

EAST AFRICA PROTECTORATE.

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

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Third Session,  
1916.

*October 10th and 14th, 1916.*

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Nairobi.

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa.

# Minutes of the Proceedings of the Third Session of the Legislative Council, 1916.

**Held at Nairobi on the 10th and 14th October, 1916.**

The Council assembled on the 10th of October, 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 ATTORNEY GENERAL (J. W. BARTH).  
THE HON. THE ACTING TREASURER (W. A. KEMPE).  
THE HON. THE MANAGER OF THE UGANDA RAILWAY (B. EASTWOOD).  
THE HON. F. W. MAJOR, I.S.O.  
THE HON. A. C. MACDONALD.  
THE HON. C. W. HOBLEY, C.M.G.  
THE HON. I. L. O. GOWER.  
THE HON. J. AINSWORTH, C.M.G.  
THE HON. P. H. CLARKE.

## OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to THE HON. I. L. O. GOWER AND THE HON. P. H. CLARKE.

## MINUTES OF MEETING.

THE HON. THE CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 5th, 8th and 9th of June, 1916, which had been circulated amongst Hon. Members, be amended by the insertion of the clause "The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR presiding" on page 10 after draft Section 11 of the Trading with the Enemy Amendment Ordinance, 1916.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE CHIEF SECRETARY moved that the Minutes as amended 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,

I desire to take advantage of your assembly in Session to-day to offer some brief observations upon certain matters of local interest which have been engaging the attention of Government since this Council last adjourned, and regarding which it appears to me that the community of the Protectorate may properly be placed in possession of such information as I am in a position to supply.

Hon. Members will recollect that on the second day of our last Session I communicated to Council the terms of a telegram which I proposed to send to the Secretary of State for the Colonies with reference to the death of Lord Kitchener. In due course I received from the Colonial Office an acknowledgment by despatch in the following terms:—

Downing Street,  
22nd June, 1916.

Sir,

I have the honour to acknowledge receipt of your telegram No. 191 of June 8th and to convey to you, on behalf of His Majesty's Government, an expression of my deep appreciation of the message of sympathy sent by the East Africa Protectorate upon the death of Lord Kitchener and the loss of those on board H.M.S. "Hampshire."

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) A. BONAR LAW.

I esteem it matter for sincere congratulation that the rapid and successful advance conducted by the General Officer Commanding-in-Chief and the officers commanding the various units of his forces has effected the removal of the scene of active operations from this Protectorate into the interior of German East Africa, and that thereby we have been freed, after many months of anxiety, from much of the strain which was inevitable when the forces of the enemy were occupying positions in our own territory. But although the relief which has been thus afforded to us is very material, there are questions remaining which still cause anxiety and in respect of which it is most difficult at the present time to effect any substantial amelioration. Perhaps the most prominent and pressing problem with which we are now confronted is that of enabling the Uganda Railway to meet the calls made upon it for the carriage of export produce from British East Africa and Uganda. As you are aware, the Railway has for many months been under the control of the Military Authorities, and most of the steamers composing our Lake fleet have been exclusively utilised for work connected with the war under Naval direction. The demands of the Military Authorities upon the Railway for the reception and stowage of stores and equipment at Kilindini and for its transport up country have been almost disconcerting in their magnitude, and as it has been imperative that such demands should take priority of the commercial traffic, it is unfortunately beyond question that the business community has suffered severely in consequence. No effort has been spared on our part to meet public requirements as far as possible, and I am now in a position to say that the situation is gradually improving, that the Government is fully alive to the urgent necessity for such improvement, and that the amount of rolling stock available for public use is being steadily, if gradually, increased.

Other questions which have an intimate connection with the carrying capacity of the Railway are those of the facilities for loading, discharging, and storage at the ports. It is obviously of little use that the Railway should be in a position to carry goods if the landing of imports and shipping of exports is indefinitely delayed in the harbours. Put very shortly, the conditions which have obtained and which still exist are that the Naval Authorities have found it necessary to close the port of Kilindini against the greater part of our commercial traffic, thus compelling resort to the Mombasa wharf, which is quite unsuited to cope with the bulk of present day traffic. I have recently inspected every wharf and godown at Kilindini, when I found all available space so fully occupied by military stores that I realised that the release of additional space for commercial purposes is at present impracticable.

When the Usambara Railway and the port of Tanga fell into our hands, I hoped that it might be possible to divert to that harbour a considerable portion of the military traffic which has congested Kilindini. But a recent inspection of Tanga and an appreciation of the dismantled condition to which its wharf and appurtenances have been reduced causes me to be apprehensive whether material use of the alternative route can be made for some time to come. Under such conditions we shall not relax our efforts to expedite the handling of cargo at Mombasa to such extent as inadequate plant and accommodation permit. Steps have been taken to organise and control the labour of the port by registering the men and imposing a tariff for handling and haulage of goods. These arrangements have been made in consultation with the Mombasa Chamber of Commerce and if that body, or any other persons who are interested in the expansion of our present limited facilities and in the expedition of the process of landing and shipping, can indicate any other reasonable means by which we can even partially overcome the existing inevitable disadvantages, such suggestions will be welcomed and most carefully examined.

As regards the Lake ports, arrangements are now in hand to effect the release of some of the Government vessels formerly detailed for special duties in connection with the war. The availability of these vessels for transporting commercial cargo will, it is anticipated, go some way to relieve the present congestion, though everything must of course depend upon the rapidity with which cargo landed at Kisumu can be sent down country. During last September the Railway brought down from Kisumu 2,408 tons that is approximately at the rate of 80 tons a day, and it should now be possible for each succeeding month to show improved figures.

I have arranged to proceed to Kisumu and the Uganda ports in a fortnight's time, accompanied by the Hon. General Manager, in order that I may personally observe the conditions which now obtain with regard to the shipping of cargo, and endeavour, if possible, to effect greater expedition.

I believe that all who are interested in the questions of native industry and native labour will welcome a brief statement regarding the British East Africa and Uganda Carrier Corps. When Expeditionary Force B. was expected to arrive from India, in November, 1914, we were asked to round up 7,000 porters for its use, and it was only with considerable difficulty that this number was secured in time. From this comparatively small beginning, the Corps developed month by month until a few weeks ago the total number of men throughout British East Africa and Uganda, who were serving as porters, exceeded 64,000. This expansion of what has been proved to be an indispensable adjunct to the forces has only been made possible by the strenuous and unremitting co-operation of the officers of the Provincial Administration and by the extremely efficient organisation which has been devised and developed by the officers in charge of the Corps. At the present time a complete record of all particulars relating to each man is kept up to date at the depot to which he is attached, and unless he deserts or disappears in the bush all details relating to his health, service, and remuneration are available at any time until he returns to his tribe. It is not too much to say that the Carrier Corps has proved itself to be one of the most important factors contributing to the success of our forces. Where

animal transport has perished, and mechanical transport has broken down, the ubiquitous porter has taken up the burden and carried it through. He has been employed upon all sorts of work, some of which has perhaps not always been strictly within the term of his engagement, but it has all been well done, and I know that the Military Authorities appreciate their assistance as invaluable. It needs no assertion from myself to emphasise the fact that the native of East Africa has manfully shouldered his share of the burden imposed upon us by the war. I have recently pointed out to the General Staff that, as the scene of operations is now shifted to German East Africa, it is desirable that our porters should be relieved by natives of that territory, but, as they tell me that efforts to recruit in that country have been almost devoid of success, I fear that the greater portion of our men will have to carry on to the finish.

For some time past the attention of the public and the press has been directed to the important question of the possible future disposition of land in this country to men who have taken part in the war. I may say at once that the time is not yet ripe for any official pronouncement upon the question, but it is necessary that I should make some allusion to it because I have been surprised to find that an article on the subject has been recently contributed to a home periodical, which, having been reproduced in one of the local papers, has provoked the perfectly reasonable inquiry why so much more appears to be known upon the subject in England than to our own people. Of the article itself I may say that it emanates from the pen of an officer who has recently spent some time in this country, and who had the fullest opportunities for discussion with all classes of our community. It is nevertheless the fact that the conclusions which he appears to have drawn from information collected are largely erroneous or premature, that much of what has been written can only be described as inaccurate, and that the interests of all concerned would have been better served if he had refrained from publishing statements upon a subject which cannot for some time to come reach the stage of finality.

What has actually taken place is as follows. Some months ago, in compliance with a resolution of my War Council, I addressed the Secretary of State on the subject and received from him a reply requesting to be furnished with certain particulars and statistics. He also desired that it should be clearly understood that His Majesty's Government have not yet arrived at any decision as to their policy in regard to this question, and he desired me to make the position clear should rumours on the subject gain credence here. Inasmuch therefore as the article to which I have referred may give rise to misapprehension, it is well that all should know how the matter really stands at the present time. The particulars asked for were duly forwarded to the Colonial Office, with the suggestion that, when the policy of the Imperial Government is more clearly defined, a Local Commission should be appointed here to go in detail into the question of closer settlement. That is how the matter stands at present, and I presume that the reply to my last despatch will be deferred until deliberation in England has brought this weighty question of Imperial importance to a stage more nearly approaching maturity.

One more subject to which I cannot refrain from making reference is the recent intimation of the Secretary of State that he approves the introduction of the principle of elective representation to the Legislative Council as soon as a convenient time arrives for the elaboration of the details necessarily precedent to the inception of that procedure. It is impossible for me to over-estimate the personal satisfaction with which I received that announcement, and the gratification with which I realised that I was to be privileged to make it known to our people. It is now no longer necessary for me to disguise the fact that to the best of my ability I have supported the request of the community through its succeeding stages, and I am proud to think that I may have been in some small measure instrumental in obtaining for the population of British East Africa the concession of a right which I am confident that they will exercise with a sense of grave personal responsibility to the material benefit and betterment of the consultations of this Council.

I have received this morning a communication from the Hon. Mr. Clarke, which I have read with much gratification. I propose to read it to Hon. Members because it shows that Mr. Clarke thoroughly understands the position and that he desires to fall in with such arrangements as may be made in the near future. Mr. Clarke writes as follows:—

Mombasa,  
9th October, 1916.

To the Hon. Chief Secretary to the Government,  
East Africa Protectorate, Nairobi.

Sir,

Since I have had the honour of being nominated as an unofficial member of the Legislative Council of the East Africa Protectorate I have seen the official statement that appeared in the daily papers of the 2nd instant.

2. Recognising and appreciating the importance to the country of the decision of the Secretary of State, I have the honour to ask that my appointment by nomination may continue only until such time as definite action will be taken to elect a representative Council, and that His Excellency will be pleased to accept my resignation as a nominated member of the Legislative Council with effect from such date as the election of members comes into being.

I have the honour to be,  
Sir,  
Your most obedient servant,  
P. H. CLARKE.

I have been led to think by conversations with gentlemen who are in a position to speak with authority that there may be those among us who may now again be willing to accept nomination as unofficial members during the period which must elapse before the principal of elective representation can come into being. I propose to make this the subject of immediate inquiry, and I heartily hope that the anticipation may prove to be well founded, not only because this Council will be materially strengthened by the presence of the full number of unofficial members but also because we shall hope to have the advantage of their assistance in elucidating the various intricate arrangements upon which the fabric of elective procedure must be founded and formed.

THE HON. THE ACTING TREASURER will now move.

#### QUARTERLY RETURNS OF UNFORESEEN EXPENDITURE, 1915-16.

THE HON. THE ACTING TREASURER laid on the Table a Statement of Unforeseen Expenditure for the Quarter ended the 31st December 1915, and for the Quarter ended the 31st March 1916, and the Financial Report and Statements for the year 1915-16.

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

“Whereas it was found necessary to incur expenditure amounting to £14,294-18-11 during the period from the 1st of October to the 31st of December 1915, for which no provision was made in the approved estimates for the year 1915-16, 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 CHIEF SECRETARY seconded.

The question was put and carried.

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

“Whereas it was found necessary to incur expenditure amounting to £68,550-2-8 during the period from the 1st of January to the 31st of March 1916, for which no provision was made in the approved estimates for the year 1915-16, 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 CHIEF SECRETARY seconded.

The question was put and carried.

#### THE FOREST AMENDMENT ORDINANCE, 1916.

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 Forests.”

He said that the purpose of the Bill was to give greater power to punish offences committed by Forest Guards. The Forest Amendment Ordinance, 1915, provided for the enlistment of Forest Guards for three years and the terms of their service. It also provided for certain offences by Forest Guards and empowered Superior Forest Officers to fine to an amount not exceeding half a month's pay. Experience had shown that for desertion and aggravated offences the punishment provided was insufficient. The Bill before the Council was for the purpose of remedying this defect. It provided for the apprehension of deserters and gave power to Magistrates to try aggravated offences under Section 20 of the Forest Amendment Ordinance 1915, if the accused were ordered by the Conservator of Forests to be taken before a Magistrate. The provisions of the Bill were similar to those of the Police Ordinance 1911, Sections 46, 52 and 56.

THE HON. THE 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 DESTRUCTION OF COURT RECORDS ORDINANCE, 1916.

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 Destruction of Court Records.”

He said that the Ordinance gave the High Court power to make rules, subject to the approval of the Governor in Council, for the destruction of records or other papers belonging to or in the Custody of the Courts which might be considered useless or unworthy of being permanently preserved. It also included similar provision for the destruction of records in the possession of the Administrator General. The Courts of the Protectorate had been in existence for about 20 years, and there was an accumulation of records which were quite useless from almost any point of view at the present time—such as the records of trivial offences, drunkenness and the like—and could be of no value to posterity. The principle contained in the Bill, which gave power to the High Court to destroy such records, should therefore be adopted.

THE HON. THE 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, 1916.

THE HON. THE ACTING 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 ended the 31st of March, 1916.”

He said that the object of the Bill was to obtain Legislative sanction for expenditure, incurred during the financial year 1915-16, which was in excess of the amount sanctioned by the Appropriation Ordinance, 1915.

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

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

#### THE CROWN LANDS AMENDMENT ORDINANCE, 1916.

THE HON. I. L. O. GOWER, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Crown Lands."

He said that the primary object of the Bill was to place a holder of a Land Certificate issued under the East Africa Land Regulations 1897, and a Lessee under the Crown Lands Ordinance 1902, in the same position as a Lessee under the Crown Lands Ordinance 1915, and thus secure to them the free right, save in cases of land alienated for special purposes, to assign and sublet an undivided property without applying in the terms of the title for the Governor's consent, a course now necessary in most instances owing to the fact that the Crown Lands Ordinance 1915 saved all existing titles when it came into force. Secondly, to preserve control over the sub-division of township plots and agricultural and grazing properties. Thirdly, to secure the payment of all sums due to the Government at the time of assignment. Section 6 of the Bill affected all assignments and threw the liability for payment on the assignee.

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

THE HON. I. L. O. GOWER gave notice that he would move the second reading of the Bill at a later stage of the Session.

#### THE RESIDENT NATIVES ORDINANCE, 1916.

THE HON. J. AINSWORTH, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to regulate the residence of Native Families on farms and on areas not included in Native Reserves." He said that the objects and intentions of the Bill were to make provision whereby farmers and planters could, where they so desired, avail themselves of a form of resident native labour under regularized conditions.

It had been recognized for some time that, under certain conditions, it was most desirable to provide for a regular and settled form of labour on European farms to supplement the normal labour requirements, and also to provide a class of people who could be trained on the farms to become permanently useful to the farmer. To meet such requirements it was necessary to bring the natives concerned under definite agreements so that they might be kept to their undertakings and responsibilities, to define the responsibilities of the farmers in order that their obligations might be realized and understood, and to secure uniformity of action generally.

In dealing with this proposed measure it was necessary to bear in mind the following points:—

- (i) the desirability of regulating the movement of natives who wished to leave their reserves for the purpose of residing on land outside;
- (ii) the necessity, when dealing with such matters, for bringing into existence a form of contract between parties under which the conditions generally should be regularized and when necessary, enforced;
- (iii) to provide, under certain conditions, for native stock to be brought on to European farms where the parties to the contract so desired.

Here it might be desirable to observe that the Bill in no way referred to such natives as desired to leave their reserves for purposes of work only, as distinct from residence on land outside such reserve.

In certain parts of the country there had been a considerable demand for resident labour with cattle on farms. Stock was included in the proposals because the native owner, when contracting for a lengthened period of residence away from his reserve, would be more contented and satisfied if he had his personal stock with him, and with this contentment he would be more inclined to identify himself with the employer's interests and would thereby become a more useful man to the farmer. When dealing with the movement of stock certain restrictions and conditions were undoubtedly necessary.

Certain clauses in the Bill might, in the absence of a clear understanding of the conditions under which natives resided in their Reserves, by which was meant the position each native held as a member of a tribe governed under a system of communal responsibility, appear to have a somewhat fatherly if not arbitrary intention as regards the movements of the natives. In dealing with the native populations in the Protectorate it must however be remembered that the majority were not yet sufficiently advanced to allow them to become entirely free agents. The constitution of the tribes was at present communal and as long as it remained so care must be taken, when introducing legislation which affected them, that means were not provided whereby the discipline of the tribe might be injured. It was therefore desirable, when dealing with questions that involved a departure from existing tribal conditions, to frame them in such a manner that they would obtain the good will of the tribal authorities instead of their opposition.

Certain powers therefore were reserved in the Bill to allow for the control of natives who wished to leave their reserves for the purpose of residing on land outside.

It must also be remembered that so far we have no law in this Protectorate under which any natives can become exempted from tribal law. All natives, therefore, who belonged to any of the tribes in the Protectorate remained, under existing conditions, tribal natives, and, until other provision is made allowing for exemption, the tribal conditions must continue.

It would be readily recognized that the proper control of all natives was for the general public good, and it was therefore clear that in dealing with a measure of this description it was desirable to reserve certain powers in the hands of those authorities who were responsible for the administration of the Reserves.

It should be definitely stated that one of the intentions of the Bill was to prevent what is known as "Kaffir farming," and the payment of rent by natives to farmers was therefore prohibited. He presumed that all Europeans who were possessed of a genuine intention to develop the European settled areas would agree that Kaffir farming was undesirable.

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

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

#### THE CUSTOMS AMENDMENT ORDINANCE, 1916.

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 Ordinance, 1910. He said that Section 164 of the Customs Ordinance, 1910, provided that "all boats, lighters, or other craft used in landing or shipping any goods from or to any ship in any port shall be properly registered and marked in such manner as may from time to time be prescribed by the Port Authority." That Section provided for registration but there was no machinery for levying fees. Attention had been called to the matter, and the Bill before Council provided the necessary machinery.

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 BOILERS, PRIME MOVERS, AND MACHINERY ORDINANCE, 1916.

THE HON. THE MANAGER OF THE UGANDA RAILWAY submitted and read the Report of the Special Committee appointed 19th January, 1915, to enquire into and report on the provisions of the Bill intituled "An Ordinance to make provision for the safety and inspection of Steam Boilers, Prime Movers, and Machinery," as follows:—

REPORT of the Special Committee appointed to consider the Bill intituled "An Ordinance to make provision for the safety and inspection of steam boilers, prime movers, and machinery."

The Committee in considering the clauses and provisions of this Bill have endeavoured to provide a simple and yet effective method of providing for the safety and proper inspection of steam boilers and machinery with the means that are at present available in the Protectorate, and without providing for or having to make use of the more elaborate and extensive legislation that is in force in the United Kingdom and other parts of the British Empire, and to embody in one Bill the necessary legislation for the control of both boilers and machinery, each of which, in other countries, are usually made the subject of a separate Act or Ordinance.

A necessity arising in this country from the want of a "competent person," the expression containing the same meaning as when used in English legislation, has been met by providing that the inspection of boilers and machinery has to be made by a Government Inspector. In the United Kingdom the inspection and supervision of boilers is carried out by the Boiler Insurance and Steam Users Associations. The examination they make and insist upon is of a most searching and rigorous nature, and their certificates are given upon the result of the examination by their own Inspectors only, and it is in connection with this examining staff that the term "competent person" is used. In making use of the term "competent person" the home legislation is therefore providing for an examination by what it is fully aware is as competent and expert an examining staff as it is possible to employ, and recognising that there is not any highly expert mechanical body in this country to take the place of the Steam Users Associations the Committee consider that they have taken every possible precaution and ensured that the full benefit of the Ordinance shall be obtained in arranging that the inspection shall be made by an Inspector who is in the service of the Government, and for whose efficiency and capability the Government will accept all responsibility.

The principal alterations that the Committee have put forward for the consideration of the Council are:—

An enlargement of the definitions.

An alteration of the clauses whereby due and proper notice shall be given as to the necessity of a boiler inspection taking place when the owner intends to use an uncertified boiler, or of the date and time on which the Inspector will make any examination.

The power to prevent the use of any boiler or machinery during such time as it may be considered to be in an unsafe condition.

The power to revoke or suspend certificates if a boiler or machinery is considered unsafe.

A method of appeal if an owner is dissatisfied with any certificate that has been granted.

The power to deal with owners not observing the regulations.

The Committee consider that the Bill as it is proposed to amend it will meet all the requirements of this Protectorate until such time in the future as the introduction into the country and the use of machinery on a very much larger scale than there is any prospect or probability of at the present time will demand more elaborate legislation, and when the development of the industries of the country will be extended sufficiently to meet the call that will be made upon them to provide for and safeguard their own interests.

B. EASTWOOD,

*Chairman.*

October 10th, 1916.

# THE BOILERS, PRIME MOVERS AND MACHINERY ORDINANCE, 1914. SUGGESTED AMENDMENTS.

Section 1. "1914" to be altered to "1916," and add "and shall come into operation on such date as the Governor by notification in the Gazette may determine."

Section 2. The following definitions to be added :—

"the expression 'steam boiler' means any closed vessel used for generating steam under pressure; the expression 'owner' includes any agent or hirer using any steam boiler or prime mover or machinery, and the expression 'prime mover' includes any first moving power of which steam, electricity, gas, oil or water is the motive power."

Section 3. (1) Omit "used for generating steam."

(2) Add after "condition":—

"by the owner thereof."

Section 5. (1) For the sub-section as drafted substitute the following :—

5. (1) "The owner of any steam boiler or prime mover or machinery used in connection with such a prime mover in respect of which a certificate is not in force in the manner hereafter provided shall give notice to an Inspector appointed under this Ordinance of his intention to use or continue to use the same."

(2) "Such Inspector shall appoint a time between sunrise and sunset within a reasonable time from the receipt of such notice having regard to the situation of the steam boiler, prime mover or machinery, as the case may be, for the inspection of such steam boiler, prime mover or machinery and at such time shall carefully examine such steam boiler, prime mover or machinery and every part thereof and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination and all such information as may be reasonably required."

Section 5. (2) Delete this sub-section and substitute :—

5. (3) "If on making the inspection the Inspector is of opinion that the steam boiler, prime mover or machinery requires any alteration or addition he shall serve on the owner or person in charge thereof a notice in writing requiring him to make such alteration or addition and no certificate shall be granted in respect of such steam boiler, prime mover or machinery until such alteration or addition has been made in the manner required by the Inspector."

Insert new Section 6. "The Inspector after making an inspection under the preceding section may by notice in writing served on the owner or the person in charge of any steam boiler, prime mover or machinery prohibit the further use of any steam boiler, prime mover or machinery until any alteration or addition required under the preceding section has been made."



Insert new Section 7. " If the Inspector is satisfied that the steam boiler, prime mover or machinery inspected is in good condition and not so exposed as to be likely to be dangerous and in case any alteration or addition has been ordered under section 5, as soon as he is satisfied that such alteration or addition has been properly made he shall give the owner or person in charge thereof a certificate in the prescribed form on payment of the prescribed fees and such certificate shall state the period for which such steam boiler, prime mover or machinery may be used and shall cease to be in force on the expiration of such period."

Insert new Section 8. " The Governor in Council may authorise such person as he may appoint to revoke or suspend any certificate granted under this Ordinance when after due inquiry such person has reason to believe :—

" (a) that such certificate has been fraudulently obtained or has been granted erroneously or without sufficient inspection, or

" (b) that the steam boiler, prime mover or machinery has since the granting of the certificate sustained injury or is not in good condition."

Insert new Section 9. " The owner of any steam boiler, prime mover or machinery dissatisfied with any notice or order under sections 5, 6, 7, or 8 of this Ordinance may within 7 days from receipt thereof appeal to such person as the Governor in Council may appoint in that behalf who shall sit with two assessors who shall be mechanical engineers. Such persons shall have power to dismiss or allow the appeal subject to such rules regulating the procedure to be followed and costs to be paid as the Governor in Council may prescribe."

Insert new Section 10. " The owner or person in charge of a steam boiler, prime mover or machinery who shall in contravention of this Ordinance use or after conviction continue to use the same without a certificate duly obtained in force in respect thereof under this Ordinance or having obtained a certificate shall at any reasonable time during the period for which the same may be in force fail to produce it on demand by an Inspector duly appointed under this Ordinance or by a Magistrate having jurisdiction in the place where such steam boiler, prime mover or machinery is situated shall be liable on conviction to a fine not exceeding Rs. 1,500."

Section 6 becomes Section 11.

Section 7 becomes Section 12.

Section 8 becomes Section 13.

In Section 13 (1) after "an Inspector shall" insert "in addition to any other powers prescribed by this Ordinance."

Section 13 (1) (a) Omit "steam or other."

Section 13 (1) (b) For "reports" substitute "certificates."

For "section 5" substitute "section 7."

Section 13 (1) (c) Omit "steam and other," after "place" insert "provided that such inspection and examination shall be conducted so as to cause as little inconvenience as possible to the owner or person in charge."

Section 13 (1) (d) Add "as the Governor in Council by rule may prescribe."

Section 13 (2) For "report" substitute "certificate."

Section 9 becomes Section 14.

Section 14 (b) After "such" insert "steam boiler," after "forthwith be sent" insert "by the owner."

Section 10 becomes Section 15.

Section 15 (b) Omit "steam or other."

(c) Add at the end "or."

Also add :—

(d) "to any steam vessel the property of the Government of the Protectorate or

(e) to any ocean going steamship."

Section 11 becomes Section 16.

Section 16 For "the person occupying the premises upon which" substitute "the owner of," omit "steam or other." For "Rs. 3,000" substitute "Rs. 1,500."

Section 12 becomes Section 17.

After "Governor" add "in Council."

Section 17 (2) Substitute :

"prescribe the form of a certificate to be issued under the provisions of this Ordinance."

Section 17 (3) Omit.

Section 17 (4) Omit.

Insert :

Section 17 (3) "Prescribe the fees payable on account of examinations made and certificates issued under this Ordinance."

17 (4) "Prescribe the time for which a certificate issued under this Ordinance shall be in force."

17 (5) "Prescribe the procedure for securing the attendance of assessors and penalties for non-attendance."

17 (6) "Provide for carrying out the purposes of this Ordinance."

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 suggested by the Special Committee, in addition to that following :—

Section 5 (2) line 8. Before the word "afford" insert the words "prepare for inspection a steam boiler, prime mover, or machinery as the case may be and shall."

*The Council resumed its Sitting.*

THE HON. THE MANAGER OF THE UGANDA RAILWAY 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 MANAGER OF THE UGANDA RAILWAY gave notice that he would move the third reading of the Bill at a later stage of the Session.

#### THE FOREST AMENDMENT ORDINANCE, 1916.

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

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

THE HON. THE 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 DESTRUCTION OF COURT RECORDS ORDINANCE, 1916.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for the destruction of Court Records" be read a second time.

THE HON. THE 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 amendment:—

Section 2 (a), line 3, to read "the custody of the High Court or of the Courts of."

*The Council resumed its Sitting.*

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

THE HON. THE 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, 1916.

THE HON. THE ACTING TREASURER moved that the Bill intituled "An Ordinance to supply a further sum of money for the service of the year ended the 31st of March, 1916" be read a second time.

THE HON. THE 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. THE ACTING TREASURER moved that the Bill without amendment be reported to Council.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING 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, 1916.

THE HON. I. L. O. GOWER moved that the Bill intituled "An Ordinance to amend the Law relating to Crown Lands" be read a second time.

THE HON. THE ATTORNEY GENERAL 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. I. L. O. GOWER (Chairman),

THE HON. THE CHIEF SECRETARY,

THE HON. THE ATTORNEY GENERAL,

THE HON. P. H. CLARKE.

## THE CUSTOMS AMENDMENT ORDINANCE, 1916.

THE HON. F. W. MAJOR moved that the Bill intituled "An Ordinance to amend the Customs Ordinance, 1910" 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 GOVERNOR presiding.

*In Committee.*

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

*The Council resumed its Sitting.*

THE HON. F. W. MAJOR moved that the Bill without amendment 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.

*The Council adjourned till 10 a.m. on the 14th of October, 1916.*

## SECOND DAY.

The Council assembled on the 14th of October, 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 ATTORNEY GENERAL (J. W. BARTH).

THE HON. THE ACTING TREASURER (W. A. KEMPE).

THE HON. THE MANAGER OF THE UGANDA RAILWAY (B. EASTWOOD).

THE HON. A. C. MACDONALD.

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

THE HON. I. L. O. GOWER.

THE HON. J. AINSWORTH, C.M.G.

THE HON. P. H. CLARKE.

*Absent :—*

THE HON. F. W. MAJOR, I.S.O.

## QUESTIONS AND ANSWERS.

THE HON. P. H. CLARKE moved the suspension of Standing Orders in order that he might ask the Hon. the Chief Secretary certain questions, due notice of which had not been given.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

“1. Can information be given as to the date when it is probable the Mombasa Water Supply will be available for the use of the Public.

2. Can information be given as to whether the Mombasa Water Supply as at present arranged will be adequate to meet the requirements of the Ports and Island of Mombasa without the supply being augmented by pumping and if pumping has to be employed what will be the extra cost to the consumer.

3. It is correct that complaints have been made of the unsuitability of the water for human consumption and if so what steps are being taken for the necessary purification and also what will be the extra cost in consequence of any action that it may be necessary to take.

THE HON. THE CHIEF SECRETARY replied :—

1. Special apparatus is required for tapping the steel mains to give connections to consumers. This apparatus was ordered in October, 1914, but war conditions have delayed its delivery. As a result of repeated enquiries to the Crown Agents urging despatch, advice has just been received that the apparatus is on its way to the country in a Government transport. Connections to consumers can be given very rapidly when the apparatus is received.

2. The supply without pumping is ample for requirements of population, port, and present industries, and to allow of a large increase.

3. Government is not aware of any complaints having been made as to the unsuitability of the water. Certain of the sources of supply originally proposed were found to be unsuitable. These have not been utilised.

## THE FOREST AMENDMENT ORDINANCE, 1916.

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

THE HON. THE CHIEF SECRETARY seconded.

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

### THE DESTRUCTION OF COURT RECORDS ORDINANCE, 1916.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for the destruction of Court Records" be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

### THE SUPPLEMENTARY APPROPRIATION ORDINANCE, 1916.

THE HON. THE ACTING TREASURER moved that the Bill intituled "An Ordinance to supply a further sum of money for the service of the year ended the 31st of March, 1916," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

### THE CUSTOMS AMENDMENT ORDINANCE, 1916.

THE HON. THE ATTORNEY GENERAL, in the absence of the HON. F. W. MAJOR, moved that the Bill intituled "An Ordinance to amend the Customs Ordinance, 1910" be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

### THE BOILERS, PRIME MOVERS, AND MACHINERY ORDINANCE, 1916.

THE HON. THE MANAGER OF THE UGANDA RAILWAY moved that the Bill intituled "An Ordinance to make provision for the safety and inspection of Steam Boilers, Prime Movers, and Machinery" 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 LIQUOR AMENDMENT ORDINANCE, 1916.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed June 5th, 1916, to enquire into and report on the provisions of the Bill intituled "An Ordinance to amend the Liquor Ordinance, 1909," as follows:—

REPORT of the Special Committee appointed to inquire into and report on the provisions of a Bill intituled "An Ordinance to amend the Liquor Ordinance, 1909."

The Committee held two meetings, at the first of which the Director of Agriculture and the Commissioner of Police attended.

In view of the divergent objects of the Liquor Ordinance, 1909, which is intended to regulate the trade in potable alcoholic liquors, and the present Bill, the Committee is of opinion that the Bill should not purport to be an amendment of the Liquor Ordinance, 1909, but should be regarded as separate and distinct legislation to deal with the manufacture, sale, and use of alcohol for commercial, industrial, medical or scientific purposes. The Committee accordingly suggest that the title and short title of the Bill be amended as set out in the Schedule to the report.

2. In view of the preceding paragraph it becomes necessary to define alcohol and denatured alcohol for the purposes of the Bill. The Committee is informed that the only species of alcohol which it is necessary to legislate for is ethyl or vinous alcohol. Clause (2) of the Schedule contains the definition the Committee suggests.

3. As the Committee is informed that rectification is an indispensable process to the manufacture of commercial alcohol it is of opinion that power to rectify should be included in the measure.

4. The Committee is informed that denatured alcohol is of little value for scientific or medical purposes. It therefore approves of the provision contained in the Bill for permitting the retention by a distiller of alcohol in its natural conditions for sale under the safeguards set out in Clause (4) of the Bill which the Committee suggests should be amended in the method set out in Clause (5) of the Schedule.

5. Owing to the Bill losing its character as an amendment of the Liquor Ordinance, 1909, it has become necessary to set out the penalties for breaches of its provision. The Committee is further of opinion that the penalty clause should be extended in the manner set out in Clause (9) of the Schedule to make the acts therein specified punishable offences.

6. As the Bill deals with an industry, it is in the Committee's opinion desirable that its provisions dealing with the manufacture, custody, conditions of sale and use of denatured alcohol should be as elastic as possible and it therefor submits that a wide power of issuing rules and regulations should be given to the Governor in Council in order that the matters dealt with in Clause (10) of the Schedule may be prescribed by rule. The Committee is of opinion that the Governor in Council should be the rule making power.

7. The fee for a distiller's licence fixed by the Bill is in the Committee's opinion reasonable.

J. W. BARTH,

*Chairman.*

## SCHEDULE.

A BILL INTITLED AN ORDINANCE TO PROVIDE FOR THE  
MANUFACTURE, SALE AND USE OF DENATURED ALCOHOL.

1. This Ordinance may be cited as "The Manufacture, Short title.  
Sale and Use of Denatured Alcohol Ordinance, 1916".

2. In this Ordinance if consistent with the context:— Definitions.

"Alcohol" means liquor manufactured by any process of distillation containing ethyl or vinous alcohol.

"Denatured alcohol" means alcohol rendered unfit for human consumption.

3. Notwithstanding anything to the contrary in section 5 of the Liquor Ordinance, 1909, contained the Governor in his discretion may issue licences for the distillation and rectification of alcohol for purely commercial, industrial, medical or scientific purposes. Such a licence shall specify the premises on which such alcohol may be distilled. Licences for distilling.

4. All alcohol distilled under a licence issued in accordance with the provisions of the preceding section shall forthwith after distillation or if rectified after rectification be converted into denatured alcohol. Liquor distilled to be methylated.

Provided that the Governor may by a permit in writing allow a person licensed under section 3 of this Ordinance to retain such quantity of alcohol distilled and rectified by him as may be specified in the permit in natural condition for sale for medical or scientific purposes. Proviso.

5. (1) No alcohol retained by the distiller thereof in a natural condition under the proviso to the preceding section shall be sold or otherwise disposed of except to a person who has received a permit from a Police Officer above the rank of a Inspector within the District to purchase or obtain such alcohol. Sale of unmethylated spirit.

Such Police Officer may issue a permit to purchase or obtain such alcohol to a duly qualified medical practitioner, a veterinary surgeon, a registered and licensed druggist and chemist or any analytical chemist and shall prescribe the quantity to be purchased or obtained under such permit.

(2) Any person purchasing or obtaining alcohol under this section shall use the same solely for the purposes of his profession or business.

(3) For the purposes of this section:—

(a) "Veterinary Surgeon" shall mean a fellow or member of the Royal College of Veterinary Surgeons as defined by the Veterinary Surgeons Act, 1881, section 2, and

(b) "Analytical Chemist" shall mean a fellow or associate of the Institute of Chemistry of Great Britain and Ireland.

Spirits not to be sold, bartered or given to natives.

6. No person shall sell, barter, give or otherwise supply to any native any alcohol manufactured under the provisions of this Ordinance. Any person contravening the provisions of this section shall be liable to

(a) for a first offence to a fine not exceeding Rs. 1,500/- and in default of payment to imprisonment of either description for a term not exceeding six months or to a term of rigorous imprisonment not exceeding 6 months.

(b) for a second offence to a fine not less than Rs. 750/- and not exceeding Rs. 3,000/- and in default of payment to imprisonment of either description for a term not exceeding 12 months or to a term of rigorous imprisonment not less than 6 months or exceeding 12 months or to both fine and imprisonment.

(c) for a third or any subsequent offence to imprisonment of either description for a term not less than two years and not exceeding three years and in addition to such imprisonment at the discretion of the Court to a fine not exceeding Rs. 12,000/- and in default of payment to imprisonment of either kind for a further term not exceeding two years.

Termination of and fees for licence.

7. Every licence granted by the Governor under the provisions of section 3 shall be issued for 12 months but shall expire on the 31st day of December of the year in which it was issued. The fee payable for such licence shall be Rs. 750/- provided that if a licence be granted after the 30th day of June in any year the fee shall be Rs. 375/-.

Power to inspect premises.

8. It shall be lawful for any Magistrate or European Police Officer or such person as the Governor may appoint in that behalf to enter in or upon and inspect any premises licensed under this Ordinance.

Penalties.

9. (i) Any person manufacturing any alcohol for purely commercial, industrial, medical or scientific purposes without a licence issued by the Governor in that behalf and any person who removes or conceals any alcohol manufactured under a licence issued under this Ordinance for the purpose of preventing the same being converted into denatured alcohol and any person who uses any alcohol manufactured under a licence issued under this Ordinance for manufacturing any beverage or knowingly sells any beverage made in whole or in part from such alcohol and any person who shall recover or attempt to recover by redistillation or any other process or means any alcohol converted into denatured alcohol under the provisions of this Ordinance or who knowingly uses, sells, conceals or otherwise disposes of alcohol so recovered or redistilled shall on conviction be liable to the penalties provided for a breach of the provisions of section 6 of this Ordinance and any still or machinery used for any purpose in contravention of the provisions of this section shall be forfeited.

(ii) Any person contravening any of the provisions of this Ordinance or of the provisions of any rule made under this Ordinance for breach of which no penalty is provided shall on conviction be liable to imprisonment of either description for a term not exceeding 6 months or to a fine not exceeding Rs. 1,500/- or to both.

(iii) A Court shall endorse any licence or permit the holder of which has been convicted of an offence under this Ordinance or under any rules made under this Ordinance and cancel such licence or permit.

Rules.

10. The Governor-in-Council may by rule:—

(a) prescribe the terms and conditions on which licences for the distillation of alcohol may be issued.

(b) prescribe the terms and conditions on which denatured alcohol may be possessed and sold by the manufacturer thereof.

(c) prescribe the terms and conditions on which denatured alcohol may be possessed and sold by dealers therein.

(d) prescribe the terms and conditions on which denatured alcohol may be used in arts and manufactures.

(e) prescribe the method or methods by which alcohol shall be converted into denatured alcohol and the materials to be used for the purposes of such conversion and the quality and quantity of such materials to be used.

(f) prescribe the conditions under which denatured alcohol may be exported.

(g) prescribe the method of custody of alcohol manufactured under this Ordinance before such alcohol is converted into denatured alcohol and thereafter.

(h) prescribe the records to be kept by a person holding a licence issued under this Ordinance by a dealer, whether wholesale or retail, in denatured alcohol and by a manufacturer using denatured alcohol in a manufacturing process.

(i) prescribe the method and conditions under which a manufacturer using denatured alcohol in a manufacturing process may recover alcohol expressed or evaporated from the article manufactured and may have such alcohol restored to a condition suitable solely for re-use in a manufacturing process.

(j) prescribe the powers and duties of a person lawfully inspecting any premises licensed under this Ordinance.

(k) prescribe the fees to be paid for any permit issued under this Ordinance or under any rule made under this Ordinance.

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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 suggested by the Special Committee.

*The Council resumed its Sitting.*

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that the third reading would be deferred until a future Session of Council in order that the Bill might be referred to the Secretary of State for the Colonies for sanction before being finally passed.

ADJOURNMENT.

THE HON. THE CHIEF SECRETARY, in moving the adjournment, said that he would like to refer to the Bills which had not yet passed through their various stages—the Bill which had just been reported (the Liquor Amendment Ordinance), the Crown Lands Amendment Ordinance, and the Bill which had now become generally known as “The Squatters” Ordinance. He hoped that by the time Council again assembled, its personnel would be greatly strengthened by the addition of a number of unofficial members.

The Council adjourned until the third Monday of November or such other date as might be duly notified.

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