

**EAST AFRICA PROTECTORATE.**

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

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**Second Session,  
1917.**

*May 21st, 22nd, 25th, 31st, and June 19th, 1917.*

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**Nairobi.**

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**British East Africa.**

# Minutes of the Proceedings of the Second Session of the Legislative Council, 1917.

Held at Nairobi on the 21st, 22nd, 25th, and 31st May  
and 19th June, 1917.

The Council assembled on the 21st of May, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.) presiding.

## *Present:—*

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

## OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the HON. THE ACTING CHIEF SECRETARY (W. J. MONSON).

## MINUTES OF MEETING.

THE HON. THE ACTING CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 12th, 13th, 14th, 17th, and 23rd February, 1917, which had been circulated amongst Hon. Members, be taken as read and be confirmed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

## THE PRESIDENT'S ADDRESS.

THE PRESIDENT delivered the following Address:—

### HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL,

Since this Honourable Council last adjourned, on February 23rd, His Excellency Sir Henry Conway Belfield, K.C.M.G., Governor and Commander-in-Chief of the East Africa Protectorate, has proceeded on leave of absence, and in accordance with the provisions of the East Africa Order-in-Council 1906 I have assumed the administration of the government of the Protectorate. Sir Henry Belfield left after a residential tour of over four and a half years, which is a longer period than has ever been completed by any preceding Governor or Commissioner. His Excellency's tour of service, including as it did the first two and a half years of the war with its initial phase of grave local anxiety, was particularly arduous, and in wishing him as enjoyable a holiday as present circumstances will permit I am sure that all Honourable Members will share with me regret on his behalf that the restrictions on women travelling by sea have necessitated his proceeding home unaccompanied by his family.

The three months which have elapsed since we last met have teemed with important events connected with the war which have had far-reaching effects on this Protectorate. The local campaign has been prominently before our notice because of the requirements of the General Officer Commanding-in-Chief for men, both Europeans with local experience and native carriers, for the transport services. At the beginning of February the General Officer Commanding had made a call for 200 Europeans for the Military Labour Department and the Mechanical Transport Corps, and had asked that action should be taken under the Compulsory Service Ordinance, 1915, to obtain the numbers required. He had intimated at the same time that he foresaw the probability of having to make still further demands on the European population, and eventually stated his total requirements at 300, some of whom were wanted for units other than the Military Labour Department or the Mechanical Transport Corps. As has been the case on previous occasions when a call has been made

for men for military service the response by the public was immediate, and during February and March an appreciable number of volunteers came forward. It had, however, from the outset been obvious that without a further reorganisation of the whole civil population of the Protectorate it would be quite impossible to satisfy the requirements of the General Officer Commanding and that in any case there must be a very considerable interference with local industries and undertakings generally. The position was one of great difficulty because of the very large proportion of the population who had already joined up. A number had refrained from joining, or from allowing their employees to do so, because of the doubt in their minds concerning the relative importance of the businesses in which they were engaged to the Empire generally for the prosecution of the war as compared with the addition of a relatively small number of Europeans to the local forces. Again, others were deterred from joining because of family ties and the difficulties with which they would be faced in maintaining their families while they themselves were serving on reduced incomes. The problem was one which, since it involved certain matters of Imperial concern with which we in East Africa were not fully cognisant, could not be settled locally, and the whole position was accordingly placed before the Secretary of State for the Colonies for discussion with the Imperial authorities.

As a result of such discussion the Secretary of State approved action being taken under the Compulsory Service Ordinance, and on March 21st the Governor accordingly called upon the War Council to provide the men required by the General Officer Commanding. Simultaneously with the issue of this order there appeared in the "Official Gazette" an expression of the Secretary of State's great appreciation of the response which had already been made by the residents of the East Africa Protectorate, and of his regret for the necessity of making still further demands on them. The information collected under the Registration of Persons Ordinance 1915 greatly facilitated the work which now devolved upon the War Council and the District Committees formed under the Compulsory Service Ordinance. Each case was considered on its merits both from the personal point of view and from that of the employer as well as with due regard to the civil industries of the Protectorate. The result has been completely satisfactory, and I welcome this opportunity of publicly congratulating and thanking all concerned in the selection of the men for the manner in which their honorary duties have been carried out, frequently at great personal inconvenience to themselves.

It is obvious that it would have been impossible under any general scheme of reorganisation for the War Council to have produced any given number of men without undue preference or hardship. When it became apparent that the number of 200 originally called for was likely to be slightly exceeded under the procedure adopted I therefore called on the War Council to provide up to an additional 50, making 250 in all, with an intimation that exemptions already granted by that body should not be reconsidered.

It gives me great satisfaction to be able to announce that the full number of 300 men asked for by the General Officer Commanding have now been enrolled or selected for enrolment. The details are as follows:—

|   |                  |
|---|------------------|
| 1. Enlisted without reference to the War Council since February 1st ... | 104              |
| 2. Selected by the War Council ... ..                                   | 234              |
|   | <u>Total</u> 338 |

Further, one great result of the work of the War Council and the District Committees is the fact that every single individual of military age has had his case closely enquired into, and those who now remain in civil employment have the satisfaction of knowing that they have been prevented from joining the forces because they are medically totally unfit or are considered to be indispensable for carrying on the civil life of the Protectorate.

The term "conscript" has been used in connection with those men who have been selected for military service by the War Council, and I recently found it necessary to issue a publication to the effect that the measures being taken under the Compulsory Service Ordinance should not be regarded in any way as a form of conscription, and I take this opportunity of laying stress on that fact. It is unfair and unjust to apply that expression to those who have now been selected. The vast majority of them have been both anxious and willing to join, but it is only the recent reorganisation of the civil population which has made it possible for them to be freed from their various civil avocations.

Military reasons prevent me from giving complete statistics showing what this country has done in sending men to the front, both in Europe and in the local campaign, but I can assure Honourable Members that when the figures can be analysed and published it will be found that British East Africa will at least bear comparison with any other part of the Empire.

As a consequence of the recent selection of men, it has been found necessary to take certain special steps to safeguard the interests of employers, and a Bill figures on the Order of the Day to amend the Compulsory Service Ordinance, 1915, with a view to preventing employees from leaving their employment without permission, safeguards against ill-treatment and oppression being provided by appeals to the District Committees and to the War Council. Pending the passing of the Bill, I have issued regulations under Martial Law which have the same effect. This became necessary in order to tide over the period which must necessarily elapse before legislation can be promulgated.

It has also been found necessary to make special provision in certain cases where married men have been selected for military service, and I am pleased to be able to announce that a procedure has been approved by the Secretary of State whereby relief will be afforded. No fixed system of separation allowances will be adopted, but each case will be dealt with on its merits by the War Council. This step is a very important feature in the re-organisation of our resources and has been the means of releasing for military service a number of men who owing to domestic ties would otherwise have been prevented from joining.

The reorganisation by the military authorities of their transport arrangements to suit the present phase of the campaign necessitated, in addition to an increased European personnel in the Military Labour Department, also a very large increase in the number of native carriers. At the request of the General Officer Commanding the services of the Hon. John Ainsworth, C.M.G., were placed at his disposal from March 8th for the purpose of arranging the supply of men with a minimum of hardship to the natives themselves and the least possible interference with the local labour supply. Colonel Ainsworth has been given authority to correspond direct with District Commissioners on all matters concerning labour, and he has received similar authority from the Governments of Uganda and of the civilly administered portions of German East Africa in respect of certain districts in those territories. Here again I am unable for the present to give the actual figures of the total number of carriers required for the military operations, and of the regular drafts for which arrangements have to be made in order to maintain the strength of the force at its authorised establishment, but it may interest Honourable Members to know that between April 1st and May 17th 33,189 from British East Africa alone have been registered in the books of the Military Labour Department.

The recruitment of porters has proceeded without any untoward incident, and reflects the greatest credit on the officers administering the native reserves who have been obliged to undertake these special duties in most cases with staffs which are considerably reduced below the sanctioned normal establishment.

I cannot leave the subject of the Military Labour Department without a reference to what is known as the "Kikuyu Missions Volunteers." The idea in the first instance originated with Dr. J. W. Arthur of the Church of Scotland Mission, and the Rev. Canon Leakey of the Church Missionary Society. The Rev. Canon Burns of the Church Missionary Society, and the Rev. Lee Downing of the African Inland Mission, subsequently became interested in the movement and rendered valuable assistance. The result was that a carrier section of 1,750 mission boys was formed, officered entirely by members of the missions' staffs with Dr. Arthur in command. A number of the older mission boys—men who in many cases were far over military age joined up as headmen. I recently had the privilege of inspecting this unit at Kikuyu shortly before it left for the front, and was greatly struck with its general appearance of confidence and efficiency. It must be a source of gratification to all interested in missionary work in Africa to know that at a time of national stress such as the present the local missions have been able to take so useful and practical a part in the prosecution of the war, and I am informed that the initiative of the missions has had the best possible effect on the recruitment of natives in the adjacent reserves.

But, altogether apart from the East African campaign, certain action by the Imperial authorities has become necessary within the last few months which closely affects British East Africa. I think that Honourable Members will admit that we have until quite recently been exceptionally fortunate in having escaped the pinch of war. Our geographical situation and our local possibilities of production have been very valuable assets. For more than two years after the outbreak of war neither our export trade nor our local industries had been affected to any very serious extent, while on the other hand the local campaign afforded an immediate market for a number of our local products, and the presence of a large number of troops undoubtedly for some time assisted both our importing merchants and our retail traders. But the recent restrictions which the Imperial authorities have found it necessary to impose, and which I think we all recognise as essential, have undoubtedly during the last few weeks given cause for serious consideration. These restrictions come under two distinct categories, namely prohibition of imports into the United Kingdom and prohibition of exports from the United Kingdom. Further, both our import and export trade are now seriously affected by the shipping problem. The measures adopted by the Imperial Government to meet the inadequacy of freight accommodation and the scarcity of food supplies in the United Kingdom, were duly notified in the local "Official Gazette" of April 11th. Full details of the arrangements made have not yet reached us. Briefly, a system of requisitioning by the Imperial Government and management by mixed committees of representatives of the Government, ship-owners, and local agents has been formed, the object aimed at being that freight accommodation will only be made available for the most essential commodities.

The restrictions on exports from the United Kingdom which until quite recently were confined practically to contraband of war, mainly commodities controlled at home by the Minister of Munitions, have now been extended to foodstuffs. As regards machinery and materials subject to the authority of the Minister of Munitions, local priority committees have been formed throughout the Empire, and a local committee was created on April 2nd. It is the duty of this Committee to consider on its merits each separate indent for supplies of such materials from the United Kingdom and to forward their recommendations as to claims for priority to the authorities in England with full explanations of the particular purpose for which the goods are required.

The restriction on the export of foodstuffs from the United Kingdom has only been notified to me within the last few days. I have referred the question to the War Council, who have already put up certain preliminary recommendations on which action will be taken in due course. I will not attempt to conceal the fact that there will be inconvenience and discomfort as a result of the measures taken, but I feel confident that the whole community

will recognise the fact that self-denial by the civilian population both at home and abroad is necessary for the maintenance of essential supplies to the troops at the front, and that any hardships involved will be cheerfully accepted as an indirect contribution by the individual to the prosecution of the war.

I have already commented on our fortunate geographical situation and the local possibilities for the production of essential foodstuffs.

I see no cause for alarm as a result of the restrictions now imposed, and I state definitely that steps will be taken by the local Government to regulate prices of necessities, to prevent the hoarding of supplies, and to conserve for those who most require them certain special classes of provisions. I have no doubt that importing merchants to whom the United Kingdom is now closed as a source of supply will on their own initiative endeavour to obtain their supplies from elsewhere, and no effort will be spared by the Government in endeavouring to arrive at satisfactory arrangements with other Governments to assist in this object, and to arrange for priority of shipping for all essential foodstuffs.

I think that the whole community owes a very deep debt of gratitude to Sir Henry Belfield for having formed his very representative advisory War Council in September 1915, and I feel sure that the fact that the local food problem has been referred to them will be welcomed as a guarantee that it will be dealt with in the most efficient manner possible, and that the interests of all affected by the new restrictions will be safeguarded to the utmost possible extent.

The first list of articles the importation of which into the United Kingdom was prohibited was gazetted in February, 1916, but it was not until March 1st, 1917, that advice was received that coffee had been added to the list. This prohibition, coupled with the shortage of shipping facilities which already existed, came as a severe blow to the local coffee industry. Meetings were held between representatives of the local Government and the Coffee Planters Union, and the possible financial effect of the prohibition was duly represented to the Secretary of State together with statistics of the acreage under coffee, the unshipped balance of the last crop, and the estimated crops for the years 1917 and 1918.

As Honourable Members are now doubtless aware from information received by mail, the prohibition of the importation of coffee gave rise to considerable comment, and every effort was made to get the restriction removed. At the beginning of this month advice was received that coffee en route for port of shipment at the date of the prohibition, namely on February 23rd, would be treated as in transit on that date up to a maximum of 1,500 tons. To this extent therefore the local situation has been relieved, though the future of our coffee industry is still a matter for serious consideration. The coffee problem is to be the subject of a debate at the present sessions, and, though I fear the solution suggested in the proposition which is to be moved will be found to be impracticable, I trust that further useful information and suggestions will be forthcoming which will at least assist us in finding a means of easing the situation.

Apart from the restrictions on coffee, I do not think that any of the prohibitions on imports into the United Kingdom adversely affect any of our local industries.

Since the beginning of March last, this Government has been in communication with the Colonial Office on the subject of the possibility of arrangements being made by the Imperial Government for the purchase and shipping of maize and beans. A reply has been received that His Majesty's Government are not prepared to purchase beans, but negotiations are still proceeding on the subject of maize, the prospects of an arrangement becoming possible being distinctly hopeful. In the meantime, however, the local demands of the military authorities would appear to absorb the available supply, and it has been found necessary for the present to prohibit the export of beans until it becomes manifest that military requirements have been satisfied.

The local bacon industry also finds a ready market with the military authorities.

Since our last session two important Commissions have been appointed under the Commissions of Enquiry Ordinance, 1912. These are the Land Settlement Commission and the Economic Conference Commission. The constitution of the former was announced during the last sessions. The Commission was actually appointed on March 2nd and commenced its sittings in Nairobi last week.

The Economic Conference Commission, which was appointed on March 27th and has also held some preliminary meetings, consisted originally of the Honourable F. W. Major, Chairman, with the Honourable P. H. Clarke, Mr. T. A. Wood, Mr. W. A. Kempe, and Major E. S. Grogan. At the suggestion of the Commissioners themselves, and at the request of a number of local associations, I have now further strengthened the Commission by appointing thereto the Right Honourable Lord Delamere, the Honourable W. C. Hunter, and Mr. E. Powys Cobb.

I understand that the Special Committee of this Honourable Council appointed during last session to enquire into and report generally on the question of elective representation on the Legislative Council has made considerable progress, and that it is possible that a report may be presented before this session closes.

The Special Committee on the Resident Natives Ordinance has held a number of sittings, but is not yet in a position to submit its report. Honourable Members will recollect that at the last session the Governor gave an assurance that so far as he was concerned the Bill in question would not be enforced, even though accepted as an Ordinance, until the conclusion of hostilities. I have no hesitation in renewing that assurance on my own behalf for so long as I continue to fill my present position.

The Special Committee appointed in October last, and added to at the last session, to consider the Crown Lands Amendment Ordinance has, as Members are aware, with the consent of this Honourable Council decided to defer the presentation of its report until a later occasion.

There remain two Bills which have been introduced but which have not yet passed through the various necessary stages. Both of these figure on the present Agenda, namely, the Civil Procedure Bill which is down for its second reading, and the Appropriation Bill which is down for its third reading. If the second reading of the former is agreed to, it is proposed to refer it to a Special Committee before proceeding further with the consideration of its provisions. The Appropriation Bill will, I hope, be read a third time and passed. The various amendments carried at the last session have been approved by the Secretary of State, and the Honourable the Treasurer will propose in Committee two or three further amendments which I trust will meet with the approval of Council.

In connection with the Appropriation Ordinance, I must, however, announce that a long-desired change in the Customs arrangements of the East Africa and Uganda Protectorates has now been approved by the authorities concerned, including the Government of Uganda, the Colonial Office, and the Imperial Treasury. The effect of this change is briefly the amalgamation of the Customs Departments of the two Protectorates under the control of East Africa, and the consequent abolition of an artificial trade barrier between East Africa and Uganda.

This change will necessitate some adjustment of the Customs estimates, both Revenue and Expenditure, and also certain legislation on the part of both Protectorates. It has not been found possible to prepare the necessary legislation in time for the current session, but it is proposed to submit it to Council at the next session.

It appears probable that in the first instance the East Africa Protectorate will be put to some additional expense in respect of the amalgamation, but the benefit to the two Protectorates as a whole and to the East African trade generally will be undeniable. It is not considered necessary to hold up the Appropriation Bill until the exact financial effect of the change of system can be gauged, and any additional expenditure which will fall on East Africa funds will be preferred in a supplementary estimate in due course.

In all eight new bills will be presented to Council at this session. Of these, two can be directly attributed to the war, namely the prohibition of the use of the word "Anzac" in connection with business, and the amendment to the Compulsory Service Ordinance. Two others are trade measures which it is desirable to legislate as early as possible in view of the position which will be created on the cessation of hostilities. These are the Companies Law and the Registration of Firms Ordinance. The Electric Light Ordinance has been under consideration for some time, and Honourable Members will recollect that a Bill was previously introduced but on recommendation of the Committee was rejected in the year 1914. It is very desirable to introduce the necessary legislation with as little further delay as possible, as it closely concerns the residents in the two principal townships of the Protectorate. The Coffee Planters and Dealers Bill is being introduced at the urgent request of those interested in the coffee industry, and the Diseases of Animals Amendment Ordinance and the Infectious Diseases Ordinance are also urgent measures of public concern. The objects and intentions of the various measures will as usual be further stated by the Honourable Members who have been entrusted with the duty of introducing them.

#### QUESTIONS AND ANSWERS.

THE HON. MACLELLAN WILSON put the following question:—

1. Whether, in consideration of the many difficulties, financial and other, attending the building up of the bacon industry in this country, His Excellency would be pleased to assist the industry by giving instructions to reduce the existing railway rates on bacon products for export.

2. Whether, in view of the value to this country and to the Empire of the pig breeding industry, His Excellency would be pleased to consider the appointment of an Inspector of Pigs for the purpose of ensuring that only the highest class of pig products may be dealt with in East Africa.

THE HON. THE MANAGER OF THE UGANDA RAILWAY, replying to the first part of the question, said:—

The charge for the carriage of bacon for export was fixed at a rate to cover as nearly as possible actual working expenses. Owing to the manner in which bacon for export is cured it is necessary that special transport facilities must be employed to prevent deterioration while on the journey between the Bacon Factory and the Coast. This necessitates the use of a ten ton vehicle in the case of the facilities being provided by the Bacon Factory, and of a special vehicle when provided by the Railway. In either case it means a return journey between the Bacon Factory and the Coast the minimum charge for which is one-quarter to one-third only of the capacity for the vehicle employed for one way only of the return journey.

A reduced rate was given for the carriage of bacon between the Coast and Uplands when it was found necessary to import bacon to supply the local demands of the Country as well as the military demands, and a reduced rate for export could be granted if the bacon could be cured in such a manner as to enable it to be consigned as general merchandise, but with the conditions governing the bacon industry at the present time bacon for export cannot be carried at a lower rate than is now being charged if this traffic is to pay the cost of working it.

COLONEL THE HON. A. C. MACDONALD, replying to the second part of the question, said:

It is hoped to include provision for an Inspector of Pigs in the Draft Estimates for 1918-1919. It is understood that an appointment of two years' duration is all that is required.

CAPTAIN THE HON. A. C. HOEY put the following question:—

1. What is the total sum of money spent on the new road from Londiani to Eldoret up to the end of last financial year.
2. What sum of money has been spent during the last financial year on the maintenance of this road.
3. Is the Director of Public Works satisfied with the construction and alignment of this road.
4. Is it a fact that realignment of the road to a considerable extent is contemplated, and if so, will Director of Public Works state approximately the expenditure which is likely to be incurred.
5. Will the Director of Public Works give an assurance that the present, or the realigned road, be maintained to enable the increasing large surplus products from the Uasin Gishu plateau, to be transported to the railway at Londiani throughout the year.

THE HON. THE ACTING CHIEF SECRETARY replied:—

1. The total sum of money spent on the Londiani—Eldoret Road amounts to £20,374, as follows:—

|            |     |     |     |         |
|------------|-----|-----|-----|---------|
| In 1909-10 | ... | ... | ... | £650    |
| 10-11      | ... | ... | ... | 61      |
| 11-12      | ... | ... | ... | 3,534   |
| 12-13      | ... | ... | ... | 5,152   |
| 13-14      | ... | ... | ... | 4,200   |
| 14-15      | ... | ... | ... | 4,645   |
| 15-16      | ... | ... | ... | 866     |
| 16-17      | ... | ... | ... | 1,266   |
|            |     |     |     | £20,374 |

2. A sum of £1,266 was spent last year on the maintenance of this road.
3. The Director of Public Works reports that he is not satisfied with the construction and alignment of this road but with the funds placed at his disposal for initial construction, and the necessity for maintenance under heavy and increasing traffic in all weathers he considers that the condition of the road is as satisfactory as could be expected.
4. Realignment on more easily drained ground is contemplated from mile 23 to Eldoret. In opening such route for cart traffic an initial expenditure of £1,600 is likely to be incurred. The existing road from mile 23 to mile 34 will also be retained to give access to the Selater Road and the Nandi border. The plans of the proposed realignment and details as to cost are in the Director of Public Works' Office and are at the disposal of the Hon. Member.
5. The Director of Public Works is unable to give the desired assurance as the immediate result of such expenditure as has been voted for the present financial year, but the improvement of the road will be pushed on to the utmost extent that available funds permit of.

#### SUPPLEMENTARY ESTIMATE, 1916-17.

THE HON. TREASURER proposed the following motion:—

That a Supplementary Estimate of £221,150 for the service of the year 1916-1917 be approved.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

*In Committee.*

The Supplementary Estimate was considered in detail and passed without amendment.

*The Council resumed its Sitting.*

The motion was put and carried.

#### QUARTERLY RETURNS OF UNFORESEEN EXPENDITURE, 1916-17.

THE HON. THE TREASURER laid on the Table a Statement of Unforeseen Expenditure for the quarter ended the 30th of September, 1916, and for the quarter ended 31st of December, 1916.

THE HON. THE TREASURER proposed the following motion:—

Whereas it was found necessary to incur expenditure for which no provision was made in the approved estimates for the year 1916-17 amounting to £44,225 5s. 9d. during the period from 1st July, 1916 to 30th September, 1916, as more particularly set forth in the statement laid on the table, it is hereby resolved that this Council do approve of such expenditure.

THE HON. ACTING CHIEF SECRETARY seconded.

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

*In Committee.*

The expenditure was considered in detail and passed without amendment.

*The Council resumed its Sitting.*

The motion was put and carried.

THE HON. THE TREASURER proposed the following motion:—

Whereas it was found necessary to incur expenditure for which no provision was made in the approved Estimates for the year 1916-17 amounting to £41,590 19s. 5d. during the period from 1st October, 1916, to 31st December, 1916, as more particularly set forth in the statement laid on the table, it is hereby resolved that this Council do approve such expenditure.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

*In Committee.*

The expenditure was considered in detail and passed without amendment.

*The Council resumed its Sitting.*

The motion was put and carried.

## MOTIONS.

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

That this Council desires an assurance that the question of the prevention of future outbreaks of plague is receiving and will continue to receive the most anxious consideration.

THE RIGHT HON. LORD DELAMERE seconded.

THE HON. THE ACTING CHIEF SECRETARY on behalf of the Government gave the assurance required and the motion was not pressed.

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

That with a view to the better Government of Nairobi the Municipal Committee be constituted the responsible and controlling authority in all municipal and sanitary matters, and that, for the present, with a view to overcoming obvious financial difficulties, the sums annually voted in the Estimates for the benefit and use of Nairobi be placed at the disposal of the Municipal Committee.

He asked leave to amend the wording of this motion as follows:—

“That with a view to the better government of Nairobi the necessary powers be procured for the Municipal Committee to constitute that body the responsible and controlling authority etc., etc.”

At this time, he thought it could not be disputed, Nairobi was suffering from a not infrequent weakness under a bureaucratic form of government, division and overlapping of control. There was in Nairobi the Municipal Committee, which ought to be the controlling authority and was not; the Sanitation Department, the Public Works Department, and to a certain extent the Land Office, all dealing with matters affecting the administration of the Town.

It was quite possible that an enquiry directed to the Town Clerk would be passed on to the Public Works Department, thence to the Land Office and thence back again to the Town Clerk, with the final result that the enquirer was completely mystified as to whom he had to deal with.

Only recently, so far as was possible under existing legislation, Government had granted to the citizens of Nairobi the privilege of electing their own representatives to the Municipal Committee. It was not quite election, but the nearest approach that could be made to it at present. Those representatives, at present in a minority, met week after week in an honest endeavour to serve the interests of Nairobi, and they found that while the Committee received plenty of criticism for alleged inaction, it had not got the powers which it ought to have. That was a very great handicap, and it was most disheartening to its members, and moreover it meant there was no real responsibility between the electors and the elected. If they were to have efficient local government in Nairobi, they must be able to fix the responsibility, and they could not fix the responsibility unless they had one controlling authority. He was convinced that if they made the Municipal Committee—even as constituted to-day though he hoped that the unofficial representatives would be increased in number—really responsible, they would soon see a great improvement. Divided control could not be satisfactory. To take an instance. As things were, he understood that the last word on Sanitary matters rested with the Principal Sanitation Officer to whom the Medical Officer of Health has a right of appeal.

He submitted that that was a wrong state of affairs. The Medical Officer of Health should be an adviser only, and the responsibility should rest with the Municipal Committee. If the sanitary authority was not satisfied with any decision, then there should be an appeal to some higher authority—he suggested for the present the Governor in Council—who he presumed could order an enquiry which would enable evidence to be brought by both sides. Under the present system the appeal was by the Medical Officer of Health to the Principal Sanitation Officer, and if he decided against the Municipal Committee, it appeared there was nothing more to be said. He maintained that such decisions ought not to rest with any expert, for the simple reason that experts' opinions not infrequently differed.

With regard to the Public Works Department and the control of roads and drains, he understood that if this motion were acted upon, there would be no great difficulty in handing over the control to the Municipal Committee. Probably the appointment of an Assistant Engineer might be necessary, but he for one believed that that would not involve any greater expenditure seeing that there would be greater unity of direction. There was of course the question of plant, etc., but he presumed there would be no insuperable difficulty in handing this over to the Committee.

Then there was the question of control of land. He thought it would be desirable that this control should rest with the Committee and that any revenue derived therefrom should be deducted from the sums handed over to the Committee for the use and benefit of Nairobi: the point was unity of control and he believed that the control of the land might be vested in the Committee, even if only as agents for Government.

Finally he would like to say a word on the subject of finance. Sooner or later the citizens of Nairobi must shoulder the responsibility for this: but at present it must be borne in mind that the Government is the ground landlord of Nairobi, that a great deal yet remains to be done before it could be said that the landlord had carried out his obligations, and that schemes like the Bransby Williams scheme for which the Municipal Committee was in no way responsible were being rightly met out of Protectorate funds.

Therefore the suggestion was that the Town should be financed as at present, but that the control of the expenditure be vested in the Municipal Committee. In other words the object of this Motion was not a re-organisation of financial methods but the concentration of control.

THE RIGHT HON. LORD DELAMERE seconded.

After debate,

The motion was lost by 9 votes to 5.

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

In view of the embargo on the importation of coffee into the United Kingdom and the consequent hardship on the coffee industry in this Protectorate, I beg to move that a sum of money be allocated from public funds for the purpose of advancing a proportion of the value of the coffee in the hands of the coffee growers to enable them to tide over the present crisis and to meet recurrent expenditure necessary for the upkeep of coffee plantations.

THE HON. P. H. CLARKE seconded.

The following Special Committee was appointed to enquire into and report on the question:—

COLONEL THE HON. A. C. MACDONALD (*Chairman*).

THE HON. THE TREASURER.

THE HON. THE MANAGER OF THE UGANDA RAILWAY.

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

CAPTAIN THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

The Council adjourned till 10 a.m. on the 22nd of May, 1917.

## SECOND DAY.

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

*Present:—*

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

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

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

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

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

COLONEL THE HON. A. C. MACDONALD.

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

THE HON. R. BARTON WRIGHT.

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

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

CAPTAIN THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

## THE COMPANIES ORDINANCE, 1917.

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 Trading Companies and other Associations."

He said the purpose of this Bill was to consolidate the law relating to Companies which was at present found in the several Indian Acts referred to in the Ordinance No. 10 of 1903 and to bring the legislation relating to Companies up to date and in line with that in force in the United Kingdom.

Of the Indian Acts applied the principal was that of 1882 which was based on the English Company Acts of 1862 and 1867. Slight amendments of the Act of 1882 were made in 1887 providing for the priority of debts in a liquidation, in 1895 providing for power to alter a memorandum of association or deed of settlement and in 1900 providing for branch registers in the United Kingdom. These are the only Indian Acts in force in the Protectorate. Meanwhile in England in 1890 three important statutes relating to companies were enacted. They were the Companies (Memorandum of Association) Act, 1890, which gave power to alter a memorandum of association or deed of settlement, the Companies Winding Up Act, 1890, and the Directors Liability Act, 1890, which aimed at casting on Directors the liability for untrue statements in a prospectus. Of these three enactments only the first was reproduced in the Indian legislation applied to the Protectorate, that is, the Act of 1895 before referred to.

The law in England was further developed by the Companies Act, 1900, which placed restrictions on the appointment of Directors of Public Companies and on the allotment of shares. It also provided for the payment of underwriting commissions. A further addition was made by the Companies Act, 1907, which enabled two or more persons to register themselves as a private company and by it the provisions of earlier statutes as to prospectus and allotment were varied. It further provided that Companies incorporated outside the United Kingdom and having a place of business in the United Kingdom should file with the registrar a copy of their instrument of constitution, a list of Directors and the name of a person in the United Kingdom to accept service of processes and notices. The chief deficiencies of the existing legislation here were in respect of provisions making directors liable for false statements in a prospectus, want of restrictions on allotment of shares and on trading before sufficient capital had been subscribed, stricter law dealing with directors and managers generally, power to strike defunct companies off the register and the registration of particulars of foreign companies. The Bill was based on the latest English legislation that is the Companies (Consolidation) Act, 1908. It was in his opinion essential to make our commercial law as effective an instrument as possible to be ready for any development which might occur after the war.

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

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

#### THE REGISTRATION OF COFFEE PLANTATIONS AND COFFEE DEALERS ORDINANCE, 1917.

COLONEL THE HON. A. C. MACDONALD, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Registration of Coffee Plantations and Dealers in Coffee."

He said that the object of the Bill was

(a) to make it compulsory on all coffee planters to register their plantations in order that regular inspection could be made and, where disease was found, the control or extirpation of such could be taken in hand without delay, and

(b) to license dealers in coffee with a view to the prevention of coffee stealing.

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

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

#### THE "ANZAC" (RESTRICTION ON TRADE USE OF WORD) ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to prohibit the use of the word Anzac in connection with any trade, business, calling, or profession." He said that the Bill followed the lines of legislation which it had been thought desirable to enact in the United Kingdom to prevent the word Anzac from falling into disrepute. This word had great and glorious associations which, it was felt, should not be sullied for purposes of advertisement, and the same considerations which rendered its protection advisable at home obviously held good here. They could do no less than follow the example which had been set them and endeavour to the best of their ability to bear their small share in repaying the debt which the Empire owed to their gallant kinsmen from Australia and New Zealand.

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

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

#### THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1917.

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 Diseases of Animals Ordinance, 1906."

He said that the purpose of the Bill was very short and simple. In the 1906 Ordinance certain provision had been made for the payment of compensation in the case of animals destroyed by order of the Veterinary Department or Veterinary officers for the prevention of the spread of disease. Since the date of the enactment of that Ordinance the value of cattle of all kinds had risen very considerably and it had therefore been considered advisable to increase the maximum amounts of compensation which might be paid under the provisions of the Diseases of Animals Ordinance, 1906. The present Bill effected that purpose.

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

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

#### THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.

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 Infectious Diseases."

He said that the purpose of the Bill was to supply certain deficiencies which had made themselves manifest in the Infectious Diseases Ordinance, 1903. It had recently been ruled by the High Court that the provisions of some of the rules promulgated in 1913 under the Ordinance were *ultra vires* of the powers given by the Ordinance. These rules were in regard to the notification of infectious diseases. It was as members of the Council would realise most important to provide for the compulsory notification of such diseases. The Bill before Council had been drawn in order to supply the deficiencies which had been found in the Principal Ordinance of 1903. These were in regard to the power to make rules dealing with the notification of infectious diseases, the removal of persons suffering from infectious diseases, the destruction of rats, and the other matters dealt with in Clause 2 (a)—(f) of the Bill. These matters had all been dealt with under the rules of 1913 but owing to the decision of the High Court already referred to it seemed desirable to remove all doubt concerning the power to make rules regarding these items. With regard to the other matters dealt with in Clause 2 of the Bill, it had been made manifest that some power was necessary to prevent the occupation of buildings which were so constructed as to cause the spread of disease. Cases had occurred in which houses of a certain structure formed veritable rat warrens, and if people went on living in such houses if situated in endemic plague areas the houses became foci of infection. It was highly necessary that some power should be provided whereby the habitation or use of such buildings could be prohibited until they had been made rat-proof or freed from the danger of causing infection. Clause 2 (h) gave a very wide power but in East Africa, where unforeseen things often occurred, it had been considered necessary to give the Governor such wide power in order to provide for emergencies which might arise from time to time and which might not have been foreseen by the rule making power in respect of specific matters provided by the Infectious Diseases Ordinance, 1903, and the Bill. Clause 3 dealt with the application of rules already promulgated, making it clear that they would have the same force and effect as rules made under the Bill. Clause 4 dealt with the definition of "Infectious Disease." It had been considered advisable by the medical authorities that power should be given to the Governor to add to the list of infectious diseases which were specified in the Principal Ordinance, 1903. Clause 5 dealt with offences and punishments. The Ordinance of 1903 provided, for offences under the Ordinance, a fine not exceeding Rs. 300/- or two months imprisonment or both. It had been represented that those penalties were not sufficiently high to afford a deterrent especially when dealing with natives. Provision increasing the penalties had therefore been inserted in the Bill. The fine had been increased to Rs. 1,500/- or imprisonment for six months.

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

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

#### THE ELECTRIC POWER ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for the generation, transmission, delivery, sale, purchase, and use of electrical energy;

"And for the making and enforcing of regulations appertaining to and governing such purposes;

"And for the provision and enforcing of penalties for any contravention of this Ordinance or of the Regulations made under it."

He said the law relating to electricity at present in force in the Protectorate was contained in certain applied Indian Acts. In India the Electricity Act of 1910 replaced former legislation. That Act however was not applied to the Protectorate.

The principles applicable to commercial electricity had made great strides during the last few years in the direction of economy in the supply of power for industrial purposes. The object aimed at by present day experts was the development of bulk supply concerns—bulk supply meant economy.

This Bill followed the legislation on the subject in the United Kingdom with such modifications as were necessary to make possible and ensure the economical development of our power supply. The foundations of the measure were therefore not new but had been long and extensively tried.

Before proceeding to consider this Bill, it should be clearly understood that the laws, conditions and customs which exist in the relations between an ordinary trader and his customer were very different from those which applied between the electrical licensee and the consumer. In the latter case, as the supply of electrical energy was a public service, the relations must be more stringently defined on both sides. In this Bill these relations were defined in such considerable detail, that as far as present experience can foresee, no circumstance or contingency could arise which might affect the interests of any of the various licensees, or of any public or municipal authorities or other special or any ordinary consumer which had not been provided for.

Coming to the principal original feature in the Bill, this was concisely stated in the provision that no licence for the generation of electrical energy could be granted within the limits of economical transmission from any existing or authorised works.

As may be presumed, this might, and in the conception of Government's advisers did, imply very considerably greater areas for operation being ultimately secured to a licensee or group of licensees than those at present generally contemplated.

The granting of these extended powers of operation to a licensee or group of licensees was necessary for economical reasons. These briefly were that a higher average use could be made of the source of generation, and where State water power was concerned this meant the more beneficial development of that power, with a consequent reduction in the amount of the capital charges chargeable per unit than was possible with a more restricted output; that a smaller total reserve of plant was required than would be the case if the same area was supplied by a number of independent stations, with a further economy in the capital charges, while reduction was also effected in the items of working costs and in management and establishment charges.

Such operation was termed Bulk Supply and the consumers of this supply were termed Authorised Distributors. The latter were licensed to supply electrical energy in a local area or township to the public or ordinary consumers and if they could not obtain a supply in bulk they might be granted a licence to generate their supply locally.

These licensees were to be granted the sole right of supply in their respective areas for their respective purposes, but in their licences the maximum prices which they may charge will be stated.

Owing to the conditions peculiar to the supply to an Authorised Distributor it was further provided that the Bulk Supply licensee's sole right of supply to such an Authorised Distributor was subject to his being able to supply the latter at a price equal to or lower than that at which the Authorised Distributor could generate his own supply, except where the Governor, in the public interest, decided otherwise.

In every case when a licence was taken up the duties and obligations of a licensee were necessarily positive and unavoidable. These duties and obligations were generally specified in the Bill and, following British practice, their further detailed elaboration would be provided for by Regulations, which would comprise all the electro-technical matters concerning the safety of the public and a regular and sufficient supply of electrical energy at adequate pressure.

With regard to the use or wrongful use of energy, and to payment for the supply, the consumer had certain obligations to the licensee which were also positive.

For breaches or non-observance of any of these duties or obligations on either side or of the Regulations, penalties commensurate with the degree of the offence were prescribed. The infliction of these penalties was left to the Courts to which were assigned large measures of discretion.

In conclusion it might be pointed out that the accomplishment of the object for which this Bill had been designed vitally depended on the enactment of the provision restricting the generation of electrical energy by public or local authorities except under a licence embodying the principles of these measures as submitted and on the acceptance of the provisions made for the establishment of Bulk Supply.

The provisions regarding prior licensees had been inserted to bring existing licences as far as possible into line with the principles adopted in the Bill.

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

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

#### THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Compulsory Service Ordinance, 1915." He said that the object of the Bill was to prevent hardship to employers who had either themselves been selected for service under the principal Ordinance or had had their staffs largely depleted. In making its choice of men the War Council had been guided by the circumstances of each firm and business and it was obvious that if members of their staffs, who had been regarded as indispensable and exempted on that account, were free to seek other employment immediately, the basis on which its arrangements had been made would be disturbed and the essential industries of the country, which it was sought to preserve, completely dislocated. In England similar legislation had been passed to protect establishments carrying on work of national importance, such as munitions, but there the penalty was imposed on the employer who re-engaged and not on the employee who sought re-engagement. Here it was considered necessary to fix a penalty for both, as it would be quite possible otherwise for an employee to leave his post and set up in business for himself or quit the Protectorate altogether to the great detriment and possible ruin of his employer. In order to prevent any injustice there was a right of appeal in the first instance to the District Committee and as a final resort to the War Council, so that any employee, who was justly entitled to the certificate enabling him to seek re-engagement should have no difficulty in obtaining it. The provisions of the Bill had already been applied by Rules under Martial Law and it was now sought to embody them in the law of the Protectorate during the continuance of hostilities.

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

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

#### THE REGISTRATION OF BUSINESS NAMES ORDINANCE, 1917.

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 Registration of Firms and Persons carrying on Business under Business Names and for purposes connected therewith."

He said that the inception of this legislation was due to a suggestion made by the Mombasa Chamber of Commerce that firms and partnerships should be registered so that persons might have an opportunity of finding out with whom they were really dealing, the object being to prevent persons who were now enemy subjects from securing a footing in the Protectorate in commercial undertakings without disclosing the fact that such firms or businesses were owned partially or entirely by foreigners. He did not know whether the Mombasa Chamber of Commerce had come to that decision independently or not but the Imperial Legislature at home had passed an enactment having a similar purpose and the provisions of that Imperial Act were contained in the Bill now before Council. The purpose of the Bill was, shortly, to ensure that every person or every firm which might include two or more persons or corporations shall, if they trade under another name which does not include their proper names, be registered. If such a firm did not register, then it would be liable to certain penalties which were prescribed in Clause 9 of the Bill, viz., a fine of Rs. 75 per day for every day in default. There was also a very stringent penalty contained in Clause 10 by which if any firm or person made default under the provisions of the Bill then his or their rights as the case may be arising out of any contract in relation to the business in respect of which default had been made were not enforceable by action or other legal proceeding. That, he thought, was a fairly severe penalty. The Bill further provided that a certificate of registration shall be given and exhibited in a conspicuous position at the place of business of the firm registered. It also provided that the firm shall state the proper names of the individuals or in the case of a firm the partners and, if not British, their nationality on all trade catalogues, trade circulars, showcards and business letters on or in which the business name appears connected with the business. The Bill also contained further provisions giving power to the Registrar to refuse to register a business name which contained the word "British" or any other word which in the opinion of the Registrar might be calculated to lead to the belief that the business was under British ownership or control and the Registrar was satisfied that the nationality of the persons by whom the business was wholly or mainly controlled was at any time such that the name was misleading. This prevented for example an entirely German firm calling itself British or adopting a name tending to give the impression that it was an entirely British firm. A certain amount of notice had been directed to the Act at home because it had been pointed out that there was nothing in it to prevent a foreigner or a person who at present was an enemy turning himself into a limited liability company and registering himself as such. That criticism should be very carefully considered by the Special Committee which he proposed to ask to be appointed to enquire into and report both on that Bill and on the Bill dealing with companies.

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

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

#### THE MERCHANT SEAMEN DISCIPLINE AMENDMENT ORDINANCE, 1917.

THE CLERK having read a Certificate of Emergency in regard to a Bill intituled "An Ordinance to amend the Merchant Seamen Discipline Ordinance, 1917,"

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders in order that the Bill might be proceeded with.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL introduced and moved the first reading of the Bill.

He said that the purpose of the Bill was to amend the Ordinance passed during the year dealing with the discipline of merchant seamen. The proposed amendments to the Bill had been adopted at home and in accordance with the instructions of the Secretary of State the Bill had been introduced in order that the same amendments might be adopted in local legislature. The amendments were contained in Clause 2 of the Bill. The provisions of the principal Ordinance were extended to men serving on ships or vessels which were hired as well as to those which belonged to or were chartered or requisitioned by the Admiralty and to men serving on ships or vessels belonging to or chartered, hired or requisitioned by the Army Council. Desertion was also made an offence under the principal Ordinance.

A further amendment was to provide that certified entries in an official log book should be admissible in evidence.

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

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

## THE APPROPRIATION ORDINANCE, 1917.

THE HON. THE TREASURER moved that Council resolve itself into a Committee to consider the proposed amendments to the Schedule.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

*In Committee.*

Vote XI, items 80 (a) and 80 (b). THE RIGHT HON. LORD DELAMERE moved that the provision for the appointment of Solicitor General be deleted.

The motion was lost by 13 votes to 1.

Vote XIII, items 1 and 2. THE RIGHT HON. LORD DELAMERE moved that the provision for the appointment of Commissioner of Prisons be deleted.

The motion was lost by 10 votes to 4.

The Schedule to the Bill was amended in accordance with the resolutions passed at the previous sessions and with the further alterations required by the Secretary of State.

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

THE ACTING CHIEF SECRETARY seconded.

*The Council resumed its Sitting.*

THE HON. THE TREASURER moved that the Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of March, 1918" be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

## THE CIVIL PROCEDURE ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to make provision for Procedure in Civil Court" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE HON. THE ATTORNEY GENERAL (*Chairman*).

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

THE HON. C. W. HOBLEY.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

The Council adjourned till 10 am. on the 25th of May, 1917.

## THIRD DAY.

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

*Present:—*

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

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

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

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

COLONEL THE HON. A. C. MACDONALD.

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

THE HON. R. BARTON WRIGHT.

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

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

CAPTAIN THE HON. A. C. HOEY.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

*Absent:—*

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

## THE COMPANIES ORDINANCE, 1917.

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

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

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

THE HON. THE ATTORNEY GENERAL (*Chairman*).  
THE HON. F. W. MAJOR, I.S.O.  
THE HON. P. H. CLARKE.  
THE HON. W. C. HUNTER.

#### THE REGISTRATION OF COFFEE PLANTATIONS AND COFFEE DEALERS ORDINANCE, 1917.

COLONEL THE HON. A. C. MACDONALD moved that the Bill intituled "An Ordinance to provide for the Registration of Coffee Plantations and Dealers in Coffee" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.  
The question was put and carried by 9 votes to 4.

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

COLONEL THE HON. A. C. MACDONALD (*Chairman*).  
CAPTAIN THE HON. A. C. HOEY.  
THE HON. W. C. HUNTER.  
THE HON. W. MACLELLAN WILSON.

#### THE "ANZAC" (RESTRICTION ON TRADE USE OF WORD) ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to prohibit the use of the word Anzac in connection with any trade, business, calling, or profession" be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.  
The question was put and carried.

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

*In Committee.*

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

*The Council resumed its Sitting.*

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

THE HON. THE ATTORNEY GENERAL seconded.  
The question was put and carried.

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

#### THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Diseases of Animals Ordinance, 1906" be read a second time.

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

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

*In Committee.*

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

Clause 1—For "hereinafter" in line 3 substitute "hereafter."

*The Council resumed its Sitting.*

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

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

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

#### THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.

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

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

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

*In Committee.*

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

Clause 2 (f)—After the word "removal" insert the words "and disinfection."

Clause 2 (g)—Add the following, "Provided that in any rules made under this Clause there shall be provision for an appeal from any order made under such rules to the Resident Magistrate or any other Magistrate having power to hold a Subordinate Court of the first class having jurisdiction in the area in which the building is situated."

Clause 2 (h)—Add the following, "Provided that in any rules made under this Clause there shall be provision for an appeal from any order made under such rules to the Resident Magistrate or other Magistrate having power to hold a Subordinate Court of the first class having jurisdiction."

Clause 4—Delete.

*The Council resumed its Sitting.*

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

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE ELECTRIC POWER ORDINANCE, 1917.

The Oath of Allegiance having been administered by the PRESIDENT to Mr. J. McBLAIN (Electrical Engineer, Public Works Department) who was appointed an Extraordinary Member of the Council for consideration of this measure only,

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to make provision for the generation, transmission, delivery, sale, purchase, and use of electrical energy; and for the making and enforcing of regulations appertaining to and governing such purposes; and for the provision and enforcing of penalties for any contravention of this Ordinance or of the Regulations made under it" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE HON. THE ATTORNEY GENERAL (*Chairman*).

THE HON. THE MANAGER OF THE UGANDA RAILWAY.

THE HON. J. McBLAIN.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to amend the Compulsory Service Ordinance, 1915," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

*In Committee.*

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

Add new Clause 2:—

"In this Ordinance:—

"The expression 'Employee' shall mean any person of European or Asiatic origin who at the date of the enactment of this Ordinance is engaged or who may at any time thereafter be engaged in any employment in any capacity other than as a master or employer and the expression "Native" means any native of Africa not of European or Asiatic origin and includes any Somali."

Clause 2 becomes Clause 3.

Omit the words "person of European or Asiatic origin who at the date of the enactment of this Ordinance is engaged or who may at any time thereafter be engaged in any employment as an."

For the word "such" in line 8 insert the word "his."

Clause 3 becomes Clause 4.

In sub-clause 3—After "person" wherever it occurs insert "of European or Asiatic origin."

Clause 4 becomes Clause 5.

After "person" at the end of line 44 insert "of European or Asiatic origin."  
In line 44 for "he" substitute "such person of European or Asiatic origin."

Clause 5 becomes Clause 6.

Clause 6 becomes Clause 7. Add at end of Clause:—

"Any person attempting to leave the Protectorate in contravention of the provisions of this Section shall be deemed to have committed a breach of the provisions of this Ordinance. Any person committing an offence under this Section may be arrested by a Police Officer without a warrant."

Clause 7 becomes Clause 8.

Add new Clause 9:—

9. (1) Natives, Arabs and Baluchis may at the direction of the Governor be selected for military service in the King's African Rifles.

(2) The Governor may by rule prescribe the procedure under which natives, Arabs and Baluchis shall be selected for military service in the King's African Rifles.

(3) Natives, Arabs and Baluchis selected for service in the King's African Rifles shall be subject to the provisions of the King's African Rifles Ordinance, 1912, provided that such natives, Arabs and Baluchis shall serve for a period terminating at the end of six months after the cessation of hostilities in the present war.

Clause 8 becomes Clause 10.

Clause 9 becomes Clause 11.

Clause 11—After the word "shall," insert the words "save as provided in Section 9 of this Ordinance."

*The Council resumed its Sitting.*

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

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE REGISTRATION OF BUSINESS NAMES ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to provide for the Registration of Firms and Persons carrying on Business under Business Names and for purposes connected therewith" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

THE HON. THE ATTORNEY GENERAL (*Chairman*).

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

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

THE MERCHANT SEAMEN DISCIPLINE AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Merchant Seamen Discipline Ordinance, 1917," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

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

*The Council resumed its Sitting.*

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

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

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

The Council adjourned till 10 a.m. on the 31st of May, 1917.

## FOURTH DAY.

The Council assembled on the 31st of May, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.) presiding.

*Present:—*

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

Before the business of the day commenced, THE PRESIDENT invested the HON. F. W. MAJOR, I.S.O., with the insignia of a Companion of the Most Distinguished Order of St. Michael and St. George.

## QUESTIONS AND ANSWERS.

THE RIGHT HON. LORD DELAMERE put the following question:—

From what source the money being used to make the road into the Masai Reserve has come and how is it that the amount has never appeared in any estimates.

THE HON. THE TREASURER, in reply, said:—

The money used in making the road into the Masai Reserve has with the approval of the Secretary of State been provided from the proceeds of a fine inflicted in 1914 on the Moran of the Il Merisho clan of the Purko Masai.

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

Are the Officers of the Forest Department allowed to advise settlers and if necessary visit farms in connection with tree planting; and if not, may arrangements be made to allow them to do so?

THE HON. THE ACTING CHIEF SECRETARY, in reply, said:—

Officers of the Forest Department are always ready to advise settlers, to the best of their abilities, on the subject of tree planting.

In the case of farms situated within easy reach of Forest stations, Forest Officers have been in the habit of visiting such farms in order to give advice about tree planting when asked to do so.

In the case of farms in remote districts or far removed from any Forest station it would not be possible to arrange for Forest Officers to visit such farms with the present reduced staff of the Department.

When the full complement of officers sanctioned for the Department has been appointed it will be one of the duties of the District Forest Officers to arrange when possible for visits to farms whose owners may be in need of advice both as to tree planting and also as to the management of woods and plantations.

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

What steps are being taken for the repatriation of members of the Carrier Corps and is the Government taking the necessary steps to keep back some of the wages of the Carriers so that when they are repatriated they will have something to show for their work.

COLONEL THE HON. J. AINSWORTH, in reply, said:—

During the continuance of operations only men who are sick or who have become physically unfit, and who are fit to travel, are being returned to British East Africa.

On the conclusion of hostilities, or as soon as ever the services of the Carriers can be dispensed with, they will be repatriated.

According to regulations governing the organization of the Carrier Corps any Carrier may if he so wishes draw in German East Africa up to 50% of any pay due to him.

I understand from the Paymaster, Military Labour Bureau, that of the Carriers now in the field somewhere about 50% of the men do draw half their pay, the intention being that the remaining half of their pay should be drawn on their return to British East Africa.

## THE "ANZAC" (RESTRICTION ON TRADE USE OF WORD) ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to prohibit the use of the word Anzac in connection with any trade, business, calling, or profession," 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 DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Diseases of Animals Ordinance, 1906," be re-committed to Council for the purpose of making certain amendments.

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

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

*In Committee.*

The Bill was adopted with the following further amendments:—

Clause 2—Delete the words "and the following Section is substituted therefor."

The new Section 10 of the Principal Ordinance appearing as a subsection of Clause 2 becomes Clause 2.

In lines 3 and 4 of the new Clause 2 for the words "Diseases of Animals Ordinance, 1916" substitute the words "Principal Ordinance."

Clause 2 becomes Clause 3.

*The Council resumed its Sitting.*

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

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

THE HON. THE ATTORNEY GENERAL moved that the Bill be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

## THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL said that Hon. Members would remember that when the Bill was in Committee Clause 4 was deleted. Since then representations had been made by the Acting Principal Medical Officer as to the desirability of retaining an amended form of Clause 4 in the Bill with safeguards in the nature of references to the Legislative Council. It would also be made perfectly clear that contagious diseases, meaning venereal diseases, would not be added to the definition under the powers given by Clause 4. That representation had been made to the Acting Governor that morning and His Excellency had ordered that such representation should receive further consideration before dealing further with the Bill. He therefore proposed not to move the third reading that day but at a later stage of the Session.

## THE COMPULSORY SERVICE AMENDMENT ORDINANCE, 1917.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill intituled "An Ordinance to amend the Compulsory Service Ordinance, 1915," 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 MERCHANT SEAMEN DISCIPLINE AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Merchant Seamen Discipline Ordinance, 1917," be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

The Council adjourned till 10 a.m. on the 19th of June, 1917.

## FIFTH DAY.

The Council assembled on the 19th of June, at 10 a.m., HIS EXCELLENCY THE ACTING GOVERNOR (C. C. BOWRING, C.M.G.) presiding.

*Present:—*

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

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

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

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

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

COLONEL THE HON. A. C. MACDONALD.

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

THE HON. R. BARTON WRIGHT.

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

THE HON. P. H. CLARKE.

THE RIGHT HON. LORD DELAMERE.

THE HON. W. C. HUNTER.

THE HON. W. MACLELLAN WILSON.

*Absent:—*

CAPTAIN THE HON. A. C. HOEY.

### QUESTIONS AND ANSWERS.

THE RIGHT HON. LORD DELAMERE put the following question:—

What is the estimated cost of finishing the Sanitary Station at Mombasa and of the necessary machinery and appliances for fumigating and disinfecting ships and whether the fees charged would not pay interest on the amount.

THE HON. THE ACTING CHIEF SECRETARY replied:—

In 1913 an Estimate of £15,000 for completing a Quarantine Station at Kipevu was prepared. No progress has been made since then with the completion of the work, the site having been placed at the disposal of the military authorities at the outbreak of war. Fresh estimates have now been called for and it is hoped to be able to lay them before this Honourable Council in due course.

The estimated cost of the necessary machinery and appliances for fumigating and disinfecting ships is approximately £4,500.

The question whether the fees charged would not pay interest on the amount depends entirely on the number of ships to be quarantined.

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

In connection with the establishment of the Quarantine Station at Mombasa has the question of obtaining and maintaining the necessary plant for efficiently disinfecting steamers, in order to obviate delay, been considered; and has an estimate of the cost of the same been made. If so, may this Council be informed as to such cost: if not, will the Government give an assurance that this question will be considered as soon as possible in view not only of the necessity for economy in shipping but also of the importance of the matter to the whole country.

THE HON. THE ACTING CHIEF SECRETARY replied:—

The supply of necessary plant for the disinfection of steamers is to form part of the estimate which is being prepared in respect of the complete equipment of Kipevu quarantine station.

The cost as already stated is approximately £4,500.

The Government can give an assurance that not only the completion of a quarantine station at Kipevu, but the provision of an Infectious Diseases hospital at Mombasa for cases of infectious disease occurring on the island, is receiving the most careful consideration at the present time.

THE HON. P. H. CLARKE asked whether there was any machinery at Kilindini at the present time for disinfecting ships.

THE PRESIDENT said that the answer to the question was in the negative.

### ELECTIVE REPRESENTATION TO THE LEGISLATIVE COUNCIL.

THE HON. THE ATTORNEY GENERAL submitted and read the Report of the Special Committee appointed to consider the question of elective representation to the Legislative Council of the East Africa Protectorate, as follows:—

#### REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT GENERALLY ON THE LEGISLATIVE STEPS TO BE TAKEN TO PROVIDE FOR THE ELECTION BY THE PUBLIC OF THE EUROPEAN NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCIL AND SPECIALLY ON THE QUALIFICATIONS OF ELECTORS, THE QUALIFICATIONS OF CANDIDATES FOR MEMBERSHIP THE DIVISION OF THE PROTECTORATE INTO ELECTORAL AREAS AND THE REPRESENTATION ON THE LEGISLATIVE COUNCIL OF THE INTERESTS OF THE ASIATIC, ARAB AND NATIVE COMMUNITIES.

The Special Committee appointed in pursuance of the motion passed in the Legislative Council on the 12th February, 1917, sat on the 19th, 20th, and 23rd February, 1917, and the 28th and 31st May, 1917, and on the 18th June, 1917.

2. The Committee is unanimously of opinion that the right to vote should not rest on any property or educational qualification but that every adult male British subject whether by birth or naturalisation of European origin should be eligible for the register of electors subject to proof of continuous residence in the Protectorate for at least 12 months prior to registration. By European origin is meant whole blooded descent from European ancestors. The Committee is of opinion that at this stage of the Protectorate's development when the coloured races outnumber the white it is not desirable that the franchise should be extended to Asiatics or Natives.

3. If the right to vote is restricted to British Subjects it is felt that means should be provided whereby foreigners of European origin in the Protectorate may be enabled to become naturalised British Subjects.

4. A person otherwise possessing the necessary qualifications to become an elector should be disqualified:—

- (a) If he is of unsound mind.
- (b) If he has been convicted of a criminal offence and has been sentenced to a term of imprisonment of either description of 12 months or longer and has not received a pardon provided that he should be admitted to the register after two years from the date of the expiration of his sentence.
- (c) If he has received relief from public, including parochial, funds within 12 months of his application to be put on the register of voters.
- (d) If he has been declared a bankrupt in British East Africa and has not received his discharge.
- (e) If he is suffering from any disqualification provided for the time being by any enactment.

5. The Committee is of opinion that any person seeking to become a member of the Legislative Council by election should be qualified as an elector save that in lieu of 12 months continuous residence every member should have had at least 2 years continuous residence in the Protectorate before being nominated as a candidate for election. Every candidate should be capable of reading, writing and speaking English.

6. Any person otherwise qualified for standing for election should be disqualified:—

- (a) If he is suffering from any legal incapacity.
- (b) If he is a civil servant actually employed by the Government.
- (c) If he is a Municipal employee.
- (d) If he has been declared a bankrupt in British East Africa and has not received his discharge.
- (e) If he is a minister of religion.
- (f) If he is of unsound mind.
- (g) If he has been convicted of a criminal offence in British East Africa and has been sentenced to a term of imprisonment of either description of 6 months or more and has not received a pardon, provided that this disability may be removed by an order of the Governor in Council.
- (h) If he has received relief from any public, including parochial, funds within 12 months of his nomination as a candidate for election.

7. The Committee is agreed that in principle the fact that a candidate for election is a contractor to the Government should be a disqualification but in view of the present stage of development of the Protectorate when so many of its more prominent inhabitants derive part of their income from Government contracts it is considered that the Protectorate would be debarred from the services of some of its more useful citizens as members of the Legislative Council if the principle were enforced. The Committee, however, is of opinion that in the event of a contractor with the Government standing for election he should disclose all such contracts.

8. Every elected member should ordinarily serve for a period of three years but should have the power to resign his seat at any time.

9. Every candidate for election should be proposed and seconded and supported by not less than seven other persons before being regarded as duly nominated. The proposer, seconder and backers should all be qualified as voters in the constituency for which the candidate is proposed.

10. There should be a register of voters for each electoral area. Any person qualified to vote who has resided in the electoral area for three months should be entitled to be registered and should remain on the register until qualified for registration in another electoral area provided that any voter who has not resided in the electoral area in which he is registered for a period exceeding 12 months shall be struck off the register. The register should be revised annually when objections to any person registered can be disposed of. There should be an appeal from the revising authority to the High Court. Provision should be made that no person can be registered in more than one electoral area and therefore cannot record more than one vote.

11. The number of elected members the Committee suggests is 10 for 10 electoral areas. The areas suggested are:—

1. Nairobi.
2. Mombasa.
3. Coast lands exclusive of Mombasa.
4. Londiani to Lake Victoria.
5. Rift Valley and Escarpment.
6. } Uasin Gishu to be divided into two electoral areas.
7. }
8. West Kenya, Nyeri, Laikipia and Fort Hall.
9. Machakos.
10. Kiambu and Limoru.

The areas can more readily be ascertained by reference to the map annexed hereto. They have been delimited, as far as it reasonably can be done, with a view to obtaining areas in which similar interests predominate. The areas have been arrived at with the intention of having particular interests represented rather than on any other basis. Thus while the total white population of the coast area is very much below that of any other suggested electoral area it is felt that the interests peculiar to the rural area of the coast should be directly represented on the Council. The Committee is of opinion that in the present stage of the Protectorate development it is more important that interests be represented rather than individuals. The Uasin Gishu Plateau stands on a different footing from the rest of the Protectorate owing to the fact that there is a fairly large colony of Dutch on a part of the Plateau. The Committee have carefully considered the best means of representing both the interests of the Dutch and the English races on the Plateau and, owing to the different uses to which each put the land, have arrived at the conclusion that it is desirable to divide the Plateau into two electoral areas so that the Dutch interests can be fully represented without at the same time handicapping the representation of the interests of the rest of the Plateau.

12. The Committee considers that every person qualified to vote and to be on a register should have an opportunity of registering and voting. For this purpose it is suggested that provision be made to enable voters at outstations far removed from voting centres to record their votes by post or by some method other than that of personal attendance.

13. The Committee is of opinion that the interests of the Indian Community should be represented by the nomination of two members by the Governor. The Committee had the advantage of hearing the deputations on the subject of Indian representation from the Indian Associations of Nairobi and Mombasa. The Nairobi Association were somewhat ambitious in their suggestions which included electoral representation. The Committee feels that any extension of the franchise to Indians for the election of their own representatives or otherwise should form the subject of consideration by the Council after it has been reconstituted by the addition of elected members. The view taken by the Committee is that nominated Indian representatives, who should be able to read, write and speak English, would be a much more effective way of voicing the views of the large Indian population of the Protectorate than to have such views expressed probably at secondhand by a European member or members appointed to represent Indian interests. It is thought that two Indian members are necessary in order that both the interests of Indians at the coast and up country should be represented. The Committee considers that the effect of nominating Indians on the Council would be to bring the Indian community more into line with the European community in bearing the responsibilities and burdens of Government, the advantages of which they already enjoy.

14. The Arab Community in the opinion of the Committee should, if the suggested reorganisation of the administration takes effect, be represented by the Resident Magistrate at Mombasa in whose care the administration of the Arab population at the coast will be placed. This proposal departs from the principles dealt with in the preceding paragraph but the language difficulty makes it almost impossible to afford any wide selection of persons from whom a member representing the Arab Community could be chosen.

15. The native population should be represented on the Council by the Chief Native Commissioner whose appointment it is hoped will not be long deferred.

16. The Committee considers that all nominated Government members should have freedom of vote but that there should be provision enabling the Governor to control their vote in urgent matters which the Government considers necessary and essential to carry through the Council. Any instruction to that effect should be stated by the Governor publicly in Council before debate.

17. At the present stage of the Protectorate's history a Government majority in the Council will have to be maintained and additional Government nominees will have to be appointed for that purpose.

18. The Committee had the pleasure of receiving a deputation of the East Africa Women's League which urged the advisability and necessity of granting votes to women. The Committee is of opinion that this subject is one which should be dealt with by the Council itself after it has been reconstituted by the addition of elected members so that the country by the exercise of the franchise would be in a position to express its opinion on the question. So many people are away on military duty at the present time that it is impossible to discover what the real feeling of the country now is on the matter. Female suffrage is not an accepted principle in the United Kingdom and it cannot be taken for granted that it is a principle which will commend itself to the majority of the European population, both male and female, in the Protectorate whereas male suffrage is an accepted principle on which there can be no controversy.

19. The Committee is of opinion that provision should be made for a subsistence allowance of Rs. 15/- per diem for all members who do not live in Nairobi and who attend during the period for which the Council is in session and that for the purpose of attending the Council free railway facilities and an allowance to cover journeys other than by rail should be given. It is undesirable in the Committee's opinion that any person should be at any actual financial loss through being a member of the Council and at the same time it is not suggested that there should be anything in the nature of payment of members for their services. It is considered that a daily allowance of Rs. 15/- would cover the expenses of living in Nairobi without leaving an appreciable margin.

20. The Committee has not thought it necessary at this stage to report on the details of the legislation which it will be necessary to enact dealing with the registration of voters, the conduct of elections, and corrupt practices, but has confined itself to the main principles which must be considered before any legislation is drafted. The Committee's opinion is that the best method of providing the necessary legislation will be by an Order-in-Council amending the East Africa Order-in-Council, 1906, and establishing a Legislative Council composed of elected and nominated members. The details should be provided by local legislation.

Nairobi, the 19th day of June, 1917.

J. W. BARTH,  
Chairman.

THE PRESIDENT said that the Report was very complete, the Special Committee having covered every possible point, and that he would have very much pleasure in forwarding the Report to the Secretary of State for the Colonies by an early mail.

#### THE COFFEE INDUSTRY.

THE HON. A. C. MACDONALD submitted and read the Report of the Special Committee appointed to consider the question of financial assistance to persons connected with the Coffee industry, as follows:—

#### RE MOTION ON COFFEE ADVANCES.

The Special Committee appointed to consider the motion by the Hon. W. MacLellan Wilson with reference to advances from public funds to aid the Coffee Industry of British East Africa beg to submit the following report.

2. The Coffee Industry in British East Africa commenced to assume a position of importance in the year 1907. The cultivation has been enlarged yearly, and the acreage in March 1914, was approximated at 5,500 acres. At the end of the financial year 1914-15 the area was increased to about 10,000 acres, and at the end of the following year, March 1916, the acreage was approximated at 16,000 acres. At the present time the area under cultivation is approximated at 22,000 acres of which over 8,000 acres is in bearing. During the year ending March 1916 the following areas were inspected and reported on by the Coffee Plant Inspector.

|                               |     |       |                     |
|-------------------------------|-----|-------|---------------------|
| From 1 to 3 years planted out | ... | ...   | 7,890 acres.        |
| „ 3 „ 6 „ „ „                 | ... | ...   | 1,039 „             |
| Over 6 „ „ „                  | ... | ...   | 329 „               |
|                               |     | Total | <u>9,258 acres.</u> |

There were besides further areas under cultivation which the Inspector could not visit. The state of war prevailing in the country has prevented accurate information being compiled for the past financial year, but from the figures given herewith it can be recognised as an accepted fact that over 9,258 acres are planted out of an age of at least  $2\frac{1}{4}$  to  $7\frac{1}{4}$  years, and the approximated figure of 8,000 acres in bearing is a conservative estimate that understates rather than overstates the present day position.

3. The Coffee Planters up to the present time have been given what financial assistance they required by the Banks established in this country. The embargo placed upon the export of coffee has had the result of preventing any further financial assistance being given unless under exceptional circumstances. The Banks feel, that in view of the uncertainty of the position, owing to the lack of definite knowledge as to when the embargo on the shipment of coffee will be removed, and having regard to the extreme difficulty of obtaining ocean freights either at the present time or in the near future, and also the great difficulty of finance at the present time, that they cannot make any definite pledges to continue the financial arrangements that have prevailed in the past. The fact that permission has been given to export a total tonnage of 1,500 tons from the ports of Mombasa and Kilindini has been recognised and given the greatest possible consideration by the Banks in arriving at the decision that is previously recorded.

4. The financial position of the Coffee Planters would not have been unfavourable provided shipment of their produce could have been arranged, but the embargo on the shipment of coffee threatens financial ruin to many, if not to most of the planters, with the certain result of the failure for many years of the coffee industry of the British East Africa Protectorate. Coffee planting is an industry that requires 3 to 4 years of capital expenditure, labour and recurring annual expenditure before any result can be looked for, and the result of the first year's bearing can be accepted, as a general rule, as paying the working expenses of that year only. The dead years up to that time must be recouped by the produce of later years, and it is the necessity of continuing the cultivation and conserving the produce of future years, without any hope of obtaining the financial assistance that has been given in the past, that renders the situation so threatening to the life of the coffee industry and to the very existence of the Coffee Planters.

5. The Committee after full consideration of the position of this industry have come to the conclusion that in view of the embargo on the importation of coffee into the United Kingdom this branch of agriculture in which a very large sum of money is involved will be jeopardized and in consequence that the ultimate loss to the revenue of the Protectorate will be attended with serious results unless financial assistance can be arranged.

6. At present 22,000 acres are planted out in coffee of which a proportion of over one-third is in bearing, the remainder being immature and in different stages of growth.

7. There are many estates under cultivation of which only a small proportion of the cultivated area has reached the producing stage. These would under normal conditions be able to carry on without financial aid but under existing conditions this becomes impossible and in such cases it is essential in order to maintain such estates that financial aid shall be given. It is to be clearly understood, however, that any financial assistance so given shall not be employed in putting further acreage under coffee but only in the maintenance of existing cultivation.

8. As regards the area in bearing which is estimated at at least 8,000 acres the cultivation and checking of weeds, the pruning of the trees and in many instances the necessary spraying to combat insect pests and fungoid diseases to which coffee plantations are peculiarly susceptible entails a very heavy expenditure while with respect to the area under immature trees unless assistance is rendered to tide over present conditions it is feared that a large proportion of this may have to be abandoned. It is therefore necessary that monetary advances received for coffee ready for shipment must be employed to keep plantations in proper order and cultivation, otherwise the work of the past years will be useless and a complete loss. If, however, such land can possibly be maintained in a proper state of cultivation the probable export trade, in addition to the yield from the 8,000 acres at present in bearing, will most probably result in an increase of exports which in the next two years would exceed a quarter of a million sterling per annum.

9. The recommendations of the Committee are as follows:—

(1) That advances on cured coffee be made to planters up to a maximum of £35 a ton but so that the average rate of advance shall not exceed £25 a ton.

(2) That interest at the rate of 8% per annum shall be charged on all advances.

(3) That advances be made only on cured coffee which is stored in premises under Government control.

(4) That if possible storage be provided by Government free of charge but in the event of such free storage not being available a charge be made to cover outlay for rent, supervision, fire insurance and other necessary expenses.

(5) That a committee be appointed to consider all applications for advances—having due regard to the financial circumstances of the respective applicants and to take such steps as may be necessary to insure that advances are made towards the maintenance only of coffee already planted and in no case for increasing the area of cultivation.

10. In order to give effect to these proposals the sum of £12,500 is required immediately for advances against the estimated quantity of coffee now in stock viz., 500 tons. Further sums will be required at the end of every three months but it is considered even if the embargo is not removed for 12 months that a total sum of £50,000 will meet all advances.

11. The total crop to the end of March, 1918 is estimated at 4,500 tons but it is hoped that some of this will be disposed of from time to time in countries other than the United Kingdom. Further it is understood that in some special cases the planters will be able to obtain advances from the Banks.

12. The Committee are unanimously of opinion that on an average basis of an advance of £25 a ton the Government will be well secured against any problematical loss, pre war prices being an average of £55 a ton in Nairobi, and the deterioration of coffee stored for a year or so being negligible.

13. The Committee is informed that the Banks are prepared to arrange refunds of Government advances when any shipping is available for any consignments of coffee released from Government storage.

14. The Committee suggest that strong representations be made to the Colonial Office with a view to getting the embargo relaxed to the extent of allowing the import of British East Africa coffee into the United Kingdom of 1,000 tons per quarter and that arrangements be made for granting shipping space to this extent.

15. The Committee trust that in view of the extreme importance of the Coffee Industry to the Protectorate as a whole, that these suggestions will be received with and granted favourable consideration and attach importance to the fact that the suggestion with regard to relaxing the embargo on imports and granting shipping accommodation would relieve the immediate situation and modify to a large extent the necessity for application being made for financial assistance.

Nairobi, 19th June, 1917.

A. C. MacDONALD,

*Chairman.*

## MOTION.

THE HON. W. MACLELLAN WILSON asked leave to amend the motion on this subject as put by him on the 21st of May and moved the following resolution, the amendment to the original being shown in italics:—

In view of the embargo on the importation of coffee into the United Kingdom and the consequent hardship on the coffee industry in this Protectorate, I beg to move that *in the opinion of this Honourable Council it is desirable that* a sum of money be allocated from public funds for the purpose of advancing a proportion of the value of the coffee in the hands of the Coffee Growers to enable them to tide over the present crisis and to meet recurrent expenditure necessary for the upkeep of coffee plantations.

In view of the Report which the Special Committee had put forward it was probably unnecessary for him to say anything more on the motion. He thought that the Report put the position clearly before them—more clearly than he himself had been able to do at the previous sitting of the Council. He would strongly urge Hon. Members to give the question careful consideration.

THE RIGHT HON. LORD DELAMERE seconded. He said that he made a remark, he thought, at the last meeting of the Council which he did not think he was justified in making. In seconding the motion on that occasion he thought he said that coffee was the only industry of the sort which would require any advances. He had not thought sufficiently about the subject and he thought it quite possible that if the embargo was put on other things—on vital primary industries of the country—it might be necessary for the country to find means to carry them on. He did not think that coffee was the only trade that would require financing. Coffee had been under embargo for some considerable time, and it had been brought up first. It was an important industry and the question should be dealt with at once. When all was said and done the whole of the country practically lived on quite a few industries, and the coffee industry was one of the largest. It did not matter whether a man was living in Nairobi or sheep farming or whatever he was doing the money coming in from the coffee industry was largely responsible for keeping him going. They all sold their produce to the people who were sufficiently well off to be able to buy it and as far as the people of Nairobi were concerned they sold machinery and stores. In fact the whole country appeared to be dependant on four or five primary industries and it was essential that money be found or borrowed to keep those industries going till the end of the war so that when the end of the war came the industries might not be found to have gone back. There was another reason, for it was quite evident that the Imperial Government was going to try after the war to feed the United Kingdom with raw products from the Empire, and it was most important that those primary industries of East Africa should be in a position to start immediately the war was over. He was sure that Hon. Members would agree that if those industries were not now kept going it would be extremely difficult to carry out the intention of the Imperial Government. He would second in the strongest possible manner the motion brought forward by the Hon. Member.

THE HON. ACTING CHIEF SECRETARY said that the position, according to their information, had very much altered. As far as they could make out the Controller of Shipping had instructed the shipping agents at Mombasa to take only hides, copra, and wattle bark and to refuse all coffee. When Government received that information a telegram was sent to the Colonial Office asking whether an exception could be made in the case of 1,500 tons of coffee which had previously been granted permission to export. The reply received was:—“Your telegram of June 14th. Question of admission of East Africa and Uganda coffee into United Kingdom already under consideration, but regret cannot make application for facilities for immediate shipment.” That, of course, rendered the position in regard to coffee even worse than before. There was also the question of other industries—such as sisal and flax—the shipment of which had been stopped, and that made the question a very much wider one, and the financial responsibility of Government, if it were to be admitted as a principle that all industries affected by the embargo on shipping were to be assisted, would be very heavy and therefore they had got to consider that very carefully. There was no doubt that the coffee industry, as had been pointed out, was in great need of assistance, but, as he had just remarked they had to consider the whole question in its widest aspect.

THE HON. W. C. HUNTER said that the motion regarding coffee should have stood by itself but he had been informed that it would be essential to debate the wider issue in view of the additional restrictions which had been imposed by the Controller of Shipping. He understood that the position was that the embargo had been extended to sisal, flax, &c., and that only hides, wattle bark, beans and maize could be exported. If there was anyone under the impression that the planters of the country were in a state of great prosperity and able to finance themselves, perhaps he, as one who had a good deal to do with various industries, might say that in his experience he knew of no single planter who was “out of the wood” as regards finance. Practically everyone had to borrow considerable sums in order to effect development, and, although he could not say that all were in difficulties, at all events the great majority were in a very serious position as a result of the restrictions. He did not say for one moment that East Africa should ask for shipping which, in the opinion of the Controller of Shipping, could not be spared, but he did think that they were entitled to ask that the facts be laid before the Imperial authorities so that they might know the effects of their action and that these facts might be considered by the Controller of Shipping

in arriving at his decisions. If, after considering the facts, he still maintained that those restrictions had to be imposed, then, of course, East Africa must accept the position. There was a further question. As the Right Hon. Member (LORD DELAMERE) had said, it was obviously the intention of the Empire to make the fullest possible use of its resources after the war. He ventured to suggest that if it was impossible for the Government of East Africa itself to arrange some means of financing the minimum requirements of the position then the matter was one which affected not only East Africa but the Empire at large. The Hon. Member here read an extract from a speech by the Prime Minister, Mr. Lloyd George, and, continuing, said that he thought it was obvious from that, especially when they considered the resolutions of the Paris Conference of July, 1915, and the large number of Commissions which were sitting all over the world with the object of ascertaining how production could be extended after the war, that one method of ensuring such extension was that every possible means should, at any rate, be considered with a view to conserving what they had got now. He therefore asked Council most earnestly to review the question and to give it the fullest possible consideration.

THE HON. B. EASTWOOD said that in connection with the proposal he might say that personally it had his entire sympathy, and as he was on the Committee that helped to draw up the Report he was very pleased to be able to put forward the proposals contained in it. The latest information, he must say, had very materially altered his views concerning the advisability as a matter of principle and as a form of precedent if the Report were accepted. When the proposals were put forward and the Report was drawn up it was understood and accepted that coffee was the only industry that was affected and that would have to be assisted, and in those circumstances it was felt that, exceptional though the proposed procedure would be, they might put it forward as an exceptional measure and ask for temporary financial aid to be given to improve this industry of the country. The latest information, by which other important industries had also an embargo placed upon them rendered it necessary for one to consider the position of the Government if the principle were once accepted that they were going to help in financing any industry that was in financial difficulties. If they did, it was open for any industry to come to the administration with a similar request. He felt that if they accepted that principle they would be not only pledging themselves to it for the future, but would be also in a measure pledging the Imperial Government to a similar policy with regard to other parts of the Empire, and therefore, much as was the pleasure he had in drawing up the Report and putting it forward, he felt that he must state that his opinion had changed with regard to it.

THE HON. P. H. CLARKE said that Hon. Members should look at the matter not only from an assistance point of view but from a business and commercial point of view. If they allowed these vital industries of the country to go to ruin it was going to affect not only the industries themselves but the whole of the country and the revenue for many years to come. If the Government could see that, by laying out a certain amount of capital, that capital would be returned not only with good interest at the rate of the 8% suggested but also in the future revenue of the country, he thought that it was worthy of the consideration of Council to do whatever they could for the support of these industries in the meantime.

THE HON. F. W. MAJOR said that he looked at the question as a business transaction. If we were going to develop the country we should not hesitate to vote money for harbour works or railways or anything else which might help to develop industries. That being the case, he felt that it was important for us to consider very seriously whether it was not necessary for Government to prevent development which had already taken place from being ruined from want of Government or other assistance, however it could be managed at the present time, and for that reason he personally would like to support the motion.

COLONEL THE HON. J. AINSWORTH asked whether it was not a fact, in connection with the assistance which the coffee industry claimed, that there were aspects in connection with coffee that did not apply to sisal and other industries. For instance, if coffee should be neglected, would it not cause disease to spread because of plantations becoming overgrown and so ruin the country as a coffee producing area, whereas sisal might be considered on quite another footing. Further, the coffee industry, as a general rule, concerned numerous smaller individuals residing in various parts of the country whereas sisal was generally in the hands of companies and syndicates.

THE HON. W. MACLELLAN WILSON replying to the debate said that there was an old adage "A faint heart never won a fair lady." He thought they might very well apply that to themselves. His Excellency the Acting Governor had very kindly allowed the discussion on the motion to go beyond the question of financial assistance to coffee only. Not only coffee but sisal and all the other industries and commerce were more or less inter-dependent and he might say it was a fact that the coffee industry, which he happened to know most about, held a large place in the economic life of the country. They should really look on the whole question as it affected the country and the welfare of the country. The people

who were running the coffee industry spent a large amount of money in purchasing ration foods from European and native sources and goods from European stores. Goods bought by coffee planters paid their 10% Customs duty, and paid railway fares coming up from the Coast. The wages to natives paid by the coffee planters totalled a large amount, and a large proportion of those wages came direct to the Government under poll and hut tax. That had been going on for years, so that, while perhaps there had been no great direct revenue from the coffee industry heretofore, indirectly it had added a large amount towards making up the revenue. If that were going to stop now it would mean that the revenue of the country would suffer. It was the same with sisal. He himself thought that the sisal industry was better able to "hang fire," as possibly a sisal plantation might not suffer so much from neglect for a period. If coffee were left for 6 months—he thought the Hon. the Director of Agriculture would agree with him in this—the coffee industry would perhaps be ruined. He agreed with the Hon. the Manager of the Uganda Railway that it was rather a big step to take to say that the Government was going to wet-nurse any industry which was in need of financial assistance, but he thought that they must tackle the question as one body and one country. They were loyal to their own country and to be most loyal to their own country they must be loyal to East Africa. It was up to them to put the strongest possible case for saving the coffee industry before the home Government. It was a question of sink or swim with the whole country. If there were no money in circulation, and no new money coming into the country, there could be no buying. The whole position hung together, and, while he would not in any way suggest that the question of financial assistance might apply to all industries, he did hope that Council would support the motion before them as it gave a strong case to put before the home Government. They were spending about six millions a day to save the Empire from death. Were they not willing, he asked, to spend a few thousands to save East Africa from, practically, extinction? What was the use of saving the Empire from death by the Huns if it finally perished from starvation? That was how the position appeared to him.

THE RIGHT HON. LORD DELAMERE said that he wished to point out, in connection with the remarks he had made regarding the motion, that he had no intention of introducing other industries into the motion before Hon. Members at that moment.

THE PRESIDENT said that the position was that, since they had discussed the motion at the earlier stage of the Session, another influence had been brought to bear. The motion was framed in the words "In view of the embargo on the importation of coffee into the United Kingdom." It appeared to him that, since the motion had been originally put, a much more serious question had arisen affecting the exportation of products from East Africa, namely, the embargo on shipping, and when Honourable Members voted on the motion he would ask them to consider very seriously whether they were justified in voting for it as it stood merely because of the embargo on coffee importation into the United Kingdom. He thought a very strong case had been made out for the special treatment of the coffee industry. It was an industry which absorbed a very large proportion of the European population. It was not like other industries, such as sisal, which, as had been pointed out, would affect comparatively few. The industry which affected the greatest number must be of the greatest value to the country at large. When Government was considering the resolution, since Council last adjourned, he had ascertained from the Treasurer that the £50,000 suggested as the figure could possibly be found from balances. It would have been perfectly simple to have guaranteed that amount of savings on the expenditure for the year were it not for the fact that the local revenue was beginning to feel the pressure of war. Those same restrictions on shipping naturally affected the Customs revenue and the railway revenue, and, in addition, the large number of porters serving out of the country seriously affected the hut and poll tax revenue. He did not think therefore that they could safely ear-mark any great savings on the annual budget although Government would do all it could to economise in expenditure. He would like it to be clearly understood that, although it might be possible to find the money necessary to finance coffee from their floating assets, should by any chance other industries come forward and appeal for similar aid, it would probably be impossible to grant it. Although the resolution might be passed, and although the Colonial Office might agree to the advances being made, should similar representation come from other industries it might not be possible to raise the necessary money. He wished it to be clearly understood that he left official Members to vote as they liked, and whatever way the vote went the resolution would be forwarded to the Colonial Office for further consideration, and, further, should the resolution be lost, because Honourable Members could not conscientiously vote for it in view of the possibility of having to afford assistance to other industries equally affected by the shipping restrictions, he would adjourn Council for a week or ten days in order that another and wider resolution might be framed in its place.

The motion was put and carried nem. con.

THE INFECTIOUS DISEASES AMENDMENT ORDINANCE, 1917.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to amend the Law relating to Infectious Diseases" be re-committed to Council for the purpose of making further amendments to the Bill.

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

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

*In Committee.*

The Bill was adopted with the following further amendments:—

Clause 2 line 2—After "Governor" insert "in Council."

At end of Clause 2 insert the following:—

"Provided that any rules made under this section shall be submitted to the Legislative Council at the sittings next after their promulgation and if such rules or any of them are not approved by the majority of the members present such rules shall be revoked or amended as the case may be in accordance with any resolution passed by the Legislative Council. And provided that any such revocation or amendment of any rule made by the Legislative Council shall not affect anything done or any proceedings taken or any sentence inflicted under or by reason of the revoked or amended rule."

Clause 3 line 2—After "Governor" insert "in Council."

Insert new Clause 4 as follows:—

"4. To the definition of 'Infectious Disease' contained in section 5 of the Principal Ordinance shall be added the following words:—

"And any other infections or contagious disease of man, other than a venereal disease, which the Governor may by Proclamation declare to be included in this definition for the purposes of this Ordinance provided that such Proclamation shall be submitted to the Legislative Council at the sittings next after its promulgation and if such Proclamation is not approved by the majority of the members present it shall thereupon be deemed to be revoked without prejudice however to anything done or to any proceedings taken or to any sentences inflicted under or by reason of such Proclamation."

Insert new Clause 5 as follows:—

"5. The powers vested in the Commissioner by the Principal Ordinance to make rules shall be exercised by the Governor in Council."

Clause 5 becomes Clause 6.

Clause 6 becomes Clause 7.

*The Council resumed its Sitting.*

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

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be read a third time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

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

THE RENT (WAR RESTRICTION) ORDINANCE, 1917.

THE CLERK having read a Certificate of Urgency in regard to a Bill intituled "An Ordinance to restrict the increase of the rent of small dwelling houses during the present war,"

THE HON. THE ACTING CHIEF SECRETARY moved the suspension of Standing Orders in order that the Bill might be proceeded with.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY introduced and moved the first reading of the Bill.

He said that the Bill was a war measure and was designed to prevent excessive rents being charged to the poorer classes of the community. Owing to the high cost of materials and the scarcity of skilled mechanical labour there had been very little building since hostilities began and the demand for accommodation was such as to enable the landlords to be absolute masters of the situation and he claimed that they were taking advantage of the artificial position thus created to charge rents which were in no way justified by circumstances. It had been found necessary to introduce similar legislation at home and the Bill as drafted followed the lines of the British enactment. It was intended primarily to protect clerks and employees drawing small salaries both Europeans and Asiatics, though it would probably be of more assistance to the latter. The War Council had had the matter under consideration and was of opinion that it was urgent.

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

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill 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. THE ACTING CHIEF SECRETARY (*Chairman*).

THE HON. THE ATTORNEY GENERAL.

THE HON. P. H. CLARKE.

THE HON. W. C. HUNTER.

#### ADJOURNMENT.

THE HON. THE ACTING CHIEF SECRETARY moved that the Council adjourn until the third Monday of July or such other date as might be duly notified.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. P. H. CLARKE said that the unofficial Members of Council cordially endorsed the President's remarks in wishing His Excellency, Sir Henry Conway Belfield, as enjoyable a holiday as was possible under existing circumstances.

With reference to the recent call for men, they could confidently assure His Excellency the Acting Governor that those called up had gone most willingly, and that more would be only too glad to go if they could be spared from the duties which chained them to their present employment.

They wished to take this opportunity of drawing His Excellency's attention, with regard to the enlistment of natives for the Carrier Corps, to the necessity of bringing in some form of legislation under martial law by which rejected men, unsuitable for the Carrier Corps but quite suitable for farm or plantation work, could be induced to work on farms or plantations to take the place of those men who had been taken for the Carrier Corps.

Since His Excellency had addressed Council, orders had been received from home restricting exports from the country to a very large extent. At the present moment the export of three staple products of East Africa and Uganda, viz., cotton, fibre, and coffee, had been prohibited. They presumed His Excellency's Government had been alive to the far-reaching effects of the prohibition and had placed the facts before the authorities at home. If such were the case, they would impress on His Excellency's Government and the public generally the necessity of putting their own house in order, so that the country might suffer the minimum amount of loss. The effects of the prohibition would mean the stagnation of trade, the holding up of enormous quantities of produce, the congestion of storage accommodation, and would prove a serious hindrance to the free circulation of money, affecting Europeans, Asiatics, and Natives alike. They wished most earnestly and respectfully to impress upon the Government the necessity of finding some means of keeping the farms and plantations of the country going and of keeping the money of the country in circulation.

They had noticed with pleasure the endeavours made by the War Council to regulate prices of foodstuffs.

With reference to Bills placed before the Council, they wished to suggest that, in future, endeavours should be made that Ordinances, whenever possible, should be self-contained. At present they felt that the system of government by Rules was gradually becoming established, and, though they quite recognised that it might be necessary in certain instances, they felt that it was a system much to be deprecated. If the Ordinances were drafted so as to be self-contained, they felt sure that the public would take a far greater interest in them and the Government would then be better cognizant of public opinion.

During the present Session they had noticed with great pleasure, in several instances, a free expression of opinion from official Members of Council. They would like that to become the custom, as they could see no reason why a Government official should not be considered a "settler" equally as much as any man who was earning his living in the country. They would also point out to His Excellency that an official Member of Council was an expert, otherwise he would not be where he was, and therefore his opinion publicly expressed was worth listening to not only by the Government but by the public at large. There was no reason to suppose that because a man was a Government official he should not have the interests of the country at heart equally as much as anyone else.

Whilst he was on the subject of Government officials, he would again draw His Excellency's attention to the remuneration paid to them, though in that matter he was not representing his unofficial colleagues. He had been making careful enquiries on the subject and he was surprised at the remuneration they received. An official was not allowed to have private interests in the country, and could not afford to do so even if he might. He had to depend entirely on his salary, which in his opinion was totally inadequate. It was a well known fact that very few men living in the tropics reached a pensionable age—they had only to refer to the pension list—and therefore under the present system a man had to make arrangements for his wife and children by insurance, which was a very heavy item against his salary. Also, there was his wife and children's passage out and home, a no small item, particularly if it included a nurse. Leaving entirely out of the question the increased cost of living owing to the war, he considered the question of salaries in certain individual cases required immediate attention, even though it might be war time. It was most inadvisable for Government officials to get into debt, and he also considered that it was the duty of the country to see and insist that Government officials should be properly paid, so that they could give their whole attention and thought to the good government of the country and not have to worry as to where the money was coming from to pay their wife's passage home and school fees for their children. He knew of one case, which was probably typical of many, where an official who was in a very responsible position of trust, which position was open to all sorts of temptations, was drawing only a salary of £250 per annum. It was almost unknown in the country for an official to abuse his trust, but he did think that temptation in the way of inadequate salaries should be taken out of their way. The unofficial Members would suggest the appointment of a Committee to enquire into cases that required immediate attention and to report generally with a view to the reorganisation of the service after the war.

In conclusion they could assure His Excellency that, should hard and difficult times be coming, he could safely rely upon the loyal support and co-operation of the unofficial Members, and, they thought they might say, of the public generally.

The motion for the adjournment was put and carried.

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