

East Africa Protectorate.

*Kenya Colony and Protectorate
" Legislative Council*

**Summary of the Proceedings of the
Legislative Council of East
Africa.**

First Session,

March 20th to 22nd, 1911.

Nairobi,

PRINTED BY THE GOVERNMENT PRINTER,

East Africa Protectorate.

Summary of the Proceedings of the First Session of the Legislative Council, 1911.

Held at Nairobi on the 20th, 21st and 22nd March, 1911.

The Council assembled on the 20th March at 9-30 a.m., HIS EXCELLENCY THE GOVERNOR (SIR E. P. C. GIROUARD, K.C.M.G., D.S.O., R.E.) presiding.

Present.

HIS HONOUR THE LIEUTENANT GOVERNOR (F. J. JACKSON, C.B., C.M.G.).
THE HON. THE TREASURER (C. C. BOWRING, C.M.G.).
THE HON. THE CROWN ADVOCATE (R. M. COMBE).
THE HON. THE GENERAL MANAGER UGANDA RAILWAY (H. A. F. CURRIE, C.M.G.)
THE HON. MR. A. C. HOLLIS (SECRETARY FOR NATIVE AFFAIRS).
THE HON. MR. G. K. WATTS (COMMISSIONER OF PUBLIC WORKS).
THE HON. MR. F. W. MAJOR, L.S.O. (CHIEF OF CUSTOMS).
THE HON. MR. J. H. WILSON.
THE RIGHT HON. THE LORD DELAMERE.
THE HON. MR. V. M. NEWLAND.
THE HON. MR. T. R. SWIFT.
THE HON. MR. T. A. WOOD.

Absent.

THE HON. MR. A. C. MACDONALD, (DIRECTOR OF AGRICULTURE).
THE HON. MR. A. M. JIVANJI.

The Oath was administered to HIS HONOUR THE LIEUTENANT GOVERNOR and THE HON. MR. A. C. HOLLIS.

The minutes of the previous meeting were read and confirmed.

THE HON. MR. T. R. SWIFT in pursuance of notice given asked:—

Whether any concession of water rights had been granted to the Nairobi Electric Lighting Company on the Thika River, and if so, whether the water rights above the falls still remained in the hands of the Government of the Protectorate.

THE HON. THE CROWN ADVOCATE replied:—

That no concession had been granted. If the Government ever thought fit to make such a grant on the Thika to a private Company or individual, provision would be made to reserve such water rights above and below any falls so granted as might be thought desirable in the public interest.

THE HON. MR. T. R. SWIFT in pursuance of notice given asked:—

Whether it was a fact that permission had been granted to an Indian to erect a mill and to trade in the very heart of the Native Reserve in the Kenya Province about 20 miles from the residence of any white man and if so, whether this was done with the approval of the Secretary of Native Affairs.

THE HON. MR. A. C. HOLLIS replied:—

That permission had been granted to two Indians to erect flour mills of a temporary nature in the Kenya Province. One of these was in the Fort Hall Township, which was not a part of the Native Reserve; the other was on the Ruringazi River. The latter was situated in the Native Reserve, but by an oversight, which would be rectified at once, the trading site on which it had been erected had not been excluded from the Native Reserve. The notice of the Provincial Commissioner of the Kenya Province had been called to the irregularity to which the Honourable Member had drawn attention.

The East Africa Railways Amendment Ordinance, 1911.

THE HON. THE MANAGER OF THE UGANDA RAILWAY in pursuance of notice given introduced and moved the first reading of the bill intituled "An Ordinance to amend the East Africa Railways Ordinance, 1910."

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried and the Bill was read a first time.

THE HON. THE MANAGER OF THE UGANDA RAILWAY gave notice that he would move the second reading later during the Session.

Appropriation Ordinance, 1911.

THE HON. THE TREASURER having made some modifications in his Budget Statement moved that it be taken as read and then moved the first reading of this Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1912."

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried and the Bill was read a first time.

THE HON. THE TREASURER moved the suspension of standing orders in order to pass this measure through the second reading.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

THE HON. THE TREASURER moved that the Bill be now read a second time.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

THE HON. THE TREASURER moved that Council resolve itself into Committee to consider the provisions of the Bill.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

IN COMMITTEE.

HIS EXCELLENCY announced that the Port and Marine Department had been placed under the Customs Department.

THE HON. MR. J. H. WILSON expressed regret that no provision had been made for a new mooring buoy in Mombasa harbour.

THE HON. THE TREASURER noted this for inclusion in a Supplementary Estimate.

HIS EXCELLENCY appointed a Committee consisting of:

THE HON. MR. H. A. F. CURRIE (Chairman)

THE HON. MR. T. R. SWIFT

THE HON. MR. T. A. WOOD

THE HON. MR. F. W. MAJOR

to enquire into the workings of the Transport Department and to see whether it would be possible for transport work to be undertaken by Departments.

After debating certain clauses of this Bill,

Council adjourned until the 21st March. Council resumed on the 21st March.

Absent.

THE HON. MR. A. C. MACDONALD, (DIRECTOR OF AGRICULTURE).

THE HON. MR. V. M. NEWLAND.

THE HON. MR. A. M. JIVANJI.

THE CLERK announced that the Report of the Committee appointed to enquire into the decline of export in Copra and the Annual Report of the Survey Department were laid on the Table.

COUNCIL IN COMMITTEE ON THE APPROPRIATION BILL.

THE HON. MR. T. A. WOOD asked for expert evidence as to the necessity for the appointment of a Government Analyst.

THE HON. THE TREASURER replied:—

That the appointment of a Government Analyst was asked for as a Toxicological Expert was required in the interests of the public to aid the Medical and the Police Department in the detection and prevention of crime. As showing the necessity of such an appointment he would remind the Council of the possibilities of the case of the late Mr. Duckworth, of the case of the Indian foreman in the Public Works Department who died under most suspicious circumstances, a *post mortem* only revealing a distinct odour of opium in the contents of the stomach; and only this month of the death of a German suspected of having died from an overdose of veronal. In addition to these cases the Police were constantly calling for reports on material in support of evidence which under present circumstances was not forthcoming. For the Veterinary Department the provision of such an expert would enable a satisfactory investigation of cattle poisonings to be made. An analyst was essential for the examination of adulterated foods and drugs, regulations for which would shortly have to be considered. The appointment of the analyst was an expression of the attainment of a stage of civilization which he trusted the Hon. Member considered the Protectorate had now reached.

THE HON. MR. T. A. WOOD proposed the amendment that the item of £450 for a Government Analyst in the Schedule, division 14, and £900 for additions to the Bacteriological Laboratory in division 30, be deleted from the Estimates.

THE HON. THE LORD DELAMERE seconded.

The amendment was lost by 9 votes to 2.

THE HON. THE TREASURER reported the Bill to Council without amendment and moved the suspension of the Standing Orders in order to pass the bill through its third reading.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

THE HON. THE TREASURER moved the third reading.

THE HON. THE CROWN ADVOCATE seconded.

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

East Africa Railways Amendment Ordinance, 1911.

THE HON. THE MANAGER OF THE UGANDA RAILWAY moved that the Bill be now read a second time.

THE HON. MR. G. K. WATTS seconded.

The question was put and carried.

THE HON. THE MANAGER OF THE UGANDA RAILWAY moved that Council resolve itself into Committee to consider the provisions of the Bill.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

IN COMMITTEE.

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

THE HON. THE MANAGER OF THE UGANDA RAILWAY reported the Bill to Council without amendment and moved the suspension of Standing Orders in order to pass the Bill through the third reading.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

THE HON. THE MANAGER OF THE UGANDA RAILWAY moved the third reading.

THE HON. THE CROWN ADVOCATE seconded.

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

Trade Marks Ordinance, 1910.

THE HON. THE CROWN ADVOCATE moved that a Special Committee be appointed to consider the provisions of a model Ordinance with a view to framing a new Trade Marks Ordinance.

This was agreed to and His EXCELLENCY appointed the following committee :—

THE HON. MR. MAJOR (Chairman)

THE HON. THE CROWN ADVOCATE

THE HON. MR. J. H. WILSON

THE HON. MR. T. A. WOOD

Weights and Measures Ordinance, 1910.

THE HON. THE TREASURER moved that Council resume in Committee to consider the provisions of this Bill.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

IN COMMITTEE.

THE HON. THE TREASURER proposed the following amendments :—

Section 1. For "1910" Substitute "1911."

Schedule A. After "pound avoirdupois" insert "(Native Equivalent "rottele or rotli")"

THE HON. THE CROWN ADVOCATE seconded.

The questions were put and carried.

THE HON. THE TREASURER proposed that the Frasila should be deleted from the Schedule A.

THE HON. THE CROWN ADVOCATE seconded.

The question was put and carried.

THE SPECIAL COMMITTEE proposed that in Section 12, paragraph 2, line 2, the words "The Secretary to the Administration" should be deleted, and the words "such other Officer as the Governor may appoint" substituted: and that

in lines 4 and 5 the words "The Secretary" and "(if any)" should be deleted and the words "Officer and Officers" substituted.

The amendment was adopted.

Section 16. It was agreed to insert the words "weight shall be sold by" between the words "by" and "avoirdupois".

Section 43. THE HON. MR. T. A. WOOD moved the amendment that Section 43 should be deleted from the bill.

THE HON. MR. J. H. WILSON seconded.

The question was put and lost by 9 votes to 2.

Schedule F. It was agreed to delete "thirty-five pounds or a frasila".

Section 29. THE SPECIAL COMMITTEE proposed that the first paragraph should be deleted and that the words "Any weight or measure which may be not more than 0.5 per cent or 1/200, more or less, than the Standard Weight and Measure which it represents, shall be deemed to be true and just for all purposes of this Ordinance" should be substituted.

The amendment was adopted.

Section 31. Paragraph 3, line 1, it was agreed to insert the word "European" between "every" and "police" and to delete the words "of and above the rank of Inspector."

THE HON. THE TREASURER moved to report the bill as amended to Council.

THE HON. THE CROWN ADVOCATE seconded the motion.

The question was put and carried.

THE HON. THE TREASURER moved the third reading.

THE HON. THE CROWN ADVOCATE seconded.

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

Council adjourned till the 22nd March.

Council resumed on the 22nd March.

Absent.

THE HON. MR. A. C. MACDONALD.

THE HON. MR. T. R. SWIFT

THE HON. MR. V. M. NEWLAND.

THE HON. MR. A. M. JIVANJI.

THE HON. MR. T. A. WOOD in pursuance of notice given asked:—

Whether there was any truth in a statement recently made in a local paper that time expired prisoners were retained in custody to carry on public works, and, if there was no truth in such statement, could any explanation be given as to how it gained currency.

THE HON. MR. A. C. HOLLIS replied:—

That there was no truth in the statement that time expired prisoners were detained in custody to carry on public works. It was supposed that the statement recently made in a local paper gained currency owing to the fact that convicts sentenced to two or more consecutive terms of imprisonment had only the term for which they were serving stamped on the metal disc they wore. In the gaols at the termination of the first sentence the next term of imprisonment was stamped on the disc. On the tramway such convicts were not immediately brought into Nairobi and the discs were not changed until they returned to the gaol.

Trade Marks Bill, 1910.

THE CHAIRMAN (MR. MAJOR) of the Committee appointed for the purpose of considering the provisions of a model Ordinance read their report to Council, which was as follows:

"The Committee appointed to consider the provisions of the Trade Marks Bill is of opinion that many of the provisions in the Ordinance approved by the Board of Trade might usefully be incorporated in the Bill now before the Council."

"As the alterations and additions to the Bill will be considerable the Committee recommend for His Excellency's approval that the Bill be withdrawn and that a new Bill be introduced at the next meeting of the Council."

THE CHAIRMAN then proposed that the present Bill be withdrawn and that a new Bill be framed.

THE HON. THE CROWN ADVOCATE seconded.

HIS EXCELLENCY agreed to the withdrawal of the Bill and the introduction of a new Ordinance.

The Council adjourned *sine die*.