work satisfactorily.

With regard to the second and third classes of commodities to which I have referred, namely exportable products, the position is that we are already producing as much as can for the present be exported owing to shortage of shipping space. It is to deal with the question of shipping that the system of shipping control, which I explained at length at the October session, was introduced. I then stated that I was in correspondence with the Secretary of State on the subject of the appointment of a local sub-committee, with Government representation, at Mombasa. The formation of that sub-committee was duly approved, and it has now been in existence since the end of October. The very difficult duty of allocating cargo space to "Priority Cargo" and "sundries" is being carried out satisfactorily by that sub-committee.

The question of dealing with exports from German East Africa is at present under consideration, and I trust that a satisfactory arrangement will be arrived at whereby either the cargo space allotted to Mombasa is increased or a definite tonnage allotted to the recently conquered territory.

I have been informed that the Imperial Government has appointed a Committee to investigate the best means of developing the growing of cotton within the Empire, and I have furnished the Secretary of State by telegram with certain information as to the possible production in British East Africa which was asked for by that Committee.

I have also been informed that the British Government is setting up a Committee to consider the question of encouraging the growth of flax within the Empire including British East Africa. I have recently reported to the Secretary of State that considerable areas are being put under flax and have asked whether it will be allowed to rank as priority cargo.

The existing shortage of native foodstuffs, notably maize and beans, to which I shall presently allude, has for the time being completely obliterated this Protectorate as an exporting proposition. I trust however that in a few months' time the position will have changed and that an excess of local production above local consumption will provide a source of supply to the world's markets.

In March last year this Government enquired of the Colonial Office whether minimum prices could be guaranteed for maize and beans, stating that it was believed that 20,000 tons could be secured. The outcome was that we were informed that the Royal Commission of wheat supplies would purchase 130,000 bags or any exportable surplus of maize from the 1917/18 crop at a minimum price of 11/8d. a bag at Kilindini but that His Majesty's Government was not prepared to purchase beans. We were subsequently informed that the maize price could not be guaranteed in the case of the 1918/19 crop and that no encouragement should be given to extended cultivation in that year for the London market.

With regard to beans, enquiries were then made as to whether arrangements for purchase could be made with one of the Allied Governments. The reply was, however, in the negative.

Coffee is essentially a commodity which comes under class 3 of our local products. It is not considered necessary for Imperial purposes at the present time, and its importation into the United Kingdom is prohibited except under special licences. As, however, coffee is one of our most important local industries, the question of taking steps to preserve it was fully debated by this Honourable Council in May and June last with the result that the Imperial authorities were moved to relax the prohibition on its importation and to provide shipping facilities to a certain limited extent for its transport to the London market. In addition, the Colonial Office approved of financial assistance being afforded to planters who were unable to dispose of their crops.

As regards the arrangements approved for the export of coffee, the greater part of the 1916/17 crop has been freed from import restrictions into the United Kingdom, and efforts are being made to liberate the balance and to obtain some concession for the 1917/18 crop, while freight space amounting to 500 tons per steamer has been secured for "sundries" from East Africa, of which a considerable proportion has been devoted to coffee. Attempts are also being made to open out and develop a trade with South Africa, and the Union Government has been approached on the question of substituting East African for Brazilian coffee as far as possible. As regards financial assistance, the Protectorate Government has been authorized to expend up to £12,500 in assistance to planters crippled by the prevailing conditions. This assistance takes the form of an advance of a sum not exceeding £25 per ton of clean coffee at the Bank rate of 8 per cent. against the security of the coffee. So far, very few applications have been received, but it is understood that the fact of advances being obtainable in case of necessity has enabled planters in many cases to secure help from other sources.

Speaking generally on the subject of East African products I would state that in June last, in a communication to the Secretary of State, I commented on the importance, from an Imperial point of view, of keeping British Colonial industries going. I can assure Honourable Members that the East African situation is known to the Secretary of State and that every representation from this Government has been carefully considered in consultation with the Imperial authorities concerned, and I can only repeat what I said at the last Session that it is impossible for us locally to judge the relative importance of the requirements of the Imperial Government, and that beyond placing our case before them and keeping them informed of new developments, it is difficult to see what more can be done to assist local industries. The War Council and the District Committees provide the necessary organisation for keeping Government fully informed of the local position.

So far as has been compatible with military requirements the General Officer Commanding-in-Chief and his Staff have invariably extended the most sympathetic consideration to the requests preferred by the Civil Government on behalf of the colonists. Thus a certain number of military waggons and other ordnance stores have already been sold by auction, and arrangements are being made to forward others to Nairobi for disposal.

Similarly, arrangements have been made for the sale of immune oxen, and the services of the Military Livestock Department have been put at our disposal in connection with a scheme inaugurated by the Civil Government to purchase oxen in the native reserves through the provincial authorities for re-sale to settlers for agricultural purposes.

I have also been informed that a salvage corps is being sent out by the War Office to decide on the disposal or removal of military stores generally, and it is proposed that arrangements be made for the sale to settlers on easy terms of such stores as may be available and which are required by them. I am unable for the present to give any details of this scheme which must await discussion after the arrival of the representatives of the War Office.

At our last Session I referred to the Director of Agriculture's visit to South Africa for the purpose of purchasing livestock for eventual re-sale to settlers. Mr. MacDonald has now returned, having obtained 65 bulls of various breeds which will be kept for a time at the Naivasha Government Stock Farm before being disposed of.

I was able at our last Session to inform Honourable Members that Serenli on the Upper Juba has been reoccupied by forces under Lieut-Col. Barrett at the end of September. Preparations were at once made to punish the rebellious Aulihan Somalis, and active operations commenced at the end of the year. These operations were a complete success; by the middle of last month all sections had surrendered. The principal ringleader, Abdurrahman Mursaal, has unfortunately escaped into Abyssinian territory with a few followers, but the remaining leaders have been handed over, over 5,000 camels have been captured, and all the late Lieut. Elliot's personal effects have been recovered. Abdurrahman Mursaal's village was completely surprised, and amongst the loot were 600 filled waterpots which were apparently in readiness for a general retreat across the river. A fine will be imposed on the tribe, the leaders will be tried and dealt with, and other conditions of the acceptance of the surrender will be considered.

I will now deal with the question of shortage of native food in the Protectorate and explain the steps which have been taken by Government to deal with it.

Early in December, owing to the failure up to that date of the October-December rains, and the knowledge that in certain places the heavy rains which had continued up to October had destroyed some of the crops which should have been harvested before the small rains, enquiries were addressed to the Provincial Commissioners on the subject of the food prospects throughout the Protectorate. The replies in nearly all cases were to the effect that if good rains fell in December or even during the first half of January (last month) a sufficiency of food was expected. Unfortunately there was no rain in December, and, except in parts of the Nyanza Province and Teita, no rain of any help to the crop fell during January. At the end of December I appointed a Food Shortage Committee to go into

the question of the native food supply and to make recommendations. The Committee at once set to work with a view of obtaining all possible information from all parts of the Protectorate. The earlier replies received by the Committee were to the effect that serious food shortage was threatened in the Nyika Reserve of the Seyidie Province, and also in parts of the Kenya Province, but in the latter case it was intimated that if sufficient rains fell during the first half of January the position would not be so serious. The hoped for rains did not come, and later reports were received to the effect that the position had become serious. In practically all the districts the grain crops which would normally have resulted from the October-December rains, had these been successful, have failed.

Early in January I reported the threatened famine to the Secretary of State and asked whether we could rely on assistance from South Africa, and if it became necessary to import grain from there that the necessary shipping might be arranged. The necessity arose, and matters were arranged through the agency of the Royal Commission on wheat supplies, with the result that I was informed that a ship would be despatched with 3,500 tons of grain and that our further requirements would be met by subsequent monthly shipments. The first ship is expected in Kilindini before the end of this month. Arrangements are now being made to receive and deal with supplies and to despatch them to the nearest points of distribution with as little delay as possible. The Committee is also dealing with the question of a depôt at Nairobi and the distribution from stations on the railway lines from which delivery can be effected to those who require it. It is proposed to distribute the grain on the following lines:—

- (a) To employers of labour desiring same for their labour. The grain to be supplied at cost price landed at any particular railway station.
- (b) To natives through District Commissioners on payment of cost of same landed at nearest point of distribution.
- (c) Through the medium of traders to whom grain will be sold at cost landed nearest railway station, on condition, however, that such traders are limited in the amount of profit they shall make in retailing same.
- (d) Through Mission Stations to whom grain will be supplied at cost price landed at nearest Mission Station.

The cost price at any particular station will mean the first cost of grain f.o.b. at a South African port, shipping, landing, and other charges at port of entry, handling in and out of godowns, railway charges, and handling charges at interior stations, also a small percentage to cover loss of grain in transit. Although the present intention is to meet the situation by issuing the grain to natives on payment, it is possible that later on, should drought continue, it may be necessary to commence special famine relief works. The Director of Public Works is drawing up a schedule of proposed works in case the necessity arises. Under the present intentions the Public Works Department will arrange to employ men under sanctioned heads of expenditure when the men will not only be fed but can, in case they so require, draw food in payment of services for the use of themselves or their families. Irrigation works in some of the native areas have already been started by District Commissioners.

Should any Honourable Member desire further and more detailed information on the subject of the food shortage, Colonel Ainsworth, the Chairman of the Famine Committee will be happy to supply it as well as to consider any suggestions that may be put forward for dealing with the position.

I have so far received no replies to my despatches forwarding the Report of the Special Committee of this Honourable Council on electoral representation thereon, and the petition for unofficial representation on the Executive Council. These matters are doubtless still under consideration, and, though it is not to be expected that the Imperial authorities will be able to give a decision on the subject of the alteration of our Constitution at a time when such far weightier problems are engaging their attention, the opinions expressed locally on the subject are at least on record and ready to be dealt with when the opportunity arises.

Similarly, the new system of civil administration whereby the country was to be divided into native and non-native areas, to which the late Governor alluded in his Address to Council on February 12th last year, has not yet received the approval of the Secretary of State.

It would still be easy to recast the estimates of the Provincial Administration and of the judiciary so as to give effect to the proposals put forward by Sir Henry Belfield. But the administrative staff is now very shorthanded, and the majority of those on duty are overdue for long leave, and I have reluctantly come to the conclusion that under present conditions it would not be possible to introduce any radical change. The following was the state of the administrative staff (Provincial Commissioners, District Commissioners, and Assistant District Commissioners) on the 1st of this month:—

Sanctioned Staff	...	...	141	(to fill 114 posts and provide a small margin for leave).
Actual Staff	...	...	119	
Vacancies	...	...	22	

Of the 119 on the strength, 15 were on leave, 9 were on active service in Europe, 14 on active service with East Africa Expeditionary Force, leaving 81 available for civil duty. Of the 81, 3 were detached for special work, leaving 78. The sanctioned number of posts is 114, and there were thus 36 vacant posts. The total number serving locally in a civil capacity or with the Expeditionary Force was 95; of these 59 were overdue for long leave.

The Report of the Special Committee of Council of the Rent (War Restrictions) Bill figures on the order of the opening day of this Session, and I understand that reports of other Committees may be expected before we adjourn. The following is a list of the remaining outstanding reports:—

Electric Power Bill;

Registration of Business Names Bill;

Civil Procedure Bill.

Registration of Coffee Plantations and Coffee Dealers Bill;

Resident Natives Bill;

Companies Bill; and

Crown Lands Amendment Bill.

The Reports of the Economic Commission and the Land Settlement Commission have not yet been presented to Government.

In connection with the Honourable Mr. Clarke's motion which appears on the order of the day on the subject of the appointment of a Commission of Inquiry into the general conditions of the Civil Service, I should like to state that I have been in communication with the Colonial Office on the subject not only of the permanent conditions of service but also of the grant of special war bonuses or allowances, and I have been authorized to announce that the principle of such special allowances is accepted by the Secretary of State. In the event of the Commission being appointed as a result of the Honourable Member's motion I propose to include in its terms of reference a special direction on the subject, and I trust that it will be possible for definite recommendations on this important point to be made at a very early date in order that immediate steps may be taken to alleviate the existing hardships. Such special war allowances can, in my opinion, be properly charged to the War Expenses account and will not therefore present the same difficulties as the provision of funds for the permanent improvement of salaries.

Twelve new Bills figure on the order of the day but the majority of them are not very lengthy and, I hope, of a non-controversial nature, and one or two more will be introduced later during the Session. Included in the number is the Public Health Bill which will require very careful and wide consideration before being brought into force. It is proposed, if the second reading is agreed to, to refer it to a Special Committee and to proceed no further with it at the present Session. I trust that it will be possible to dispose of the remaining bills before we adjourn. The Honourable Members to whom they have been entrusted will in due course explain the objects of the proposed measures and the necessity for introducing the legislation at the present time.

The Honourable the Treasurer's budget statement in connection with the Appropriation Bill has already been circulated to Honourable Members.

I very much regret that the preparation of the Estimates for the forthcoming financial year has been so long delayed but not only are all Government Departments considerably under strength at the present time but it has been a matter of considerable difficulty to find the Revenue necessary to balance the estimated Expenditure. I hope that the Estimates will be subjected to the closest scrutiny, and the Treasurer has been instructed to have in readiness the original Estimates as submitted by Heads of Departments and other documents referring to the budget in order that every possible information may be available. I also propose to appoint the Director of Public Works as an extraordinary member of Council for the purpose of the discussion on the estimates, as the expenditure incurred by his Department depends to a very great extent on what may be decided with regard to other Departments. The Draft Estimates have not yet been sent forward to the Secretary of State.

I do not propose to refer now to the details of the budget, but I wish to state that increases of certain emoluments which would probably have otherwise been included have been purposely omitted in view of the probable appointment of a Commission to enquire into the whole question of salaries and other conditions of service.

I propose that during the present Session we should sit in Council or in Committee of Council every morning for so long as there is any business which can properly be thus dealt with and that the afternoons be left free for Special Committees and for meetings of any Commissions on which Honourable Members may be engaged. I trust that by this procedure the business of the Session will be expedited with the least inconvenience to Honourable Members themselves.



## PRESENTATION OF PETITIONS AND MEMORIALS.

The following Papers were presented and laid on the Table:—

Embu Commission Report.

Financial Report 1916-17.

Petition from East Africa Women's League on Women's Suffrage.

The petition was read.

## QUESTIONS AND ANSWERS.

THE HON. P. H. CLARKE put the following question:—

What monies have been granted by Government towards improvements and developments within the township of Lamu within the last year; whether any such monies take the form of an annually recurring grant, and if so, what is the amount granted annually and for how many years has the grant been made; and, also, if such grant has been made, on what improvements or developments has the money been expended.

THE HON. THE TREASURER replied:—

“There is no vote described as for improvements and developments within the township of Lamu, but there is an annually recurrent vote for Conservancy Charges (Township of Lamu), which appears as Item 119 of Head VI (Provincial Administration) of the Sanctioned Estimates.”

“The following is a statement of the votes and of the actual expenditure:—

Year.	Vote.	Actual Expenditure.
1911-12	£ 200	£ 198
1912-13	200	200
1913-14	200	201
1914-15	200	203
1915-16	200	219
1916-17	300	297
1917-18	300	(year not finished).

“The money has been expended on wages for a clerk, lamp lighters, sweepers, incinerator gangs, oil, and other necessary articles for lighting and cleansing the town, on putting in drains and improving the sea front road.”

THE HON. P. H. CLARKE also put the following question:—

1. What new roads have been made on the Island of Mombasa during the year 1917-18 and at what cost?

2. What roads have been repaired on the Island of Mombasa during the year 1917-18 and at what cost?

3. What amount is still available from the £5,000 allocated from the last Estimates for roads on the Island of Mombasa?

4. What amount has been expended from the amount allocated as “contribution to war funds” on account of damage done to the roads on the Island by Military motor waggons, etc.?

THE HON. THE ACTING CHIEF SECRETARY replied:—

*Question 1.* The reconstruction of the first portion of Kilindini Road and an extension of Rogers Road have been completed at a cost of Rs. 8,000 (£533-6-8).

*Question 2.* Repairs have been carried out on Rogers Road, Corporation Road, Commercial Street, Salim Road, Vasco da Gama Street, Station Road, Tritton Road, Sheriff Bhai Street, and Bazaar Roads and Drains, at a cost of Rs. 14,900 (£933-6-8).

*Question 3.* The amount available from the £5,000 allocated from the last estimate for Roads on Mombasa Island, is Rs. 67,000 (£4,466-13-4).

*Question 4.* Reconstruction near the Law Courts, and repairs to Kilindini Road, Ras Serani Road and Coast Road have been carried out, and the balance of ballast collected still available for work under this warrant is, lime stone 16,000 cubic feet, and coral 38,000 cubic feet, the total expenditure being Rs. 14,700 (£980).

THE HON. W. MACLELLAN WILSON put the following question:—

What steps are being taken to draft legislation with regard to the control of beer drinking by natives.

COLONEL THE HON. J. AINSWORTH replied:—

"Legislation to control the manufacture of intoxicating liquor has already been passed. I refer to the Native Liquor Ordinance, 1915, and the Coconut Trade Ordinance, 1915.

These Ordinances have however not been brought into force as yet owing to the impossibility of obtaining the necessary staff to carry out their provisions.

Further legislation is being prepared and it is hoped will be introduced during this Session.

#### QUARTERLY RETURNS OF UNFORESEEN EXPENDITURE 1916-17 AND 1917-18.

THE HON. THE TREASURER laid on the Table Statements of Unforeseen Expenditure for the quarters ended the 31st of March, 1917, and the 30th of June, 1917.

He proposed the following motion:—

Whereas it was found necessary to incur expenditure for which no provision was made in the approved Estimates for the year 1916-17 amounting to £90,166-4-2 during the period from 1st January, 1917 to 31st March, 1917, as more particularly set forth in the statement laid on the Table, it is hereby resolved that this Council do approve such expenditure.

THE HON. ACTING CHIEF SECRETARY seconded.

The motion was put and carried.

THE HON. THE TREASURER also proposed the following motion:—

Whereas it was found necessary to incur expenditure for which no provision was made in the approved Estimates for the year 1917-18 amounting to £6,291-10-5 during the period from 1st April, 1917 to 30th June, 1917, as more particularly set forth in the statement laid on the table, it is hereby resolved that this Council do approve such expenditure.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The motion was put and carried.

#### MOTION.

THE HON. P. H. CLARKE proposed the following motion:—

"That in view of the importance of maintaining and advancing the progress and resources of the East African Protectorate, recognising how essential a competent and efficient Civil Service is to meet and assist towards such an end, and recognising how necessary it is that Civil Servants should receive such remuneration as the nature of their services and the requirements of the country demand, also with the object of ascertaining what grounds exist for the unrest and feeling of dissatisfaction with the terms and conditions of their employment, that I understand is prevalent at the present time amongst all branches of the Civil Service of this Protectorate I beg to move:—

"That HIS EXCELLENCY THE ACTING GOVERNOR be asked to appoint a Commission under the Commissions of Inquiry Ordinance, 1912, to inquire into the general conditions of the Civil Service and the adequacy or otherwise of the remuneration attached thereto, also to ascertain the reason of any feeling of dissatisfaction that exists at the present time and to report as to the necessity or otherwise of improving the conditions and remuneration attached to the Service and to make any recommendations that may be necessary for the immediate treatment of such matters of special urgency."

He said he had no doubt in his mind as to the responsibility of the public to Government servants, and he thought by bringing that motion it proved that the public accepted that responsibility. The public had a certain duty to perform. They had to be satisfied that the public servant was properly paid, that he was satisfied with his position and prospects, otherwise the Government service must suffer. It was unfair to the Government servant and it was unbusinesslike on the part of Government and unfair to the public that a Government servant should take up his time and brain power, which should be employed in the service of the country, in worrying over personal financial matters as to how he was to pay his premium on his insurance and as to how—as one Government official had told him the other day—he was to provide the necessary funds to repay the money he had borrowed to bring his wife and family out and save up enough to take them home again. It was also extremely dangerous that a Government official should be in such a position. It was also a scandal that a widow of a Government official, who might have served many years and well, should be in such a position as to have to write into Government and plead destitution to obtain a few pounds to enable her to leave the country. There was also the other side. The public recognised their responsibility to the Government servant, but the Government servant must also recognise his responsibility to the public. He thought he was right when he said that the public demanded one thing only and that was efficiency. It was not unknown that there were many instances of young men coming out to East Africa to join the Government service full of zeal and ambition, who after a few years became slack and certainly did not do all they gave hopes of doing when they came out. Some people might say the climate was the cause of it. He did not believe it. He believed it was the system which had gone on during the past few years before the war, that of centralisation. That system took all responsibility off individual Government officers, and it turned the Government official into nothing more or less than a forwarding agent for letters to and from the Secretariat. He thought that the service would improve tremendously if that centralisation were done away with and officers, no matter whether

big or small, were made responsible for their work. There was also the want of co-ordination between different departments. Owing to want of co-ordination, work was held up and delayed considerably. It should not be necessary to take 18 months or more to arrange the sale of a few urgently required residential plots. They did not want the Treasury officer to write long letters to himself as Transport officer because he happened to be performing the latter duties also. They did not want a mass of impracticable schemes put up for a quarantine station at the port thereby necessitating the presence of 5 or 6 hundred contacts on the Island of Mombasa. They did not want irksome rules and regulations to drive trade away from the country. What they wanted was co-ordination and efficiency. There also seemed to be an idea—he hoped he was mistaken—that a Government servant was assured of his position. That should not be. Freehold should be freehold only so long as an officer was efficient and capable of performing his duties in an efficient manner. When incapable of doing that, he should be relieved of his position, which had not always been the case in the past. He was sure that if the Government servant, settler, and trader only joined together for that efficiency, the Empire and the settler and the trader and East Africa would benefit.

THE HON. A. C. HOEY seconded.

The motion was put and carried.

THE HON. W. C. HUNTER proposed the following motion:—

“That with a view to a better appreciation and discussion of the annual Estimates when presented to the Legislative Council as a whole, and for the purpose of considering the Estimates as originally put forward by the various Heads of Departments a financial committee of the Council be formed on which the unofficial members be entitled to sit.”

He said that there were three points in connection with the motion which he would like to emphasise. The first was the position in which the unofficial Member of the Council was placed with regard to the Estimates. The fact that he was called upon to criticise a vote on the various details of expenditure involved a responsibility which he was unable properly to exercise, because in very many cases he was not taken beforehand into the confidence of the Government as to the policy which dictated such expenditure. That drawback was emphasised in the present year's Estimates which contained, especially in the Agricultural and Medical votes, items which clearly indicated a new policy, the full significance of which the unofficial Members were unable to approve because of lack of information; as a result they could not form a proper judgment as to the necessity of the inclusion of various items of expenditure to the exclusion of others which from their knowledge of and belief in the resources of the country might appear to them of great importance. If a Committee such as he suggested were formed, and the unofficial Members had the advantage of ascertaining from Heads of Departments not only the actual sums asked for by them in their original estimates but their reasons for including such sums, it was his firm belief that the knowledge and experience of the unofficial Members in their various spheres of life in different parts of the country would be of immense assistance to the Government in framing the Estimates for presentation to the Council. After all, the responsibility for voting the money rested with the Council, and to exercise a vote intelligently it was necessary to have knowledge of the facts. It might be said that the unofficial Members could ascertain the facts beforehand from the Heads of Departments. He could only say that when last week the unofficial Members were considering the Estimates and realised to the full the handicap under which they were labouring they asked one Head of Department to meet them and explain matters, only to be met with the answer that he could not do so. He submitted that that was a very strong argument for the formation of a Financial Committee.

The second point he wished to emphasise was the growing importance of agriculture and commerce in the country. He had tried to show that the unofficial Member could not properly exercise his responsibility in the matter of his vote, because he was in many cases ignorant of the policy of the Government and of the reasons for that policy. The door leading to the Executive side of the Government was shut, barred, and bolted. He submitted that, if only because of the increasing importance of agriculture and commerce, a Committee such as he suggested was an urgent necessity, because the knowledge and experience of those matters acquired by those whose daily bread depended upon them was lacking to-day in the inner councils of Government.

Thirdly, he would emphasise the increased saving of time which the appointment of such a Committee would effect. To-day the unofficial Members came there with a large volume of Estimates which from lack of knowledge and explanation they were unable properly to digest. As a result they were compelled to take up a large amount of the Council's time in the difficult task of endeavouring to extract information at the last moment in a vain endeavour to realise their responsibility. The result was that very much more time was expended, in his opinion unnecessarily expended, because if they had the right to gain their knowledge and submit their views beforehand there was no doubt that the passing of the Estimates would be smoothed and simplified. In dealing with the matter, he appealed to His Excellency and all Members of the Council to endeavour to realise the very great difficulties of the unofficial Members and to lend their support to the motion which he had proposed.

THE RIGHT HON. LORD DELAMERE seconded.

He said that the revenue of £100,000 from the Railway surcharge and other revenue amounting to £16,500 was derived from direct taxation of the community. It was called a war measure, but it was not asked for to meet War Expenses but to meet a deficit in the Budget for 1918-19. That deficit was not directly caused by any loss in revenue but by the fact that expenditure had increased by £108,000. Although it did not directly arise from the war, yet indirectly the money had to be raised because other sources of revenue had failed owing to a state of war. The unofficial Members felt that this method of collecting revenue was a good one, as it brought in a large sum which was widely divided among the community and the tax cost nothing to collect. They also felt very averse to opposing a measure which arose out of the war directly or indirectly. Most of the extra money for which this revenue was required was to be spent for the betterment of conditions and by the departments which served the public needs. The increase in the cost of Education, Agriculture, Medical, and Communications ate up the whole of the money raised by that vote. It was right that the money raised by the direct taxation of the people of the country should be spent on those matters which prepared the country for its future struggle for existence. But what did not seem to them (the unofficial Members) right was that the people of the country should be taxed unless they had a much greater degree of representation in the Councils of the country. They believed that the Members of that Honourable Council should be elected by the community, and not nominated. They believed that at least two unofficial Members of the Legislative Council should be placed on the Executive Council so that they could keep in touch with the spending of the money and be present at the deliberations which proposed how revenue was to be raised and what expenditure was necessary. They also believed that the final framing of the Estimates would be much improved if the Executive Council were advised by a Financial Committee of the Legislative Council. It was true that the Executive Council was responsible for the Estimates, and that that could not be altered without a change in the Constitution, but he could see no reason why His Excellency the Governor should not call a Financial Committee of the Legislative Council to advise the Executive Council in drawing up the Estimates from the original proposals put forward by Heads of Departments. But if the unofficial Members were given at least two seats on the Executive Council, he was sure some modification of the method of framing the Estimates would sooner or later come by consent, so what they asked most was that His Excellency should cable to the Secretary of State for the Colonies to say that, direct taxation of the community having been introduced for the first time, the unofficial Members of the Legislative Council asked that at least two of their number be placed on the Executive Council and that, as soon as war conditions permitted, the principle of elective representation be introduced. They would ask His Excellency to hold the vote in abeyance till a reply was received.

THE HON. THE ATTORNEY GENERAL said that he appreciated the difficulties of the unofficial Members in dealing with the Estimates in the way in which they were presented to Council at the present time. Unfortunately they were bound by the constitution of the country which divided the legislative and executive functions. It was the duty of the Executive Council to prepare the Estimates and place them before the Legislative Council which approved or disapproved as the case might be the method in which money was to be spent and the means by which the money was to be found. As the circumstances of the country stood at the present time, he was of opinion that the motion of the Honourable Member for Nairobi could not properly be accepted by Government. Whether in the future some other and better form of constitution could be provided was another matter.

THE PRESIDENT said that with regard to the first point, *i.e.*, direct taxation, he did not agree that any of the new sources of revenue proposed by Government could be correctly so described. The special railway surtax was one that could be imposed by executive authority and not by law which had to come before in the case of taxation, licences, fees, &c. He thought that if it had been the intention of Government to rush the Estimates through as a Government measure, without giving unofficial Members opportunity of criticising them, and if it had been the intention of Government to disregard any recommendations or suggestions concerning them which might be put up, there would be ample justification for the immediate request for some modification of the Constitution, but that was not the intention of Government. The intention of Government was that the Estimates should be debated fully and with the greatest possible publicity. With regard to the request that the Secretary of State for the Colonies should be approached asking him to give effect to the request that two unofficial Members should be appointed to the Executive Council, he would give an assurance that he was prepared to do so at once, but he would remind the Right Honourable Member that the request as sent home was to the effect that the appointment of unofficial Members to the Executive Council should come in together with the grant of the privilege of electoral representation. He now gathered that, owing to the delay in providing the elective system, the unofficial Members considered it desirable for two nominated members to be appointed to the Executive Council without further delay. On that assumption he would be very pleased indeed to wire home. He regretted very much that at present time he could not worry the Secretary of State to give an assurance that the matter of electoral representation would be taken up immediately after the war. They had already been assured by the Secretary of State that the principle of electoral representation had been approved by him, and would be introduced when a convenient time offered, but he could not, during the present crisis when, as he had said in his opening remarks, the whole of the time of officials of the Crown at home was taken up with far weightier subjects, ask the Secretary of State to take up the question of the alteration of our Constitution. The electoral system would be introduced

in due course, and he thought they could rely upon that assurance. He thought that the sympathetic treatment which the Protectorate had received during the war from the Secretary of State for the Colonies and Heads of other Imperial Departments was ample evidence that due attention would be given to their requests at a more appropriate time.

The motion was lost by 5 votes to 9.

#### THE WITCHCRAFT AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Witchcraft."

He said:—The object of the Bill is in the first instance to remove the difficulty found under the present law of obtaining convictions of individuals who by posing as persons who can exercise supernatural power, sorcery or enchantment cause considerable fear, annoyance and injury in mind, body or estate to natives in the Reserves.

The principal Ordinance provides that any person who holds himself out as a witch-doctor, etc., for purpose of gain, or any person professing a knowledge of so-called witchcraft or of charms who shall advise any person how to bewitch or injure persons or property shall be guilty of an offence. Fear and superstition amongst natives have as a general rule acted adversely in the way of evidence, and it has been found under the provisions of the existing Ordinance almost impossible to convict in such cases. It is therefore sought to make the proved possession of charms used in connection with what we know as witchcraft or black-magic an offence.

Secondly the intention is to cut at the root of the practice of witchcraft by making the possession of the ordinary stock in trade of a witch or wizard an offence.

Clause 4 of the Bill provides for an exception in the case of the possession of so-called benevolent charms and further of providing an exception in the case of non-natives possessing charms as curiosities.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE TOWNSHIPS AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Township."

He said that under the East Africa Townships Ordinance, 1903, the Government had power to make general rules which might be applied to townships generally and also to make rules which might be applied to a particular township. There was no express power under that Ordinance to apply rules made with regard to one particular township to another township. There should be express power to the Government to apply to one township a code of rules or codes of rules which have been made specially applicable to any particular township. To take a concrete instance that of Nairobi itself, a very long and complete set of rules had recently been promulgated, but there was no power to apply them to another township. Any such application would entail the reproduction of the existing rules *in toto*.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE SUPPLEMENTARY APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to supply a further sum of money for the service of the year ending the 31st of March, 1917."

He said that the object of the Bill was to obtain legislative sanction for excesses which arose on certain heads of expenditure for the year 1916-17 and which were referred to in para 9 of the Financial Report.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE PUBLIC HEALTH ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for securing and maintaining Health."

He said:—That the necessity for some general provision regarding Public Health had been frequently demonstrated and the demand in the past had generally become more insistent when an outbreak of plague has occurred. The provisions of the East Africa Townships Ordinance, 1903, have given very wide powers to the Governor to issue rules dealing with the health of townships but at present there is no provision for dealing with matters relating to Public Health outside townships save that contained in the Infectious

Disease Ordinance, 1903, and its amendment of 1917. This Bill is an attempt to provide such provision. The procedure contained in the Bill, apart from definite provisions on specific subjects, is to leave extensive powers to local authorities who are supervised in some measure by a Central Health Board. A local authority's powers include power to make bye-laws with regard to the matters set out in Clause 21 of the Bill and the Central Health Board's powers include a power to see that the local authority does its duty and if not to do it for them and at their expense.

One important part of the Bill provides for the segregation of races which all sanitary experts consider desirable in this Protectorate. Part III of the Bill deals with general sanitary provisions and includes matters relating to sewers, drains, scavenging, mosquitoes, the keeping of animals and the disposal of carcases, markets, slaughter houses, washermen and fouling water.

The next part of the Bill deals with specific matters in relation to the habitation of buildings.

In Part V is contained provisions regarding nuisances and offensive trades.

An important part of the Bill is that which embodies the provisions regulating the sale, storage and distribution of food. In these provisions those governing the milk business are perhaps of most general importance. The need for these provisions has been felt acutely even in townships which by rules endeavoured to secure a pure milk supply but find themselves handicapped by not having power to regulate dairies situated outside the township area.

Part VII of the Bill includes all the existing legislation regarding Infectious Disease together with the powers exercisable by local authorities for the prevention of infectious disease and the provisions of hospitals.

Part IX of the Bill deals with streets and buildings. These provisions are numerous and important dealing as they do not only with the upkeep of existing public streets but with private streets and the acquisition of land for opening or improving streets. The latter provisions give power to acquire sufficient land to pay for the suggested improvements by reason of its enhanced value due to such improvements. The Bill is designed to apply to the Protectorate the usual provisions relating to Public Health in force elsewhere together with those extra provisions which the mixed nature of our population and existence of dangerous endemic diseases render necessary.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE WEIGHTS AND MEASURES AMENDMENT ORDINANCE, 1918.

THE HON. THE TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the East Africa Weights and Measures Ordinance, 1912."

He said that the object of the Bill was to give effect to a proposal which originated in the Nairobi, Kisumu and Mombasa Chambers of Commerce to the effect that the standards of weight should include 100 lbs. *avoirdupois*.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE NATIVES ARMS ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to regulate the carrying of Arms by Natives."

He said:—The main object of this Bill is to restrict the possession and carrying of arms by natives when out of their Reserves. In the Reserves themselves we have, under the Native Authority Ordinance, the necessary legislation to achieve what we now deem necessary in the case of natives when they are outside their Reserves.

Regulations are also already in force under which the carrying of arms by natives in townships is made an offence. There, however, exists no legislation at present under which the possession or carrying of arms in other areas is regulated or restricted. The object of this Bill is to fill that deficiency.

Provision is made to allow of employers issuing permits to their employees employed on farms and plantations to bear arms in cases where such employers consider such permission necessary for the protection of life or property from any cause whatsoever. Such permits will apply also when an employer sends his employee away from the farm in charge of stock or any other property to any place whereat, or en route thereto, protection from wild beasts or other causes, is deemed necessary.

The time has undoubtedly arrived when the unrestricted carrying of arms by natives anywhere should cease. I trust, therefore, that this Bill may become law.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE FOOD PRESERVATION ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to preserve Mango and other food-producing Trees."

He said that the Bill was a famine measure. As frequently happened in seasons of drought at the Coast the mango crop this year was exceptionally good and offered a very useful food supply, but the natives at the Coast had shown themselves improvident and were cutting down mango trees and making charcoal for which they got Rs. 6/- per tree.

The Bill provided that no person should cut down or otherwise destroy any mango tree without the permission in writing of the District Commissioner and for any contravention of the provisions of the Bill a fine not exceeding Rs. 150/- was laid down. It was proposed to amend the last clause so as to make the Bill applicable to any particular district, and the present intention of Government was to apply it to the Coast regions only and not up-country.

THE HON. THE ATTORNEY GENERAL seconded, and the Bill was read a first time.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE CUSTOMS AMENDMENT ORDINANCE, 1918.

THE HON. F. W. MAJOR in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Customs."

He said that the principal object of the Bill was to effect legislation which became necessary on the amalgamation of the Customs Departments of Uganda and East Africa. Opportunity had been taken of this, the first amendment he thought of the Principal Ordinance, 1910, to make certain additions to the Ordinance which were considered necessary.

The Bill had only come into his hands a few days ago and he had not had an opportunity of discussing it in detail with the Attorney General and he was therefore not prepared to go on with the Bill at present but he hoped to be able to do so before the end of the Session. Further amendments would possibly be necessary.

THE HON. THE ATTORNEY GENERAL seconded, and the Bill was read a first time.

THE HON. F. W. MAJOR gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE COPYRIGHT AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Copyright."

He said that the provisions of the Bill were made necessary by the application of the Imperial Copyright Act, 1911, to the Protectorate by His Excellency the Governor-in-Council. Section 14 of that Act deals with the importation of copies of books and other works in which a Copyright exists. In England the Commissioners of Customs and Excise were given certain powers to deal with those matters. The Bill gave the Chief of Customs the same powers as those exercised by the Commissioners in the United Kingdom.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE IMMIGRATION RESTRICTION AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Immigration."

He said that the object of the Bill was to amend the Immigration Ordinance, 1906. The first amendment was the deletion of clause (a) in section 4 of the Principal Ordinance. It was considered desirable by the Immigration authorities that there should be no doubt about the fact that the mere possession of a certificate in the form prescribed by schedule A. of the Ordinance should not be an absolute reason why a person should re-enter the Protectorate. The next amendment was in clause (g) of the same section of the Ordinance and was to insert in that clause "a period of not less than five years." Questions of domicile were sometimes difficult of proof and it was therefore considered that a term of five years residence should entitle a person to re-enter the Protectorate. At the request of the medical authorities "Trachoma" had been added to the list of diseases which formed a bar to entry vide clause (3). Clause 9 of the Bill was a re-arrangement of existing provisions of paragraph 9 of the Ordinance to avoid confusion of the two provisions contained in that section. There was a tendency to construe these provisions together with the result that if a person had succeeded in remaining in the Protectorate for 12 months the officers administering the Ordinance were doubtful if he could be dealt with as a prohibited immigrant although he had evaded all the provisions of the Ordinance on entering the Protectorate.

The last clause of the Bill provides for the increase of deposits. The principle underlying deposits is to provide sufficient for the repatriation of persons who subsequent to their immigration prove to be in the "prohibited" classes. The increase of fares by the shipping companies had rendered it necessary to provide for an increased deposit in the case of Asiatics.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE STOCK TRADERS LICENCE ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for licences for Cattle Trading."

He said that the object of the Bill was to regulate cattle trading.

At the present time cattle trading was a very lucrative business and persons engaging in it paid Government nothing whatever and it was advisable that they should.

THE HON. THE TREASURER seconded, and the Bill was read a first time.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1919."

He said that the Bill was in the ordinary form. Copies of the Budget Statement and Draft Estimates had been laid on the table and presented to Honourable Members and he did not think it was necessary to make any further remarks at that stage.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE RENT (WAR RESTRICTION) ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY submitted and read the Report of the Special Committee, appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to restrict the increase of the rent of small dwelling houses during the present War," as follows:—

#### REPORT.

THE COMMITTEE APPOINTED TO CONSIDER THE PROVISIONS OF THE BILL INTITULED RENT (WAR RESTRICTION) ORDINANCE, 1917, AFTER HEARING CERTAIN EVIDENCE PLACED BEFORE IT IS OF OPINION:—

##### SECTION 2.

- (a) That the operation of the Ordinance be not limited to dwelling-houses but extended to include any buildings, thus bringing within its scope shops and godowns, the enhanced rents of which, it is felt, react unfavourably on the poorer classes of the community in view of the increased prices which they entail.
- (b) That the maximum annual standard rent of buildings dealt with in the Ordinance be raised from Rs. 600/- to Rs. 1,200/-, as the former amount appears to the Committee to be too small to afford the necessary relief.

##### SECTION 3 (ii).

- (c) The percentage which the landlord may charge on the capital cost of structural alterations and improvements be raised to 10%, in view of the high rate of interest generally obtainable locally.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the Committee stage of the Bill later in the Session.

#### THE KING'S AFRICAN RIFLES AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to the King's African Rifles" be re-committed to Council for the purpose of making certain amendments.

He said that Honourable Members would remember that the Bill had been passed by Council some time ago and had already once been recommitted to Council. The Secretary of State had advised that three further amendments were necessary. The first amendment was that, in clause 1, 1918 should be substituted for 1917. The second amendment was that, in clause 2, sub-clause (1) (B) (a), after "any" the words "one or more" should be inserted. The amendments had been inserted in the Bill as printed. The effect of the amendments was to enable followers to be punished with more than one kind of punishment. The different punishments were set out in the section. The third amendment was one which had already been made but the form of which appeared to be unsatisfactory to the



Secretary of State and it had been suggested that the amendment should be made in a different form. The different form was inserted in the printed copy in the hands of Honourable Members. The provision was one allowing corporal punishment which could be inflicted either by itself or together with any other punishment provided by the original section.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR presiding.

*In Committee.*

The Bill was considered and certain amendments were agreed to.

*The Council resumed its Sitting.*

The Council adjourned till 9-30 a.m., on the 19th of February 1918.

SECOND DAY.

The Council assembled on the 19th of February, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).

THE HON. THE ATTORNEY GENERAL (J. W. BARTH).

THE HON. THE TREASURER (H. P. ESPIE).

THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).

THE HON. F. W. MAJOR, C.M.G., I.S.O.

THE HON. A. C. MACDONALD.

THE HON. C. W. HOBLEY, C.M.G.

THE HON. R. BARTON WRIGHT.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

CIVIL SERVICE COMMISSION.

The Clerk read the order appointing the Civil Service Commission.

THE WITCHCRAFT AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to amend the Law relating to Witchcraft" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

COLONEL THE HON. J. AINSWORTH moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE TOWNSHIPS AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Townships" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE SUPPLEMENTARY APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to supply a further sum of money for the service of the year ending the 31st of March, 1917" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

## PUBLIC HEALTH ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to make provision for securing and maintaining Health" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. THE ATTORNEY GENERAL (Chairman).

THE HON. C. W. HOBLEY, C.M.G.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

## THE WEIGHTS AND MEASURES AMENDMENT ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to amend the East Africa Weights and Measures Ordinance, 1912" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE NATIVE ARMS ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to regulate the carrying of Arms by Natives" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O. (Chairman).

THE HON. C. W. HOBLEY, C.M.G.

THE RIGHT HON. LORD DELAMERE.

THE HON. W. MACLELLAN WILSON.

## THE FOOD PRESERVATION ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to preserve Mango and other food-producing Trees" be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE CUSTOMS AMENDMENT ORDINANCE, 1918

THE HON. F. W. MAJOR moved that the Bill intituled "An Ordinance to amend the Law relating to Customs" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. F. W. MAJOR, C.M.G., I.S.O. (Chairman).

THE HON. THE ATTORNEY GENERAL.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

## THE COPYRIGHT AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Copyright" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted without amendment.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill without amendment be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE IMMIGRATION RESTRICTION AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Immigration" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE STOCK TRADERS LICENCE ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to provide for licences for Cattle Trading" be read a second time.

THE HON. THE TREASURER seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. THE ACTING CHIEF SECRETARY (Chairman).

THE HON. THE ATTORNEY GENERAL.

THE HON. A. C. MACDONALD.

THE RIGHT HON. LORD DELAMERE.

THE HON. A. C. HOEY.

## THE APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1919" be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

Consideration of the Bill was deferred till the following day.

*The Council resumed its Sitting.*

The Council adjourned till 9-30 a.m., on the 20th February, 1918.

## THIRD DAY.

The Council assembled on the 20th of February, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).

THE HON. THE ATTORNEY GENERAL (J. W. BARTH).

THE HON. THE TREASURER (H. P. ESPIE).

THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).

THE HON. F. W. MAJOR, C.M.G., I.S.O.

THE HON. A. C. MACDONALD.

THE HON. C. W. HOBLEY, C.M.G.

THE HON. R. BARTON WRIGHT.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

## THE RENT (WAR RESTRICTION) ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR presiding, to consider the provisions of the Bill intituled "An Ordinance to restrict the increase of the rent of small dwelling houses during the present War."

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY moved the suspension of Standing Orders in order that the Bill might be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE APPROPRIATION ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

*Vote I.*—Rent and Interest to H. H. the Sultan of Zanzibar.

THE RIGHT HON. LORD DELAMERE drew attention to the disabilities imposed on the Protectorate by the existing treaties.

*Vote III.*—His Excellency the Governor.

THE RIGHT HON. LORD DELAMERE moved that Item I be increased to £6,000.

THE HON. W. MACLELLAN WILSON seconded.

THE PRESIDENT stated that he would inform the Secretary of State of the resolution, which was thereupon left, no vote being taken.

*Vote IV.*—Secretariat.

THE RIGHT HON. LORD DELAMERE moved that this vote be reduced by £100 as a protest against the existing system of centralization.

THE HON. W. C. HUNTER seconded.

The motion was lost by 9 votes to 5.

The Council (in Committee) adjourned till 9-30 a.m., on the 25th of February, 1918.

## FOURTH DAY.

The Council (in Committee) assembled on the 25th of February, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).

## THE APPROPRIATION ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Council resumed its sitting.

## THE WITCHCRAFT AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to amend the Law relating to Witchcraft" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE TOWNSHIPS AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL intimated that it was proposed to add a further clause to the Bill intituled "An Ordinance to amend the Law relating to Townships" and he therefore asked leave for the third reading to be deferred till a later stage of the Session.

This was agreed to.

## THE SUPPLEMENTARY APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to supply a further sum of money for the service of the year ending the 31st of March, 1917" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE WEIGHTS AND MEASURES AMENDMENT ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to amend the East Africa Weights and Measures Ordinance, 1912" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE FOOD PRESERVATION ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to preserve Mango and other food-producing Trees" be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE COPYRIGHT AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Copyright" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE IMMIGRATION RESTRICTION AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Immigration" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE RENT (WAR RESTRICTION) ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders in order that the Bill intituled "An Ordinance to restrict the increase of the rent of small dwelling houses during the present War" might be re-committed to Council for the purpose of making certain amendments.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

Certain amendments were agreed to.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be re-submitted to the President.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

## THE APPROPRIATION ORDINANCE, 1918.

The Clerk of Council having read the order of appointment,

THE PRESIDENT administered the Oath of Allegiance to THE HON. W. MCGREGOR ROSS (Director of Public Works) as an Extraordinary Member of the Council.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*Vote V.*—Official Gazette, the PRESIDENT stated that it was hoped that the purchase of a second linotype would enable scientific and technical reports to be published more frequently.

*Vote VI.*—Provincial Administration.

ITEM 189.—It was agreed that Provincial Commissioners should be instructed to consult the Medical Authorities before erecting any Labour Camps.

ITEM 252.—THE HON. A. C. HOEY moved that this vote be reduced by £100, by way of emphasising the necessity for a permanent administrative officer at Kamorin.

THE RIGHT HON. LORD DELAMERE seconded.

The motion was lost by 11 votes to 5.

The Committee adjourned till 9-30 a.m., on the 26th of February, 1918.

## FIFTH DAY.

The Council (in Committee) assembled on the 26th of February, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).

THE HON. THE ATTORNEY GENERAL (J. W. BARTH).

THE HON. THE TREASURER (H. P. ESPIE).

THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).

THE HON. F. W. MAJOR, C.M.G., I.S.O.

THE HON. A. C. MACDONALD.

THE HON. C. W. HOBLEY, C.M.G.

THE HON. R. BARTON WRIGHT.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).

## THE APPROPRIATION ORDINANCE, 1918.

*In Committee.*

*Vote 18.* CUSTOMS.—The Chief of Customs explained the details of the amalgamation with Uganda.

*Vote 22.* PRISONS.—It was agreed that an Annual Report on the Kabete Reformatory should be compiled in future.

The Council (in Committee) adjourned till 9-30 a.m., on the 27th of February, 1918.

## SIXTH DAY.

The Council (in Committee) assembled on the 27th of February, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).

## THE APPROPRIATION ORDINANCE, 1918.

*In Committee.**Vote XV.—Laboratories.*

It was agreed to make provision for a Chemical Laboratory scheme to the extent of £1,140, being half the estimated recurrent expenditure.

It was also agreed that a further sum of £180 be added for Passages (Item 13).

*Vote XVI.—Education.*

It was agreed that £500 be added to this vote for the purpose of meeting any increase in salaries which might be found to be necessary in order to obtain a suitable staff.

It was agreed that Item 69 (Commencement of a scheme of native industrial education (Native Reserves) be deleted and the amount (£2,200) added to Item 68 (Technical Education—£700), making the latter Item £2,900.

THE HON. THE DIRECTOR OF PUBLIC WORKS explained the system of examinations of Mission Natives in industrial work.

*Vote XVII.—Transport.*

THE HON. P. H. CLARKE moved that this vote be reduced by £500.

THE RIGHT HON. LORD DELAMERE seconded.

The motion was lost by 6 votes to 10.

The unofficial members requested that it should be recorded in the Minutes that one of their reasons for supporting the HON. P. H. CLARKE's proposal to reduce this vote by £500 was that the Estimates provided for a Transport Officer at £500 maximum salary and an Assistant Transport Officer at £400 maximum, whereas the supervision of the Department was at present carried on by an Assistant Treasury Officer who only devoted a proportion of his time to these duties.

The Council (in Committee) adjourned till 9 a.m., on the 1st of March, 1918.

## SEVENTH DAY.

The Council (in Committee) assembled on the 1st of March, at 9 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Members:—*

LIEUT-COLONEL THE HON. A. D. MILNE, C.M.G. (Principal Medical Officer).  
 THE HON. DR. W. J. RADFORD (Principal Sanitation Officer).  
 THE HON. W. MCGREGOR ROSS (Director of Public Works).  
 The Council having, at the previous sitting, adjourned in Committee on the Appropriation Bill

THE HON. THE ACTING CHIEF SECRETARY moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

*The Council resumed its Sitting.*

#### THE APPROPRIATION ORDINANCE, 1918.

It having been considered desirable that the Principal Medical Officer and the Principal Sanitation Officer should be present to give information on any points that might arise in connection with the Medical vote, and the Clerk of Council having read the orders of appointment,

THE PRESIDENT administered the Oath of Allegiance to Colonel the Hon. A. D. Milne (Principal Medical Officer) and to the Hon. Dr. W. J. Radford (Principal Sanitation Officer) as Extraordinary Members of the Council.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

*Vote XIV.—Medical Departments.*

COLONEL THE HON. A. D. MILNE and THE HON. DR. W. J. RADFORD explained the reasons for the increased expenditure on the Medical vote.

*Vote XIVa.—Medical Departments—Special Expenditure.*

It was agreed to alter this Item (Purchase of 3 Clayton Disinfectors) to read "Purchase of three Disinfectors."

THE HON. W. MACLELLAN WILSON asked that every effort should be made to obtain these disinfectors as owing to their absence shipping was from time to time seriously delayed.

*Vote XVI.—Education.* It was agreed to make separate provision for equipment and upkeep of playing grounds and games by reallocation of £105 from the item "Equipment for all Schools."

THE HON. THE ACTING CHIEF SECRETARY moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

*The Council resumed its Sitting.*

#### MOTION.

THE RIGHT HON. LORD DELAMERE moved the suspension of Standing Orders in order that he might put a motion regarding the Medical Vote (XIV).

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE RIGHT HON. LORD DELAMERE proposed the following motion:—

"That in the opinion of this Honourable Council savings on the Personal Emoluments and other expenditure included in the Medical Vote resulting from the impossibility of obtaining officers to fill the posts detailed be applied in the first instance to the provision of mechanical transport up to the sum of £3,500 asked for by the medical authorities to increase the mobility and efficiency of the officers available."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried *nem. con.*

#### THE APPROPRIATION ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

*Vote XXII.—Agricultural Department.*

It was agreed that the explanations given against Items 16 and 21 should be amended to read "New appointments for instruction of natives in the production of Rice and Cotton in the Native Reserves."

THE HON. A. C. HOEY moved that expenditure of £2,450 be added for an Experimental Farm on the Uasin Gishu Plateau, to be found when the Revenue Estimates were discussed.

THE HON. P. H. CLARKE seconded.

The motion was lost by 4 votes to 14.

The Council (in Committee) adjourned till 9 a.m., on the 5th of March, 1918.

#### EIGHTH DAY.

The Council (in Committee) assembled on the 5th of March, at 9 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.



*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

## THE APPROPRIATION ORDINANCE, 1918.

*In Committee.**Vote XXII.—Agricultural Department.*

THE HON. A. C. MACDONALD laid on the Table memoranda, by the Veterinary Pathologist and the Acting Chief Veterinary Officer regarding Veterinary Research and Veterinary Field Staff.

THE HON. THE TREASURER moved the following reductions:—

Item 84.—£2,905 instead of £3,905.

Item 108.—£675 instead of £900.

Item 114.—£775 instead of £870.

a total reduction of £1,320 being the sum required for the Chemical Laboratory under Vote XV to be met by savings on Vote XXII.

*Vote XXIIa.—Agricultural Department—Special Expenditure.*

It was agreed to alter Item 5 to read "Expenses under Coconut Trade Ordinance."

*Vote XXIII.—Forest Department.*

THE HON. THE ACTING CHIEF SECRETARY gave details of reforestation during the last 5 years:—

1912-13	...	...	457 acres.
1913-14	...	...	476 "
1914-15	...	...	553 "
1915-16	...	...	562 "
1916-17	...	...	1,077 "
Total			3,125 "

*Vote XXVII.—Land Department.* It was agreed that the Special Committee now considering the Crown Lands Amendment Bill should examine the question of the powers of the Land Officer and whether it was desirable that certain powers at present in the hands of the Governor should be delegated to the Land Officer.

*Vote XXVIII.—Public Works Department.* The Hon. A. C. Hoey raised the question of an Executive Road Board for the Uasin Gishu Plateau and it was agreed to appoint a day for discussion later.

*Vote XXIX.—Public Works Recurrent.* It was agreed to add £350 to Item 1, being £200 for Eldoret, £100 for Nakuru, and £50 for Naivasha.

THE HON. THE ATTORNEY GENERAL moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

*The Council resumed its Sitting.*

## THE KING'S AFRICAN RIFLES AMENDMENT ORDINANCE, 1916.

THE HON. THE ATTORNEY GENERAL moved that the Bill be resubmitted to the President with the amendments incorporated therein.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council adjourned till 9 a.m., on the 6th of March, 1918.

## NINTH DAY.

The Council assembled on the 6th of March, at 9 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. T. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).

## THE APPROPRIATION ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

*Vote XXX.—Public Works Extraordinary.*

Item 28.—£400. It was agreed to alter this item to read "Dispensary and quarters on Uasin Gishu Plateau."

It was agreed that £580 be included for a Police Station for Nairobi West, and £500 for an extension to the Chemical Laboratory.

To meet the additions required, *i. e.*

£500 to Education vote.

£580 for Nairobi West Police Station.

£350 for Roads, Public Works Department Recurrent.

£500 for Chemical Laboratory.

£1,930

It was agreed to postpone all new appointments under the Veterinary vote for six months, thus obtaining the following savings:—

*On Vote XXII.*

			Savings.
			£
Item	78	...	125
"	79	...	20
"	84	...	200
"	85 & 86	...	95
"	89	...	75
"	90	...	20
"	91	...	72
"	92	...	200
"	95	...	180
"	100	...	200
"	108	...	225
"	109	...	150
"	111	...	180
"	114	...	55
"	121	...	133
			£1,930

THE HON. THE TREASURER accordingly moved the further reduction of Vote XXII—Agricultural Department—by £1,930 making the total £52,339.

THE HON. THE TREASURER laid on the Table a statement explaining the share of War Expenses borne by the Protectorate.

The following alterations were made in the schedule to the Bill to give effect to the amendments passed by the Committee.

Item 19.—Laboratories. For £4,473 read £5,793.

Item 20.—Education. For £16,608 read £17,108.

Item 30.—Agricultural Department. For £55,589 read £52,339.

Item 37.—Public Works Recurrent. For £73,250 read £73,600.

Item 38.—Public Works Extraordinary. For £72,816 read £73,896.

These alterations left the total expenditure at the original figure of £1,592,000.

The Council (in Committee) adjourned till 9-30 a.m., on the 12th of March, 1918.

## TENTH DAY.

The Council assembled on the 12th of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Absent:—*

THE HON. C. W. HOBLEY, C.M.G.

The Council having at the previous sitting adjourned in Committee on the Appropriation Bill, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

*The Council resumed its Sitting.*

## CIVIL SERVICE COMMISSION.

THE HON. THE ACTING CHIEF SECRETARY laid on the Table the Interim Report of the Civil Service Commission regarding the grant of a War Bonus to Government Servants in Civil Employ.

## QUESTION AND ANSWER.

THE HON. W. MACLELLAN WILSON put the following question:—

1. Is it known what amount of produce, particularly coffee and sisal, emanating from conquered territory or enemy sources has been exported from Mombasa, including Kilindini, since the Outward Export Shipping Committee has been in being?
2. Has any such produce from conquered territory displaced any British East Africa produce in outward shipments?
3. Can the Honourable Chief of Customs give us particulars of the shipments of produce from conquered territory, the merchants, firms or consignors engaged in handling such produce?

THE HON. F. W. MAJOR replied:—

1. The only produce emanating from conquered territory or enemy sources for which space has been allotted by the Homeward Loading Sub-Committee is the following by the S.S. "Saxon" which was sent here by the Minister of Shipping, in face of a strong protest from the Homeward Loading Sub-Committee, for the express purpose of lifting German East Africa sisal for which it was stated by the Minister of Shipping the Government was responsible.

Shipments per Saxon of German East Africa sisal:—

Allidina Visram	...	...	202 Bales.
Nasser Virji	...	...	202 "
Max Klein	...	...	36 "
B.E.A. Corporation	...	...	1,296 "
W. R. Parr	...	...	86 "

Produce emanating from conquered territory and enemy sources, including a considerable amount of coffee has however been shipped to ports other than those in the United Kingdom but this is not a matter with which the Homeward Loading Sub-Committee is concerned.

2. Only to the extent mentioned in 1 so far as I am aware.
3. The reply is contained in No. 1.

## MOTION.

THE HON. W. MACLELLAN WILSON proposed the following motion:—

In view of the altered conditions in the native districts resulting from the war and from the heavy drain on the manhood of the native population and further from the state of disturbance in the minds of the natives as the result of these conditions, it is resolved that this Honourable Council is of opinion that the recommendations of the Native Labour Commission of 1912-13 for the establishment of a Native Affairs Department be put into operation as soon as is possible.

He said it was a question which he was sure they were all considering. They might have somewhat different ideas as to the best way of carrying it out, but there was no question of the intention individually and collectively to do something and of their belief that something should be done. When one came into close contact with natives, the peculiar attitude of the minds of the natives struck one very forcibly. He could not altogether agree with the remark that "East is East and West is West." He thought it was perfectly possible for the "West to understand the East" and he thought that those of them who had lived amongst natives for many years got to know something of the native mind. The native mind at the present day was in a most disturbed state. He was not a panic monger in any sort of way—he was not talking of any possibility of risings, but the native mind was very much disturbed, and there was a gloom upon the natives—a gloom which commenced at the outbreak of the war and which to-day was enhanced owing to the famine.

They had come to the parting of the ways. The old system—if he might be permitted to use the expression—had been to follow a policy of drift. It could not go on. It was absolutely necessary that some sort of scheme or system of control should be laid down, inaugurated and followed. In 1912 and 1913 a Labour Commission had considered the whole question and had put forward certain recommendations. These recommendations, it was felt, would be the beginning of a policy which would make for the better establishment of law and order, for the uplifting of the natives, and for the prosperity of the whole country.

He presumed that the Honourable Council agreed that they were there as trustees of the Empire; and putting that down as a bed-rock principle on which they wanted to build they must see that the uplifting of the native and the welfare of the Europeans all worked along one line. One of the recommendations of the Native Labour Commission was that the Registration or Identification Ordinance should be brought into force. That Ordinance had been passed by that Honourable Council in 1915, and it had not been brought into operation yet.

It had also been brought before them repeatedly during the sittings of that Honourable Council that apparently every Provincial Commissioner seemed to have a policy of his own for his own particular district and it led to confusion in the minds of the natives and of the Europeans. As to the confusion in the minds of natives, he could vouch for it. It was a point they could not understand. Therefore they wanted a common policy throughout the Protectorate and there must be continuity of policy. That point had been specially considered in the Labour Commission's Report. They had had in the past—it was now 23 years since the British Government had taken over the Protectorate—sufficient time for some of them to learn something about natives and what that policy should be. Might he ask that such a policy be laid down and carried out. In the policy to be laid down, Education must form a good part.

He might say that he firmly believed that in giving the literary education to natives which the Government were giving or intended to give there was something lacking. Besides the knowledge of certain things or besides the knowledge of doing good there must also be the power to do good. It was well known that they had to go no farther than India to see that a purely literary education without any religious instruction was worse than useless. That was why missions were to-day taking such a large part in the education of the native. To his mind, as regards literary education, they could only touch the fringe of 2,700,000 natives, and a literary education should only be given to certain individuals, as only a certain amount of money had been voted for the purpose. It should be given to those of most use to the Government in the administration of the country, such as Chiefs and Headmen.

He would ask that the recommendations of the Native Labour Commission, 1913, should be put into immediate operation as far as possible.

He would ask them to give the motion their thorough support. He understood that the matter had been delayed pending the decision of the Secretary of State for the Colonies. He would like it to go forward as the unanimous vote of Council that the recommendations must be put into operation as soon as possible and suggesting in connection with the common policy that there should be an executive head of the whole of the native administration. If such a policy was laid down it might then be carried out. He would lay the motion before Council for favourable consideration.

THE HON. THE ATTORNEY GENERAL seconded.

The motion was put to the vote and was carried *nem. con.*

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Native Hut and Poll Tax Ordinance, 1910."

He said that the reason for the introduction of the Bill was that in 1913 under the Native Hut and Poll Tax Ordinance, 1910, certain rules had been framed, one of which was in the terms of Section 3 of the Bill, and a few months ago the High Court had ruled that those particular rules were *ultra vires* of the Ordinance of 1910. The consensus of opinion of the Provincial Commissioners and others interested in the collection of Hut Tax was that provision of those particular rules was necessary in order to assist in the collection of the tax.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE APPROPRIATION ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Revenue Estimates were discussed.

It was agreed to appoint a Committee of five persons to consider methods of raising additional revenue to meet expenditure arising out of the war.

The Council (in Committee) adjourned till 9-30 a.m., on the 13th of March, 1918.

ELEVENTH DAY.

The Council assembled on the 13th of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. R. BARTON WRIGHT.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Members:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).  
 THE HON. E. G. WILSON (Acting Traffic Manager, Uganda Railway).

*Absent:—*

THE HON. C. W. HOBLEY, C.M.G.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 The Council having at the previous sitting adjourned in Committee on the Appropriation Bill, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

*The Council resumed its Sitting.*

THE APPROPRIATION ORDINANCE, 1918.

It having been considered desirable that the Traffic Manager of the Uganda Railway should be present to give information on any points that might arise in connection with the proposed surcharge on goods carried by the Uganda Railway and the Clerk of Council having read the order of appointment,

THE PRESIDENT administered the Oath of Allegiance to the Hon. E. G. Wilson (Traffic Manager, Uganda Railway) as an Extraordinary Member of the Council.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.**Schedule VIIa.—Government Railways—Special.*

THE HON. E. G. WILSON explained the principle on which the proposed surcharge was calculated.

The schedule was considered in detail and amended.

THE RIGHT HON. LORD DELAMERE moved that the revenue accruing from the proposed surcharge be increased by £30,000.

This was agreed to.

The Bill was read clause by clause and was adopted with the necessary amendments.

*The Council resumed its Sitting.*

THE HON. THE TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE CROWN LANDS AMENDMENT ORDINANCE, 1918.

THE HON. R. BARTON WRIGHT submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to amend the Law relating to Crown Lands," as follows:—

"Owing to representations made by the unofficial Members of the Council it is recommended that the consideration of this measure be postponed for one year to date from July, 1917, the date, when the said representations were made."

Nairobi,

13th March, 1918.

R. B. WRIGHT,

*Chairman.*

## THE ELECTRIC POWER ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to make provision for the generation, transmission, delivery, sale, purchase, and use of electrical energy; and for the making and enforcing of regulations appertaining to and governing such purposes; and for the provision and enforcing of penalties for any contravention of this Ordinance or of the regulations made under it," as follows:—

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL ON A BILL INTITULED "AN ORDINANCE TO MAKE PROVISION FOR THE GENERATION, TRANSMISSION, DELIVERY, SALE, PURCHASE, AND USE OF ELECTRICAL ENERGY; AND FOR THE MAKING AND ENFORCING OF REGULATIONS APPERTAINING TO AND GOVERNING SUCH PURPOSES; AND FOR THE PROVISION AND ENFORCING OF PENALTIES FOR ANY CONTRAVENTION OF THIS ORDINANCE OR OF THE REGULATIONS MADE UNDER IT."

Your Committee have examined the provisions of this Bill which is designed to provide for the development of electric power supply on the organized lines which modern practice demonstrates to be necessary for the purposes of economy.

The measure which is based on British law and practice, with the amendments recommended in this Report, meets with your Committee's unanimous approval.

The Bill contains certain original features in legislation of this nature. With reference to the principal of these it may be stated that owing to the step being taken in time, *i. e.*, practically at the commencement of the Protectorate's industrial life, it will establish here as law, conditions, which will permit and secure centralization or co-ordination of our power supplies with an economy impossible to those from whom we are taking lessons.

Another of these original features, also made possible by the reasons or circumstances just stated, is that the Bill will inaugurate standardized practice and will further ensure that apparatus to be sold to the public for use on Standard Systems will be truly marked in values relative to British Standards.

Representations were made to your Committee on behalf of the Nairobi Chamber of Commerce in which it was pointed out that the very frequent occurrence in the Bill of occasions requiring Rules to be made gave rise to some uneasiness as to the possibility of the intentions of the Legislature being defeated or circumvented by this procedure and asking that if possible this danger be precluded by embodying these Rules as provisions of the Bill.

On examining this matter your Committee found that the list of Rules and Regulations in British practice was a long and formidable one. It was also found that the principle of many of these Rules and Regulations had been so well tried and established by long practice that your Committee, with the full approval of Government's technical advisers, welcome the suggestion of the Nairobi Chamber of Commerce and recommend the amendment of the Bill accordingly.

By adopting this course the number of headings under which Regulations will be required is reduced from between 40 and 50 to, at present, 4. With the advent of mining and electric traction, 2 additional headings will be added to this number.

The Nairobi Chamber of Commerce also made representations on other matters in the Bill all of which showed a careful and skilful criticism and with respect to which your Committee desire to place on record an expression of their appreciation and indebtedness. Amendments on some of the points raised have been recommended where found necessary. The principal of these amendments, and in fact the most important amendment recommended by your Committee, is that to sub-clause (4) of clause 34, which is more fully referred to later on in this Report.

A few other representations have also been made to your Committee, with respect to which amendment has been recommended where thought necessary.

The schedule\* attached to this Report contains in full the amendments to the Bill recommended by your Committee. On the most important of these the following comments are submitted.

In numerous places throughout the Bill, "Governor" has been altered to "Governor-in-Council." This is the result of your Committee's deliberations as to the manner in which the provisions of the Bill could be most effectively administered.

To understand the position it is essential that account must be taken of the difference which exists in the machinery for administration in Great Britain and in a Crown Colony. Owing to this difference it is not permissible in attempting to apply the provisions of British Acts, to simply read "Governor" for "Board of Trade." The reason briefly stated is that the Board of Trade is a Department of a Minister of State and comprises not only engineering experts but legal and financial authorities. The Colony has no Council or Board (at present) comparable with this organization.

While the administration of the British Acts lies very largely in the hands of the various technical officers, and that of the Regulations under the Acts almost entirely in the hands of the electro-technical officers, it must be remembered that the act of administration is not the act of the technical officer but is the act of the Minister of State.

In most legislation His Excellency is mentioned as the executive officer either as the "Governor" or as the "Governor-in-Council." Obviously for the purposes of administration many of the powers conferred must be delegated.

Your Committee has carefully considered the matter of this delegation particularly as to the powers which may, and in some cases must be delegated to a technical or executive officer, and as to those which could not rightly be so delegated.

Your Committee therefore recommend the insertion of the words "in Council" at the place shown in the schedule and the amendment of clause 123 as provided on page 21 of the schedule, which regulates the manner of delegation.

**CLAUSE 5. APPLICATIONS.** As referred to in the reference to Rules, etc., the details as to the making of applications have been included in the Bill instead of being left to Regulations as intended.

The amendment to clause 7, although not altering the intention of the Bill, is necessary to conform with the practice of Great Britain.

The amendment to clause 9 is necessitated by the principle adopted which is a departure from British practice where every Act or Regulation precludes any possibility of a public interest or service being subject to barter. The amendment is textually built on the lines of British precedent.

\* Not printed.

The amendment to (j) of clause 20 is recognized as necessary for the purposes of equity, and in order to be consistent with the amendment of sub-clause (4) 34, where care has been exercised as to the absolute safeguarding of the just rights of vested interests.

The amendment to clause 27 is felt to be necessary to remove a standing grievance, and to define the position of both Licensee and consumer, and is in conformity with British practice.

**CLAUSE 34, SUB-CLAUSE (4).** A considerable amendment previously referred to is here recommended, and while obviously the policy underlying the Bill is unaltered, the definition as to works and purchase of the same it is felt will give complete satisfaction to Licensees, especially of the manufacturing class, whose capital is invested in local generating works. As the purpose underlying the Bill is to co-ordinate the generation of supply of electrical energy at the earliest possible moment for the purposes of economy, it should be obvious that the rights of the developers of the electrical service should be carefully safeguarded. Your Committee feel that in the amendment recommended confidence will be established, on the part of Licensees so involved.

The amendments recommended on the question of the Board of Trade form of accounts for local authorities as Licensees in clause 44 do not effect the principle of accountancy adopted in the Bill; the purpose is clearly stated in the amendment. The statutory Forms of Accounts for Licensees should be attached to the Bill as a schedule.

The amendment of clause 45 as to the division of profits of a Bulk Supply Licensee, makes it clear that such profits should not be divided until the Licensee has received cumulative dividends of 15 per cent. It has been urged that 10 per cent. should be sufficient. This latter figure, however, is allowed in various concerns in the United Kingdom and your Committee feel that investors could not only expect but demand a higher rate of interest on money invested abroad. Further, the financial conditions which would exist post war, must be such as to demand of capital a higher return.

The next important amendments are to clauses 49 and 50; they deal with the important matter of standardization which has already been referred to.

An amendment is recommended to clause 102, which has for its object the prevention of unwarranted intrusion into premises without the authority of the occupant, particularly where ladies are concerned. This is recommended on the receipt by your Committee of protests from members of the public.

The inclusion of a new clause in the position occupied previously by 109 is a further provision on the subject of standardization, the object of which co-ordinates with the amendments of clauses 49 and 50.

The altered form of clause 112, with the addition after (j) secures what is felt by your Committee to be very essential, namely, that a Licensee whether a Company or an individual, must be for all purposes under his Licence fully represented in the Protectorate.

The additions recommended to clause 117 and to clause 131, which as now amended will be clause 138, are important provisions required to safeguard the interests of the public, against contingencies which the alteration in our practice from that of Great Britain introduces into this public service here. In Great Britain powers to operate a public utility service are not granted to an individual, and when granted to a Company, the Company must be one "approved" by the British Board of Trade. The rigid adoption of this policy in the Protectorate, your Committee feels might possibly introduce undue restriction. Consequently, while the Bill makes it possible for an individual to obtain a Licence, the contingencies introduced by such a practice have been considered, and are provided for by the amendments recommended by your Committee.

The inclusion after clause 125 of new clause 126 to 132 inclusive are provisions embodying British Board of Trade Rules as to application, and have been included in the Bill in accordance with the opinion expressed earlier in this report in dealing with the criticism of the Nairobi Chamber of Commerce.

The alteration recommended to clause 140 now 147, as to the constitution of a Power Board, your Committee feel is required to afford the Governor-in-Council a wider scope as to the members whom he may think it desirable to appoint.

New clause 149 is required to effect a regulation for the prevention of overlapping between the Ordinance mentioned and this Bill.

New clause 151 is a provision which your Committee think this Honourable Council will agree with as being highly desirable under the conditions of war.

New clause 152. This provision and the amendment to old clause 136—now 142 (2)—as to the laying of regulations before the Legislative Council are in accordance with British practice, and your Committee feel will meet with general approval.

Your Committee may state in conclusion that while the amendments recommended in this Report are extensive, they only represent very desirable elaboration of detail and do not in any way alter or impair the policy or principles of the Bill as first presented, with which as already stated, your Committee unanimously agree.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.



The Council (in Committee) adjourned till 9-30 a.m., on the 15th of March, 1918.

TWELFTH DAY.

The Council (in Committee) assembled on the 15th of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. A. C. MACDONALD.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. W. MCGREGOR ROSS (Director of Public Works).

*Absent:—*

THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. C. W. HOBLEY, C.M.G.

The Council having at the previous sitting adjourned in Committee on the Electric Power Ordinance, 1917.

THE HON. THE ACTING CHIEF SECRETARY moved that progress be reported and that the Committee resolve itself into Council for further business.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried, and the Council resumed its sitting.

MOTION.

It having been considered desirable that the Director of Public Works should be present to give information on any points that might arise in connection with the motion standing in the name of the Hon. A. C. Hoey, and the Clerk of Council having read the order of appointment,

THE PRESIDENT administered the Oath of Allegiance to the Hon. W. McGregor Ross (Director of Public Works) as an Extraordinary Member of the Council.

THE HON. A. C. HOEY moved the suspension of Standing Orders in order that he might propose a motion regarding an Executive Road Board for the Uasin Gishu Plateau.

THE HON. P. H. CLARKE seconded.

The question was put and carried.

THE HON. A. C. HOEY proposed the following motion:—

That this Honourable Council considers that a trial should be made on Uasin Gishu Plateau of an Executive Road Board commencing from April 1st.

That the Board should have complete control of the monies detailed in the annexed schedule voted for the maintenance of roads in that district in the Estimates for 1918-19 and that the Board should consist of five settlers of Uasin Gishu selected by the District Committee with the District Commissioner or Resident Magistrate as Chairman of the Board, and that the officers of the Public Works Department be instructed to afford the Board the benefit of their advice when required.

SCHEDULE.

	£	£
Eldoret Nzoia River	812	} 1,522
Eldoret Sergoit	270	
Eastern Trans Nzoia	440	
Eldoret Town	200	

THE RIGHT HON. LORD DELAMERE seconded.

The motion was put to the vote and was carried by 11 votes to 2.

THE APPROPRIATION ORDINANCE, 1918.

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of March 1919" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE NATIVES ARMS ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to regulate the carrying of Arms by Natives," as follows:—

THE REPORT OF THE SPECIAL COMMITTEE OF THE BILL INTITULED "AN ORDINANCE TO REGULATE THE CARRYING OF ARMS BY NATIVES."

YOUR EXCELLENCY,

The Committee met on the 6th March.

The following amendments to the Bill are proposed:—

*Definitions.* We are of the opinion that the word "swords" should be inserted so as to cover the carrying of swords by some of the Coast natives.

We consider that it is desirable to provide for natives in the employ of the Government and have, therefore, added an additional clause, viz: "The term "Employer" shall include any Government officer under whom a native is serving."

*Section 3.* We consider that clause (b) of the Bill should be clause (a).

We are of the opinion that clause (a) as inserted in the Bill requires dividing into two so as to allow of the intention being better understood. Clause (a) of the Bill would then read as follows:—

(b) In the case of an employee on a farm with the permission in writing of his employer.

(c) In the case of a native resident on a farm with the permission in writing of the occupier of the farm.

We have deleted from this section the words "and then only when in the opinion of the employer it is necessary for the protection of life and property that the employee shall bear or carry arms." Our reasons for this deletion are that inasmuch as the intention of the Bill is to regulate the carrying, etc., of arms and as this provision is in the interests of the employers or occupiers of farms we can safely leave the matter to the employers. We are of the opinion that employers will not issue permits to carry arms except in cases of necessity.

We deem it desirable to make provision for permission to be granted to a native who is leaving his work or who has completed his term of residence on a farm and is returning to his Reserve and who desires to carry his arms en route to his home. We have, therefore, added a further clause to section 3; this clause to read as follows:—"(c) In the case of a native who on leaving his work or who has completed his term of residence on a farm and is returning to his Reserve and wishes to carry arms en route thereto and who is in possession of a written permit from his late employer or the occupier or owner of the farm on which he was residing allowing him to do so. Such permit shall in addition to the requirements contained in clause 4 of this Ordinance specify the route by which the native is proceeding."

The unnumbered section following section No. 3 should be numbered 4. This section, we propose, should be amended by adding after the word "the" at the end of the first line the words "name of bearer" and that the words "reason for the issue of the permit" should be deleted, and that after the word "and" commencing on the last line there should be added "in the case of a travelling permit." This section to read in its amended form as follows:—

"4. Every permit given under this Ordinance shall specify the name of the bearer, the date on which it was issued, the period for which permission to carry arms is granted, and in the case of a travelling permit the kind of weapon in respect of which the permit is issued."

*Section 4 of the Bill.* We propose the entire deletion of this section. The Committee does not consider it necessary, as the intention, where considered desirable, can be dealt with administratively.

*Section 6.* The word "shall" at the end of line 41 of the Bill to be deleted and the word "may" substituted therefor. Our reason for this is that if a Magistrate has no option in the matter, certain hardships may result. We feel, therefore, that confiscation of arms should be left to the discretion of the Magistrate. We are also of the opinion that the penalties named in the Bill are too high. We, therefore, propose a fine not exceeding Rs. 200/- and the term of imprisonment not to exceed two months. This section we propose should read as follows:—

"6. Any person contravening any of the provisions of this Ordinance shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding Rs. 200/- or to imprisonment of either kind for a period not exceeding two months or to both and the arms in respect of which the offence is committed may be confiscated."

*Section 7.* We do not see any reason why the provisions of this Ordinance should not apply to all settled areas of the Protectorate. We, therefore, suggest the deletion of this section.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

COLONEL THE HON. J. AINSWORTH moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE COMPANIES ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to amend the Law relating to Trading Companies and other Associations," as follows:—

THE REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF A BILL INTITULED AN ORDINANCE TO AMEND THE LAW RELATING TO TRADING COMPANIES AND OTHER ASSOCIATIONS.

The Committee appointed by the Legislative Council have carefully considered the provisions of the Bill and are of the opinion that the measure should be enacted but, owing to the increased work that its provisions will throw upon persons connected with companies and in view of the very depleted staff with which such persons are at present endeavouring to carry on that it should not come into operation during the present war. The Committee have arrived at this conclusion with much regret as it considers that the sooner the legislation relating to Companies is brought up to date the better for the general progress of the Protectorate.

2. The opportunity has been taken to include in the provisions of the Bill additional provisions regarding private companies taken from the English Companies Act, 1913. In order to safeguard the public dealing with a private company the Committee suggest that the title of a private company should include the word "private."

3. To meet the peculiar circumstances of this Protectorate the time in which various matters should be done under the provisions of the Bill should be increased vide amendments in the Schedule\* attached to this Report to Clauses 15, 16, 51, 77, 82, 101 (4) and 104 (1).

4. Some of the fees payable to a company for various matters it is suggested are insufficient and increases have been provided in the amendments scheduled to the Report vide Clauses 25 (1), 36 (2) and 135.

5. In Clause 78 (2) the Committee are of opinion that any requisition for an extraordinary general meeting should state the objects of the meeting in all cases and therefore are of opinion "may" should be altered to "shall."

6. In Section 81 (4) it is considered that the right should be conceded to any member of a company to demand a poll.

7. In cases where the rate of interest is laid down in the Bill the Committee are of opinion the rate should be raised to 8% to bring it up to rates current in the Protectorate vide Clause 101 (4).

8. The Committee suggest that in Clause 144 (1) of the Bill specific provision should be made for members of the Institute of Chartered Accountants in England and Wales and of the Incorporated Society of Accountants and Auditors to be enabled to act as auditors.

9. To the provisions of Clause 277 of the Bill dealing with companies trading in the Protectorate but which are incorporated elsewhere the Committee are of opinion that a list of shareholders should be filed annually. The Committee is also of opinion that the proviso to the Clause giving the Governor in Council power to exempt any company from the necessity of filing a balance sheet should be deleted.

10. The Committee suggest that the provisions of the Companies (Foreign Interests Act, 1917, and the Companies (Particulars as to Directors) Act, 1917, be added to the Bill. These provisions would form a new Part XI and the existing Part XI of the Bill would become Part XII with the necessary renumbering of its clauses.

11. The amendments proposed by the Committee including several typographical errors are set out in the Schedule\* hereto

\* Not printed.

He gave notice that he would move, at a later stage of the Session, that Council resolve itself into Committee further to consider the provisions of the Bill.

#### THE REGISTRATION OF BUSINESS NAMES ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to provide for the Registration of Firms and Persons carrying on business under business names and for purposes connected therewith," as follows:—

THE REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF A BILL INTITULED "AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF FIRMS AND PERSONS CARRYING ON BUSINESS UNDER BUSINESS NAMES AND FOR THE PURPOSES CONNECTED THEREWITH."

The Committee appointed by the Legislative Council to inquire and report on the above Bill are of opinion that the measure is a necessary one and should be enacted.

2. The purpose of the Bill as drafted is strengthened in the opinion of the Committee by the additional provisions which the Committee have dealt with in their Report on the Bill dealing with Companies to which it is proposed to include as a new Part XI of that Bill. Such provisions render it difficult for an alien to avoid publishing his identity by turning himself into a Company.

3. The Committee suggest that power should be taken to increase the time provided in clause 15 of the Bill for notice to be given of the cessation of a business carried on by a firm or individual registered under the Bill. The Committee accordingly advise the adoption of the amendment to this clause set out in the schedule hereto.

4. Provision is also suggested for a non-European to publish the name of his father in the documents dealt with in clause 20. The necessity for this arises from the fact that Asiatics and many Africans have no Christian or Surnames in the usual meaning of those expressions.

5. The amendments proposed by the Committee are set out in the schedule attached.

#### SCHEDULE.

Clause 15 (1). Insert the following proviso:—

"Provided that the Governor-in-Council may in his absolute discretion on reasonable cause therefor being shewn extend such time as aforesaid to such time as he may think fit."

Clause 20. Insert sub-clause (c):—

(c) In the case of an individual or partner of a firm, as the case may be, who is of non-European origin the name of his father in addition to his own name.

He gave notice that he would move, at a later stage of the Session, that Council resolve itself into Committee further to consider the provisions of the Bill.

#### THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Native Hut and Poll Tax Ordinance, 1910" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

#### *In Committee.*

After discussion the Hon. Attorney General moved that the Committee report progress to Council and that the Bill be not proceeded with further at present.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE PRESIDENT intimated that in view of the objections which had been raised to the principles of the Bill, it would not be proceeded with further at that stage.

THE REGISTRATION OF COFFEE PLANTATIONS AND COFFEE  
DEALERS ORDINANCE, 1918.

THE HON. A. C. MACDONALD submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to provide for the Registration of Coffee Plantations and Dealers in Coffee," as follows:—

COFFEE BILL.

The Committee appointed to consider the provision of the Bill intituled "An Ordinance to provide for the Registration of Coffee Plantations and dealers in coffee, after considering certain evidence placed before it beg to suggest:—

(a) that in line 18 clause 4 of the Ordinance the word "June" be substituted for the word "January."

(b) that the word "approximately" be inserted after the word "and" in line 35, sub-section 1 of clause 6.

(c) that in lines 36 and 37 of sub-section (2) of clause 6 the word "European" be inserted after the word "or" and the words "not below the rank of an Assistant Inspector" be deleted.

(d) that clause 7 be deleted and the following amended clause be substituted:—

No person shall buy, sell or otherwise deal in unroasted or unground coffee berries unless such person is licensed in that behalf by the District Commissioner of the district in which his business is situated, and the issue of such licence shall be at the discretion of the District Commissioner, provided that the owner or occupier of a registered coffee plantation may without a licence sell the produce of his plantation to a licensed dealer, or to any person for his own consumption, or for planting, or export the same from the Protectorate: provided that such owner or occupier shall enter in a book to be kept for that purpose a full and true account of all such sales, and provided that any person may without a licence buy from a licensed dealer or registered plantation owner coffee berries for his own consumption or for planting but not for sale or barter.

*Explanatory Note.*—The object of this amendment is (a) to prevent the issue of licences to small stores so situated as to be difficult to inspect and control, and (b) to enable the police to keep a check on all sales to licensed dealers and other persons for their own consumption or for planting and on exports from the Protectorate. This is ensured by the suggested amendment to clause 7 and the further amendment of clause 9 (2).

(e) That section 9 (2) be deleted and the following amended clause be substituted.

"It shall be lawful for any Magistrate or European Police Officer to demand the production of and inspect any register or book kept in pursuance of this section or section 7 and any refusal to produce such register shall be deemed to be an offence."

(f) That an additional clause be added, viz.

"That this Ordinance shall be in force for a period of two years.

*Explanatory Note.*—This is to enable the utility of the Ordinance as regards the control of insects pests and fungoid diseases and the discouragement and decrease of theft to be judged and reviewed at the conclusion of the period named.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause, and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. A. C. MACDONALD moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. A. C. MACDONALD gave notice that he would move the third reading of the Bill at a later stage of the Session.

CIVIL SERVICE COMMISSION.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

A discussion took place on the Interim Report of the Civil Service Commission regarding the grant of a War Bonus to Government servants in Civil Employ.

*The Council resumed its Sitting.*

The Council adjourned till 9-30 a.m., on the 19th of March, 1918.

## THIRTEENTH DAY.

The Council assembled on the 19th of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. A. C. MACDONALD.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. J. MACBLAIN (Electrical Engineer, Public Works Department).

*Absent:—*

THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.

## THE STOCK TRADERS LICENCE ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to provide for licences for Cattle Trading" as follows:—

## REPORT OF THE COMMITTEE APPOINTED TO ENQUIRE INTO THE PROVISIONS OF THE STOCK TRADERS LICENCE ORDINANCE, 1918.

YOUR EXCELLENCY,

The Special Committee appointed to consider the provisions of the "Stock Traders Licence Ordinance, 1918" have the honour to report as follows:—

They recommend the following alterations in the Bill as already submitted to Council.

## 1. In Clause 2 insert,

The term Dairyman shall include any person who keeps cows for the purpose of obtaining milk for sale.

## 2. For Clause 3 read,

No person shall either as a principal employee or agent sell stock either for cash or barter without a licence. Provided that it shall not be necessary for a farmer or dairyman to be in possession of a licence to sell or barter stock in the course of his business as a farmer or dairyman as the case may be. And provided that it shall not be necessary for a native living in a Reserve or area set apart for the tribe to which he belongs to be in possession of a licence to sell or barter stock in such Reserve or area. And further provided that it shall not be necessary for a native living in a Reserve or area set apart for the tribe to which he belongs to be in possession of a licence to sell or barter outside the limits of such Reserve or area stock bred in such Reserve or area.

## 3. For Clause 4 read,

Licences issued under this Ordinance may be obtained at the office of a Resident Magistrate or District Commissioner and shall be in such form as the Governor by rule may prescribe. There shall be payable for each licence Rs. 300/-. Every licence issued under this Ordinance shall remain in force for 12 months from the date of its issue.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. A. C. MACDONALD seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the third reading of the Bill at a later stage of the Session.

## THE ELECTRIC POWER ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The provisions of the Bill were considered.

The Council (in Committee) adjourned till 9-30 a.m., on the 20th of March, 1918.

## FOURTEENTH DAY.

The Council (in Committee) assembled on the 20th of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).

THE HON. THE ATTORNEY GENERAL (J. W. BARTH).

THE HON. A. C. MACDONALD.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. W. MACLELLAN WILSON.

*Extraordinary Member:—*

THE HON. J. MACBLAIN (Electrical Engineer, Public Works Department).

*Absent:—*

THE HON. THE TREASURER (H. P. ESPIE).

THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).

THE HON. F. W. MAJOR, C.M.G., I.S.O.

THE HON. C. W. HOBLEY, C.M.G.

THE HON. R. BARTON WRIGHT.

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

## THE ELECTRIC POWER ORDINANCE. 1918.

THE HON. THE ATTORNEY GENERAL moved that the Committee report progress and that Council resume in view of the fact that it was proposed to leave the Bill in Committee until it had been referred to the Secretary of State.

## THE STOCK TRADERS LICENCE ORDINANCE, 1918.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to provide for licences for Cattle Trading" be read a third time.

THE HON. A. C. MACDONALD seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE COMPANIES ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council. HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The provisions of the Bill were discussed.

The Council (in Committee) adjourned till 9-30 a.m., on the 22nd of March, 1918.

## FIFTEENTH DAY.

The Council (in Committee) assembled on the 22nd of March, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. C. W. HOBLEY, C.M.G.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

*Absent:—*

THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. A. C. MACDONALD.  
 THE HON. R. BARTON WRIGHT.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

## THE COMPANIES ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. C. W. HOBLEY, seconded.  
 The question was put and carried.

## THE REGISTRATION OF BUSINESS NAMES ORDINANCE, 1918.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. C. W. HOBLEY, seconded.  
 The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

The Council adjourned till 9-30 a.m., on the 11th of April, 1918.

## SIXTEENTH DAY.

The Council assembled on the 11th of April, at 9-30 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. W. C. HUNTER.

*Absent:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. A. C. MACDONALD.  
 THE HON. P. H. CLARKE.  
 THE HON. A. C. HOEY.  
 THE HON. W. MACLELLAN WILSON.

## PRESENTATION OF PETITIONS AND MEMORIALS.

THE HON. THE ATTORNEY GENERAL laid on the Table the correspondence regarding the proposed Nakuru—Uasin Gishu Railway.



### REGISTRATION OF BUSINESS NAMES ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for the registration of firms and persons carrying on business under business names and for purposes connected therewith" be read a third time.

THE HON. THE TREASURER seconded.

The question was put and carried, and the Bill was read a third time and passed.

### THE REGISTRATION OF COFFEE PLANTATIONS AND COFFEE DEALERS ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL (in the absence of the Hon. A. C. MacDonald) moved that the Bill intituled "An Ordinance to provide for the registration of Coffee Plantations and Dealers in Coffee" be read a third time.

THE HON. THE TREASURER seconded.

The question was put and carried, and the Bill was read a third time and passed.

### THE TOWNSHIPS AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Council resolve itself into a Committee of the whole Council in order that further amendments might be made to the Bill intituled "An Ordinance to amend the Law relating to Townships."

THE HON. THE TREASURER seconded.

The question was put and carried.

*In Committee.*

Further amendments were agreed to.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as further amended be reported to Council.

THE HON. THE TREASURER seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

### THE COMPANIES ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Trading Companies and other Associations" be read a third time.

THE HON. THE TREASURER seconded.

The question was put and carried, and the Bill was read a third time and passed.

### THE NATIVE ARMS ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to regulate the carrying of Arms by Natives" be read a third time.

THE HON. C. W. HOBLEY seconded.

The question was put and carried, and the Bill was read a third time and passed.

### THE NATIVE AUTHORITY AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Native Authorities." He said:—

The object in introducing this Bill is to extend the operation of the Native Authority Ordinance. The main intention is to compel the natives by legislation to make better use of the lands set aside for their occupation. Natives in different areas vary very much in inclination and many are prone at times to neglect cultivation particularly so when they begin to amass any number of cattle or other live stock, this neglect is also due at times to general indifference. The result is that while in certain areas there is in normal times comparative plenty, other areas have a scarcity of food. In certain cases natives respond to normal advice from District Commissioners in this connection, in others they do not. What we require is authority to compel reasonable development generally. During such time as the communal form of tenure of land continues the universal inclination to develop will always be lacking, improvement in this connection will only come with the individual form of tenure. The present custom of allowing certain lands to lie uncultivated or fallow for years and the exclusion from such land of any member of the tribe needs dealing with as it severely limits the productive capacity of the Reserves. We hope by a system of agricultural education to get natives in time to manure and rotate their crops.

The Native Reserves are capable of immense increased production and in the interests of the Empire and the natives themselves we desire to improve the present position.

An improvement of agricultural conditions and an extension of cultivation cannot help but be of extreme advantage to the tribes. The present shortage of food would undoubtedly have been much less severe had the natives generally been more industrious in this connection.

THE HON. THE TREASURER seconded, and the Bill was read a first time.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE ESTATE DUTY ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for Duties on Estates of Deceased Persons."

He said that the object of the Bill was twofold: firstly, to provide machinery for the adequate collection of duties on estates of deceased persons, and, secondly, to introduce an additional scale of rates of such duty. The law as it stood at present was very unsatisfactory. Death duties, such as they were, were collected by the Court and were chargeable as Court fees. The Court naturally had no machinery and had no direct powers of finding out whether or not the valuation of the estate of a deceased person, made by the executor or administrator, was correct. Quite recently there had been several cases in which it appeared obvious that the estate—in each case the estate was of considerable value had been considerably undervalued, up to the present time whether or not such machinery should be erected was more or less a question of finance, but the time had now come when it was thought the machinery of the nature proposed by the Bill would pay for itself.

The Bill provided that there should be Estate Duty Commissioners. The duty of those Commissioners would be to see that duty was correctly levied on the estates of deceased persons, and to see that valuations of estates were approximately correct. The procedure contained in that part of the Bill headed "Commissioners and Officers" dealt with the creation of Commissioners. The second part of the Bill dealt with technical provision as to what duty was leviable on. The provisions of that part of the Bill showed the procedure to be followed in the payment of duty and its collection. One essential provision was that contained in clause 20—a clause which it was hoped would make evasions of duty somewhat more difficult than they were at present. Relief was provided by the Bill in case of quick succession in the case of land and businesses. That was contained in clause 18. If an Assistant Commissioner doubted the value given of an estate he could ask for the value to be amended and have the matter reported to the Commissioners who might move the High Court which was the ultimate authority in the assessment of the value of an estate. There was provision for relief in the case of duty on houses placed at too high a value and provision for the postponement of payment of duty. The rates contained in the schedule were practically those contained in the British Finance Act, 1914. At the present moment the duty leviable was at the rates contained in the Act of Parliament of 1881 and under that Act the highest duty payable was only 3 per cent. The duty under the Bill varied from 1% to 20%. The net result was that small estates under the Bill would pay rather less and large estates would, of course, pay considerably more.

THE HON. THE TREASURER seconded and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE TOWN PLANNING ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the making of Town Planning Schemes."

He said that the necessity for some regulations with regard to the laying out and growth of towns had been felt at home very much within the last 10 years with the result that the Housing and Town Planning Act of 1909 was passed. In the East Africa Protectorate, fortunately, they were not faced with the same position as they were at home. There were not a great many crowded areas and the Townships were more or less open. Every endeavour should be made to avoid a haphazard growth of a town such as characterized many towns in England with the result that there were many slums.

Every effort should also be made to provide means whereby a town should be developed on sanitary lines.

The Bill before Council provided that the preparation of town planning schemes might be ordered by the Governor-in-Council with or without the application of the local authority. The preparation of the scheme was left to an authority appointed by the Governor. The intention was and the result would be that the authority would be the local authority having jurisdiction in the township. The Bill provided for opportunity by the public of criticising the plan and if objections were raised the final decision rested with Council. When the plan was approved by the Governor then it formed part of the provisions of the Ordinance. The Bill followed the lines of the home town planning act and provided for the issue of provisions dealing with the general object of town planning and with the matters set out in the first schedule to the Bill. The second schedule contained matters regarding regulations in addition to the specific matters set out in clause 9 of the Bill providing for the co-operation of persons interested in the land.

The Bill provided for compensation where any property was injuriously affected by the scheme. On the other hand where the property increased in value half of such increase could be claimed by the responsible authority that was the authority responsible for carrying out the scheme. That provision had been made because it was based on the principle that the community was entitled to share in the increased value due to public improvements of that nature made at great expense. Clause 16 of the Bill was based on the home legislation which gave power to replan existing areas and realign streets and re-arrange boundaries provided that the result is not of less value than the original plot. Another provision of the Bill gave the authority power to acquire land compulsorily but without paying any excess profit so to speak, on the acquisition. Honourable Members were probably aware that under the Indian Land Act land could be acquired compulsorily for public purposes and the compensation allowed was the value of the land plus 15%. Under the Bill before Council the compensation allowed was the value of the land only.

THE HON. C. W. HOBLEY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

### THE NATIVE AUTHORITY (FAMINE RELIEF) ORDINANCE, 1918.

THE CLERK OF COUNCIL having read a Certificate of Emergency in regard to a Bill intituled "An Ordinance to make provision for the employment of natives suffering or likely to suffer from shortage of food on relief and other public works."

COLONEL THE HON. J. AINSWORTH moved the suspension of Standing Orders in order that the Bill might be proceeded with.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

COLONEL THE HON. J. AINSWORTH introduced and moved the first reading of the Bill. He said:—

The object of this Bill is to bring into operation legislation under which natives who are in danger of starvation due to drought and consequent shortage of food may be compelled to go out to work on Relief and other Public Works. To those not conversant with the peculiarities of the African who, when a state of famine occurs in his country, becomes apathetic and indifferent to his fate, compelling powers of this description may seem an extraordinary measure, but to those who have had any experience in this connection it is only too well known that disorganization becomes only too evident as hunger creeps in, and with disorganization there comes a general disinclination to do anything except to roam about in search of food and ultimately to adopt an apathetic attitude and leave the rest to fate. Under Famine conditions an ordered idea or concentration on work in return for food is just what these people will not do unless ordered and compelled. It is for these reasons that powers are sought so that it shall not be left to the native to follow his own inclination which if allowed will result in his deterioration and numerous deaths. To those who have gone through famine periods in this country in the past it is accepted that drastic measures are necessary if the natives are to be saved from the results of their own indifference.

At present shortage of food in the districts must necessarily increase in intensity before the next harvest which, even if the long expected rains do come shortly, cannot come into existence until about August next, and, of course, the longer the rains hold off the later will the prospective crop be.

I think that anyone knowing the native attitude in these matters will readily admit the absolute necessity for taking such measures as will, in the opinion of the Administration, enable us to be in a position to act for the native's good in spite of himself.

As regards clause 3 of the Bill the intention is that in any case where it is necessary to order out or move any large body of natives the District Commissioner may direct a Government Headman to accompany his people to assist in the maintenance of law and order amongst them.

THE HON. C. W. HOBLEY seconded, and the Bill was read a first time.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the second reading of the Bill at a later stage of the Session.

### THE CUSTOMS AMENDMENT ORDINANCE, 1918.

THE HON. F. W. MAJOR submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to amend the Law relating to Customs," as follows:—

## REPORT.

THE SPECIAL COMMITTEE OF THIS HONOURABLE COUNCIL APPOINTED TO CONSIDER THE PROVISIONS OF A BILL INTITULED "AN ORDINANCE TO AMEND THE LAW RELATING TO CUSTOMS" HAS THE HONOUR TO REPORT AS FOLLOWS:—

1. It has been considered desirable more clearly to define the words "The Protectorate" where they occur in the Bill in order to save confusion where the expression Uganda Protectorate is used in the same clause and amendments to clauses 2 and 4 are proposed to effect this purpose.
2. It is suggested that the designation "Director of Customs" more correctly describes the Head of the Department, and amendments are suggested for the substitution of the designation referred to for the "Chief of Customs."
3. A new clause 7 is suggested to enable the Customs Department to order the special sale of perishable goods unclaimed which it is obvious will deteriorate and possibly become a danger to health if not immediately disposed of. The power to act in such cases is lacking in the Customs Ordinance, 1910.
4. It is considered desirable to amend section 207 of the Customs Ordinance, 1910, so as to provide more clearly for the recovery of penalties for untruthfully answering questions put to passengers and others by Examining Officers.
5. It is necessary to provide for the securing of offenders pending a decision with regard to any charges brought against them, and a new clause 10 is therefore suggested.
6. With a view to better provision for the collection of revenue, it is suggested that clause 65 of the principal Ordinance be amended so as to provide that all documents the inspection of which is necessary to clearance should, if not written or printed in English, be supported by a correct translation thereof in English and to provide for heavier penalty for the production of false invoices. It is considered important that the penalty that can be inflicted should be increased, the falsification of invoices being considered an offence difficult to detect and therefore calling for an exemplary penalty if discovered. If this amendment is agreed to, clause 7 of the Bill will become a sub-clause of the new clause.
7. A schedule of the amendments proposed by the Committee is annexed hereto.

F. W. MAJOR,  
*Chairman.*

Nairobi,

The 14th day of March, 1918.

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SCHEDULE I.

THE CUSTOMS AMENDMENT ORDINANCE, 1918.

SCHEDULE OF AMENDMENTS.

Clause 1.—Insert at end of the clause:—

"and all Ordinances amending such Ordinance."

Clause 2.—Lines 6 and 7.—Insert "East Africa" before "Protectorate."

Clause 3.—Becomes clause 8.

Clause 4.—Becomes clause 9.

Line 14.—Insert "East Africa" before "Protectorate."

Delete "such importations," insert in lieu "importation into the East Africa Protectorate."

Clause 5.—Becomes clause 11.

For "Chief" insert "Director."

Clause 6.—Is deleted and clause 9 is substituted therefor.

Clause 7.—Becomes sub-clause 2 of the new clause 6.

Clause 8.—Becomes clause 4.

Insert new clause 5:—

5. (1) Section 3 of the Principal Ordinance shall be and is hereby amended by the deletion of the words "Chief of Customs" and by the substitution therefor of the words "Director of Customs."

(2) In the Principal Ordinance and in any other Ordinance wherever the term "Chief of Customs" is used there shall be substituted therefor the term "Director of Customs."

Insert new clause 6:—

6. (1) Section 65 of the Principal Ordinance is hereby amended by the deletion of the words "to a penalty of seven hundred and fifty rupees to be recovered in the usual manner" and by the substitution therefor of the words "on conviction to a fine not exceeding Rs. 4,500/ or imprisonment of either description for a term not exceeding 12 months or to both and all goods in respect of which such false invoice is produced or such fraudulent attempt is made shall be forfeited."

(2) Whenever an officer of the Customs in accordance with the provisions of section 65 of the Principal Ordinance requires the production of original invoices, bills of lading, bills of parcels or other such documents if any document so required to be produced is not written or printed in English the person required to produce such document shall produce with such document a correct translation thereof in English. Any person who produces a false translation shall be liable to a penalty of Rs. 750/- to be recovered in the manner provided by the Principal Ordinance for the recovery of penalties thereunder.

Insert new clause 7:—

7. Notwithstanding anything to the contrary in section 73 of the Principal Ordinance contained in regard to the sale of any goods by the Customs Department if it be considered that by reason of the perishable nature of the goods unless the goods be sold at once the proceeds would not be sufficient to cover the duties and charges the Director of Customs may forthwith order the sale thereof and apply the proceeds as directed by section 73 of the Principal Ordinance.

Insert new clause 9:—

9. Section 207 of the Principal Ordinance is hereby repealed and the following section is hereby substituted therefor:—

207. Any officer of Customs or other person acting in his aid or duly employed for the prevention of smuggling may search any person on board any ship in any port or place within the limits of the jurisdiction or any person who shall have landed from any ship or otherwise entered the Protectorate provided such officer shall have good reason to suppose that such person has any uncustomed or prohibited goods secreted about his person and if any person shall obstruct any such officer in going, remaining or returning from on board or in searching such ship or person every such person shall forfeit the sum of Rs. 1,500/- and any person who after landing from any ship within the Protectorate or while he is still on such ship or who otherwise enters the Protectorate is questioned by an officer of Customs whether he has any dutiable goods upon his person or in his possession refuses to answer or denies it or makes any statement for Customs purposes as to any dutiable goods upon his person or in his possession and omits from such statement any dutiable goods shall if any such goods be discovered to be or to have been at the time of the refusal or denial or of the statement upon his person or in his possession be liable to forfeit the goods and shall further be liable to forfeit three times the value of the goods or to a penalty of Rs. 1,500/- at the election of the Director of Customs.

Insert new clause 10:—

10. The power given under the Principal Ordinance to detain any person for any offence under the Principal Ordinance or any other Ordinance relating to Customs shall include the power to secure the offender in a police station or other suitable place until he can be taken before the nearest Magistrate.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. F. W. MAJOR moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. F. W. MAJOR gave notice that he would move the third reading of the Bill at a later stage of the Session.

#### QUESTION AND ANSWER.

THE RIGHT HON. LORD DELAMERE moved the suspension of Standing Orders in order that he might ask a question regarding the importation of famine relief Maize from South Africa.

THE HON. W. C. HUNTER seconded.

The question was put and carried.

THE RIGHT HON. LORD DELAMERE asked under what law the Maize brought in by the Famine Committee was allowed to come into the country free of duty.

THE HON. THE ATTORNEY GENERAL (in reply): Under the law relating to Customs tariffs.

THE RIGHT HON. MEMBER: What power does that law give

THE HON. THE ATTORNEY GENERAL: Government imports are allowed to enter the country free of duty. The maize referred to is Government property.

The Council adjourned till 2-15 p.m., on the 12th of April, 1918.

#### SEVENTEENTH DAY.

The Council assembled on the 12th of April, at 2-15 p.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. C. W. HOBLEY, C.M.G.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Absent:—*

THE HON. A. C. MACDONALD.  
 THE HON. R. BARTON WRIGHT.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.

## QUARTERLY RETURN OF UNFORESEEN EXPENDITURE 1917-18.

THE HON. THE TREASURER laid on the Table a Statement of Unforeseen Expenditure for the quarter ended the 30th of September, 1917, and proposed the following motion:—

Whereas it was found necessary to incur expenditure for which no provision was made in the approved Estimates for the year 1917-18, amounting to £21,910-13-8 during the period from 1st July, 1917 to 30th September, 1917, as more particularly set forth in the Statement laid on the Table, it is hereby resolved that this Council do approve such expenditure.

THE HON. THE ACTING CHIEF SECRETARY seconded.  
 The question was put and carried.

## STANDING ORDER No. 13.

THE HON. W. C. HUNTER (in the absence of the Right Hon. Lord Delamere) moved the suspension of Standing Orders in order that he might put a motion regarding the desirability of amending Standing Order No. 13.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. W. C. HUNTER proposed the following motion:—

“That a Committee of this Honourable Council be appointed to consider the desirability of amending Standing Order No. 13.”

He said he understood that the object of the Right Hon. Member (Lord Delamere) was to ask for the appointment of a Committee to consider whether questions and motions could be placed before Council without giving such long notice as seven days. He (the Hon. Member) thought it was agreed that it would facilitate the conduct of business if shorter notice could be given.

THE HON. W. MACLELLAN WILSON seconded.

The motion was put to the vote and was carried unanimously.

THE PRESIDENT intimated that the constitution of the Special Committee would be announced at the next sitting of Council.

## THE TOWNSHIPS AMENDMENT ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled “An Ordinance to amend the Law relating to Townships” be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

## THE CUSTOMS AMENDMENT ORDINANCE, 1918.

THE HON. F. W. MAJOR moved that the Bill intituled “An Ordinance to amend the Law relating to Customs” be recommitted to Council for the purpose of making further amendments.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

Further amendments were agreed to.

THE HON. F. W. MAJOR moved that the Bill as further amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. F. W. MAJOR moved that the Bill be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried, and the Bill was read a third time and passed.

THE NATIVE AUTHORITY AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to amend the Law relating to Native Authorities" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put, and was carried by 8 votes to 3.

COLONEL THE HON. J. AINSWORTH moved that the Council resolve itself into a Committee of the whole Council to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE PRESIDENT said that, as several Honourable Members were absent and the Bill had met with a certain amount of opposition, it would be better if Colonel the Hon. J. Ainsworth withdrew the motion and proposed it at a later stage of the Session. He would like as full a discussion as possible on the principles of the Bill.

COLONEL THE HON. J. AINSWORTH accordingly withdrew the motion and gave notice that he would propose it at a later stage of the Session.

THE ESTATES DUTY ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for Duties on Estates of Deceased Persons" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. THE ATTORNEY GENERAL (Chairman).

THE HON. THE TREASURER.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

THE TOWN PLANNING ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for the making of Town Planning Schemes" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. THE ATTORNEY GENERAL (Chairman).

THE HON. C. W. HOBLEY, C.M.G.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

THE NATIVE AUTHORITY (FAMINE RELIEF) ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to make provision for the employment of Natives suffering or likely to suffer from shortage of food on relief and other public works" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

COLONEL THE HON. J. AINSWORTH moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

COLONEL THE HON. J. AINSWORTH moved that the Bill be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried, and the Bill was read a third time and passed.

The Council adjourned till 10 a.m., on the 22nd of April, 1918.

## EIGHTEENTH DAY.

The Council assembled on the 22nd of April, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Absent:—*

THE HON. A. C. MACDONALD.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 THE RIGHT HON. LORD DELAMERE.

## THE NATIVE LIQUOR AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Native Intoxicating Liquors." He said that:

The object of this Bill is to amend the Native Liquor Ordinance 1915 (No. 22 of 1915). I would remark that while the 1915 Ordinance became one of the positive laws of the Protectorate in 1915, its definite application has, for reasons given by the Honourable the Attorney General before this Honourable Council on the 2nd December, 1915, been suspended. The occasion for the Attorney General's remarks was his introduction of a Bill intituled An Ordinance to keep alive the provisions of "the East Africa Native Intoxicating Liquor Ordinance 1908." The object in introducing legislation provided for in the Bill referred to was to keep alive the provisions of the 1907 Ordinance as amended by the Native Intoxicating Liquor Ordinance of 1908. In effect it meant the suspension of Section 32 of the Ordinance No. 22 of 1915. This Section repealed the 1907 and 1908 Ordinances. Therefore by suspending the operation of Section 32 provision was made for the revival of these two Ordinances pending the application of Section 32 of Ordinance No. 22 of 1915.

The intention of the Native Liquor Ordinances already in force is to regulate the supply and sale of native intoxicating liquor. The provisions of these Ordinances have not been applied in those areas set apart as Native Reserves.

The object of the present amending Ordinance is to make provision for regulating the manufacture, possession, sale and consumption of native intoxicating liquors in Native Reserves.

The reason why we seek such provision is that in certain of the Reserves drunkenness amongst the young men is alarmingly on the increase, so much so in fact that it is having a most disturbing influence in the Native Districts.

If the present state of affairs is allowed to continue it will undoubtedly endanger all discipline and become a menace to peace and order. Normally amongst the tribes it is absolutely contrary to their own law and custom for the young men to imbibe intoxicating liquor. Formerly this undesirable departure from native custom would have been dealt with by the elders, but to-day there is a spirit of defiance on the part of the young men in such matters.

The Bill may appear somewhat drastic in its provisions but in view of the serious nature of the disease drastic remedies are necessary. It will be readily understood that if we make no attempt to cure this disease the evil effects will spread and the present undesirable state of affairs will become worse.

The natives more particularly concerned at present are certain of the Akamba and Akikuyu in the Ukamba Province. Many of these people are already sufficiently difficult to deal with from a point of view of their uplifting. With a continuance of the drink habit they will represent an impossible problem in this connection. It, therefore, is very necessary to provide for total prohibition in so far as young men are concerned. Sections 11 and 12 of the Bill have this intention.

The reason why there is a restriction on sugar is because the natives concerned have been making considerable use of this article in the manufacture of native beer.

It is, of course, possible that when the drink question is strictly regulated in the Native Reserves certain natives may attempt to transfer their activities in this connection to farms. I take it, however, that occupiers will, in their own interests, do what is possible to check the evil on their lands. Drunken natives cannot be an asset to anyone while they may easily become a danger and a nuisance to society generally.

I move that this Bill be read a first time.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the second reading of the Bill at a later stage of the Session.



### THE ALIENS RESTRICTION ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to enable restrictions to be imposed on aliens and to make such provisions as are necessary or expedient to carry such restrictions into effect."

He said that, as Honourable Members might gather from the second clause the Bill was in the nature of a war measure to be applied when a state of war existed or in an emergency. The provisions of the Bill were similar to those which existed at home under Aliens' Restriction Act, 1914, and gave the Governor-in-Council very full powers restricting the landing of aliens, their movement in the Protectorate, and their residence in the Protectorate and also with regard to registration, identification, and change of abode, and regulations regulating their travelling. Honourable Members might think that it was rather late in the day to introduce the Bill. At the beginning of the war it had not been considered that there was any necessity for a measure of that sort but since then the military authorities had, in the course of the conduct of their intelligence work, come across facts which made it necessary, in their opinion, that a Bill of that kind should be enacted. It was in accordance with the wish of the military authorities, the extraordinary workings of German propaganda, that the measure had been introduced.

THE HON. THE ACTING CHIEF SECRETARY seconded, and the Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

### THE RESIDENT NATIVES ORDINANCE, 1916.

COLONEL THE HON. J. AINSWORTH submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to regulate the residence of Native Families on farms and on areas not included in Native Reserves," as follows:—

#### REPORT OF THE SPECIAL COMMITTEE ON THE BILL INTITULED AN ORDINANCE TO REGULATE THE RESIDENCE OF NATIVE FAMILIES ON FARMS AND ON AREAS NOT INCLUDED IN NATIVE RESERVES.

YOUR EXCELLENCY,

I beg leave to present to Council the report of the Special Committee appointed to examine the provisions of the Bill.

The Bill was first introduced on the 10th October, 1916. The second reading was brought up on the 12th February, 1917. Between the time of the introduction of the Bill and the second reading a considerable amount of discussion and criticism of its provisions took place at public meetings and in the Press. Such discussion has been helpful in many ways.

On the second reading a Special Committee consisting of four official and three non-official members was appointed, on the day following the appointment of this Committee, one additional official and two additional non-official members were added making a total of five official and five non-official members.

The Committee has sat on ten occasions. On the last occasion representatives of the various Mission Societies in the Protectorate attended by invitation to discuss the position of the Missions under the Bill. At this meeting the Missionaries unanimously decided that it would be better for them to come under its provisions.

In dealing with the general principles of the Bill the Committee is of the opinion that it should be headed by a preamble setting out the intentions. We propose therefore that the following preamble be inserted:—"Whereas it is desirable to encourage resident native labour on farms and to take measures for the regulation of the squatting or living of natives in places other than those appointed for them by the Government of the Protectorate and for the preservation of law and order amongst such natives."

Clause 1. 1916 will require to be altered to 1918.

Clause 2. Definitions—

The Committee consider that the term "Farm" should be defined as follows:—"any area of land (other than an area of land situated in a Township) not included in a native reserve, whether such area is leased or sold by the Crown or not and whether such area is unalienated Crown land or Forest reserve or not."

In dealing with this definition representations were received from the Church Missionary Society with reference to the peculiar conditions connected with the grant of land to their Society at Frere Town by His Highness the Sultan of Zanzibar. We have therefore considered it desirable to add a proviso exempting this land from the provisions of the Bill to the extent that the land in question is used in accordance with the terms of the grant, i.e., for the residence of released slaves.

To avoid constant repetition in the various clauses of the Bill when referring to the owner or other person occupying a farm it has been considered desirable to use the word occupier in such cases: we have consequently defined "occupier." This is an additional definition.

The term "Head of a family" has been altered to that of "Family." The reading of the clause has been somewhat altered so as to allow of a more clear understanding of what is intended.

The term "Stock" has been deleted. We consider that it is only necessary to deal with cattle in the Bill and this term does not need defining.

In the opinion of the Committee the definition of "Magistrate" should be amended. The opinion is that the term should mean a Resident Magistrate or Assistant Resident Magistrate, and that where possible the functions for which a Magistrate is responsible should be confined to such Magistrates. In view, however, of the fact that for some time to come it may not be possible to have Resident Magistrates posted to all the White areas we suggest the addition of "such other Magistrate as the Governor may appoint." This addition will prevent any inconvenience that might otherwise occur.

Subsequent to the last meeting of the Committee the Honourable the Attorney General is of the opinion that the word "Reserve" as applied to a native area requires defining, also, as we propose an additional clause in the Bill dealing with Missions, that the term "Mission" should be defined. We therefore propose additional definitions to meet these two cases.

Section 3 of the Bill provides for a limit of five families to reside on a farm save under conditions hereinafter prescribed in the Bill.

Section 9 provides for an actual limitation of "fifteen heads of families." On the general principle of limitation the Committee is of the opinion that the limit should be fixed in accordance with the labour requirements of the farm. We therefore propose an amendment to the Bill in this sense.

With regard to section 4 of the Bill we consider that all that is necessary is to compel the occupier to keep a register of all families and of cattle lawfully on the farm, we therefore propose some slight amendment to this section and that in its amended form it should become section 8 of the Bill.

With reference to section 5 we propose some slight amendment to the effect that a Magistrate should have the power to authorize another person to undertake the specific duty imposed upon him. We also propose the deletion of the last sentence of this section. Our reason for this deletion is that it seems undesirable to render native owned stock liable to confiscation in the case of what might be a mistake. Should it be found that cattle has been illegally obtained there exists a remedy under the existing law.

We further propose that section 5 should become section 9 in the amended Bill.

Sections 6 and 7 of the Bill should, we consider, be deleted. We propose that these two sections should, in an amended form, be incorporated in one section so as to read as in section 10 of the proposed amendments.

In dealing with section 8 of the Bill we are of the opinion that the procedure proposed in the Bill should be altered so as to allow that a family may proceed to reside on a farm when the head thereof produces to the District Commissioner a permit signed and issued by a Magistrate authorizing such family to reside on a farm. We consider also that it is desirable to provide for a son who is of the apparent age of 16 years or over to accompany his parents, should he so desire, on the condition that he is a party to the agreement as regards labour. A further proviso suggested is to the effect that if a son comes to the apparent age of 16 years while residing on a farm with his parents he shall be allowed to remain with the family during the period of the agreement. The amendments as suggested appear as section 5 in the proposed amended Bill.

Section 9 of the Bill becomes absorbed in the proposed section 5 of the amended Bill.

We propose that section 10 of the Bill be amended by the addition of the words "or any person duly authorized by a Magistrate in that behalf" to follow the words "any Magistrate." We propose that this section should be No. 6 in the amended Bill.

Section 11 of the Bill it is proposed to amend by altering the words "District Commissioner" to that of "Magistrate." The reference to section 9 will read section 4. We propose also that this section become section 7 of the amended Bill.

With regard to section 12 of the Bill we suggest certain amendments so as to allow of the intentions contained in this section being more in conformity with other sections and particularly section 11 of the amended Bill as proposed.

We propose considerable amendment of section 13 of the Bill. We are of the opinion that no head of a family should be allowed to remove from the Reserve any cattle other than what actually belongs to him or to any members of the family proceeding on to the farm. We also think that native cattle over the age of 6 months on the occupier's land should be marked with a distinctive brand. It also seems necessary to make provision to allow native cattle and the owner to remain on a farm should there be restrictions in force dealing with Diseases of Animals which prevent their movement on the expiry of the agreement. The amended reading is as appearing in section 13 of the proposed amended Bill.



(3) That the employer agrees to pay the native in accordance with the foregoing clause the sum of

<sup>or</sup>  
and to give him  
(here state any other consideration

agreed upon).

(4) That the employer shall provide good and sufficient building material for the erection of huts for the use of the native and his family.

(5) That the employer shall provide the native with sufficient land for the cultivation of crops and for grazing any stock brought by the native on the employer's land.

(6) That six calendar months prior to the termination of this agreement the employer shall give the native notice of the fact that this agreement terminates six months thereafter and the parties hereto may then with the consent of the Magistrate renew this agreement for such term as may be agreed upon.

(7) That the native may together with his family remain on the employer's land after the expiration of this agreement for the purpose of reaping any crop unless the employer elects to give the native reasonable compensation therefor. In the event of any dispute as to the amount of compensation payable the Magistrate shall determine the amount thereof.

(8) That with the consent of a Magistrate this agreement may be terminated by either the employer or the native giving to the other six calendar months' notice provided that the native shall suffer no prejudice in regard to the care and reaping of his crops or in regard to the removal of his family or stock. And provided that the employer may demand the fulfilment by the native of any conditions of this agreement to which the native may be liable in respect of his obligation to work.

(9) That in the event of the native leaving the employer's land he shall be entitled to move all his moveable property but that the native shall not move his buildings and shall not be entitled to any compensation therefor or for any improvements to immoveable property made by him.

(10) That the native shall cause his children to attend regularly at the school provided by the employer on the said land

(Clause to be added in the case of Mission or farms on which schools to the satisfaction of the Magistrate are provided.

(11) That in the event of the native being convicted for theft of stock or produce or of any offence punishable under the Indian Penal Code or if he fails to comply with the demands of the employer as in this agreement provided the employer shall be entitled to terminate this agreement forthwith provided that the native shall retain the right to remove his moveable property and to return and reap and remove his crops unless the employer elects to give the native reasonable compensation therefor. In the event of any dispute as to the amount of compensation payable the Magistrate shall determine the amount thereof.

(12) (Any other provision agreed to by the parties which is not in contravention of the provisions of this Ordinance).

(13) That this agreement shall be null and void unless entered into by the native before a Magistrate after it has been fully explained to the native.

AS WITNESS the hands of the parties hereto.

Witness to the signature }  
of the employer. }

Witness to the signature }  
or mark of the native. }

I hereby certify that the contents of this agreement have been read and explained by me to the native and that he appears to have executed this agreement with a full knowledge of its contents.

The                      day of                      19                      .

Resident Magistrate.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

COLONEL THE HON. J. AINSWORTH moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

COLONEL THE HON. J. AINSWORTH gave notice that he would move the third reading of the Bill at a later Session of Council.

ADDITIONAL REVENUE.

THE PRESIDENT announced that the following Special Committee had been appointed to consider the question of raising additional Revenue:—

THE HON. THE ATTORNEY GENERAL (Chairman).  
 THE HON. THE ACTING CHIEF SECRETARY.  
 THE HON. THE TREASURER.  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

STANDING ORDER No. 13.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to consider the desirability of amending Standing Order No. 13, as follows:—

REPORT OF THE SPECIAL COMMITTEE APPOINTED TO CONSIDER THE AMENDMENT OF STANDING ORDER No. 13.

The Committee is of opinion that the existing Standing Order 13 can well be amended as follows:—

13. Save as hereinafter provided no motion or question shall be put unless notice in writing of such motion or question shall have been given to the Clerk at least one day previously. Provided that the President may require that notice not exceeding 7 days shall be given before such motion or question shall be put.

It is thought that the Standing Order as amended will allow of speedy answers to questions being given and of motions being put on short notice while preserving the right of the Government to have longer notice in the event of such longer notice being required for ascertaining the answer to a question or for the preparation of any necessary material in respect of a motion.

He moved that the Standing Order be amended accordingly.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council adjourned till 10 a.m., on the 25th of April, 1918.

NINETEENTH DAY.

The Council assembled on the 25th of April, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.), presiding.

*Present:—*

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).  
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).  
 THE HON. THE TREASURER (H. P. ESPIE).  
 THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH).  
 THE HON. A. C. MACDONALD.  
 COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.  
 THE HON. P. H. CLARKE.  
 THE HON. W. C. HUNTER.  
 THE HON. W. MACLELLAN WILSON.

*Absent:—*

THE HON. F. W. MAJOR, C.M.G., I.S.O.  
 THE HON. C. W. HOBLEY, C.M.G.  
 THE HON. R. BARTON WRIGHT.  
 THE RIGHT HON. LORD DELAMERE.  
 THE HON. A. C. HOEY.

## QUESTION AND ANSWER.

**THE HON. W. C. HUNTER** (in the absence of the Hon. A. C. Hoey) moved the suspension of Standing Orders in order that he might put a question regarding the Londiani-Eldoret Road.

**THE HON. THE ATTORNEY GENERAL** seconded.

The question was put and carried.

**THE HON. W. C. HUNTER** put the following question:—

1. At what points on the Londiani-Eldoret road is metal available and what is the nature of such metal?
2. What would be the approximate cost of constructing a metal road 30 feet wide from Londiani to Eldoret?
3. What staff and equipment would be required to complete this road in a year?
4. What steps are being taken to comply with the Secretary of State's instructions concerning the immediate metalling of the Londiani-Eldoret road?
5. Whether it is proposed to realign the portions of the road which are at present unsuitable for wagon transport.
6. What is the exact extent of metalling which has been done to date and what has been the cost of the same and what proportions of the said cost are represented by
  - (a) Overhead charges
  - (b) Interest and depreciation on equipment
  - (c) Actual disbursements?

**THE HON. THE ACTING CHIEF SECRETARY** replied:—

1. Road metal occurs in convenient quantity at Mile 4, and, after a stretch from about Mile 8 to 12 on which only outcrops of soft rock appear, at frequent intervals as far as the Burnt Forest.

The maximum lead over which road stone might have to be carted would be six miles.

The stone at Mile 4 is quite suitable for road metal. That near the Burnt Forest is considered suitable, but has not yet been used for road metal.

Beyond Mile 24 the alignment which a metalled road would follow has not yet been surveyed and decided. The present route would not be followed.

2. A metalled road 30 feet wide from Londiani would cost some £2,500 a mile. The cost, and indeed the feasibility, of this type of construction beyond Mile 24 would depend upon the class of material found upon the alignment. If murrum were found upon it, construction in that material would be adopted at pronounced economy as compared with a metalled road.

3. The proposal to construct 65 to 70 miles of metalled road in the Protectorate in one year is not one which would be practical of adoption. The staff and equipment necessary are not available. There would be required, if the survey alluded to in 3 (below) is first completed:—

One Executive Engineer.  
 Four Assistant Engineers.  
 Four Overseers.  
 Twelve Foremen.  
 Twenty Engine drivers.  
 Twelve Steam rollers.  
 720 tip carts (or the equivalent in a supply of tip carts and dump wagons).  
 Ox teams for the above.  
 Eight power-driven stone crushing depots, complete.  
 Twelve miles of 2 feet gauge rail, complete.  
 Eighty tip wagons.  
 4,000 labourers continuously employed.  
 500 tents, assorted.  
 Supervising Jemadars and Headmen.  
 64 water carts.  
 16 rock drills.  
 700 wheel barrows.  
 32 Ox rollers.  
 4 dredgers.  
 4,000 assorted tools.  
 Hospital compounders and orderlies.  
 Watchmen, Store clerks, Timekeepers, Cartmen, Drivers, Sycos, Cooks, Conservancy men, Messengers.

It will be noted that the requirement as to completion within one year would actually involve, in a year of normal weather, the completion of work in a period of 3 or 9 months at the outside, as rains would interfere with work during the remainder of the year.

4. A power driven rock crusher is being installed at Mile 4 and the quarrying of road metal is in progress.

The Secretary of State's remarks on the subject of metalling the road were, however, more of the nature of an expression of opinion than of an instruction and the metalling of the whole road would not be undertaken without definite instructions from him after a report on the subject had been submitted for his consideration.

5. Yes. It is proposed to realign from about Mile 24 onwards. The exact point will not be settled until survey is done.

c.  $3\frac{1}{2}$  miles.

Between £1,000 and £1,100 a mile.

Overhead charges, approximately 16%.

Interest and depreciation on equipment 6%.

Disbursements 78%.

#### THE ALIENS RESTRICTION ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to enable restrictions to be imposed on Aliens and to make such provisions as are necessary or expedient to carry such restrictions into Effect" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

#### *In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

#### *The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

#### THE NATIVE LIQUOR AMENDMENT ORDINANCE, 1918.

COLONEL THE HON. J. AINSWORTH moved that the Bill intituled "An Ordinance to amend the Law relating to Native Intoxicating Liquors" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following Special Committee was appointed to enquire into and report on the provisions of the Bill:—

THE HON. THE ATTORNEY GENERAL (Chairman).

THE HON. THE ACTING CHIEF SECRETARY.

THE HON. C. W. HOBLEY, C.M.G.

COLONEL THE HON. J. AINSWORTH, C.M.G., D.S.O.

THE RIGHT HON. LORD DELAMERE.

THE HON. W. MACLELLAN WILSON.

#### THE ESTATE DUTY ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to provide for Duties on estates of deceased Persons," as follows:—

THE REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF THE BILL INTITULED "AN ORDINANCE TO PROVIDE FOR DUTIES ON ESTATES OF DECEASED PERSONS."

The Committee appointed by the Honourable Council has carefully considered the provisions of the Bill and is of opinion that the measure is a proper one to enact for the purpose of providing machinery to supervise the collection of death duties and to increase such duties for the purpose of raising additional revenue.

2. The Committee considers that in clause 10 of the Bill an addition should be made making it clear that the money collected under the provisions of the Bill shall form part of the general revenue of the Protectorate.

3. In clause 12 an addition is proposed setting forth that donations *mortis causa* form part of the estate for the purposes of duty.

4. In clause 14 (2) the word "moveable" should be deleted otherwise there is no precise provision in the Bill for the payment of duty on immoveable property.

5. In clause 15 (c) a misprint occurs. The word "parties" should read "portions."

6. In clause 20 the words "signed by an approved valuer" should be deleted and a sub-clause inserted as follows:—

(2) The Assistant Commissioner may require that any valuation to be furnished under the provisions of this section shall be made and signed by an approved valuer.

This alteration is prompted by the fact that in numbers of small estates there should be no necessity for valuation by a professional valuer. Such a valuation would naturally add to the expense of administering the estate. If the Assistant Commissioner retains the right to require valuation by an approved valuer the Committee is of opinion that the object of the clause will be attained.

7. In clause 25 (2) the "Commissioner" should read "Commissioners."

8. The Committee is of opinion that the provisions of the Bill relating to valuation should not be made retrospective and it therefore recommends that clause 29 be deleted.

9. The necessary renumbering of the later clauses will have to be effected if clause 29 be deleted.

10. In regard to clause 31 of the Bill the Committee is of opinion that the rules should be made by the Governor-in-Council and should be submitted on the earliest possible occasion to the Legislative Council. It is therefore proposed to delete the word "Commissioners" in the first line of the clause and to substitute the words "Governor-in-Council" and to delete the words "subject to and with the approval of the Governor-in-Council."

The numbering of the sub-clauses of this clause needs adjusting, (1) being omitted.

The words "all rules shall be signed by one of the Commissioners and published in the Official Gazette and thereafter they shall have the force of law" should be deleted and the following substituted:—

"All rules made under this section shall be submitted to the Legislative Council at the Sessions next following the date of the promulgation of such rules."

11. As fee No. 26 of the East Africa Court Fees Rules, 1902, is a compounding fee for Court fees in respect of estates of less than Rs. 1,500/- it is not advisable to repeal it. It is therefore suggested that the words "and fee numbered 26" in clause 34 should be deleted. It will be necessary for Court Fee No. 26 to be adjusted to cover estates of Rs. 1,500/.

12. It will be necessary to provide for the continuation of the principle contained in the Death Duties (Killed in War) Ordinance, 1915. The following additional clause is therefore proposed:—

"In the Death Duties (Killed in War) Ordinance, 1915, wherever the words "No. 23 of the schedule to the East Africa Court Fees Rules, 1902" occur there shall be substituted the words "the Estate Duty Ordinance, 1918."

13. The Committee also suggest that a clause be added to the Bill making it possible for section 20 of the Finance Act, 1894, to be applied to give estates in the Protectorate relief from duty in the United Kingdom. The following is suggested:—

"No duty shall be leviable under this Ordinance in respect of any property situated in the United Kingdom when passing on death."

14. In order to give time for the necessary appointment and rules to be made it is desirable that the Ordinance should not be brought into operation at once but on such a date as the Governor may appoint. The following addition to clause 1 would effect this object:—

"and shall come into operation on such date as the Governor by notice in the Gazette may determine."

J. W. BARTH,  
Chairman.

Nairobi,

The 25th day of April, 1918.



The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE ACTING GOVERNOR, presiding.

*In Committee.*

The Bill was read clause by clause and was adopted with certain amendments.

*The Council resumed its Sitting.*

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

#### THE ALIENS RESTRICTIONS ORDINANCE, 1918.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to enable restrictions to be imposed on Aliens and to make such provisions as are necessary or expedient to carry such restrictions into effect" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

#### THE ESTATE DUTY ORDINANCE, 1918

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for Duties on estates of deceased Persons" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried, and the Bill was read a third time and passed.

#### ADJOURNMENT.

THE HON. THE ACTING CHIEF SECRETARY moved that the Council adjourn until the third Monday of July or such other date as might be duly notified.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. P. H. CLARKE addressed the Council as follows:—

YOUR EXCELLENCY,

We beg to thank you for your very interesting and informative address at the commencement of this session. We trust that there will be no undue delay in publishing the figures in connection with the local campaign, as we are sure the public are awaiting these with much interest.

We have to thank your Excellency for the very clear statement you made in your opening address in connection with the Priority Committee, but we cannot help but think that a lot of the agitation of last year would have been unnecessary had the public been taken into the confidence of the Government at the time as to what was being done.

We note with pleasure the efforts being made by the Government and your Excellency's War Council to encourage the production of local produce, and trust no effort will be spared to stimulate and help, particularly in the growth of wheat and rice, and we trust that the necessary arrangements for communications to bring these products to the markets will receive the consideration that is immediately required.

We understand that a Military Salvage Board has arrived in the country, and as your Excellency knows there is a great demand for waggons, oxen, machinery, building materials, etc., we trust that the Government have taken the necessary steps to make known these wants to the proper authorities. We suggest that the fullest publicity be given to the methods whereby the public can make known their wants.

We note the steps taken in regard to the famine and trust that the present rains will be sufficient to make any further steps unnecessary.

We quite understand that far weightier matters are engaging the attention of the Home authorities, but we hope that the very important matter of popular representation will not be unduly delayed.

With the necessity for increased taxation, the urgency of this matter is emphasized: we would also once again ask that two unofficial Members be appointed to the Executive Council in view of the growing complications that are arising in this country and their inherent connection with trade and agriculture.

We would also like to know what has been the result of the report of the Civil Service Commission and would urge on your Excellency the necessity for something being done at a very early date, as the position of many of your officers can only be considered as serious, and such being the case must affect the efficiency of the service.

With reference to the Bill to amend the Native Authorities Ordinance, which has been introduced this session, though we recognise the necessity for food production, we cannot help but think that it is wrong in principle to encourage compulsion within the reserves, without equally encouraging the production of labour for the more important industries of the country.

Though we accept our share of responsibility in connection with the surcharge, we cannot but think that had your Excellency adopted our suggestion for the appointment of a financial committee, the mistake in its application would not have occurred, and suggest that the committee you have recently appointed for the purpose of recommending new sources of revenue, is proof that our arguments in favour of a finance committee were correct.

This would appear to be an additional argument in favour of the appointment of two unofficial members to the Executive Council to which I have previously referred.

We are glad that the Government have decided to postpone the third reading of the Squatters' Bill until next session, as it will give the public an opportunity for further criticism.

It is with extreme regret that we learn that the Home authorities have refused to sanction the commencement of the Plateau Railway, as we feel that it will take a considerable time to build, and, in view of the fact that every part of the Empire will shortly be called upon to yield its quota to the food and other supplies of the world, we would consider that every moment saved in the construction of the Railway would have been of advantage.

And we desire to emphasize our opinion that the question of the commencement of this Railway is a matter in which greater trust might have been reposed in the Government and people of the Protectorate.

The duration of this session of this Honourable Council is, we believe, unparalleled, and while we assure your Excellency that our services are always at your disposal, we would suggest that arrangements be made by which time can be saved.

As Your Excellency knows, we are all busy men, and, like the Government, suffering from depletion of staffs. We would suggest for your Excellency's approval that this Honourable Council sit at stated periods, starting for instance, first Monday in January, April, July, and October, and that the agenda be completed without any adjournment.

At present it is impossible for Honourable Members to make plans, as we do not know on what date the Council will sit, and this must necessarily interfere with the transaction of the business of the country.

It might help, your Excellency, if you could possibly appoint two or more extra unofficial members to this Council. We wish however to assure your Excellency of our satisfaction at the manner in which our advice and criticism has been received: we trust these have been of assistance to the Government and will help materially towards the development and progress of the country.

In conclusion we regret to receive the news of the retirement of Sir Henry Belfield, and we trust he will long be spared to enjoy the rest, which he has so well earned.

The motion for the adjournment was put and carried.

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