

East Africa Protectorate.

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

Second Session,

August 4th, 1914.

Nairobi

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa.

Minutes of the Proceedings of the Second Session of the Legislative Council, 1914.

Held at Nairobi on the 4th August, 1914.

The Council assembled on the 4th August, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (SIR H. CONWAY BELFIELD, K.C.M.G.) presiding.

Present :—

THE HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).
THE HON. THE ACTING TREASURER (H. P. ESPIE),
THE HON. THE ATTORNEY GENERAL (J. W. BARTH),
THE HON. A. C. MACDONALD,
THE HON. J. AINSWORTH, C.M.G.
THE HON. I. O. GOWER,
THE HON. W. A. M. SIM.

Absent :—

THE HON. THE MANAGER OF THE UGANDA RAILWAY (H. B. TAYLOR).

OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the Hon. The Acting Chief Secretary (W. J. Monson) and to the Hon. W. A. M. Sim.

MINUTES OF MEETING.

THE HON. ACTING CHIEF SECRETARY moved that the Minutes of the Council Meeting held on the 30th April, 1914, which had been printed and circulated amongst Hon. Members, be taken as read, and be confirmed.

THE HON. ACTING TREASURER seconded.

The question was put and carried.

SUPPLEMENTARY ESTIMATE, 1913-14.

THE HON. ACTING TREASURER, in pursuance of notice given, 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 1913-14, amounting to £43,515 3s. 4d., during the period 1st October, 1913, to 31st December, 1913, 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 question was put and carried.

THE WILD BIRDS PROTECTION AMENDMENT ORDINANCE, 1914.

THE HON. A. C. MACDONALD, in pursuance of notice given, introduced and moved the first reading of a Bill intitled “An Ordinance to make provision for the Protection of Wild Birds’ Eggs.” He said that it was becoming a common occurrence in some parts of the Protectorate, and especially at Lake Naivasha, to collect the eggs of wild birds, and particularly of the wild duck, during the laying season. If this practice were allowed to be continued, the sporting reserves would cease to remain as such, and it was therefore considered advisable that a close season should be prescribed in certain specified areas of the Protectorate.

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

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

THE CRIMINAL LAW AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to Amend the Criminal Law Amendment Ordinance, 1913."

He said that it had been considered advisable that the Protectorate should adhere to the White Slave Traffic Agreement, 1904, and the International Convention for the Suppression of the White Slave Traffic, 1910. Before such adherence could become possible it was necessary that the Protectorate should pass a law so that offences dealt with by the Agreement and Convention could be punished in the Protectorate. The Bill was framed to meet the requirements of the Agreement and Convention in that particular. The provisions were taken almost entirely from the English Criminal Law Amendment Acts of 1885 and 1912, and the Vagrancy Act, 1898, as amended by the Criminal Law Amendment Act, 1912. The only difference made in the provisions of the Bill between white and coloured women was that the age of consent under Section 7 was not the same. That distinction was made on the ground that a native woman as a rule arrived at maturity at an earlier age than a white woman.

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

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

THE STOCK AND PRODUCE THEFT AMENDMENT ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to Amend the provisions of the Stock and Produce Theft Ordinance, 1912."

He said that the Bill had been introduced to remedy three defects which had been found to exist in the Principal Ordinance. In the first place, it provided for the term "theft" as defined in the Principal Ordinance to include as punishable offences housebreaking and housebreaking by night as defined by Section 456 of the Indian Penal Code. These were serious offences with which it was not possible to deal under the Principal Ordinance in its existing form. The second object was to enable magistrates to award gratuities to informers as rewards, a power which would conduce to the efficient working of the Ordinance. The third object was the infliction of imprisonment in lieu of a fine in certain cases. It had been found that occasionally when a collective fine had been recommended by the magistrate trying the case it was subsequently found to be impossible or undesirable to levy it on the tribe concerned, and in consequence the original offender was insufficiently punished. It was therefore proposed to give power to order a further term of imprisonment in the event of non-payment of the fine. Under the Principal Ordinance it was not possible to do this, and the provisions in Sections 4, 5, 6 and 7 of the amending Bill were to remedy this defect.

THE HON. A. C. MACDONALD seconded, and the Bill was read a first time.

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

THE TRESPASS AMENDMENT ORDINANCE, 1914.

THE HON. 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 Trespass on Enclosed Lands." He said that there was no provision in the Principal Ordinance enabling a person making an arrest to hand over the person arrested to a police officer in order that he might be taken before a magistrate. It was desirable in the interests of the public to have such provision; hence the introduction of the Bill.

THE HON. A. C. MACDONALD seconded, and the Bill was read a first time.

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

THE KING'S AFRICAN RIFLES RESERVE FORCES ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for a Reserve of Native Troops to the King's African Rifles." He said that it had been found desirable in other Protectorates to make use of Reserves, and he thought that Hon. Members would agree that this was an extremely opportune occasion for the introduction of the Bill. The Bill made provision for the organisation of a Reserve, and for punishment of certain offences.

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

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

THE EAST AFRICA VOLUNTEER RESERVE AMENDMENT ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to Amend the Law relating to the East Africa Volunteer Reserve Ordinance, 1910." He said that a difficulty had arisen owing to the fact that there was only one unit of the Legion of Frontiersmen. This was inconvenient in practice, as separate units had been proposed on the Uasin Gishu and at Mombasa, which under the existing Ordinance had to form part of the Nairobi unit of the Legion. That had been found to be undesirable, and the amending Bill had been brought in to remedy the defect.

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

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

THE CROWN LANDS (ACCESS TO ROADS) ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for Access to Public Roads from Crown Lands which have been leased or sold and which at present have no such Access." He said that the necessity of the Bill arose from the fact that at present it sometimes happened that farms were cut off from any public road by intervening farms. It was desirable that farms so cut off should have access to public roads, and the Bill was designed to provide machinery to furnish such roads.

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

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

THE REGISTRATION OF DOCUMENTS FURTHER AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Registration of Documents, the copies of which are typewritten.

He said that as Hon. Members would be aware, the Ordinance passed at the last meeting of the Council provided means for more rapidly registering documents. That Ordinance provided for the registration of documents by filing printed or written copies, but omitted to mention typewritten copies. The omission was intentional in view of the non-permanent nature of some forms of typewriting. It had been represented that this omission might occasion some inconvenience to the public, and it was therefore proposed to include typewritten copies among those which could be filed. He was now informed that there were various methods of typewriting which were permanent, and did not fade. The Registrar had power reserved to him in the Bill to reject typewritten copies which in his opinion were not permanent. It was also provided in the Bill that the Registrar could reject copies which were not on sufficiently durable paper.

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

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

THE LAND TITLES REGISTRATION AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law concerning Land Titles in so far as it relates to the Registration of Documents."

He said that the Land Titles Amendment Ordinance, 1910, Part 2, dealt with the registration of documents to be registered under the Law relating to Land Titles. Section 23 of that Ordinance provided that such registration should be effected by a copy being made in the register. It was considered advisable that the quicker method which had been provided for the registration of other documents, *i.e.*, by affixing a printed, written or typewritten copy to the register, should also apply to documents required to be registered under the law relating to Land Titles: The Bill was intended to effect that purpose.

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

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

THE ELECTRIC SUPPLY LINE ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the carrying of Electric Supply Lines over land privately owned or occupied." He said that this Bill was necessary in order to prevent undue obstruction in the carrying of electric supply lines over privately owned land, and to provide that any compensation payable should be assessed by responsible valuers or by a magistrate, and thus to prevent owners from exacting exorbitant terms for wayleaves required.

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

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

THE CROWN LANDS ORDINANCE, 1913.

THE HON. ATTORNEY GENERAL submitted the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled "An Ordinance to make further and better provision for regulating and leasing and other disposal of Crown Lands and for other purposes."

THE CLERK read the Report.

THE PRESIDENT intimated that the Report would be considered in Committee of the Council at the next Session, and that it would in the meantime be printed and circulated for the information of Hon. Members.

THE BRITISH AND COLONIAL PROBATES ORDINANCE, 1913.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, moved that the Bill intituled "An Ordinance to provide for the recognition in the Protectorate of Probate and Letters of Administration granted in the United Kingdom or in a British Possession or Protectorate or in a British Court in a Foreign Country" be re-committed to Council for the purpose of certain amendments being made.

THE HON. A. C. MACDONALD seconded.

The question was put and carried.

The following amendments were agreed to:—

Section 1. For 1913 read 1914.

Section 2. Sub-section 1 to be deleted.

Section 3. (a) "or a British Court in a Foreign Country" to be deleted.

(b) "to which the Ordinance applies" to be added after "Protectorate" in line 2 of the section.

Section 7. The word "prescribed" to be added after "probate duty."

Section 8. New section to be inserted as follows:—

“ This Ordinance shall extend to authorise the sealing as hereinbefore mentioned of any Probate or Letters of Administration granted by a British Court in a Foreign Country other than in a Protectorate in like manner as it authorises the sealing of a Probate or Letters of Administration granted in a British Possession or Protectorate to which this Ordinance applies, and the provisions of this Ordinance shall apply accordingly with the necessary modifications.”

Section 9. At the end of the section insert:—

“ ‘ British Possession ’ includes any part of a British Possession having a separate legislature which possesses power to make the provision required by section 2 of this Ordinance in respect of that part.”

THE PRISONS ORDINANCE, 1913.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, moved that the Bill intituled “ An Ordinance to make further and better provision for the Organisation of the Prisons Staff and the Management of Prisons ” be re-committed to Council for the purpose of certain amendments being made.

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following amendments were agreed to:—

Clause 1. For “ 1913 ” read “ 1914.”

Clause 36. (b) For “detention ” read “ desertion.”

THE CUSTOMS TARIFF AMENDMENT ORDINANCE, 1913.

THE HON. ACTING TREASURER, in pursuance of notice given, moved that the Bill intituled “ An Ordinance to amend the Customs Tariff Ordinance, 1909,” be re-committed to Council for the purpose of certain amendments being made.

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The following amendments were agreed to:—

Clause 1. For “ 1913 ” read “ 1914.”

Item 34. In the second line between the words “ Reserve ” and “ imported ” insert “ lawfully.”

THE SALES BY AUCTION ORDINANCE, 1912.

THE HON. ATTORNEY GENERAL moved that the Rules under the Sales by Auction Ordinance, 1912, sub-section 2, which were published in the *Official Gazette* of April 29th, 1914, be approved by Council.

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE WILD BIRDS' PROTECTION AMENDMENT ORDINANCE, 1914.

THE HON. A. C. MACDONALD moved that the Bill intituled “ An Ordinance to make provision for the Protection of Wild Birds' Eggs ” be read a second time.

THE HON. ACTING TREASURER seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

THE HON. A. C. MACDONALD moved that the Bill without amendment be reported to Council.

THE HON. ACTING CHIEF SECRETARY 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.

THE CRIMINAL LAW AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the Criminal Law Amendment Ordinance, 1913," be read a second time.

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE STOCK AND PRODUCE THEFT AMENDMENT ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the provisions of the Stock and Produce Theft Ordinance, 1912," be read a second time.

THE HON. A. C. MACDONALD seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

THE HON. ACTING CHIEF SECRETARY moved that the Bill, without amendment, be reported to Council.

THE HON. ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE TRESPASS AMENDMENT ORDINANCE, 1914.

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

THE HON. A. C. MACDONALD seconded.

The question was put and carried.

The Council resolved itself into a Committee of the Whole Council, His EXCELLENCY THE GOVERNOR presiding.

In Committee.

The Bill was read clause by clause, and was adopted with the following additional section :—

- “ 3. A person making over a person arrested to a Police officer under the provisions of the preceding section shall give such Police officer a written and signed statement setting out the circumstances under which the arrest was made.”

The Council resumed its Sitting.

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

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE KING'S AFRICAN RIFLES RESERVE FORCES ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to make provision for a Reserve of Native Troops to the King's African Rifles" be read a second time.

THE HON. ACTING TREASURER seconded.

The question was put and carried.

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

In Committee.

The Bill was read clause by clause, and was adopted with the following amendment:—

Clause 18, 2nd paragraph.—Delete the words "without special permission," and substitute, "without the special permission of the Officer Commanding the Troops."

The Council resumed its Sitting.

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

THE HON. ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE EAST AFRICA VOLUNTEER RESERVE AMENDMENT
ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to amend the Law relating to the East Africa Volunteer Reserve Ordinance, 1910," be read a second time.

THE HON. ACTING TREASURER seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

THE HON. ACTING CHIEF SECRETARY moved that the Bill, without amendment, be reported to Council.

THE HON. A. C. MACDONALD seconded.

The question was put and carried.

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

THE CROWN LANDS (ACCESS TO ROADS) ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to make provision for Access to Public Roads from Crown Lands which have been leased or sold, and which at present have no such Access," be read a second time.

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

The Bill was read and considered clause by clause, but in view of the amendments proposed the President intimated that a Special Committee would be appointed to enquire into and report on the provisions of the Bill.

The following Special Committee was appointed :—

THE HON. ATTORNEY GENERAL (Chairman).

THE HON. I. L. O. GOWER.

THE HON. A. C. MACDONALD.

The Council resumed its Sitting.

THE REGISTRATION OF DOCUMENTS FURTHER AMENDMENT
ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to provide for the Registration of Documents the copies of which are Typewritten " be read a second time.

THE HON. ACTING TREASURER seconded.

The question was put and carried.

The Council resolved itself into a Committee of the whole Council, His EXCELLENCY THE GOVERNOR presiding

In Committee.

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

The Council resumed its Sitting.

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

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE LAND TITLES REGISTRATION AMENDMENT ORDINANCE, -1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the Law concerning Land Titles in so far as it relates to the Registration of Documents " be read a second time.

THE HON. I. L. O. GOWER seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

THE HON. ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE ELECTRIC SUPPLY LINE ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled " An Ordinance to provide for the carrying of Electric Supply Lines over land privately owned or occupied " be read a second time.

The question was put and carried.

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

In Committee.

The Bill was read clause by clause, and was adopted with the following amendments:—

Clause 2.—The definition of “ Aerial Line ” to be placed after instead of before that of “ Electric Supply Line.”

Clause 10, line 13.—After “ condition ” the words “ as far as possible ” to be inserted.

The Council resumed its Sitting.

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

THE HON. ACTING TREASURER seconded.

The question was put and carried.

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

THE KING'S AFRICAN RIFLES RESERVE FORCES ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled “ An Ordinance to make provision for a Reserve of Native Troops to the King's African Rifles ” be read a third time.

THE HON. ATTORNEY GENERAL seconded.

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

THE WILD BIRDS' PROTECTION AMENDMENT ORDINANCE, 1914.

THE HON. A. C. MACDONALD moved that the Bill intituled “ An Ordinance to make provision for the Protection of Wild Birds' Eggs ” be read a third time.

THE HON. ACTING CHIEF SECRETARY seconded.

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

THE CRIMINAL LAW AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled “ An Ordinance to amend the Criminal Law Amendment Ordinance, 1913,” be read a third time.

THE HON. ACTING CHIEF SECRETARY seconded.

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

THE STOCK AND PRODUCE THEFT AMENDMENT ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled “ An Ordinance to amend the provisions of the Stock and Produce Theft Ordinance, 1912,” be read a third time.

THE HON. ACTING TREASURER seconded.

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

THE TRESPASS AMENDMENT ORDINANCE, 1914.

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

THE HON. ACTING CHIEF SECRETARY seconded.

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

THE EAST AFRICA VOLUNTEER RESERVE AMENDMENT ORDINANCE, 1914.

THE HON. ACTING CHIEF SECRETARY moved that the Bill intituled “ An Ordinance to amend the Law relating to the East Africa Volunteer Reserve Ordinance, 1910,” be read a third time.

THE HON. ACTING TREASURER seconded.

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

THE REGISTRATION OF DOCUMENTS FURTHER AMENDMENT
ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to provide for the Registration of Documents the copies of which are Typewritten " be read a third time.

THE HON. I. L. O. GOWER seconded.

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

THE LAND TITLES REGISTRATION AMENDMENT ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the Law concerning Land Titles in so far as it relates to the Registration of Documents " be read a third time.

THE HON. I. L. O. GOWER seconded.

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

THE CROWN LANDS (ACCESS TO ROADS) ORDINANCE, 1914.

THE HON. ATTORNEY GENERAL 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 Access to Public Roads from Crown Lands which have been leased or sold, and which at present have no such Access," as follows:—

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO ENQUIRE INTO AND REPORT ON THE PROVISIONS OF THE BILL INTITULED " AN ORDINANCE TO MAKE PROVISION FOR ACCESS TO PUBLIC ROADS FROM CROWN LANDS WHICH HAVE BEEN LEASED OR SOLD AND WHICH AT PRESENT HAVE NO SUCH ACCESS."

1. The Committee recommend that in section 2 (a) and 3 (d) the word " holder " should be inserted after the word " purchaser," in order to cover prospective purchasers under an agreement for sale.

2. In section 4, line 2, the word " owner " should be deleted and the word " purchaser " should be substituted therefor.

After such word " purchaser " the word " holder " should be inserted for the reason set out in paragraph 1.

3. In section 2 (a), lines 4 and 11, and in section 9 (1), line 31, after the words " Crown Lands Ordinance, 1902," wherever such words appear should be added the words " or the East Africa Land Regulations, 1897." The reason for this amendment is that a number of holdings are held under such Regulations, and it is considered advisable that they should be put on the same footing as grants or leases under the Crown Lands Ordinance, 1902.

4. The words " which have been purchased " in section 2 (a), line 11, should be deleted, and the words " otherwise held " should be substituted. The reason for such alteration is to include land under agreement for sale.

5. In the opinion of the Committee section 3 (1) (a) should be deleted, because it appears to be impossible adequately to provide any equitable form of compensation where an access road is taken across several farms and used by each. Further, having regard to the fact that land can be acquired compulsorily under the Crown Lands Ordinance, 1902, for public purposes, including public roads, without compensation, it is regarded that such benefits as access roads should be established without compensation other than that provided for in section 3 (b). The Committee see no reason why a person who is under an obligation to grant a private road should benefit while a person under an obligation to grant a public road receives no benefit.

6. Section 3 (ii) should be omitted in pursuance of the foregoing paragraph. Section 3 (iii) should become section 3 (ii).

The reference in section 3 (iii) should be altered to " sub-section (1)."

7. In section 4, line 5, after the word " road," the words " forthwith to use the same as a road of access and " should be added in order to give the person desiring to use an access road the right to use it directly its direction has been determined.

8. The Committee are of opinion that section 5 gives an undue preference to the lessee or licensee of Crown Lands in that it provides for a reduction of rent, whereas a purchaser of Crown Lands receives no compensation for the construction of an access road across his holding. It is difficult to provide adequate compensation to purchasers inasmuch as the present holder may have given a very much enhanced price for the land compared to that which was paid to the Crown for the original grant. It therefore seems preferable to omit the section, as the reduction of rent under it would in the majority of cases be a comparatively trifling sum.

9. Section 6 becomes section 5;
 Section 7 becomes section 6;
 Section 8 becomes section 7;
 Section 9 becomes section 8.

10. In section 9 (1), lines 24 and 25, the words " and subject to section 9 of this Ordinance " should be deleted. These words refer to a section which was deleted from the Bill as first drafted, and have been inadvertently retained.

In line 30 the words " or is otherwise held " should be added after the word " purchaser."

In section 9 (2) " section 1 of " should be deleted. The reference is redundant, and should in any event be to section 2.

11. A new section providing a saving clause for roads already reserved or proclaimed should be added. The following new section (9) is suggested by the Committee :—

9. All hitherto proclaimed declared or reserved roads rights of way and thoroughfares being or existing on through or over any land held under the Crown Lands Ordinance, 1902, or the East Africa Land Regulations, 1897, shall remain free and uninterrupted unless the same be closed or altered by the Governor or by competent authority.

(Signed) J. W. BARTH,

(Signed) IVON L. O. GOWER.

(Signed) A. C. MACDONALD.

Nairobi,

The 4th day of August, 1914.

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

In Committee.

The Bill was read clause by clause, and was adopted with the amendments recommended by the Special Committee.

The Council resumed its Sitting.

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

THE HON. ACTING SECRETARY seconded.

The question was put and carried.

THE HON. ATTORNEY GENERAL moved that the Bill 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.

ADJOURNMENT.

The Council stood adjourned until the first Monday in November or such other date as might be duly notified.