

East Africa Protectorate.

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

Second Session.

1915.

May 10th, 1915.

Nairobi

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa.

Minutes of the Proceedings of the Second Session of the Legislative Council, 1915.

Held at Nairobi on the 10th May, 1915.

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

Present :—

THE HON. THE CHIEF SECRETARY (C. C. BOWRING, C.M.G.).
THE HON. THE TREASURER (H. P. ESPIE),
THE HON. THE ATTORNEY GENERAL (J. W. BARTH),
THE HON. THE ACTING MANAGER OF THE UGANDA RAILWAY (A. F. CHURCH),
THE HON. F. W. MAJOR, I.S.O.
THE HON. C. W. HOBLEY, C.M.G.
THE HON. R. BARTON WRIGHT.
THE HON. J. AINSWORTH, C.M.G.
THE HON. W. A. M. SIM.

Absent :—

THE HON. A. C. MACDONALD.

OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the Hon. The Treasurer (H. P. Espie) and to the Hon. The Acting Manager of the Uganda Railway (A. F. Church).

MINUTES OF MEETING.

THE HON. CHIEF SECRETARY moved that the Minutes of the Special Session of the Council held on the 9th March, 1915, which had been printed and circulated amongst Hon. Members, be taken as read, and be confirmed.

THE HON. TREASURER seconded.

The question was put and carried.

FINANCIAL.

THE HON. TREASURER laid on the Table a Return of Expenditure for the quarter ended 30th September, 1914, 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 1914-15 amounting to £19,116 5s. 9d. during the period from 1st July, 1914, to 30th September, 1914, 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. CHIEF SECRETARY seconded.

The question was put and carried.

THE FOREST AMENDMENT ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled “An Ordinance to amend the Forest Ordinance, 1911, for the purposes of making provision for the Enlistment and Conditions of Service of Forest Guards.” He said that the object of the Bill was to place the Forest Guard Service on a proper footing. For that purpose it had been founded on the Police Ordinance, and the position of the Forest Guards had

been arranged on a footing similar to that of the Police. In the Bill there was one fresh detail, which was contained in Clause 23, to give Forest Guards by law power of arrest. At present that power was accorded to them by Rules under the Forest Ordinance, 1911. It was now considered that this was inadvisable, and that power of arrest should be conferred by the law itself.

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

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

THE LUNACY AMENDMENT ORDINANCE, 1915.

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 Lunacy." He said that this short Ordinance had been introduced for the purpose of making an alteration in Section 16 of the Indian Lunacy (District Courts) Act, 1858, which was applied to the Protectorate, in order to enable a Court of Law, on the application of the manager of the estate of a lunatic residing outside the Protectorate, to make an order that any sums shall be forwarded to the place where the lunatic resides for the purpose of its being invested or used there. Under the present law, all sums had to be paid into the Public Treasury and invested by the Treasury. That procedure was not suitable in the East Africa Protectorate in the case of a lunatic residing elsewhere, and probably having the greater part of his estate in the country in which he resides.

THE HON. 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 BRITISH AND COLONIAL PROBATES AMENDMENT ORDINANCE, 1915.

THE HON. ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the British and Colonial Probates Ordinance, 1914." He said that this was a short Ordinance to correct a mistake which had occurred in the British and Colonial Probates Ordinance, 1914. In Section 9 of the Principal Ordinance "Court of Probate" was defined as "any Court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the Sheriff's Court of the County of Edinburgh." It had since transpired that other Sheriff's Courts in Scotland had jurisdiction in matters of probate similar to that of the Sheriff's Court of the County of Edinburgh, and the object of the Bill was to delete the reference to the Sheriff's Court of the County of Edinburgh.

THE HON. 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 MINING AMENDMENT ORDINANCE, 1915.

THE HON. C. W. HOBLEY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Mining Ordinance, 1912." He said that Section 73, sub-section xxvi of the Ordinance of 1912 was proposed to be amended by this short Ordinance, the alteration being that the proviso at the end of the sub-section referred to was to be deleted. That section referred to the basis upon which the royalty on minerals, with the exception of precious stones, was fixed.

In the limited experience we had, however, in East Africa up to date, this arrangement had not proved to be workable.

Sufficient information was not forthcoming from concessionaires, and it was therefore considered by Government that at present it was advisable to excise the proviso which fixed the system, and later on, when more information was available, to fix definitely the basis on which royalty would have to be paid.

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

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

THE CUSTOMS TARIFF AMENDMENT ORDINANCE, No. 2 OF 1915.

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 Customs Tariff Ordinance, 1909." He said that the Bill was the outcome of representations made to Government by the Electric Light Companies. The Customs Tariff Ordinance provided for exemption of duty on industrial machinery and on apparatus and appliances used in connection with the generating and storing of electricity, but not including lamp posts or lamps or their fittings. Representations had been made to Government by the electric power companies that, whereas certain articles such as belting and shafting were admitted free of duty, as being necessary parts of machinery installed in a factory, electric cables, wires, and posts, which were equally transmitters of power, were liable to duty. The companies claimed that this was unfair. The Government had agreed to the suggestion, and the purpose of the Bill was to give effect to the Government's decision.

THE HON. TREASURER 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 MOTOR TRAFFIC ORDINANCE, 1915.

THE HON. 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 for the control of Motor Traffic on public thoroughfares," as follows:—

MAY 10TH, 1915.

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF A BILL INTITULED "AN ORDINANCE FOR THE CONTROL OF MOTOR TRAFFIC ON PUBLIC THOROUGHFARES."

The Committee sat at Nairobi on the 10th ultimo and 9th instant to consider the provisions of the Bill. At the first meeting the Attorney General and the Honourable W. A. Sim were present; at the second meeting the Honourable C. W. Hobley also attended. At the first meeting the Attorney General and the Honourable W. A. M. Sim were present; at the second meeting the Honourable C. W. Hobley also attended. At the first meeting the Commissioner of Police, Mr. Lawson of the Amalgamated Garages, and the District Commissioner, Nairobi, attended in pursuance of an invitation issued to them and to garage owners generally.

2. The Committee recommend the following alterations and additions to the Bill:—

Section 1.—"1915" to be substituted for "1914."

Section 3.—The Committee are of opinion that the Bill should be brought into effect on the 1st July, 1915.

Section 6.—It has been considered advisable to add a sub-section to Section 6 giving the licensing officer power to inspect motor cars and cancel the licences of those not in a fit and proper condition.

The following sub-section is proposed:—

Section 16.—“(3) A Licensing Officer may at any time inspect a motor car licensed under this Ordinance and if such motor car is not maintained in a fit and proper condition may cancel the licence relating thereto.”

Section 10.—The Committee think it necessary to add to Section 10 a clause that no identification marks be fixed to a motor car other than those provided for under the Ordinance. By this means the confusion which might be caused by owners retaining their English or other marks will be avoided. The following clause is suggested :—

Section 10.—“(4) No marks other than those prescribed under the provisions of this Ordinance whether by Rule or otherwise shall be fixed to any motor car or carriage.”

The Committee further deem it advisable to add to Section 10 a clause similar to the provisions of Section 2 (4) b of the Motor Car Act, 1903, providing for the issue of general identification marks to manufacturers and dealers.

The proposed clause is the following :—

Section 10.—“(5) A Licensing Officer may issue on payment of such annual fee as the Governor in Council may prescribe to any manufacturer of or dealer in motor cars a general identification mark which may be used for any car on trial after completion or on trial by an intending purchaser and a person so using the car shall not be liable to a penalty under this Ordinance if the mark so assigned is fixed in such manner as may be prescribed by Rules made under Section 22 of this Ordinance or in the absence of such Rules as may be prescribed by the Licensing Officer.”

Section 11.—(8) At the instance of the Commissioner of Police the Committee suggest that Section 11 (8) be amended by giving any European Police Officer power to demand and inspect a certificate of competency and to extend such power to Assistant Sub-Inspectors in Native ranks.

Section 15.—(1) The Committee are of opinion that Section 15 (1) should be redrafted as follows :—

Section 15.—“(1) The Governor in Council shall have power to prescribe by notice speed limits either generally or for any particular locality or for any particular kind of motor car and no motor car shall travel at a greater speed than may be prescribed.”

Section 15 (IV).—In order to control the nuisance arising from some species of motor horns, sirens and other noise making devices, the Committee suggest the following addition to Section 15 (IV) :—

“The Licensing Officer may prohibit the use of any bell horn or other appliance if in his opinion the use of such bell horn or other appliance constitutes an annoyance to the public and no person shall use a bell horn or other appliance the use of which has been prohibited by the Licensing Officer.”

The Committee further suggests that the following clauses should be added to Section 15 in the interest of public safety :—

Section 15. (XIII) The driver of a motor car shall not cause such car to travel backwards for a greater distance or time than may be requisite for safety.

Section 15. (XIV) No person shall drive a motor car from such a position that such person has not full control of such motor car and has not a full view of the road.

Section 15. (XV) No person shall drive a motor car the exhaust of which is insufficiently silenced and no person shall use a “cut out.”

Section 15. (XVI) No driver of a motor car shall leave such motor car unattended without taking due precautions against it being put in motion during such driver's absence.

Section 16.—The Committee suggest that Section 16 should be redrafted in accordance with the terms of Section 1 of the Motor Car Act, 1903. The redrafted section reads as follows :—

“ Section 16. (1) Any driver of a motor car who shall drive such motor car on a public thoroughfare recklessly or negligently or at a speed or in a manner which is dangerous to the public or to property having regard to all the circumstances of the case including the amount and nature of the traffic on such thoroughfare or which might reasonably be expected to be on such thoroughfare shall be liable on conviction to a fine not exceeding Rs. 1,000 or to imprisonment of either description for a period not exceeding six months or to both.”

The amount of the fine leviable has been raised from Rs. 750 to Rs. 1,000 to correspond with Section 279, Indian Penal Code.

The Committee recommend that a sub-section providing penalties for being drunk in charge of a motor car should be added to Section 16.

The following sub-section is suggested :—

Section 16. “ (2) Any person who shall be found drunk when in charge of a motor car shall be liable on conviction to a fine not exceeding Rs. 750 or to imprisonment of either description for a period not exceeding six months or to both.”

Section 22.—The Committee suggest the following addition to Section 22 :—

Section 22. “ (b) Prescribing the size, shape and character of the identification marks to be fixed under this Ordinance and the mode in which they are to be fixed and to be rendered easily distinguishable by day or by night.”

Finally the Committee recommend that a provision compelling drivers to stop in case of an accident should be added to the Bill. Such provision could be inserted as a new Section 23. The following draft is submitted.

Section 23. “ The driver of a motor car shall, in any case, if an accident occur to any person whether on foot, mounted or in a vehicle in or to any horse, mule or vehicle in charge of any person owing to the presence of the motor car on the public thoroughfare stop and if required give his name and address and also the name and address of the owner and the identification mark or number of the car.”

Nairobi,

(Signed) J. W. BARTH,

Dated the 10th day of May, 1915.

CHAIRMAN.

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. TREASURER 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 CROWN LANDS ORDINANCE, 1915.

The Council resolved itself into a Committee of the whole Council, for further consideration of the provisions of the Bill intituled "An Ordinance to make further and better provision for Regulating the Leasing and other Disposal of Crown Lands and for other purposes," HIS EXCELLENCY THE GOVERNOR presiding.

In Committee.

The Bill was adopted with the following additional amendments:—

New Proviso.—Section 6. (V) Provided that such surrender shall have been made within such period as the Governor may by notice in the *Gazette* direct such period to be not less than twelve months from the date on which this Ordinance shall come into operation. And provided that the provisions of this clause shall not apply to land granted under the East Africa Land Regulations, 1897, or leased under the Crown Lands Ordinance, 1902, respectively upon terms which differ from the ordinary terms in force at the time at which such land was granted or leased.

New Proviso.—32. Provided that such surrender shall have been made within such period as the Governor may by notice in the *Gazette* direct such period to be not less than twelve months from the date on which this Ordinance shall come into operation.

80. After the words "egress thereby" add "for himself and all others."

104-106. Marginal notes to be altered, "conveyances" to be substituted for "grants."

29. (4) Last line delete "cancel the endorsement on the lease" and substitute "endorse the lease accordingly."

New Proviso.—Section 124. AND provided that the Registrar shall not register any document written in English and executed by a native of African extraction unless there is appended to such document a certificate by a Magistrate empowered to hold a Subordinate Court of the First, Second or Third Class that such document has been read over interpreted and explained to the person executing the same in such Magistrate's presence and that such person has understood and agreed to the terms thereof.

Section 98. (5) Line 39. For "in the plan" read "on the plan."

Section 152. Line 34. For "to forthwith summarily remove" read "forthwith summarily to remove."

The Council resumed its Sitting.

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

THE SALES BY AUCTION ORDINANCE, 1912.

THE HON. CHIEF SECRETARY laid on the Table certain draft Rules under Section 18 (1) ii of the Sales by Auction Ordinance, 1912. He said that Hon. Members would be aware that at the Session in August last draft Rules for a similar purpose had been laid on the Table. Out of these draft Rules, which had never been promulgated, a certain amount of discussion had taken place, and the Nairobi Chamber of Commerce had represented that the maximum commission charges for

certain auctions were fixed at too low a figure. His Excellency, having considered the points raised, had admitted the contention of the Chamber of Commerce, and, as a result, these revised Rules were laid on the Table. He moved that the revised draft Rules be approved.

THE HON. ATTORNEY GENERAL seconded, and the Rules were adopted.

THE APPROPRIATION ORDINANCE, 1915.

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

In Committee.

THE HON. TREASURER said that since the statement made on the introduction of the Appropriation Bill on the 18th of January last, it had become necessary to make certain alterations affecting not only the details of some of the expenditure heads but also two of the heads of revenue.

The Secretary of State considered that the estimate of £4,000 from royalties on Magadi Soda Products could not be relied on, and that item had accordingly been omitted from Revenue Head 11—Sale of Government Property. In regard to Land Sales, it appeared very improbable that normal conditions could be restored until some time after the war was ended. The item for £7,000, for Special Receipts from stand premia on farms and town plots had, therefore, under instructions from the Secretary of State, been deleted from Revenue Head 12—Land Sales—this causing a corresponding deduction of £7,000 for New Roads and Bridges under Expenditure Head 30—Public Works Extraordinary.

The total deductions from the estimated revenue, therefore, amounted to £11,000, to counterbalance which the following deductions had been made under the Expenditure Heads :—

	£
Vote 7.—Treasury, decreased by	50
Vote 16.—Education, decreased by	450
Vote 18.—Military Expenditure, decreased by	1,100
Vote 19.—Miscellaneous Services, decreased by	300
Vote 21.—Railway Department, decreased by	1,411
Vote 28.—Public Works Department, decreased by	30
Vote 30.—Public Works Extraordinary, decreased by	7,000
Vote 35.—Currency Department, decreased by	659
	<hr/>
	£11,000

Alterations had been made under Expenditure Head 9—Port and Marine—consequent upon the appointment of a new Port Officer, but the total of the expenditure under that head remained unchanged.

At the time the Appropriation Bill had been introduced, the total of expenditure was £1,196,647, and that amount was balanced by a similar amount of revenue. The result, however, of the alterations above detailed was that the total revenue was now established at £1,185,647, and the total of expenditure appearing in th Schedule to the Bill was reduced from £1,196,647 to £1,185,647.

He therefore moved that the sums appearing in the Schedule to the Bill against the following votes be deleted :—

- 7. Treasury,
- 16. Education,
- 18. Military.
- 21. Railway Department,
- 28. Public Works Department.
- 30. Public Works Extraordinary.
- 35. Currency Department.

and that there be substituted against	£
7. Treasury	9,878
16. Education	8,084
18. Military Expenditure	77,796
19. Miscellaneous Services	9,140
21. Railway Department	381,949
28. Public Works Department	31,753
30. Public Works Extraordinary	23,000
35. Currency Department	Nil.

and that the figures of the total of the Schedule, £1,196,647, be deleted, and the figures £1,185,647 be substituted; and, further, that the words " One million, one hundred and eighty-five thousand, six hundred and forty-seven " be inserted at the end of Clause 1, and also of Clause 3, of the Bill.

The Bill was read clause by clause, and was adopted with the amendments proposed by the Hon. Treasurer.

The Council resumed its Sitting.

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

THE HON. CHIEF SECRETARY seconded.

The question was put and carried.

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

THE FOREST AMENDMENT ORDINANCE, 1915.

THE HON. CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the Forest Ordinance, 1911, for the purposes of making provision for the Enlistment and Conditions of Service of Forest Guards " be read a second time.

THE HON. ATTORNEY GENERAL 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 amendments:—

Clause 2.—Delete " a forester " at end of second definition and substitute " Assistant Conservator of Forests."

Clause 18 (1).—Line 2: Before " Forest Officer " insert " Superior."

Clause 19 (1).—Line 2: Before " Forest Officer " insert " Superior."

Clause 21.—Before " Forest Officer " insert " Superior."

The Council resumed its Sitting.

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

THE HON. TREASURER seconded.

The question was put and carried.

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

THE LUNACY AMENDMENT ORDINANCE, 1915.

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

THE HON. 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. 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 BRITISH AND COLONIAL PROBATES AMENDMENT
ORDINANCE, 1915.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the British and Colonial Probates Ordinance, 1914 " be read a second time.

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

THE HON. 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 MINING AMENDMENT ORDINANCE, 1915.

THE HON. C. W. HOBLEY moved that the Bill intituled " An Ordinance to amend the Mining Ordinance, 1912 " be read a second time.

THE HON. 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. C. W. HOBLEY moved that the Bill, without amendment, be reported to Council.

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

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

THE CUSTOMS TARIFF AMENDMENT ORDINANCE, No 2 of 1915.

THE HON. F. W. MAJOR moved that the Bill intituled " An Ordinance to amend the Customs Tariff Ordinance, 1909," be read a second time.

THE HON. 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 with the following amendments:—

Item 35, line 3: After the word " generating " add the word " storing."

Add at end: " Such exemption shall not include lamps or their fittings or material required for the purpose of using electric energy.

Add new Clause 3.

In *Table III, Section 18*, of the Principal Ordinance the words " and apparatus and appliances used in connection with the generating and storing of electricity, but not including electric cable or wire or the posts for carrying the same and not including lamp-posts or lamps or their fittings " are hereby repealed.

The Council resumed its Sitting.

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

THE HON. 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.

THE NATIVE REGISTRATION ORDINANCE, 1915.

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 provide for the Registration of Natives " as follows:—

REPORT OF THE SPECIAL COMMITTEE ON THE BILL INTITLED "AN ORDINANCE TO PROVIDE FOR THE REGISTRATION OF NATIVES."

YOUR EXCELLENCY,

I beg leave to present to Council the report of the Special Committee on the above Bill.

The amendments made by the Special Committee do not affect the principles of the Bill; what alterations and additions are now submitted it is believed will tend to make the Ordinance more effective with regard to that part of Section 2 which deals with definitions under "Native." We think that the commencing age should be 16 years, because from this age on there is likely to be less change in the general description of a native.

Owing to representations received we are of the opinion that the definition of the word "Native" requires alteration, so that there will remain no doubt as to the status of Somalis and Swahilis.

Clause 3.—It is considered that the registration of natives outside of the districts to which they belong will often lead to an inaccurate description, and that consequently it may be necessary, on the return of any particular native to his district, to have his registration certificate altered or else have a fresh certificate issued. An alteration is being made in this Section with the intention of meeting such cases.

Section 5. (1).—As a native has in most instances aliases or nick-names, it has been considered necessary to provide for all his names to be entered in the register.

Section 8 is amended to allow of the employment at places like Mombasa of natives on a system of daily wage in the unloading or loading of ships, and similar work, without making it necessary for the employed to demand the production of the Registration Certificate. It is also considered desirable that endorsements on certificates should be in English.

Section 9.—This Section will conflict with the amendment in Section 8, and would also seem to conflict with paragraph 3. and sub-section 1 (4) of Section 12 (now reading 11). We therefore propose its deletion.

Section 13 (now reading Section 12).—We are of the opinion that the death of a registered native should be recorded in the register and that a report should be sent to the registering officer concerned, and have altered this section to meet this.

Section 14 (now reading 13).—We are of the opinion that a hard and fast rule to the effect that a native must pay a sum of Rs. 5 for the replacement of a mutilated or destroyed certificate might in certain cases be a hardship, and that the Registration Officer must be the best judge of the merits or demerits of any particular case. We therefore recommend that the question of whether a fee shall be charged be left in the hands of the Registration Officer. We are also of the opinion that under any circumstances a fee of Rs. 5 is too high, and recommend the fee being altered to Rs. 2.

The same remarks apply in the case of a new certificate being issued in the case of a native proving that the loss or mutilation was not caused through his fault. Here also we consider the fee too high and recommend its reduction to 50 cents.

The part of this Section commencing on line 17 of page 3, commencing, "Provided further," and ending on line 22 with the words "the matter," is, in our opinion, contrary to Sub-Section (4) of Section 12 (now reading 11), and that its application would mean constant annoyance to the native and unnecessary work to the Police Magistrates and the Registration Officers. We therefore recommend the deletion of this part of the Section.

Sub-Section (2) of Section 14 (now reading 13).—We consider that a Registration Officer should not have the option as to the issue of a new certificate.

Sub-Section (3) of Section 14 (now reading 13).—Additions are made so as to include any other person as well as employer.

We consider also that the fee under such circumstances for a new certificate should be increased to Rs. 2, and that power should be given to recover such fee. The Ordinance provides for the punishment of a person found guilty of destroying or mutilating a certificate, but there is no provision for the recovery of the fee chargeable for the new certificate.

Section 15 (now reading 14), Sub-Section (5).—This has been altered to fit in with the deletion of Clause 9.

Section 20 (now reading 19).—We consider that a Justice of the Peace should be empowered to demand the production of a certificate.

Section 23 (now reading 22).—An additional Sub-Section is added. We are of the opinion that it is desirable to provide for authority in certain districts to suspend for a time the penal clauses of the Ordinance. We feel that it is both desirable and necessary that the Ordinance should be simultaneously applied to all native tribes residing in districts which are within our administrative control. At the same time, however, we recognise that it will take certain natives longer to understand the provisions of the Ordinance; also that it may take longer in certain districts to give effect to the registration of the natives concerned.

Nairobi,

(Signed) J. AINSWORTH.

May 10th, 1915.

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. J. AINSWORTH moved that the Bill, as amended, be reported to Council.

THE HON. ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE CROWN LANDS ORDINANCE, 1915.

THE HON. CHIEF SECRETARY moved that the Bill intituled "An Ordinance to make further and better provision for regulating the Leasing and other Disposal of Crown Lands and for other purposes" 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 APPROPRIATION ORDINANCE, 1915.

THE HON. 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, 1915" be read a third time.

THE HON. CHIEF SECRETARY seconded.

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

THE FOREST AMENDMENT ORDINANCE, 1915.

THE HON. CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the Forest Ordinance, 1911, for the purposes of making provision for the Enlistment and Conditions of Service of Forest Guards " 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 LUNACY AMENDMENT ORDINANCE, 1915.

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

THE HON. CHIEF SECRETARY seconded.

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

THE BRITISH AND COLONIAL PROBATES AMENDMENT ORDINANCE, 1915.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the British and Colonial Probates Ordinance, 1914," be read a third time.

THE HON. CHIEF SECRETARY seconded.

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

THE MINING AMENDMENT ORDINANCE, 1915.

THE HON. C. W. HOBLEY moved that the Bill intituled " An Ordinance to amend the Mining Ordinance, 1912," be read a third time.

THE HON. CHIEF SECRETARY seconded.

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

THE NATIVE REGISTRATION ORDINANCE, 1915.

THE HON. J. AINSWORTH moved that the Bill intituled " An Ordinance to provide for the Registration of Natives " 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 MOTOR TRAFFIC ORDINANCE, 1915.

THE HON. ATTORNEY GENERAL moved that the Bill intituled " An Ordinance for the control of Motor Traffic on Public Thoroughfares " be read a third time.

THE HON. CHIEF SECRETARY seconded.

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

THE CUSTOMS TARIFF AMENDMENT ORDINANCE, No. 2 of 1915.

THE HON. CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the Customs Tariff Ordinance, 1909," be recommitted to Council for further consideration.

THE HON. ATTORNEY GENERAL 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 further considered, and was adopted with the following amendment:—

After the word “ material ” in the addition to item 35 add the words, “ other than industrial machinery.”

The Council resumed its Sitting.

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

THE HON. 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. CHIEF SECRETARY seconded.

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

ADJOURNMENT.

The Council adjourned until the third Monday in July, or such other date as might be duly notified.