

MEETING HELD AT NAIROBI ON 4TH AUGUST 1910

OATH

The oath was administered to Lord Delamere who was now present.

PETITION

Mr Wilson presented a petition from the Arabs and Swahilis against the Bill No 8 of 1910.

QUESTION

Lord Delamere asked:

Whether the Report of the Commission of the House of Commons on Indian Immigration to East Africa (among other places) is to be printed and if so, whether copies of it may be issued to the Members of the Legislative Council.

If it is true that the Commission has despatched deprecated Indian Immigration to the East African Protectorate and if so, whether His Excellency will appoint a commission or a Special Committee of the Legislative Council to inquire into the best method of carrying out the recommendations of the House of Commons and preventing settlements of Asiatics in this Country.

REPLY

The Provincial Commissioner replied:

There is no commission or committee of the House of Commons. The Secretary of State for the Colonies appointed a Committee to consider the question of emigration from India to Crown Colonies and Protectorates. The Report of this Committee has been published and presented to the Houses of Parliament in June 1910. A copy is now laid on the table and is available for the perusal of the members of the Council.

The conclusions of the Committee with regard to British East Africa are given in para 419 of their Report. The Minutes of Evidence and Papers laid before the Committee are still awaited and until their arrival no action is proposed.

QUESTION

Lord Delamere asked:

Whether it is true that there is a Committee of the Colonial Office appointed to lay down a Land Policy for this Country and if so, who are its members and what previous experience have they of Land Settlements or Native Reserve questions in other parts of the Empire or in Africa.

REPLY

The Provincial Commissioner replied:

No official intimation has been received of the appointment of such a Committee.

QUESTION

Lord Delamere asked:

What are the functions of the Executive Council and the Legislative Council as regards questions affecting the internal administration of the Colony they live in, whether Councils ever in the history of the Empire had the power of voting and withholding supplies as far as revenue derived from the Colony itself was concerned, and if so when and why this power was transferred to the Colonial Office.

REPLY

Mr Hobley replied:

The functions of the Executive and Legislative Councils and Assemblies in various classes of Colonies are usually defined by Orders of His Majesty in Council and by the Instructions issued with His Majesty's authority under such Orders, copies of which for the Protectorate have been published in the Official Gazette. Copies of the Instructions issued under these Orders are available for inspection by the Members of this Council.

The functions of the Executive Councillor are to advise His Excellency the Governor on matters referred to them for advice.

The function of the Legislative Council is to pass such Ordinances as may from time to time be required for the good Government of the Protectorate. Such Ordinances do not become law unless assented to by the Governor on behalf of His Majesty.

I regret that I am unable to give the Right Hon. Member the history of the Empire in so far as it related to the powers of the Colonial Assemblies and Councils to vote and withhold supplies required for the Government of the Colony

QUESTION

Lord Delamere asked:

If His Excellency will appoint a Special Committee to enquire into the rights of the Kikuyu to be living on the lands in the Fort Hall and Nyeri Districts formerly grazed over the Masai before the latter moved across the Railway into the Southern Reserve.

REPLY

The Provincial Commissioner replied:

No information is available to the Government that the Kikuyu in the Fort Hall and Nyeri Districts are occupying land on which the Masai formerly held grazing rights, but inquiries will be instituted.

QUESTION

Lord Delamere asked:

Whether the Law of Trespass can be amended to make it unnecessary to prove damage where trespass is committed on fenced farms, owing to the difficulty of proving damage, and the danger from fire, stock theft etc if trespass is unchecked.

REPLY

The Crown Advocate replied:

The question of amendment of the law relating to trespass to land will have His Excellency's consideration.

PETITION OF RIGHT BILL-- FIRST READING

The Crown Advocate moved the First Reading of the Bill to make provision relating to suits against the Government and to the costs thereof.

The Provincial Commissioner seconded and this was agreed to.

The Crown Advocate gave notice of the Second Reading at a later stage.

PUBLIC OFFICERS PROTECTION BILL-- FIRST READING

The Crown Advocate moved the First Reading of a Bill to provide for the protection of persons acting in the execution of their duties.

The Provincial Commissioner seconded and this was agreed to.

The Bill was read a First time.

The Crown Advocate gave notice that he would move the Second Reading of this Bill at a later stage.

REGISTRATION OF LAKE VESSELS ?--SECOND READING

The General Manager Uganda Railway moved the Second Reading of this Bill.

The Provincial Commissioner seconded and this was agreed to.

The General Manager moved that the Council go into Committee to consider this Bill.

The Provincial Commissioner seconded and this was agreed to.

COUNCIL INTO COMMITTEE

Section 20

The Crown Advocate moved to insert in line 2 the word " Government of " before "Protectorate ".

The General Manager Uganda Railway seconded and this was agreed to.

The General Manager moved to add at the end of the section " or to the prescribed Officer".

The Crown Advocate seconded and this was agreed to.

Section 5

The Crown Advocate moved to delete " boats" after " 3rd class" and to substitute the following " vessels of less than 15 ton burthen".

The Provincial Commissioner seconded and this was agreed to.

The General Manager moved to report the Bill to the Council.

The Provincial Commissioner seconded and this was agreed to.

SUSPENSION OF STANDING ORDERS

The General Manager Uganda Railway moved the suspension of standing orders in order to pass the bill through the Third Reading , there being no amendments of important character.

The Provincial Commissioner seconded and this was agreed to.

The Bill was read a Third time.

MARRIAGE AMENDMENT BILL-- SECOND READING

The Crown Advocate moved the Second Reading of this Bill.

Mr Watts seconded and this was agreed to.

The Bill was read a Third time.

The Crown Advocate moved that the Council go into Committee to consider this Bill.

The Provincial Commissioner seconded and this was agreed to.

The Crown Advocate reported the Bill to the Council without amendment and moved the suspension of Standing Orders to enable the Bill to be read a Third time.

The Provincial Commissioner seconded this and this was agreed to.

The Bill was read a Third time.

COLLECTIVE PUNISHMENT (AMENDMENT) BILL--SECOND READING

The Provincial Commissioner moved the Second Reading of this Bill.

Mr Watts seconded and this was agreed to.

The Provincial Commissioner moved the Council go into Committee to consider this Bill.

Mr Watts seconded and this was agreed to.

The Provincial Commissioner moved to report the Bill to the Council without amendments and moved the suspension of Standing Orders to pass the Bill through its Third Reading.

The Crown Advocate seconded and this was agreed to.

The Bill was read a Third time.

NATIVE HUT AND POLL TAX (AMENDMENT) BILL--SECOND READING

The Provincial Commissioner moved the Second Reading of this Bill.

The Crown Advocate seconded and this was agreed to.

The Provincial Commissioner moved that the Council go into Committee to consider the provisions of this Bill.

The Crown Advocate seconded and this was agreed to.

The Provincial Commissioner reported the Bill to the Council without amendments and moved the suspension of Standing Orders in order to pass the Bill through the Third Reading.

The Crown Advocate seconded and this was agreed to.

The Bill was read a Third time.

ADJOURNMENT

The Council adjourned to August 6th 1910.