

EAST AFRICA PROTECTORATE.

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

Third Session,
1919.

*Held at Nairobi on the 7th, 8th, 9th and 10th July, and the 11th, 12th,
13th, 15th and 16th August, 1919.*

Nairobi,

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British East Africa.

Minutes of the Proceedings of the Third Session of the Legislative Council, 1919.

Held at Nairobi on the 7th July, 1919.

The Council assembled on the 7th July, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Present :—

THE HON. THE CHIEF SECRETARY (SIR C. C. BOWRING, K.B.E., C.M.G.).
THE HON. THE ATTORNEY GENERAL (J. W. BARTH, C.B.E.).
THE HON. THE ACTING TREASURER (W. A. KEMPE).
THE HON. THE MANAGER OF THE UGANDA RAILWAY (S. COUPER).
THE HON. C. W. HOBLEY, C.M.G.,
THE HON. F. W. MAJOR, C.M.G., I.S.O.
THE HON. J. AINSWORTH, C.M.G., C.B.E., D.S.O.
THE HON. W. MCGREGOR ROSS.
THE HON. I. L. O. GOWER.
THE HON. THE ACTING LAND OFFICER (H. T. MARTIN).
THE HON. THE ACTING DIRECTOR OF AGRICULTURE (H. H. BRASSEY-EDWARDS).
THE HON. W. MACLELLAN WILSON.
THE HON. E. A. PHELPS.
THE HON. K. H. RODWELL.
THE HON. A. MORRISON.
THE HON. T. A. WOOD, M.B.E.
THE HON. J. C. COVERDALE.

Absent :—

THE RIGHT HON. LORD DELAMERE.
THE HON. P. L. UYS.

OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to MR. W. A. KEMPE, Acting Treasurer, as Ex-officio member.

THE CLERK OF THE COUNCIL having read the Order of Appointment, the President administered the Oath of Allegiance to MR. H. BRASSEY-EDWARDS, Acting Director of Agriculture, as Provisional member.

THE CLERK OF THE COUNCIL having read the Order of Appointment, the President administered the Oath of Allegiance to MR. H. T. MARTIN, Acting Land Officer, as Provisional member.

MINUTES OF MEETING.

THE HON. THE CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 17th, 18th, 19th March, and the 7th, 8th, 9th, 10th, 11th and 12th April, 1919, which had been circulated amongst Honourable Members, be taken as read and 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,

It is my privilege and pleasure to open this Session of this Honourable Council at a time of unique and unparalleled importance and interest in the history of the whole world, particularly of the British Empire.

Yesterday was set apart as a Day of Rejoicing and Thanksgiving on the signing of Peace; the cause of right and justice has prevailed; the cruel might and barbarity of our enemies are overcome.

With thanksgivings and rejoicings in our churches yesterday, prayers were offered up for the maintenance of peace in the future throughout our Lands, for good governance, and for that prosperity which, under good governance, peace should bring.

This Protectorate has played no small part in the war. I wish, on the happy occasion of the signing of peace, to thank the many men and women, officials and others, of all races and communities, who have loyally, and often at great sacrifice, assisted the Government throughout.

Rejoicing that security of life and property is once more assured by Peace, let us look forward hopefully to an era of steady progress.

Now more than ever do I call upon the different communities of the Protectorate to pull together. Without co-operation, there cannot be progress.

We have much legislation to introduce.

Among the thirteen new Bills in the Order of the Day, I think the most important are those referring to Soldier Settlement, Trading Licenses, Status of Somalis, and Land Registration on the Torrens system.

With regard to Soldier Settlement, up to date, including the recent local allotment, and the allotment shortly to be made in London, we have arranged to dispose of about 2½ million acres of land, divided into some 1300 farms, and a few blocks of farms to Syndicates comprising about another 100 ex-soldiers.

We have thus alienated practically all available surveyed Crown lands. I am still inundated with applications, and many of those who were unlucky in the recent lottery are demanding that more land should be made available at once.

While sympathising with the hundreds out here, and thousands at home, who still want land, I must say that in the interest of the Protectorate and of the would-be new settlers themselves, I am strongly of opinion that it would be unwise to alienate immediately more land under the scheme, even if it were available and surveyed. In this country the cart is always going before the horse; instead of Railways and roads opening up the land for settlement, we have the settlers coming first, and communications coming, or not coming, after them. I believe that we should give these ex-soldiers a chance and see how they get on, meanwhile doing all we can to build branch Railways and roads to feed the distant settlements, and to organise labour for them. We don't want them to come here and fail; I have cabled home that each new settler should be warned of the dangers of the climate, of the loss on exchange, the present lack of medical facilities, of the poor communications, and shortage of labour, oxen, etc. So he will come with his eyes open to the risks.

There are a few surveyed farms which I felt bound to keep out of the Soldier Settlement owing to previous promises which I found had been made, most of these will shortly be sold by public auction; only in very exceptional circumstances will a farm be sold outright to an individual when a very good claim to preference is proved.

I deprecate the questions lately asked complaining of large grants made in years gone by to individuals; most of the complaints made refer to very old history, and show a lack of appreciation of the different phases a new country goes through; it is forgotten that but for its pioneers such countries as this would not have risen so quickly to their present state of prosperity; these pioneers took up thousands of acres of land at their own risk when Government was only too glad to get a settler of any sort; now, not only is the land policy of the Government of those days being abused but these pioneers themselves are most uncharitably criticised.

The Bill before us on the subject of Land Registration will, if made law, be a great step forward in necessary legislation; its meaning and effect will be fully explained by the Hon. Acting Land Officer when introducing it.

The Trading Licence Bill introduces legislation which taps a legitimate source of revenue.

I have examined the social status and pedigrees of certain Somalis and am satisfied that some of them should be treated as non-natives, for which purpose a Bill is before us.

I am pleased to be able to inform Honourable Members that the Secretary of State for the Colonies has agreed to the passing of the third reading, and to my giving immediate assent to the Bill providing for Elected Unofficial Members, without further reference to him; subject to a few amendments, the chief of which are that there should be two Indian Nominated Members, and that Clause 3 of the Bill should be deleted to become embodied in the Royal Instructions; I am in entire agreement with His Lordship on these questions, and trust that Council will support me; it is obvious that, though we may be allowed to debate and recommend the details of our own constitution, it must be His Majesty the King who, on the advice of the Secretary of State, lays it down.

I have done everything possible to expedite the enactment and application of the Bill. Registrars are provisionally appointed, and Registration forms distributed. I look forward to seeing your members elected next April.

Two unofficial members have been sitting on the Executive Council for the last three months, and I should like to state that their advice has been of great assistance to Government.

I regret that I am not yet able to assent to the Electricity Bill, but must await further instructions from the Secretary of State, whose legal advisors are of opinion that certain interests of an existing company need safeguarding.

The threat of famine in certain districts about Meru and Chuka, owing to failure of rains, necessitated my bringing out the able bodied men to work in other districts where food is plentiful; it is doubtful whether these natives can return to their own villages before the end of the year without risk of starvation.

I recently met the whole of the Masai elders in Council at Narok, and discussed many matters with them; they expressed themselves satisfied that the punishment inflicted recently upon them for their misdeeds was justly deserved; these people are averse to taking the necessary steps towards immunity from cattle diseases, but they will have to be brought into line with modern developments in these respects. I also recently held an interesting meeting of the Chiefs of all other tribes except those from the Coast, when the results of the Great War, and necessary conduct for the future, were impressed upon them. I thanked them for their loyalty during the war.

I regret that as yet I have received no information with regard to a loan except that the Treasury is being consulted on the matter. I am also anxiously awaiting information from home as to whether we may hope at an early date, to get a gold currency in this Protectorate. Nor is the question of the Treaties, as affecting our Customs at the Coast, yet settled. With peace signed only a few days ago we must have patience in these matters.

The exchange problem is giving us all much food for thought and discussion; you may rest assured that if a way can be found out of the present deplorable loss sustained on capital introduced into the Protectorate, it shall be adopted.

PRESENTATION OF MEMORIALS, Etc.

THE HON. THE ACTING TREASURER laid on the Table :—

Quarterly Return of Unforeseen Expenditure for the quarter ended 30th September, 1918.

Quarterly Return of Unforeseen Expenditure for the quarter ended 31st December, 1918.

As it had not been possible to circulate these statements among members beforehand, he stated that he proposed to defer the motions regarding them until the following day.

QUESTIONS AND ANSWERS.

THE HON. W. MACLELLAN WILSON (in the absence of THE RIGHT HON. LORD DELAMERE) asked the following question :—

Whether any information of the numbers of stock taken in the Turkana and Aulihan expeditions was forthcoming and to ask the following questions :—

(2) How many animals of each variety in each case were handed over to the Military.

(2) How many animals of each variety in each case were handed over to the Civil Administration.

(3) How many had been disposed of and where and what was the sum realised in each case.

THE HON. THE ACTING TREASURER in reply laid on the table the following statement :—

REPLY TO QUESTION BY (THE RIGHT HON'BLE THE LORD DELAMERE.)
(W. MACLELLAN WILSON.)

	Cattle.	Donkey.	Camels.	Sheep & Goats.	
FIRST TURKANA EXPEDITION.					
Total Captured ...	19,403	6,868	8,262	123,272	
SECOND TURKANA EXPEDITION.					
Total Captured ...	14,154	5,268	195	17,500	
AULIHAN EXPEDITION.					
Total Captured. ...	179	—	28,788	—	
TOTAL STOCK CAPTURED IN.					
Three Expeditions	33,736	112,136	37,245	140,772	
DISPOSAL.					
FIRST TURKANA EXPEDITION.					
<i>(a) Military Account.</i>					
Placed at stock bases ...	7,044	1,646	917	33,117	
To satisfy Samburu claims ...	8,002	4,626	6,951	42,744	
Issued for rations and transport ...	285	50	40	13,162	
Returned to Turkana ...	446	326	211	7,056	
To Uganda Government for claims ...	584	61	11	4,500	
Stolen and died ...	3,042	159	132	22,693	
Total Captured ...	19,403	6,868	8,262	123,272	
<i>(b) Civil Account.</i>					
Sold ... (a)	3,679	—	(b) 412	(c) 8,422	(a) realised £17,120.
Returned to Military ...	634	1,086	—	—	(b) " 737.
Issued to Suk ...	500	393	23	1,000	(c) " 1,076.
Payment for dipping ...	57	—	—	—	
Rations ...	—	260	—	1,384	£18,933
Deaths ...	2,606	1,081	17	21,828	
Total taken over by Civil ...	7,476	2,820	452	32,634	
SECOND TURKANA EXPEDITION.					
All stock captured was used as rations and rewards, or for transport purposes, or died, a small amount being also returned to the Turkana, except balance left at Kacheliba. ...	317	370	—	—	
And at Loyorowith Military Officer. ...	36	—	180	15,313	
AULIHAN EXPEDITION.					
Recaptured and stolen by Somalis. ...	—	—	8,500	—	(a) £17,558 credited to civil funds.
Blood money and presents to chiefs ...	—	—	1,922	—	(b) 1,000 handed over to Italian Government. About 4,018 sent to Kismayu; large number died en route and at Kismayu; remainder sold and fetched such small prices that the proceeds were swallowed up in expenses of herding. Remainder left at Serenli in very poor condition, large number died, no buyers owing to drought balance handed to Rer All Somalis.
Unaccounted for by Military at El Wak ...	—	—	500	—	
Unaccounted for by Military at Serenli ...	—	—	170	—	
Military Transport & c., (a) ...	25	—	5,836	—	
Civil Administration (b) ...	88	—	8,513	—	
Rations ...	—	—	725	—	
Deaths ...	68	—	2,622	—	
Total Captured ...	179	—	28,788	—	

REASONS FOR MORTALITY AMONG TURKHANA STOCK.

CATTLE—BARINGO. An outbreak of Rinderpest, traceable to sick Buffalo, caused a mortality among stock treated at Lariok, and further during the rains a number broke down from Contagious Bovine Pleuro-pneumonia.

TURKWELL. The large mortality was due to Anaplasmosis Streptothricosis and Mange, especially among calves. The E.A.V.C., on taking over the cattle moved them to new grazing, and dipping eradicated the disease.

SHEEP AND GOATS—BARINGO. A severe hailstorm on the day of their arrival at Baringo was responsible for over four thousand deaths. The animals were in a weak condition due to the long trek of the Military Patrol.

A large number of Goats died from Pleuro-pneumonia, aggravated by the rains and cold of Laikipia.

A large number of sheep died from exhaustion due to the long trek and Gastro-enteritis.

Shelters were built and under Veterinary supervision treatment was attempted without success.

TURKWELL. A number of sheep and goats died en route to sales, i.e., 3,356 sheep and goats were despatched from the Turkwell base and only 2,140 arrived at Eldoret. The deaths en route were due to the rough weather experienced en route. Another mob of 5,512 was despatched to Nakuru and only 3,618 were sold. The deaths were accounted for by a severe storm in Nakuru. 1,193 were issued as rations to the poters at the Turkwell camp. The remainder, 8,000 odd, died on trek to and at the Turkwell camp. Deaths were due principally to their weak condition and age, pneumonia and gastro-enteritis. Foot rot was very prevalent among the captured sheep and goats, which caused them to travel slowly. After treatment batches were forwarded to the different centres for sale as stated.

DONKEYS—BARINGO. Sixty per cent of the donkeys died on Laikipia, from what was considered to be a Pernicious Anaemia. Control camps were formed to split up the numbers into mobs, and the disease appeared in each mob.

The disease is unknown to Veterinary Science and appears to have a similarity to horse sickness.

Donkeys handed over to the military died in large numbers from the same cause.

THE HON. E. A. PHELPS asked the following question :—

Whether Government would consider the appointment of a Resident District Medical Officer at Lumbwa on terms of appointment similar to those proposed at Eldoret.

THE HON. THE CHIEF SECRETARY replied as follows :—

In the opinion of Government the appointment of a District Surgeon at Lumbwa is a necessary development of the Medical Service of the Protectorate.

When funds and staff are available, steps will be taken to meet this need, either by the appointment of a District Surgeon, as at Eldoret, or by the grant of a medical farm in the neighbourhood of Lumbwa in connection with the Discharged Soldiers Settlement Scheme.

In the event of the appointment of a District Surgeon, the success or otherwise of the arrangement would depend on the ability of the community to guarantee a sum sufficient to induce a medical man to settle in their midst.

THE HON. E. A. PHELPS asked the following question :—

In view of the fact that the recent action of the Veterinary Department in deciding to discontinue the T. branding of adult cattle drawn from the Lumbwa Native Reserve is a source of hardship and loss to local forces and traders, it is felt that every effort should be made to determine whether this action is necessary.

(a) On what grounds the Veterinary Department have decided to discontinue the T. branding of adult cattle obtained from the Lumbwa Native Reserve.

(b) Whether the Veterinary Department is prepared to test a number of adult stock drawn from the Lumbwa Native Reserve with the view of determining definitely whether they are, or are not, immune to East Coast Fever.

(c) In the event of the test suggested in (b) proving immunity, would Government be willing to revert to their former policy of T. branding of these animals.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE replied as follows :—

(a) The reason for discontinuing the T. branding of cattle obtained from the Lumbwa Native Reserve is that the Veterinary Department is not satisfied that the Lumbwa and Sotik Reserves are enzootic East Coast Fever areas.

(b) The Veterinary Department is not prepared to establish a testing area in the vicinity of the Reserve because of shortage of staff but would be willing to accept 50 head per month for testing in the Kamiti testing area.

(c) Should the test at Kamiti prove immunity Government would be willing to revert to the policy of T. branding the cattle.

But even if the Reserves were proved to be enzootic areas the disabilities of the farmers in the vicinity would not be overcome because of the difficulty of tracing the origin of cattle presented for branding, there being over 10,000 head of cattle belonging to squatters on the farms.

THE HON. W. MACLELLAN WILSON asked the following question :—

What are the details of the obligations definitely incurred by Government on account of which the following blocks of land were alienated :—

- (a) 11,200 acres in Laikipia to the Hon. G. Cole.
- (b) 15,032 Messrs. Newland and McCall.
- (c) 17,376 Major the Hon. R. F. Carnegie.
- (d) 30,953 Elmenteita to Messrs. W. R., J. K., and W. A. Smith.
- (e) 30,000 Athi River to Major E. S. Grogan.
- (f) 10,925 Laikipia to Lord Delamere.
- (g) 9,332 Naivasha to Lord Delamere.
- (h) 9,869 Nyeri to Lord Delamere.
- (i) 3,340 Shura Valley to Lord Delamere.
- (j) 35,000 Mau to P. Cobb.

2. What was the acreage and where situate were the areas for which the above-mentioned areas were given in lieu of and in compensation.

3. To whom were the original areas first allotted.

4. What are the records of the transfer from the original allottees (a) to the grantees (b) of the land given in lieu of and in compensation where the grantees (b) are not the original allottees (a).

5. What special conditions, if any are attached to any of the above blocks of land.

6. In cases where the actual grantee was other than the original allottee what consideration is shown by the deeds of transfer as having passed between the parties.

THE HON. THE ACTING LAND OFFICER in reply laid on the table the following statement :—

DETAILS FOR REPLY TO THE HONOURABLE MACLELLAN WILSON QUESTIONS.

ORIGINAL GRANT:

Name area & locality.	Nature of obligation.	Area and Locality.	Allottee.	Transfers.	Special condition on present grant.	Consideration on transfer.
(a) Hon. G. Cole 11,200 ac. Laikipia.	Grants were made as shown in next column in 1904 and 1905. In October, 1905, Government requested Hon. G. Cole to select elsewhere as land was required for Masai. Agreed on consideration of 3/2 area being given. Ultimately 19,970 ac. were granted at Gil Gil. For the balance 11,530 ac. land at Kenia was surveyed, but it was found later that the land originally applied for was available and Hon. G. Cole wished to go back. In final settlement 11,200 ac. of original area were granted.	10,000 ac. Laikipia 5,000 " " 5,000 " " 1,000 " " <u>21,000</u> " "	Hon. G. Cole Viscount Cole Capt. Cave Lord Beauclark.	Hon G. Cole	None	No deed of transfer of claim was registered herein.
(b) Messrs. Newland & McCall 15,082 ac. Laikipia.	Land allotted in 1905. Required for Masai in 1910; equal area plus 50% offered in exchange 14,469 ac. The excess of 613 ac. is due to this claim being merged with that of King and Peebles, whose grant was correspondingly less.	9,646 ac. Molo R.	A. Rodkin.	1906 H. W. Smith 1910 Newland and McCall.	None	Rodkin to Smith £1,400. Smith to Newland & McCall; no record of consideration.
(c) Major The Hon. R. F. Carnegie 17,376 ac. Laikipia.	Grants made in 1907. On account of Masai Move relinquished in exchange for equivalent area for Sotik land and 50% extra for Lemek land elsewhere. Ultimately agreed to grant of 20,224 acres of which approximately 2,800 are at Kib. s.	5,000 ac. Sotik 5,000 ac. Lemek Valley 5,000 ac. Lemek Valley	Major Carnegie " " Lady Southesk.	Maj. Carnegie	None	No deed of transfer of claim yet effected.
(d) W. R., J. K., and W. A. Smith 30,955 ac. Elmenteita.	Land originally granted required for Masai. 3/2 offered in Laikipia. as compensation. Ultimately on account of long delay H. E. agreed to grant at Elmenteita.	10,000 ac. S. Guaso Nyiro 5,000 " " " 5,000 " " "	W. A. Smith J. K. Smith W. R. Smith.	Combined.	None	... ..
(e) E. S. Grogan 10,968 ac. Athi, 18,990 Magadi Junction.	Part of the land originally granted was required for Masai, boundaries were re-adjusted and Grogan allowed to retain 5,617 plus 500 ac. = 6,117 ac. He surrendered (including unclaimed balance of original promise of 10,000 ac. i.e. 5,249 ac.), a total of 16,778 ac. in exchange he was to have 3/2. Ultimately on authority of Secretary of State the area was increased to 30,000 ac. on condition of Grogan's accepting a revisable rent lease.	4,937 ac. Eldama Ravine 4,993 ac. Eldama Ravine of these 5,617 ac. retained) 4,751 ac. Eldama Ravine 2,965 ac. Molo River (of this 500 ac. retained.) 5,249 balance of original promise of 10,000 ac,	H. Twyford E. J. Watt. E. S. Grogan D. Goldberg E. S. Grogan	E. S. Grogan " " (1) C. S. Goldman (2) E. S. Grogan.	Revisable Rent None.	Rs. 7,500/- Twyford to Grogan, Watt to Grogan Rs. 700/- to 800/- Goldberg to Goldman 800 Goldman to Grogan 15,000/-

DETAILS FOR REPLY TO THE HONOURABLE MACLELLAN WILSON QUESTIONS.

ORIGINAL GRANT.—(Contd.)

Name area & Locality.	Nature of obligation.	Area and Locality.	Allottee.	Transfers.	Special conditions of present grant.	Consideration on transfers.
(f) Lord Delamere 10,925 ac. Laikipia.	(Not a Government grant, included in original list in error)					
(g) Lord Delamere 9,860 ac. Laikipia.	(1) Thorne's Original grant of 6,800 ac. Laikipia, acquired by Delamere, surrendered for Masai in exchange for 3/2 elsewhere i.e. 10,200 ac. of this 6,927 ac. were granted at Nakuru leaving balance of 3,272 ac.	(1) 2,182 ac. Laikipia.	N. Thorne.	} Lord Delamere	None	No transfer registered. ∞
(h) Lord Delamere 9,332 ac. Naivash.	(2) 5,000 ac. grant to Linton acquired by Delamere before choice was made.	(2) 5,000 ac. Nakuru.	A. E. Linton.			
(i) Lord Delamere 3,340 ac. Shura Valley Total:— 22,532 ac.	(3) Grants aggregating 10,000 ac. to Mrs. Linton and Mrs. Hopcraft acquired by Delamere 6,724 ac. surrendered on account of the land being covered by the thorn scrub, in exchange for equal area on Mau. Later granted 9,332 ac. Naivasha as the land there was believed to be of poorer quality than land at Mau.	(3) 6,724 ac. Nakuru.	Mrs. Linton and Mrs. Hopcraft.			
	(4) Claim of Colonel Harrison for 5,000 ac. received by Delamere in exchange for a claim in name of Moss for 2,000 ac. at Malindi.	(4) 5,000 ac. Elmenteita.				
	Total claims:— (1) 3,273 acres (2) 5,000 „ (3) 9,332 „ (4) 5,000 „ <u>22,605 acres</u>					
(j) Powys Cobb 35,000 ac. Mau.	Grant made in 1907 with authority of Secretary of State.				99 Years lease at 4 anna per acre Development £7,000 within 5 years. Option to freehold. 7,000 ac. at Re. 1/- per acre on completion of Development. Proviso. At least 7 white men to be maintained on the land either as tenants or employees.	

THE HON. T. A. WOOD asked the following question :—

In view of the great inconvenience to, and in some cases financial loss incurred by members of the community particularly the commercial section, owing to the cable interruption and delay :—

(a) How many times during the last ten years has the submarine cable serving East Africa broken down, or been interrupted,

(b) What steps, if any have been, or are being taken, to remedy the existing state of affairs.

(c) Has the possibility of linking us up by an overland telegraph line *via* the Nile route been investigated, and with what result.

THE HON. THE CHIEF SECRETARY replied as follows :—

1. During the last years the cable between Mombasa and Zanzibar was interrupted as under :—

1911	July 11th	to September 21st	= 71 days
1913	August 23rd	to September 8th	= 16 "
1913	December 9th	to December 11th	= 2 "
1914	January 27th	to February 6th	= 9 "
1914	February 18th	to February 18th	= 4 hours
	2-30 p.m.	7-10 p.m.	= 30 minutes.

(Cable Ship presumably cut cable to remove a fault)

1915	September 15th	to September 23rd	= 8 days
1918	June 2nd	to June 6th	= 4 "
1918	November 22nd	to November 22nd	= 3 hours
1918	November 23rd	to November 24th	= 3 hours

(Cable Ship working on cable presumably removing faults.)

1919 March 2nd to date

2. The above shows 10 interruptions varying in duration from a period of 3 hours to—in the present case—of over 102 days.

3. Reference the steps taken to remedy the existing state of affairs. The question of the repair is absolutely in the hands of the Cable Company who intimated on April 25th that the Cable Ship stationed on this coast was required for the repair of an Australian cable and the company considered that the Zanzibar-Dar-es-Salaam cable could meet the requirements of East Africa in the meantime.

4. Unfortunately the Dar-es-Salaam cable has not been of much use to British East Africa because the temporary military reconstructed land lines in conquered territory cannot deal with the British East Africa telegraph traffic. They are constantly interrupted and the Superintendent of Posts and Telegraphs at Dar-es-Salaam has definitely told us that on account of the withdrawal of military telegraphists he cannot deal with our commercial telegraph traffic.

5. If the land lines in conquered territory had been in an efficient condition and if the requisite staff had been available at Dar-es-Salaam the latter could probably have dealt with all British East Africa and Uganda cable traffic although our shortage of staff would have entailed restricted hours of working and consequent delay to traffic.

6. Representations have been made to the Superintendent of Posts and Telegraphs, conquered territory, re : the constant interruption to his land lines but in view of his being short staffed he cannot improve matters. Representations have also been made to the Administrator of that territory and to the Eastern Telegraph Company's Headquarters in London re : the prolonged cable interruption.

7. Between April 12th and May 12th, the land line to Dar-es-Salaam via the Coast has never been workable in fact it appears to have been abandoned while the second line from Voi to Dar-es-Salaam has been interrupted for 17 days, faulty for 3, and right for 11 days only, so that for the greater part of the month it has been of no use, and the delay to local traffic between Mombasa and Dar-es-Salaam has been exceedingly heavy.

8. Our Wireless Station at Mombasa has been disposing of about some hundred telegrams per day. It should be able to dispose of three times this number but it appears that they have not sufficient staff at the Zanzibar Wireless Station to deal with more traffic.

9. The question of linking up the Uganda land telegraph lines with the Sudan by means of a permanent line has been considered on several occasions. (We have had a temporary line connected to Nimule for many years). The Postmaster General went into this question personally in 1912/13 and in 1914 submitted estimates to the Uganda Government for the continuation of the land lines in Uganda from Soroti to Nimule and the Sudan border station a distance of 200 odd miles. This scheme was supported by the East Africa Government but it is not clear from the correspondence at disposal whether the Sudan Government were definitely prepared to continue their telegraph system from Rejaf to Nimule. The project was, however, dropped on the outbreak of war.

10. Now that the late German Colony is to be administered by the British Government the best alternate route during break-downs of the Mombasa cable should undoubtedly be that via Dar-es-Salaam, but before this can be of use the land lines must be maintained in a reliable condition this probably means that the coast line from Kilindini to Dar-es-Salaam must be re-constructed as a permanent line with copper wire on iron poles.

11. The linking up of the Uganda and Sudan lines would also be useful chiefly because it would provide an outlet for the Uganda and the lake area telegraph traffic and thus relieve the East Africa wires to this extent; but a long land line of some 3,000 miles passing through such sparsely inhabited, and jungle covered countries as Northern Uganda and the Sudan where elephant and giraffe are a danger to the line can never form a very reliable means of telegraph communication between Mombasa and Europe.

THE HON. T. A. WOOD asked the following question:—

(a) Will Government inform this Honourable Council if it is a fact that a Magistrate in the Nakuru District, sentenced a Native Headman convicted of selling bullock hides he had stripped from animals which had died from Anthrax instead of burning the body intact according to orders he had received, to a fine of ten rupees.

(b) If such sentence was inflicted, has Government taken, or will steps be taken, to point out to the Magistrate concerned, the utter inadequacy of same in view of the grave menace to one of our premier industries entailed by such an offence.

THE HON. THE ATTORNEY GENERAL replied as follows:—

(a) The facts as stated by the Honourable Member are substantially correct. The accused was convicted of Criminal Breach of Trust under Section 408 of the Indian Penal Code.

(b) The Magistrate has explained that he imposed a light sentence because it was represented to him by the complainant that the accused was a very good boy who had been in his employ for a long time. In view of this explanation Government does not propose to pursue the matter further with the Magistrate.

THE HON. T. A. WOOD asked the following question:—

In view of the apparent inability of the Railway authority to cope with existing traffic, and the possibility of a large increase in the latter at no distant date, will Government inform this Honourable Council what steps are being taken to remedy the existing state of affairs both as regards provisions of more rolling stock, and improvement of the quality and conditions of service of the staff employed.

THE HON. THE GENERAL MANAGER OF THE UGANDA RAILWAY replied as follows:—

1. Out of the loan of £1,868,000 a sum of £147,500 was allocated for the purchase of rolling stock as per details below:—

Proposed purchases 1915.	Received up to 1-6-1919	Balance due.
40 4 wheel high sided trucks	34	6
25 high sided bogies	20	5
45 low sided bogies	30	15
30 cattle trucks	—	30
6 horse boxes	Iron work only	—
2 sheep vans	—	2
8 water tanks	—	8
11 first class passenger bogies	4	7
3 third class passenger bogies	2	1
2 coaches for His Excellency the Governor...	Frames with wheels, axles etc., under construction at home.	—
15 locomotives.	1	14

A cable requisition for 15 locomotives was sent the Colonial Office on the 15th February, 1919, as with reliable locomotives our present rolling stock would be capable of handling considerably more traffic than at present. The purchase of the remainder of the "balance due" is, I presume, dependent upon the expected loan.

2. In January last a cable was despatched to the Colonial Office stating that there were 56 vacancies for Europeans, and asking them to make the appointments but up to date no men have arrived.

3. The improvement in the conditions of service await the Secretary of State's decision on the report of the Civil Service Commission. Considerable relief has already been given by the sanction received from the Secretary of State to Sir Alfred Lascelles's recommendation re: War Bonus.

MR. COUPER added that since he had made out this reply he had heard from home that 15 locomotives were ready, and he expected they would leave England by October.

THE HON. K. E. H. RODWELL asked the following question:—

1. What is the total acreage on the Costal area held by the East African Estates Limited under Government concession.
2. Whether the East African Estates Limited have complied fully with all the conditions of this concession or lease.
3. If not, what steps Government propose to take to enforce the terms.
4. Whether the assistance of Government can be looked for towards getting this huge area opened up and developed, and whether assistance of Government may be looked for on behalf of the many private individuals prepared to go to that area and develop it properly.

THE HON. THE ACTING LAND OFFICER replied as follows:—

1. Not exceeding 250,000 acres.
2. No development report has been made as by His Excellency's certificate of exemption dated the 9th November last the company have been granted an extension of about 3½ years in respect of each development period specified in the lease; i.e., they have until about June 1921 in which to complete £40,000 development.
3. None in view of (2) above.
4. A special Board has been appointed to settle boundaries in the districts affected by this concession, and it is hoped greatly to hasten the completion of the work. Until this work, however, is completed, it is impossible to say what Crown land is available for individual applicants after satisfying the claims of both natives and concessionaires.

THE MASTER AND SERVANTS AMENDMENT BILL.

THE HON. J. AINSWORTH in pursuance of notice given introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Master and Servants Ordinance, 1910, and the Ordinances amending the same."

He said that the object of this Bill is to provide additional administrative machinery for the purpose of improving the conditions of native labourers and labour in the country. To achieve this there are certain important matters which we believe are necessary, one is the inspection of the labourers and the general conditions under which they are employed, for this purpose it is necessary to employ Inspecting Officers and to define their duties, the Bill makes provision for these requirements. The other important point is to see that natives, on being recruited by Labour Agents for a period of over one month or 30 working days, are medically fit to proceed to the work for which they are recruited and subsequently, when the men are in employment, to see that conditions are such as to be likely to allow of the men maintaining their health.

In dealing with all such matters as these there are certain broad principles to be borne in mind, viz: that without healthy and contented native workers the labour problem of this country will not improve. Also that it is necessary to realize that in all questions where the State comes into matters as between master and servant tact and common sense are necessary. We have, however, to recognise that it is desirable that the State should exercise supervision as regards the health of the native labourer and also in connection with the general question of contracts and of service.

Under the Ordinance of 1910, Inspecting Officers are not provided for nor is there provision authorising medical inspection of natives prior to engagement and subsequently when in employment, the object of the Bill is to remedy these defects.

The Bill also provides that the Governor may appoint a Principal Inspector of Labour, such an officer, if and when appointed, will devote a great deal of his time to dealing with the labour problem generally, amongst other things he will endeavour to locate supplies and regulate them in accordance with the demand, collect statistics for general information and keep in touch with employers and the sources of labour supply.

It is proposed under the Bill to prohibit the employment of immature boys on certain classes of work considered to be detrimental to, or likely to retard the physical development of such boys. This precaution is, in my opinion, a desirable one.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE DISCHARGED SOLDIERS SETTLEMENT BILL.

THE HON. THE ACTING LAND OFFICER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other Incidental Purposes."

He said that the object of this Bill is to provide for the granting to ex-soldiers of land on the most favourable terms which in this country it is feasible to give.

That is to say, Section 4 provides for direct grants without auction, Sections 5 and 7 for small areas only being alienated free of premiums or survey fees, and in the case of the larger areas, B. farms, Section 8 extends the terms of premium payments by 22 years, and that of survey payment by 10 years, as compared with the provisions of the Crown Lands Ordinance, 1915. As regards transfers, Section 29 of the Principal Ordinance is modified so as to permit half only instead of the whole, of the purchase price being paid to Government on a transfer to another ex-soldier within 5 years for the allotment.

An attempt is made in Section 10 to prevent the land falling into the hands of persons not contemplated as grantees under this Ordinance. Sections 7 sub-section (1) and 8 sub-section (5) providing in the one case for residence in the Protectorate and in the other for occupation by the proprietor or an ex-soldier manager constitute an obviously necessary limitation on Section 39 of the Crown Lands Ordinance.

In other respects such as development conditions the provisions of the Principal Ordinance prevail, though it is hoped to reduce the expense of issuing titles and subsequent transactions in the land by further legislation which has yet, however, to be enacted.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE TERMINATION OF THE PRESENT WAR (DEFINITION) BILL.

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 Determining the date of the Termination of the Present War, and for purposes connected therewith."

He said that the object of the Bill is to make provision whereby doubts may be removed as to the date on which the war may be regarded as terminated both for the purposes of legislation expressed to be in operation during the war and for contracts and other legal instruments referring to the present war or the present hostilities.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE TRADERS LICENSING BILL.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to Licence Trading within the Protectorate."

He said that there are two objects of the Bill. (On the one hand to control trade by means of keeping records of shops and hawkers, and by compelling the keeping of accounts in some translatable language; this is in accordance with the recommendations of the Masai Claims Commission who would have been assisted in dealing with claims by having access to accounts. It has also been suggested by the Chamber of Commerce that such legislation should be introduced to enable fraudulent bankruptcy to be detected and prevented. The second intension of the Bill is to raise revenue which is very much needed to enable the Protectorate to meet its normal expenditure. The measure follows the recommendations of the Special Committee of the Legislative Council which reported in December, 1918, on the question of raising revenue. The method is rather a crude one, but the necessary staff is not obtainable for the machinery required for a more complicated scale. It is expected the tax will amount to a sum between £10,000 and £15,000 per annum.

The Bill is drafted on the lines of existing legislation in force in the Uganda Protectorate which was enacted at various times between the years 1912 and 1918.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE COCONUT TRADE AMENDMENT BILL.

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 the Trade in Coconuts and the products of the Coconut Palm."

He said that the objects of the Bill are (1) to eliminate "tembo tamu" from the definition of Palm wine in Section 7 of the Coconut Trade Ordinance, 1915, so that the owner or person in charge of a plantation is not under the necessity of taking out a licence for the sale of tembo tamu and (2) to provide for the application of the Ordinance to any area. As the law stands at present it must be applied generally.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE BROKERS REGULATIONS AMENDMENT BILL.

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 Broker's Regulations, 1901."

He said that the object of the Bill is to increase the fees payable for Brokers' and Goldsmiths' licences. The Provincial Commissioner, Mombasa, is of opinion that by this means better control can be effected because the number of licences applied for will probably be reduced.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second applied at a later stage.

THE EAST AFRICA RAILWAYS AMENDMENT BILL.

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 East Africa Railways Ordinance, 1910."

He said that the object of the Bill is to give second class subordinate Courts power to deal with minor offences under the Ordinance. At present all offences are triable only by a first class subordinate Court. Although it is not proposed to alter this provision in respect of more serious offences, it will be of practical advantage both to the Railway and to the accused if minor offences can be dealt with expeditiously by a second class Court. At Kisumu and at Nakuru for instance there is often only a Magistrate with second class powers in residence.

THE HON. THE MANAGER OF THE UGANDA RAILWAY seconded.

The Bill was read a first time.

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

THE SOMALI EXEMPTION BILL.

THE HON. J. AINSWORTH in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Exemption of Certain Somalis from the Payment of Native Hut and Poll Tax."

He said that the object of this Bill is to make provision for certain classes of Somalis to be classed as non-natives for the purpose of their liability for payment of the Poll Tax. Should the Bill become law, such Somalis as obtain certificates of exemption from the payment of the Native Hut and Poll Tax will become liable under the Non-Native Poll Tax Ordinance, 1912. The Governor-in-Council may prescribe the fee to be paid for a certificate of exemption.

Further provision is made to the effect that the Governor-in-Council may by order declare that any person holding an exemption certificate under the Ordinance shall not be deemed to be a native for the purpose of any other Ordinance wherein the term "native" includes any Somali.

There are a number of Somalis who, on the grounds of education and of their undoubted Asiatic parentage, claim that they are entitled to be classed as non-natives and in such cases it is reasonable that their claim when proved should be recognized. It is of course quite possible that very large numbers of Somalis may claim to be of Asiatic descent, but such a claim will not necessarily mean that such people will be entitled to exemption. The onus of proof must lie with each individual applicant.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. J. AINSWORTH gave notice that he would move the second reading at a later stage.

THE PORT CAPTAIN'S BILL.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to carry into effect a change in the Designation of the Port Officer wherever such term occurs."

He said that the Bill is rendered necessary by reason of the change in the designation of the Port Officer to Port Captain as the Post Officer is given powers and duties by various Ordinances and rules under Ordinances it becomes necessary to give the Port Captain similar powers and duties by legislation.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE INTERPRETATION AND GENERAL CLAUSES AMENDMENT BILL.

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 Interpretation and General Clauses Ordinance, 1912."

He said that the object of the Bill is specifically to provide a general power to amend, vary, rescind and revoke proclamations or notices issued under any Ordinance. At present such power is not provided by the Interpretation and General Clauses Ordinance, 1912.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE LAND TITLES AMENDMENT BILL.

THE HON. THE ACTING LAND OFFICER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Land Titles Ordinance, 1908."

He said that the object of this Bill is to amend the Land Titles Ordinance, 1908, so as to allow the Recorder of Titles to admit out of time applications made not more than one year late, if due cause is shown. No specific provision is made for this in the Principal Ordinance but practice has shown this extension to be necessary.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING LAND OFFICER gave notice that he would move the second reading at a later stage.

THE REGISTRATION OF TITLES BILL.

THE HON. THE ACTING LAND OFFICER in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Transfer of Land by Registration of Titles."

He said that the object of this Bill is to make titles to land, and interests in land, clear and certain; to render it possible for transactions in land to be speedily, safely and cheaply effected; and, in the case of members of the public the nature of whose business makes it necessary for them to have definite knowledge of rights in land, to supply them on demand with guaranteed information. That is to say, this Ordinance will give to the landowner an indefeasible title and will enable him to sell, sub-lease, or mortgage his land by the simple expediency of entering a few obvious particulars such as his name, the number, area and locality of his farm and the amount of money involved, in a printed form issued without charge by a Registry of Titles. On the other hand a prospective purchaser or a prospective lender of money can at short notice obtain from a Registrar a certified statement as to the competency of the vendor or borrower to sell or borrow. The business of the landowner, the banker and the lawyer is in each case simplified. The vast majority of the 112 sections of this Ordinance are concerned with legalising this procedure and in instructing the officers administering the Ordinance as to the procedure to be followed in keeping their books. The golden rule for the public generally to follow is simply this "apply to the Registrar to put your business through." Though no African Colony or Protectorate appears as yet to have adopted this system as fully as it is intended under this Ordinance to adopt it here, it is universal in the Australian Colonies, in parts of the East, and attempts have long been made with varying success to introduce it in England.

The history of this Protectorate shows an increasing tendency to adopt it, beginning with the Registration Regulations of 1901, continuing in the Land Titles Amendment

Ordinance of 1910, and ending in the Crown Lands Ordinance of 1915. What we have begun here it is now time to complete and this Ordinance is intended to do this. Another point is that on the assumption that the Torrens System, as this system is commonly called, is desirable, it is equally desirable that it should be applied to the whole Protectorate including the Coast, and that while now the number of issued titles is comparatively small, those issued titles should be as early as possible exchanged for new titles and their holders given the benefit of the system. A further point is the expense involved by present landowners coming in under the system: the practice of charging both an entrance fee and a contribution to an Assurance Fund has not been adopted, but an entrance fee based on the unimproved value of the land, will be charged: this fee as can be seen from Schedule No. II, is not very considerable. Another point is the basis on which this Ordinance is drafted: there are many Torrens Acts differing in their provisions and differing in the possibility they afford to litigation: the attempt has been made to follow no one of them blindly; but to use the history of each as a guide for avoiding gratuitous litigation here. Finally in order to enable the public generally to take immediate advantage of the simple procedure provided by the Ordinance it is proposed to issue early a concise and easily intelligible pamphlet showing the exact steps to be taken by any member of the public who may wish to effect any transaction in land.

It might be added that to ensure efficient and economical machinery to give effect to these proposals, Section V., provides for the amalgamation of certain Departments under one control, while Part XIX enables the work at present performed by the Recorder of Titles' Department at the Coast to be included as part and parcel of the general re-organisation legalised by this Bill. It is hoped that economy of time and money will be thereby effected.

THE HON. THE ATTORNEY GENERAL seconded.

The Bill was read a first time.

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

THE EAST AFRICA POLICE AMENDMENT (No. 2) BILL.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of Bill intituled "An Ordinance to make further amendments to the East Africa Police Ordinance, 1919."

He said that the object of the Bill is to give a Police Officer specific power to arrest or to order the arrest of a Police Officer accused of an offence against discipline under Section 49 of the Police Ordinance, 1911. Although such power may be implied under the law as it stands it is preferable that all doubt should be removed and that the power of arrest should be definitely defined.

THE HON. THE CHIEF SECRETARY seconded.

The Bill was read a first time.

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

THE LEGISLATIVE COUNCIL BILL.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into Committee to further consider the provisions of a Bill intituled "An Ordinance to provide for the Election and Nomination of Members to the Legislative Council of the East Africa Protectorate."

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

In Committee.

On the motion of the Hon. the Attorney General Section 3 of the Bill was deleted, and a new Section 5 was inserted.

Certain other amendments were agreed to.

The Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL moved that progress be reported.

The question was put and carried.

THE IMMIGRATION RESTRICTION AMENDMENT BILL.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE MASTER AND SERVANTS AMENDMENT BILL.

THE HON. J. ANSWORTH moved that a Bill intituled "An Ordinance to amend the Master and Servants Ordinance, 1910," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

THE HON. MR. COVERDALE moved the postponement of the second reading of the Bill. He said his reason for doing so was not that he objected to the proposals set forth in the Bill, but that the time was not opportune to increase the obligations of employers of labour in view of the many difficulties they are now facing. It occurred to him that a Master and Servants Ordinance is designed for the purpose of controlling contracts between the two parties, but while every clause in this Ordinance provided some safeguard or benefit to the servant, there was no safeguard whatever to the Master for the fulfilment of the contract. This point of view he admitted was the natural one and was justified to the Hon. Commissioner of Native Affairs who endeavoured to secure for the uneducated native committed to his care the best possible conditions of life and service. It is argued, and rightly so, that the uneducated servant on entering into a contract, must have his interests looked after, but that same state of irresponsibility made his master a victim as the native generally fails to recognise that he also has responsibilities to fulfil under his contract. He said that the Hon. Commissioner of Native Affairs rather gave one to understand that the Bill was meant to govern the recruitment of large bodies of natives for plantation service, but as far as he could see the same conditions would apply to all employers and many of the clauses would constitute a hardship to employers. At the present time the expense of recruiting labour, say from Kisumu, is great and he knew of many cases where up to 25 per cent. of labourers so recruited had run away before reaching their destination, or immediately after beginning work, the whole loss devolving on the employer with no means of tracing the delinquents. For this reason and until the whole question of supply and demand of labour is dealt with, and until Registration of Natives is provided for, he thought no further obligations should be laid on the employers, and he therefore moved the postponement of the second reading till next session.

THE HON. MR. MORRISON seconded, saying that he was entirely in sympathy with most of the suggestions contained in the Bill, but agreed that until the question of native registration had been dealt with, this Bill should not be introduced. His reason for seconding the amendment was that he thought the Chief Native Commissioner should hurry forward the larger scheme, which he understood was in hand.

THE HON. MR. ROWELL supported for the same reasons; he thought that until the Native Registration came in it was impossible to control the natives under present conditions.

THE HON. MR. MACLELLAN WILSON said that after considering the Bill he did not think that the amendment should be put. Personally he felt the necessity of some such Bill as this being brought in, but he was bound to admit that until the whole question of native affairs had been tackled, and until it was put on a sound basis he saw great difficulty in the way of putting the measure into force. He considered the Bill a one-sided one. He agreed that masters should do their duty, but he thought that the Native Affairs Department should see that the servants also did theirs. Employers to-day were in the hands of the natives—some people he knew allowed their boys to work two to three hours a day, and called it a days work. The duty of Labour Inspectors should be to watch both sides. He felt slightly upset when he read the Bill, for he considered it an imposition on employers. He did not think this was intended. He thought Medical Officers should not be given such powers as were given in the Bill, as personally he could not always trust in their opinions. They could be very cranky at times and difficult to deal with, and might make up their minds to suggest absurd things. They might even want to order employers to build stone mansions for the natives.

THE HON. E. A. PHELPS sympathised with the Chief Native Commissioner, and felt that the Government of this Protectorate, by throwing open large areas of land to Soldier Settlers had incurred solemn duties and responsibilities, and it was most essential that steps should be taken without delay to ensure as far as possible adequate labour for their requirements. New people would be coming into the country—and the last thing wanted is a discontented white population in this country.

THE HON. W. MCGREGOR ROSS thought that as there was presumably going to be a large influx of new settlers into the country and because labour at the present time in such a difficult question it was an opportune time to bring in a Bill of this sort to enforce improved conditions of labour. He therefore hoped the unofficial members would let this Bill go through for consideration in Committee.

The suggestion of holding up any attempt at dealing with the native labour market in this country until one can have native registration, would have a bad effect on the native policy and native question generally. If such a welfare Bill could be dealt with on lines which would be acceptable to the country he thought it should be done.

THE HON. J. ANSWORTH said he would like to remind Hon. Members that it is necessary to deal with this question from a wide point of view and to remember that there are certain matters that require every possible consideration. The Native Affairs

Department was not out to run things as they had been run for a very considerable time in the past. They were not dealing with the question of European employers only. The labour question in this country concerns practically the whole of the community, and that community includes good and bad and all colours. Only quite recently we have come across matters and difficulties which do require remedy. He stated and did not fear contradiction that if things were to go on much longer in this irresponsible manner there would soon be no labour. There would be no natives left to work. Only recently they had found where labour had been recruited by so called labour recruiters, in a most irresponsible manner, many of the men were in a starving condition and numbers quite unfit for work. This is due in part to the fact that we have no power to subject men recruited to medical examination—and they asked for this power, *i.e.*, for some method of examination of the human material before it was sent out to work so to ascertain whether it was fit to work or not. He could not see that any particular point in the Bill was what might be termed harmful to the employer. It safeguarded employers in the way that as far as is possible they would get healthy labour, and it safeguarded the future labour supply, because it gave sufficient control from a medical point of view to prevent natives from being sent out who were not fit to go out to labour. Another point was that natives do require constant medical supervision otherwise the result will be that the supply of labour will gradually decrease—we ask for this additional power. In connection with inspection it had been considered desirable that in the interests of both natives and employers they should have authority to see that contracts were properly carried out. In dealing with this matter, from the point of view of inspection, it must naturally follow they would have to exercise both common sense and tact because he realised difficulties and misunderstandings that are likely to arise when the State interferes between Master and Servant.

If they did not have these powers of inspection enormous harm is likely to be done to the labour supply of this country; if the natives are left to the vagaries of various employers they soon would not want to work at all. People must either trust the Native Affairs Department or be prepared to take the consequences. He stated definitely that the full intention in introducing a measure of this description was entirely to benefit general labour conditions of this country, and until there is a contented labour supply in this country matters in this connection cannot improve. Until people realised this they might as well give up expecting the native to work at all.

Registration of natives would, he hoped, come as soon as the staff was in a position to get to work. The present Bill was before members with the very best intention to try and overcome some of the difficulties in front of them. During the last two or three months it had been shown that if there are to be favourable labour conditions there must be inspection; and people must trust the Native Affairs Department to carry out the Bill satisfactorily.

THE HON. THE ATTORNEY GENERAL reminded the Hon. Council that one of the Resolutions of the Labour Commission, 1913, was that there should be inspection of native labour, and only the war had prevented Government from introducing this legislation sooner; but it was now before Hon. Members in the shape of this Bill, and he thought that the time had come to make provision for this inspection.

THE HON. C. W. HOBLEY pointed out the necessity for medical examination. Only recently a number of labourers were brought down from Kisumu to the Coast, and were found to be suffering from Enteric. There had been no medical inspection at Kisumu, and the result was that they had infected the Railway the whole way down and probably had spread infection in Mombasa. He could not see that the employer stood to lose over medical inspection.

THE HON. THE CHIEF SECRETARY said it would be a matter for regret if this Bill were to be the subject of a division of opinion between Official and Unofficial members, but he disagreed with the suggestion that it might be preferable to postpone the Bill until next session. It was not possible with depleted staffs to deal with the native labour problem otherwise than piecemeal. He pointed out that there were only 71 Administration Officers available to fill 113 posts. He could not see that there was any principle in the Bill that was objectionable.

The Government had during the past few months formed the nucleus of a separate Native Affairs Branch which had been provided with two or three officers at very great inconvenience to the Administrative Department, but it was thought by His Excellency that the administration of native reserves should not be allowed to suffer further. He would be very loth to see the consideration of this Bill postponed, and he hoped Hon. Members would see their way to agree to progress being made in this session; or it might be possible to refer it to a Special Committee.

THE PRESIDENT expressed surprise at the attitude adopted by unofficial members, as to his mind the Bill was in the interests of employers of labour. During the 3 years when he was conducting the campaign in Rhodesia and Nyasaland, he had to deal with hundreds of thousands of labourers and found medical inspection, and the greatest care of all employees as regards housing and feeding was necessary. The result of contented labour would be that the men went to their homes and encouraged further labour.

MR. COVERDALE in replying said that his object in moving the postponement was to bring the Ordinance into operation simultaneously with the Registration of Natives. He thought medical inspection should take place in the Reserves before the men came out to work, and the cost of inspection should not fall on the employer. Labour conditions to-day are 50 per cent. better than they were 5 years ago. On many plantations hospital accommodation is provided, and taking for example the recent Influenza Epidemic the death rate on plantations was not one-tenth what it was in the Reserves. The natives on plantations are better treated, and the improvement in them through contact with European employers is noticeable.

The question was then put and the motion for postponement was lost by 13 votes to 4.

The question that the Bill be read a second time was put and carried.

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

In Committee.

The Bill was read clause by clause and certain amendments were agreed to. The Council, in Committee, adjourned till 10 a.m., the following day.

SECOND DAY.

The Council, in Committee, assembled on the 8th July, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE MASTER AND SERVANTS AMENDMENT BILL.

In Committee.

Certain amendments were agreed to.

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

THE HON. J. C. COVERDALE moved to insert a new section as follows :—

That this Ordinance be inoperative until such time as the Native Registration Ordinance shall be in force.

The amendment was put and lost.

The question that the Bill be reported to Council was put and carried.

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

MOTIONS.

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

Whereas it was found necessary to incur expenditure for which no provision was made in the approved estimates for the year 1918-19 amounting to £91,773-1-3 during the period from 1st July, 1918 to 30th September, 1918, as more particularly set forth in the statement laid on the table, it is hereby resolved that this Council do approve such expenditure.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried unanimously.

THE HON. THE ACTING 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 1918-19 amounting to £95,550-15-0 during the period from 1st October, 1918 to 31st December, 1918, as more particularly set forth in the statement laid on the table, it is hereby resolved that this Council do approve such expenditure.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried unanimously.

THE DISCHARGED SOLDIERS SETTLEMENT ORDINANCE, 1919.

THE HON. THE ACTING LAND OFFICER moved that a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other Incidental Purposes," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

The Bill was read clause by clause and adopted with certain amendments.

The Council resumed its Sitting.

THE HON. THE ACTING LAND OFFICER moved that the Bill as amended be reported to Council.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

The Council adjourned until 9th July, at 10 a.m.

THIRD DAY.

The Council assembled on the 9th July, 1919, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE HON. T. A. WOOD asked the following question :—

(a) How many clerks are at present engaged at the Mombasa and Nairobi Courts respectively, and what are their respective grades.

(b) How many cases, civil and criminal respectively, were filed in the year 1918 both in the High Court and the Senior Resident Magistrate's Court.

(c) How many cases as above have been filed this year up to the 1st of June, in both Courts.

(d) What are the respective gross revenues of the two Courts under the above heads.

THE HON. THE ATTORNEY GENERAL in reply laid on the Table the following statement.

LIST OF CLERKS FOR APPEAL AND REVISIONAL WORK
AT MOMBASA.

Clerical Interpreters.

- | | | | |
|---|-----------------------|-----|--------------------|
| 1. | 1st Class Interpreter | ... | Jamsedji N. Patel. |
| 2. | 3rd do. | ... | Noah Manasseh. |
| <i>Clerks for Extra Judicial Work of Registrar at Mombasa.</i> | | | |
| 1. | 4th grade clerk | ... | J. F. Rego. |
| <i>Clerks for Departmental Stores and Indent Work at Mombasa.</i> | | | |
| 1. | 4th grade clerk | ... | J. A. Fernandez. |

MOMBASA.

High Court Criminal Cases filed during financial year 1918-19	...	98†
do. do. up to 1st June, 1919	...	19†
R. M's Court Criminal Cases filed during financial year 1918-19	...	1010
do. do. up to 1st June, 1919	...	190
High Court Civil Cases filed during financial year 1918-19	...	225
do. do. up to 1st June, 1919	...	32
R. M's Court Civil Cases filed during financial year 1918-19	...	907
do. do. up to 1st June, 1919	...	206

NAIROBI.

High Court Criminal Cases filed during financial year 1918-19	...	—†
do. do. up to 1st June, 1919	...	—†

(†All Criminal Cases in the High Court are filed at Mombasa).

R. M's Court Criminal Cases filed during financial year 1918-19	...	1814
do. do. up to 1st June, 1919	...	415
High Court Civil Cases filed during financial year 1919-19	...	423
do. do. up to 1st June, 1919	...	148
R. M's Court Civil Cases filed during financial year 1918-19	...	2035
do. do. up to 1st June, 1919	...	548

LIST OF CLERKS IN THE HIGH COURT AND THE RESIDENT
MAGISTRATE'S COURT AT MOMBASA.

Clerical Interpreters.

1. 1st Class Interpreter	...	E. W. Battye	...	High Court.
2. 3rd do.	...	Hamed bin Mohamed	...	do.
3. do.	...	Virji R. Devlia	...	R. M's Court.
4. do.	...	H. N. Jagani	...	High Court.
5. 4th do.	...	Saudi bin Uledi	...	R. M's Court.
6. 5th do.	...	Samuel Levi	...	Asst. to Cashier.

General Staff.

1. 1st Grade Clerk	...	R. Stevens	...	Cashier, H. Court.
2. 3rd do.	...	H. L. Gama Rose	...	Typist, do.
3. do.	...	V. S. de Mello	...	do.
4. 4th do.	...	L. R. D. Pereira	...	Correspondence Clerk.
5. 5th do.	...	A. E. R. de Souza	...	Despatching Clerk.
6. 6th do.	...	Ali bin Khamis	...	Probate & Administration Clerk.
7. do.	...	G. Long	...	Summons Clerk.

LIST OF CLERKS IN THE HIGH COURT AND THE RESIDENT
MAGISTRATE'S COURTS AT NAIROBI.

Clerical Interpreters.

1. 2nd Class Interpreter	...	U. P. Jikar	...	High Court.
2. 3rd do.	...	N. D. Mehta	...	R. M's Court.
3. do.	...	C. B. Patel	...	High Court.
4. 4th do.	...	N. R. Patel	...	R. M's Court.
5. 5th do.	...	Ishmael Inthongo	...	do.
6. do.	...	Thomas Bell Mwathi	...	do.

General Staff.

1. 2nd Grade Clerk	...	K. M. R. Menon	...	Senior Correspondence Clerk and Clerk to H. H. Chief Justice.
2. 3rd do.	...	F. D'Souza	...	Cashier.
3. 4th do.	...	P. F. Patel	...	Assistant to High Court Clerk.
4. do.	...	M. M. Patel	...	Summons Clerk.
5. 5th do.	...	C. M. Amin	...	Typist.

REVENUE.

MOMBASA.

		Rs.	Cts.
High Court Revenue for the financial year 1918-19	...	51,281	24
High Court Revenue up to 1st June, 1919	...	4,828	80
Mombasa Subordinate Courts 1918-19	...	10,195	18
Mombasa Subordinate Courts up to 1st June, 1919	...	2,132	04

NAIROBI.

High Court Revenue for the financial year 1918-19	...	...	28,127	36
High Court Revenue up to 1st June, 1919	...	...	11,435	50
Resident Magistrate's Courts 1918-19	...	...	40,481	16
Resident Magistrate's Court up to 1st June, 1919	...	...	3,533	10

Arising out of the reply Mr. Wood asked if it were not the case that much of the revenue received by the High Court at Mombasa really accrues from Nairobi.

THE HON. THE ATTORNEY GENERAL replied in the negative.

THE TERMINATION OF THE PRESENT WAR DEFINITION
BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to make provision for Determining the date of the Termination of the Present War, and for Purposes Connected Therewith," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL moved the Bill unamended be reported to Council.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

THE TRADERS LICENSING BILL.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to License Trading within the Protectorate," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. A. MORRISON said that he thought the method of imposing a flat rate a crude one, and suggested that it would be better to base the tax on the rental of the business premises occupied. Whether or not this was practicable he had not had time to consider, but he suggested the matter might be referred to a Special Committee.

THE HON. K. E. H. RODWELL on behalf of certain traders at the Coast asked if Government could see their way to allow preferential treatment to British firms.

THE HON. CHIEF OF CUSTOMS referred to the people who were making considerable profits out of purchasing produce for export who did not come under the Bill as drafted. Personally he could not see why they should not be similarly taxed.

THE HON. J. AINSWORTH in referring to the exemption of natives from being licensed, pointed out that there would be the possibility of natives being used as dummies. He thought there should be a small fee chargeable on natives who were trading in their own districts.

THE HON. T. A. WOOD supported the idea of licensing native traders, but considered it would be better if possible to grade the fee, as perhaps £10 would be too much for some of the native traders.

THE HON. THE ACTING TREASURER said that the objections raised appeared to deal with details rather than main principles. The purpose of the Bill was to raise revenue, which was at present very essential as if something was not done it would probably be necessary to curtail expenditure on Public Works, etc. He thought Mr. Morrison's proposal for a sliding scale was very desirable, but he foresaw difficulties in getting a scale that would prove satisfactory to everyone. As regards the question raised by Mr. Rodwell re: preferential treatment he considered this was an Imperial question.

The question was then put and carried and the second reading agreed to.

On the motion of the Hon. the Acting Treasurer the Council resolved itself into Committee to consider the provisions of the Bill.

In Committee.

The Bill was read clause by clause and certain amendments agreed to.
A motion on the part of the Hon. the Acting Treasurer to report progress was agreed to.

The Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL moved that a Select Committee be appointed to report on the remaining provisions of the Bill.

THE HON. THE ATTORNEY GENERAL proposed that the Select Committee consist of—

THE HON. THE ACTING TREASURER (*Chairman*).

THE HON. THE SOLICITOR GENERAL.

THE HON. MR. J. AINSWORTH.

THE HON. MR. MORRISON.

THE HON. MR. RODWELL.

THE HON. MR. WOOD.

Agreed to.

THE COCONUT TRADE AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Law Relating to the Trade in Coconuts and the Products of the Coconut Palm," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

The Bill was read clause by clause and certain amendments agreed to.

THE HON. J. MORRISON moved that the Bill be referred to a Select Committee.

The motion was put to the vote and carried by 11 votes to 6.

The Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL proposed that the Committee consist of :—

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

THE HON. MR. HOBLEY.

THE HON. MR. MORRISON.

THE HON. MR. RODWELL.

THE HON. MR. BRASSEY-EDWARDS.

Agreed to.

THE BROKERS REGULATIONS AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Brokers' Regulations, 1901," be read a second time.

THE HON. THE SOLICITOR GENERAL seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

The question was put and carried.

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

THE EAST AFRICA RAILWAYS AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the East Africa Railways Ordinance, 1910," be read a second time.

THE HON. S. COUPER seconded.

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

In Committee.

The Bill was read clause by clause and certain amendments agreed to.

The Council resumed its Sitting.

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

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

THE SOMALI EXEMPTION BILL.

THE HON. J. AINSWORTH moved that a Bill intituled "An Ordinance to provide for the Exemption of Certain Somalis from the Payment of Native Hut or Poll Tax," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

In Committee.

The Bill was read clause by clause and certain amendments agreed to.

An amendment proposed by the Hon. Mr. Hobley making it incumbent on Somalis to register themselves under the Registration of Natives Ordinance, 1915 was put to the vote and carried by 13 votes to 4.

An amendment proposed by the Hon. Mr. Rodwell to delete Section 4 was put to the vote and lost.

An amendment proposed by the Hon. Mr. Coverdale to insert a new Section 7 as follows:—"The conditions of this Ordinance shall apply only to such Somalis as are resident in the Protectorate at the time of the introduction of this Ordinance," was put to the vote and lost.

It was agreed to change the title of the Bill to read:—"An Ordinance to provide for the exclusion of certain Somalis from the definition of Native as it appears in the Native Hut and Poll Tax Ordinance and certain other Ordinances."

The Council resumed its Sitting.

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

The question was put and carried.

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

The Council adjourned till 10 a.m., the following day, Thursday 10th July, 1919.

FOURTH DAY.

The Council assembled on the 10th July, at 10 a.m., HIS EXCELLENCY (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent:—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE DISCHARGED SOLDIERS SETTLEMENT BILL.

THE HON. THE ACTING LAND OFFICER moved that a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other incidental purposes," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE TERMINATION OF THE PRESENT DEFINITION BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to make provision for determining the date of the termination of the present war, and for purposes connected therewith," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE BROKERS REGULATIONS AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Brokers Regulation Ordinance, 1901," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE EAST AFRICA RAILWAYS AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the East Africa Railways Ordinance, 1910," be read a third time.

THE HON. THE GENERAL MANAGER OF THE UGANDA RAILWAY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE SOMALI EXEMPTION BILL.

THE HON. J. AINSWORTH moved that a Bill intituled "An Ordinance to provide for the exclusion of certain somalis from the definition of Native as it appears in the Native Hut and Poll Tax Ordinance, and certain other Ordinances," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried with the following dissentients:—

THE HON. K. E. H. RODWELL.

THE HON. E. A. PHELPS.

THE HON. T. A. WOOD.

THE HON. J. C. COVERDALE.

The Bill was read a third time and passed.

THE PORT CAPTAIN'S BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to carry into effect a change in the Designation of the Port Officer wherever such term occurs," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

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.

THE INTERPRETATION AND GENERAL CLAUSES AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

THE LAND TITLES AMENDMENT BILL.

THE HON. THE ACTING LAND OFFICER moved that a Bill intituled "An Ordinance to amend the Land Titles Ordinance, 1908." be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

THE HON. THE ACTING LAND OFFICER moved that the Bill be reported to Council unamended.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING LAND OFFICER gave notice that he would move the third reading of the Bill at a later stage.

THE REGISTRATION OF TITLES (TORRENS) BILL.

THE HON. THE ACTING LAND OFFICER moved that a Bill intituled "An Ordinance to provide for the Transfer of Land by Registration of Titles," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. A. MORRISON moved that the second reading of this Bill be postponed until the next session. He stated that the Bill was a very important one involving considerable alteration in the existing system. It would affect conveyances and mortgages already existing, and would vary the status under every existing contract. It repealed an Ordinance which had been passed by the Legislative Council with regard to persons qualified to practise as advocates in this country. The Bill also dealt with remuneration of advocates, seriously affecting those who did conveyancing work. It was a very long and exceedingly technical Ordinance the consideration of which required expert knowledge. It was only published in the "Official Gazette" on July 2nd and placed before Hon. Members on the opening of Legislative Council; insufficient time therefore, had been given to members to consider the effect of the Bill, and personally he was not in a position to discuss it or give any advice to Council, but any Bill which could deal with the transfer of land in a simple and satisfactory manner would be welcomed. It was a simple matter to provide for the ordinary case; but unfortunately, he considered, this Bill tried to stereotype the forms for dealing with land. He could, he thought, discuss at length what provisions should be in the Bill, but that would be a waste of time without first having had an opportunity of seeing whether these provisions had been made or not. He thought he was right in saying that there were very few members of the Council who did really understand the purport of the Bill. The Bill affected advocates who confined themselves to conveyancing work. On the question of conveyancing or transfer of land, the ordinary man in the street knows very little and has to take advice from a lawyer; and this Bill raised a very important question as between the public and advocates. The public quite rightly considered that the advocates were able to attend to their own interests. There was all the more reason on this account that before this Bill was passed there should be ample time for advocates to discuss it with the public and for the public to form an opinion as to what their wishes were as the fact that the interests of the public and advocates were different made the former view the actions of the latter with suspicion. Take for example an ordinary case in this country—an Arab dies and leaves a young family, and all the interests are left to trustees. When the minors come of age the only things left which can be recovered are the shambas and real estate. Consequently titles have to be investigated. It may depend on transfers which happened 20 years ago or may be 70 years ago, during which time all sorts of complications may have arisen. The result is that the interests of the public depend to a very great extent upon records of title. It matters not whether they are kept in their own custody and drawn up by solicitors or whether they are kept in public offices.

The Bill as far as he understood it tended to transfer all dealings to Registrars to be established by the State and the onus of looking after public interests would be transferred from the Legal Profession to those Registrars. In South Africa there was a very excellent system which satisfied the public, the Banks and the legal profession, but in a large country like South Africa it was a comparatively easy matter to have a very expert, highly paid, trustworthy staff. In this country the cost of establishing such a system would be a great deal heavier than in South Africa. That is one point the public would have to consider, whether the cost of establishing such a system of registration was advisable in a small country like this. He therefore asked that the second reading of the Bill be postponed until it could be thoroughly discussed by the public, the legal profession and all interested. He reminded the Council that they had no popular mandate and there had been an understanding that no Bills should be introduced in the Council until the public had had ample opportunity to study and discuss them. This Bill instead of being published a couple of months before the session was only published a few days before.

THE HON. THE ATTORNEY GENERAL said that before the motion was put he would like to read a letter he had received from Mr. B. G. Allen representing the Nairobi Law Society.

He said he agreed with a great deal of what the Hon. Member for Mombasa had said, and he thought members of the public and legal profession should have time to thoroughly grasp the contents of the Bill. The question of introducing the Torrens system had been before the country for many years and he thought the majority of people in the country were in favour of its application. As a lawyer himself, if he had private practice he would not perhaps be so strongly in favour of the Bill from the point of view of his own pocket. The Bill might seriously affect the incomes of advocates in this country, much of which is derived from conveyancing. He was not very conversant with the law in South Africa but in Australia, New Zealand and the Fiji Islands a law such as this had been in force for a good many years, and everyone who had had any connection with those Colonies was very strongly in favour of its introduction. It simplified things and made title absolutely certain. In England the possession of absolute title was one of the most difficult things to acquire. Although regretting that longer time had not been given for the consideration of the Bill, he thought it would be a mistake if Hon. Members agreed to the postponement of the second reading. He suggested that this be taken at once, and a Select Committee be appointed who could carefully consider any necessary amendments.

THE HON. W. MACLELLAN WILSON said that the idea of the Torrens system to deal with land titles and transfer was not new in this country. As the Hon. Attorney General had said it had been brought up on various occasions. The principle of the Bill, he admitted, was to a layman camouflaged by the presence of legal technicalities and was perhaps rather lost sight of. It seemed to him that the Bill was going to make transfer and dealing in land much simpler and less expensive, and as he represented the public who held land his sympathies must be entirely with the Bill. The system in Australia had proved most successful and he thought the sooner it was introduced into this country the better. It would certainly affect the fees of advocates but he looked at it from the public point of view, that if it was going to save the public unnecessary fees then it was a very good thing for the country. The less outside expense put on the landowner the more capital he would have for production, and production was the life and welfare of the country.

He did not think that the establishing of the necessary staff here would be more expensive than in South Africa or Australia. He admitted that the clauses of the Bill in many cases were beyond his understanding but he thought it should go through, and therefore opposed any postponement of the second reading. Government had given out 1800 pieces of land to soldiers, and if, as he understood, the Bill provided for a simpler, better and less expensive form of title, he would strongly support that the Bill go through as soon as possible.

THE HON. MR. COVERDALE, having had some knowledge of the working of the Torrens Act in Australia for twenty years past, strongly supported the introduction of the Bill. The intention was to simplify all matters connected with registration of land and he was quite sure that the Bill had the support of the country whose interests must be safeguarded, and the course suggested by the Attorney General to refer the Bill to a Special Committee he thought would ensure this. There was no need as far as he could see to postpone the Bill. If it were considered by a Special Committee, it could be discussed and further amended when referred back to Council.

THE HON. T. A. WOOD said that it was undoubtedly a fact that a large majority of people in this country were anxious to have this Bill introduced. The system was proposed for the first time in 1904 by a Special Committee appointed to look into land matters—but at the same time he would not like to see it rushed through as it required very careful consideration. He thought this would be ensured by referring the Bill to a Select Committee. He understood from a legal friend that the legal fraternity were not opposed to the Bill, but there were certain provisions in it which, in the interests of owners of land, should be carefully looked into. He had read the Bill through three

times and had not grasped 25 per cent. of it. He therefore thought that every opportunity should be given for the public to study it. Several points were brought up by Mr. Allen, which might be right, though he believed they were wrong, as in one instance which he had investigated. It would be wrong to rush the Bill through but if the Select Committee took ample care that any evidence in the nature of criticism should have an opportunity of being heard things should be alright.

THE HON. SOLICITOR GENERAL said he did not wish to go over ground covered by many members already, but it was a fact that the Torrens system was discussed in 1904, 1908 and as recently as 1915, and he thought it would be a great pity now that the Acting Land Officer had put this measure before Council in a concrete form to postpone it until a later session. It might be that there was a certain amount of spade work to be done, and he supported the motion put forward by the Hon. Attorney General that the best course would be to refer the Bill to a Special Committee. At least 25 per cent. if not more of the titles in this Protectorate were faulty in the sense that they had been transferred under documents which in themselves were faulty. The underlying principle of the Bill was to guarantee title. The proposed system would be partly a voluntary not a compulsory one. He was perfectly sure that when the public appreciated this they would be only too glad to take advantage of the facilities the Bill would give them. He strongly recommended that the Bill be not postponed to a further session.

HIS EXCELLENCY said that when he arrived in the country he was satisfied that some measure of this sort was necessary. He stated there was no intention to rush this or any Bill through Council, but he thought the fact had been lost sight of that the introduction of the Torrens system had been before the country for some time and had been publicly discussed. He would be very sorry if the amendment to postpone the second reading was carried. He considered most of the arguments raised were largely against postponement. Mr. Morrison had referred to the complicated state of land affairs in England and afterwards used the same expressions with regard to the state of affairs in this country. Mr. Morrison had also referred frequently to the interests of the public, but in His Excellency's opinion his arguments were rather on behalf of a small section.

THE HON. THE ACTING LAND OFFICER referred to the number of faulty titles in this country. One of the objects of the Bill was to do away with this. Certain people thought there was no guarantee of title but provision for this was made in the Bill.

Another object was to reduce the cost to the public of obtaining titles. Under the present system the new soldier settlers would have to pay at least £3 for their documents of title apart from registration, in addition to other charges if this Bill were delayed. Under this Bill they would have to pay only Rs. 7/- instead of £3. He therefore thought there was a very strong objection to delaying the Bill. The general principles had been made quite clear and were quite simple. Every one who considered he had any right to any land must say so in legible writing—his right would then be investigated and if it was proved to be valid would be shown on the register. The rest of the Bill was simply a question of how this was done; of course the old system provided a good deal of unnecessary work for lawyers, but this was a waste of money to the public.

MR. MORRISON replying explained that in moving his motion he did not attack the actual principle of the Torrens system. It was perfectly correct that the system had been before the public since 1904, or before that, but it was also a fact that several abortive attempts had been made to introduce it. It was not by any means clear from a hurried perusal of the Bill that the Torrens system as he understood it was provided for in the Bill. The Acting Land Officer had raised one of the most important questions of principle which go to the absolute root of the Bill and that was the question of guarantee. If on going carefully into the Bill it was found that there was a guarantee of title to the people registered under it, then he thought very little could be said against it. With regard to the question of guarantee came the question of cost. If a certificate of title was an absolute guarantee that, in case of fraud, the Government would make good the loss to the public resulting from such fraud, he thought the public and the legal profession would be absolutely satisfied with the Bill, but that question of guarantee came very largely into what His Excellency had referred to in his (Mr. Morrison's) remarks regarding cost. If that guarantee was given to the public it might result in very great loss to the Government. He knew of a case in Western Australia where judgment was given against the Government to the extent of £12,000, owing to a mistake. Under the Bill the whole of the interests of the public are transferred to the care of Registry Officers. He did not wish to make any reflections on the existing staff, but instead of the public relying on their legal advisors who have knowledge of conveyancing, in future they would have to rely on the Registry Officers. He therefore considered these men should be expert advisors, and it would be impossible to get them in this country without paying considerable salaries. He did not think the Council at this time was in a position to decide whether or not adequate guarantee was given in the Ordinance. He therefore again moved postponement of the second reading until next session.

The motion not having been seconded fell to the ground. Second reading agreed to.

THE HON. THE ACTING LAND OFFICER explained that the Solicitor General was not quite right when he said this system will be entirely optional. Taking out titles under the system was done on application, but in Section 1, sub-section (1) it was stated that 6 months after the coming into force of the Ordinance all transfers should be registered under the Ordinance. One could not have two systems running side by side permanently, but at the same time one did not want to try and clear up every title in the country at once. The Bill gave a certain amount of option. The other point was the question of guarantee by Government of title issued. This was definitely done. Every title issued by Government was in a sense a contract—it proposed to give a certain thing without any reservations. If, owing to a faulty operation of the Ordinance by officers who administered the Ordinance, anything went wrong then Government took the responsibility, unless of course any party was found responsible and could be sued for it. He stated definitely that guarantee was fully intended and given. If necessary that could be made quite clear by adding an extra clause.

THE HON. THE ATTORNEY GENERAL moved that a Select Committee be appointed to report on the Bill.

Carried.

THE HON. THE ACTING LAND OFFICER proposed that the Select Committee consist of the following members:—

THE HON. THE ACTING LAND OFFICER (*Chairman*).

THE HON. THE CHIEF SECRETARY.

THE HON. THE ATTORNEY GENERAL.

THE HON. THE SOLICITOR GENERAL.

THE HON. MR. COVERDALE.

THE HON. MR. WOOD.

THE HON. MR. MORRISON.

Carried.

THE EAST AFRICA POLICE AMENDMENT (No. 2) BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to make further amendments to the East Africa Police Ordinance, 1911," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

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.

APPOINTMENTS OF MEMBERS OF SELECT COMMITTEES.

On the motion of the Hon. Chief Secretary, seconded by the Hon. Attorney General the following appointments of members of Select Committees were made:—

SELECT COMMITTEE ON CROWN LANDS AMENDMENT BILL.

For Mr. R. Barton-Wright substitute the Hon. H. T. Martin.

SELECT COMMITTEE ON PUBLIC HEALTH BILL.

The Hon. Mr. Morrison substituted for the Hon. Mr. Clarke, the Hon. Mr. Wood substituted for the Hon. Mr. Hunter.

SELECT COMMITTEE ON TOWN PLANNING BILL.

The Hon. Mr. Morrison and the Hon. Mr. Coverdale substituted for the Hon. Mr. Clarke and the Hon. Mr. Hunter.

SELECT COMMITTEE ON SEGREGATION OF RACES BILL.

The Hon. Mr. Rodwell and the Hon. Mr. Coverdale substituted for the Hon. Mr. Clarke and the Hon. Mr. Hunter.

THE EAST AFRICA POLICE AMENDMENT (No. 2) BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to make further amendments to the East Africa Police Ordinance, 1911," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE LAND TITLES AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Land Titles Ordinance, 1908," be read a third time.

THE HON. MR. GOWER seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE INTERPRETATION AND GENERAL CLAUSES
AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912," be read a third time.

THE HON. MR. GOWER seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE PORT CAPTAIN'S BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to carry into effect a change in the designation of Port Officer wherever such term occurs," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE LEGISLATIVE COUNCIL BILL

THE HON. THE CHIEF SECRETARY moved that the Committee of the whole Council on the Bill intituled "An Ordinance to provide for the Election and Nomination of Members to the Legislative Council of the East Africa Protectorate," resume its sitting.

The question was put and carried.

In Committee.

Certain amendments were agreed to.

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Election and Nomination of Members to the Legislative Council of the East Africa Protectorate," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

The Council then adjourned till 10 a.m., on the 11th August, 1919, at Mombasa.

FIFTH DAY.

The Council reassembled on the 11th day of August, 1919, at 10 a.m., at the High Court, Mombasa, HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Present :—

THE HON. THE CHIEF SECRETARY (SIR C. C. BOWRING, K.B.E., C.M.G.).
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH, C.B.E.).
 THE HON. THE ACTING TREASURER (W. A. KEMPE).
 THE HON. THE GENERAL MANAGER OF THE UGANDA RAILWAY (S. COOPER).
 THE HON. F. W. MAJOR, C.M.G., I.S.O.
 THE HON. C. W. HOBLEY, C.M.G.
 THE HON. J. AINSWORTH, C.M.G., C.B.E., D.S.O.
 THE HON. I. L. O. GOWER.
 THE HON. W. MCGREGOR ROSS.
 THE HON. H. BRASSLEY-EDWARDS.
 THE HON. H. T. MARTIN.
 THE RIGHT HON. LORD DELAMERE.
 THE HON. A. MORRISON.
 THE HON. W. MACLELLAN WILSON.
 THE HON. E. A. PHELPS.
 THE HON. K. E. H. RODWELL.
 THE HON. T. A. WOOD, M.B.E.
 THE HON. J. C. COVERDALE.

Absent :—

THE HON. P. L. UYS.

THE PRESIDENT'S ADDRESS.

HIS EXCELLENCY said that as this was not a new Session but merely a continuation of the Session recently held in Nairobi he would not address Council. He had hoped by to-day to have received the King's nomination for the new members of the Council, but as the cable had not yet arrived, he would welcome the members who had been asked to accept nomination to listen to and watch the proceedings this time and in the meantime await confirmation of the nomination. The Administration of Oath would therefore not take place.

QUESTIONS.

THE HON. E. A. PHELPS asked the following question :—

1. Whether it be a fact that, although the Magadi Soda Company's Agent has been granted facilities to recruit labour, not only in Uganda, but also in the recently conquered territory, similar courtesy has not been extended to other people.

2. In view of the expressed opinion of Government that "it is far from likely that the supply of labour will ever be equal to the demand" and also of the increased calls for labour which cannot fail to result from the Soldier Settlement Scheme :—

What steps have been taken or are being taken to relieve the situation by facilitating the importation and free recruitment of labour from the recently conquered territory.

THE HON. THE CHIEF SECRETARY replied :—

1. The facts are as stated.

2. YOUR EXCELLENCY has been in communication with the Administrator of the conquered territory of German East Africa with regard to supplies of labour. It is now understood that, though the policy of that administration is not generally to allow recruiters of labour into that territory, special cases recommended by this Government may be considered if volunteers are forthcoming.

THE HON. E. A. PHELPS said that it was very hard to differentiate between deserving cases.

HIS EXCELLENCY said it was a matter for the administration of German East Africa to decide. All that had taken place was a private letter sent to the Administrator of German East Africa and a private letter received from him.

THE HON. E. A. PHELPS asked if the Government would take the matter up in future.

THE HON. THE CHIEF SECRETARY replied that the answer was in the affirmative.

THE HON. K. E. H. RODWELL asked the following question :—

1. Whether the Government will now make a statement defining the future Native Policy of this Protectorate.
2. What means of registration is to be adopted.
3. Have any instructions been issued to Labour Inspectors. If so what are those instructions?

THE HON. THE CHIEF SECRETARY replied as follows :—

It is difficult to reduce a native policy to words but the general principle underlying the administration of natives is to educate and elevate them so that they may take their proper place in the development of the resources of the country.

With that end in view, Government has under consideration a change in the system of Civil Administration on the lines recommended by the Native Labour Commission, 1913, whereby the native areas will be separate from the colonised areas and placed under the Chief Native Commissioner who will be responsible directly to Government. The immediate administration of the tribes would, under this system, be intrusted to the Native Commissioners under the general direction and guidance of the Chief Native Commissioner. A special Native Labour Branch would form an important part of the new Native Affairs Department.

THE HON. THE CHIEF NATIVE COMMISSIONER then placed on the table a memorandum on the subject of instructions given to Labour Inspectors, etc., with a sample metal locket intended to hold the certificate issued to the recruited native labourer.

THE RIGHT HON. LORD DELAMERE asked under what law the Native Labour Inspectors had been appointed and under what law they were already making their inspections.

THE HON. THE CHIEF NATIVE COMMISSIONER said that the Native Labour Commission of 1912 recommended that Inspectors of Native Labour should be appointed. In view of happenings in the Protectorate it was necessary that they should be appointed and therefore application was made and approved for the appointment of these Labour Inspectors.

THE RIGHT HON. LORD DELAMERE asked under what law had the Labour Inspectors been entering on farms and inspecting labour and private property?

HIS EXCELLENCY said due notice must be given of this question by the Hon. Member.

THE HON. W. MACLELLAN WILSON asked that, if it would not take too long, could the Hon. the Chief Native Commissioner read out the instructions given to Native Labour Inspectors as they would probably bear upon questions he would ask later on. (The instructions to Native Labour Inspectors were then read out by the Hon. the Chief Native Commissioner).

MOTIONS.

THE HON. A. MORRISON proposed the following motion :—

That in view of the rapid extension of stone buildings in the congested native area in Mombasa, His Excellency be requested to appoint a Commission to enquire into and report as early as possible their recommendations with regard to the building regulations which should apply to that area and what roads and open spaces should be provided in that area and what practical steps should be taken to carry their recommendations into effect.

THE HON. A. MORRISON in support of his motion said that it was very fortunate that since he gave notice of his question, His Excellency and Honourable Members had been able to satisfy themselves as to the condition of affairs. In Mombasa, as he first remembered it, there was a very small area of stone buildings situated between the Customs and the Fort. It was very limited in extent and was very insanitary. There were no proper roads or communications through it and it was an area which successive Administrators of Mombasa had given up as practically hopeless. At the same time there was a very large area covered by huts roofed with makuti thatch. These of course were very close together but anyone who had lived in them would know they were a most suitable form of building for the Tropics. The reason for this was on account of the construction of the roof which made it very cool and ventilated throughout and did away with the necessity of doors and windows. Unfortunately during the last year or two and particularly since the cessation of hostilities the old makuti area in Mombasa was being built over with great rapidity with buildings of stone walls and corrugated iron roofs and with very small windows. There were also two storied buildings of this description. These buildings did not admit of ventilation owing to the iron roof, and further, being constructed of stone, would be exceedingly expensive to remove. These stone buildings were being erected on the old sites of the makuti huts

just as close together as the makuti huts. There was no town plan upon which these buildings could be erected or by which such buildings could be spaced in a sanitary manner. In the past all the Administration had done was to forbid these buildings altogether. As His Excellency was aware there has been a Town Planning Committee for Mombasa but that Committee had dealt with a very much simpler problem and that was the lay-out of the Island. The congested area had been left alone altogether and it had rapidly grown insanitary.

What he would really like to see would be the appointment of a Commission of experts who would submit their report in an exceedingly short space of time on the actual growth of the native area and select the open spaces to be made. It was not suitable for a large Committee such as the Town Planning Committee to report on, but rather simply for a report by the Town Engineer. It was essential to establish space and roads and also to regulate irregular extensions of buildings and insanitary conditions.

THE HON. K. E. H. RODWELL seconded the motion.

THE HON. THE ATTORNEY GENERAL said he thought His Excellency would readily welcome any suggestion to improve the conditions in Mombasa. He thought the motion moved by the Hon. A. Morrison unnecessary as they hoped at this Session to enact the Town Planning Bill. The Town Planning Bill covered the case fully as it provided for the appointment of an authority to deal with such matters and to prepare Town Planning Schemes.

THE HON. T. A. WOOD asked if they were to understand it was a fact that in Mombasa there was no authority to undertake this work. If this was the position he contended that it was not worth waiting, as the Hon. the Attorney General had said, until the Town Planning Bill was passed. He could not fathom the position at all as in Nairobi they were unable to build even a latrine without permission. As far as he could gather from the Hon. Member anyone could build anywhere in Mombasa. He was very greatly surprised at the state of affairs and considered that something should be done to remedy matters as early as possible. He was not in favour of the appointment of a Commission but favoured the appointment of a Committee.

THE HON. C. W. HOBLEY referring to the Hon Member's motion said he would like to say something as to the difference between Nairobi and Mombasa. He said that the leases in Nairobi were held by the Crown while in Mombasa there were many freehold plots. In Mombasa they were working under very inadequate township regulations framed in 1904 and which sadly needed amending. It was very difficult indeed to carry out the rules, as buildings were usually merely re-erecting of existing buildings or repairs. He agreed with the Hon. the Attorney General that the best way to tackle the difficulty was through the Town Planning Bill, as if this Bill was brought into force at an early date he thought it would meet the situation.

THE HON. THE DIRECTOR OF PUBLIC WORKS said he entirely agreed with the view expressed by the Hon. the Attorney General.

THE HON. THE CHIEF OF CUSTOMS then said that as a member of the Town Planning Committee he hoped that the Town Planning Bill would be rushed through as fast as possible as he regarded this Bill as most important.

HIS EXCELLENCY said he understood from what the Hon. Members had said that a Commission was unnecessary if the Town Planning Bill was passed.

THE HON. W. MACLELLAN WILSON said he was not a resident of the coast but he thought they were all agreed that the health of the coast was necessary for the prosperity of the country. He was not sure that a Commission would meet the requirements.

THE HON. J. C. COVERDALE considered that the appointment of another authority would be futile in view of the fact that the Town Planning Bill was coming into force. The matter had been thoroughly thrashed out and he thought the Bill would meet all cases here or in Nairobi and as it would apply to all areas he could see no reason for the appointment of a Commission.

THE HON. A. MORRISON said that the Town Planning Committee only dealt with the general lay-out of the town but that it had not dealt with the congested area. He was glad to see that Hon. Members of the Council realised that the congested area in Mombasa was an urgent matter and the only difference between them was the manner in which the remedy should be carried out. He said the Bill would provide a great deal of work and it would not matter if this problem were handed over to a Commission of experts. He considered that something ought to be done as soon as possible.

HIS EXCELLENCY said that he was glad this question had been raised. It was one of the matters he had wanted to come down and see for himself. The Government had determined to deal with it and he hoped to see legislation enacted as quickly as possible.

THE HON. A. MORRISON then requested leave to withdraw his motion.

The motion was withdrawn.

THE NATIVE HUT AND POLL TAX (WAR EXEMPTION) BILL.

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 Exemption from the payment of Native Hut and Native Poll Tax in certain cases." He said that this Ordinance was introduced to cover the case of natives who had been employed in any military capacity and who had received injuries on active service or some other disablement which was likely to limit their wage earning capacity in any way.

THE HON. THE CHIEF SECRETARY seconded.

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 MASTER AND SERVANTS AMENDMENT BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to amend the Master and Servants Ordinance, 1910, and the Ordinances amending the same," be read a third time.

THE RIGHT HON. LORD DELAMERE said that before the Bill became law he proposed it be recommitted as he thought that after what had been said on this subject it was necessary to safeguard the interests of employers. He presumed that in the debate the various points would be put forward by the unofficial members of Council. It seemed to him that on such a subject as this it was very much better not to hurry the Bill through and therefore recommended that it should be recommitted to the whole Council and if the Council could not deal with it at once he suggested it should be referred to a Special Committee.

THE HON. W. MACLELLAN WILSON seconded this motion and said he had one or two amendments he would like to see made in the Bill.

THE HON. THE CHIEF SECRETARY said although he seconded the third reading of this Bill he was quite prepared that it should be recommitted for he considered that anything affecting the welfare of the natives should be thoroughly discussed and if there was any point which had arisen in the minds of any of the Honourable Members since the Bill had been debated in Nairobi he thought it would be better to debate the Bill again.

THE RIGHT HON. LORD DELAMERE moved that Council resolve itself into Committee.

THE HON. THE ATTORNEY GENERAL seconded.

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

In Committee.

Certain amendments were agreed to.

THE RIGHT HON. LORD DELAMERE moved that progress be reported to Council.

THE HON. THE CHIEF SECRETARY seconded.

The Council resumed its Sitting.

Progress was reported.

THE RIGHT HON. LORD DELAMERE moved that the Bill be referred to a Select Committee.

THE HON. T. A. WOOD seconded.

The question was put and carried.

THE HON. THE CHIEF SECRETARY moved that the Special Committee be composed of:—

- THE HON. THE ATTORNEY GENERAL (*Chairman*).
- THE HON. THE CHIEF NATIVE COMMISSIONER.
- THE HON. THE GENERAL MANAGER OF THE UGANDA RAILWAY.
- THE HON. THE DIRECTOR OF PUBLIC WORKS.
- THE HON. W. MACLELLAN WILSON.
- THE HON. T. A. WOOD.
- THE HON. J. C. COVERDALE.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE COCONUT TRADE AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL presented and read the report of the Special Committee on the Bill as follows :—

THE REPORT OF THE SPECIAL COMMITTEE OF LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF A BILL INTITULED "AN ORDINANCE TO AMEND THE LAW RELATING TO TRADE IN COCONUTS AND THE PRODUCTS OF THE COCONUT PALM."

YOUR EXCELLENCY,

The Committee met on the 10th and 11th July.

2. In view of the fact that coconut palms other than those in bearing are not subject to depredation and as the Coconut Trade Ordinance, 1915, is designed mainly to prevent theft the Committee is of opinion that the definition of "plantation" in the Coconut Trade Ordinance, 1915, Section 2 should be amended by confining its meaning to one or more coconut trees in bearing. If this amendment be accepted it will involve consequential amendments in :—

(a) Section 3 (2) *i.e.*, the substitution of the words "come into bearing" for the words "is made" and in

(b) Section 4 *i.e.*, the substitution of the words "in bearing" for the words "planted thereon."

In view of the difficulty alleged by coconut planters of an accurate count in a big plantation it is suggested that the words "to the best of his ability" be added to this section.

(c) Section 5 *i.e.*, the addition of the words "in bearing" to clauses (a) and (b) respectively of this section and also at the end of the section.

3. It has been represented that it is unnecessary for the trade in "makuti" to be restricted to licensed dealers. Palm leaves are not often the subject of theft and the work done on them is done by the poorer classes who also buy it for roofing. It is therefore advisable to remove makuti from the articles for which a licence is required for dealing therein. The Committee suggest that in Section 7 of the Coconut Trade Ordinance, 1915, the words "or any other product of the coconut tree" be deleted.

4. The Committee is unanimously of opinion that the ideal way of preventing theft is that provided by Sections 9—11 inclusive of the Coconut Trade Ordinance, 1915, but it is abundantly evident that unless and until Government is in a position to provide the necessary staff both of police and other officers and clerks effectively to carry out those provisions the Ordinance when applied will be a dead letter. Mr. Morrison representing the coconut interest at Mombasa and Mr. Isaac, the Provincial Commissioner of Tanaland have independently made practically the same suggestion that is that the possession of coconuts shall throw upon the possessor the onus of proving that he is lawfully in possession of them. The Committee is of opinion that the modified form of that suggestion as made by Mr. Morrison should be adopted and become part of the Bill. But it at the same time recommends that sections of the Ordinance (9—11) should be retained because in its opinion they afford the best method of dealing with the matter when the staff is provided. It will therefore be necessary in the Bill to suspend their operation and at the same to provide for the issue of voluntary memoranda of sale which may be accepted as proof that the holders thereof are legally entitled to possess the coconuts in respect of which they were issued. The suggestion it is thought might be useful as affording some protection to the possessor of coconuts and at the same time it would pave the way to the introduction of the entire provisions of Sections 9—11 of the Ordinance at a later date.

5. The amendments recommended by the Committee are as follows :—

New Clause 7.—Any person found in possession of more than 10 coconuts shall be deemed to have committed an offence under this Ordinance unless such person shall prove affirmatively, the onus being upon him, that such possession was lawful and such person shall be liable on conviction to a fine not exceeding Rs. 150/- or to imprisonment of either description for a term not exceeding 3 months or to both and such coconuts shall be liable to confiscation by the Court.

New Clause 8.—Any person found in possession of coconuts in the following circumstances shall be deemed to have stolen the same unless such person shall prove affirmatively, the onus being upon him, that his possession was lawful :—

(a) On any coconut plantation or the immediate vicinity thereof except with the authority and consent of the owner or his authorised agent.

(b) Conveying or carrying coconuts by night.

New Clause 9.—Where a plantation has well defined boundaries or well defined roads through it any person unauthorised by the owner or the person in charge thereof found wandering among coconut palms in bearing on such plantation and off any such road shall be deemed guilty of an offence and shall be liable on conviction to a fine not exceeding Rs. 150/- or to imprisonment of either description for a term not exceeding three months or to both.

New Clause 10.—The operation of the provisions of Sections 7—11 inclusive of the Principal Ordinance shall until such date as the Governor subsequently by order may determine be suspended provided that any person who sells and delivers or who otherwise parts with the possession of coconuts or copra may give to the purchaser or person receiving such coconuts or copra a memorandum in writing of the transaction in such form as the Governor by rule may prescribe such forms of memorandum shall be obtained at the office of a District Commissioner. And provided that the possession of a memorandum in writing as aforesaid shall be *prima facie* evidence that the holder thereof is in legal possession of the coconuts or copra to which it refers.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into Committee to debate this report.

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

In Committee.

Certain amendments were agreed to.

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

THE REGISTRATION OF TITLES (TORRENS) BILL.

THE HON. THE ACTING LAND OFFICER presented and read the report of the Select Committee appointed to report on the Registration of Titles (Torrens) Bill, as follows:—

REPORT OF SELECT COMMITTEE ON TORRENS BILL.

In examining the provisions of this Bill we have been influenced by two main considerations.

The first is the necessity of immediate action, the starting of the new system and the issue of all new titles under that system. The enactment now of the Bill as amended will provide for that, and we recommend that it be enacted accordingly.

On the other hand we do not consider that the question of bringing in old titles under the new system is of the same degree of urgency and we think that it should not be obligatory to apply the Ordinance to such existing titles on the same date on which it comes into force for future alienations of land. We have therefore inserted provision allowing for the application of Part III at a later date, if necessary, than the application of the remainder of the Ordinance. This would give an interval of, say a few months, for the new registers to be established and during that interval any further representations made in connection particularly with what is the most difficult problem in the Bill, the bringing in of old titles, could be carefully considered.

The second consideration is the desirability of making the change of law as smooth as possible. We have therefore deleted a considerable number of sections in the draft Bill which we consider alter the existing law without giving sufficient corresponding advantage to the general public.

These deletions and the principle on which they are based have entailed a number of amendments throughout the Bill, and we have therefore found it simpler to have the Bill reprinted.

We wish, however, clearly to emphasise that none of these deletions or amendments represent any modification of the principles of the Bill as stated in the introduction of it to Council.

Strong representations have been made to us on two important points and we wish to express our entire agreement with them, one is that all mining titles should be registered under this proposed Ordinance and that also consequently all the granting of mining rights should be affected by the same authority which is responsible for agricultural grants. This will preclude the possibility of, for instance, a licence under the Mining Regulations, and a lease under the Crown Lands Ordinance, being granted by two separate authorities over the same piece of land. We recommend therefore that the Mining laws should be amended accordingly.

The other point is that in view of the necessity under this Bill of ensuring the most accurate possible surveys, rules should be published as provided for under the Crown Lands Ordinance, 1915, enforcing the adequate qualifications of all surveyors, whether Government or not, before they are licensed. Such rules are in fact, we understand, now being drafted for consideration apart from this Bill.

We wish in conclusion to express our appreciation of the very ready and valuable assistance we have received from the legal profession not only in discussions on the main issues of the Bill but also in examining its drafting section by section.

Council adjourned till 9-30 a.m., Tuesday, 12th August, 1919.

SIXTH DAY.

The Council assembled on the 12th August, 1919, at 9-30 a.m., at the High Court, Mombasa, HIS EXCELLENCY THE GOVERNOR, (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE COCONUT TRADE AMENDMENT BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the law relating to Trade in Coconuts and the Products of the Coconut Palm," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE TRADERS LICENSING BILL.

THE HON. THE ACTING TREASURER presented and read the report of the Select Committee on the Traders Licensing Bill as follows :—

REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO CONSIDER THE BILL INTITULED "AN ORDINANCE TO LICENCE TRADING WITHIN THE PROTECTORATE."

The necessity for making amendments to this Bill arose when it was previously discussed in the Committee of the whole Council and opinions were expressed by Honourable Members to the effect that the same charge for licences for every class of store was unsuitable, and that the reasons for reducing the charge for more than one store were not clear. It was at the same time considered desirable to avoid the necessity for an additional licence in respect of each godown or warehouse where goods were stored and where trading transactions might be completed, to lay down fees for Commercial Travellers' Licences, and to revise and include in one schedule all fees payable under the Ordinance.

2. Several different schemes for a scale of fees for trading licences have been considered by the Committee, and while it has been considered most equitable that the fees should be based on a percentage of the profits of the store in respect of which the licence is issued, it does not appear practicable to adopt such a scheme at the present time when the additional staff and machinery for valuation and checking of returns is not available. It is necessary, however, to provide for a reduced fee for small retail stores, which could not continue business and pay the full fee, which it is necessary to charge in order to realise an appreciable amount of revenue. A simple scale is therefore suggested differentiating between those stores in which the maximum value of stock in trade for the previous year is above Rs. 1,500/—, and those in which it is below this amount; the latter class being sub-divided again according to locality. The method of differentiating according to the value of the stock is recommended because the value of stock is easier to estimate approximately on appearance than are the profits. The method of differentiation according to localities is a simple one, and is intended to encourage petty trade among natives.

3. A list of the amendments proposed by the Committee is attached to this report and begins with an amendment to Section 7, which is intended to provide for the extension of a trading licence to permit of delivery out of godowns as described more fully in the amendment to Schedule I.

4. The second amendment, which is in Section 11 (1), imposes upon the holder of a trading licence the obligation to furnish stock balance sheets, invoices, and other information relating to his business, which may be required for verification of the amount payable for his licence.

5. The third amendment is in the same section and substitutes for the words in the original draft, describing the penalty payable for failure to keep the necessary books of account, the conventional wording which is adopted in other Ordinances.

6. The fourth amendment is in Section 11 (2) and is supplementary to the second amendment, requiring that the stock returns provided for therein shall be rendered in one of the same scheduled languages in which books of account are required to be kept.

7. The fifth amendment adds a fourth clause to Section 11 under which petty traders will be exempted from keeping books of account and from furnishing written statements. They have, however, to make verbal statements of their stock. A suggestion to grant exemption to illiterate persons who could not afford to employ an accountant was made previously before this Honourable Council and rejected because there was no definition of a "Petty Trader" in the original draft. The Committee are of the opinion that to impose such an obligation upon petty traders would not only constitute a serious hardship but would introduce a most undesirable obstacle to native development. As a differentiation between petty traders and others is now made in the amendment to Schedule I., the difficulty previously experienced appears now to be met.

8. The amendments proposed to Schedule I., to the Bill lay down the fees payable under the Ordinance. Under these amendments the necessity for an additional licence for each godown is removed. The reduced fee for licences for each store after the first, which was provided for in the original draft, does not appear to be justified, and has therefore not been included.

9. The fee of Rs. 150/-, which it is proposed to charge for a trading licence for all stores of the larger class, is also payable under Section 16 of the Bill by persons who purchase goods for export, and the revised schedule provides the same charge for a Commercial Traveller's licence.

10. The reduced fees for petty traders suggested are Rs. 15/- in trading centres and townships and Rs. 5/- elsewhere, the reason for differentiating being that the turnover in the former case is likely to be greater. The Hon. A. Morrison is not in agreement with the majority of the Committee in fixing these fees which he considers to be excessive. The Committee have, however, carefully considered his arguments, and they do not feel that the fees proposed are likely to interfere with any necessary trade.

11. It is suggested that the fee for a Hawker's licence, which in the original draft Bill was Rs. 2/- p.m., shall be increased to Rs. 5/-. A fee of Rs. 5/- is suggested for the transfer of a Trading Licence, and Rs. 2/- for a duplicate licence. These have been duly provided for in the schedule to the Bill.

THE NATIVE HUT AND POLL TAX (WAR EXEMPTION) BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for Exemption from the payment of Native Hut and Native Poll Tax in certain cases," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into Committee to consider the provisions of the Bill.

THE HON. THE CHIEF SECRETARY seconded.

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

In Committee.

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

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

THE REGISTRATION OF TITLES BILL.

THE HON. THE ACTING LAND OFFICER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

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

In Committee.

The Bill was read clause by clause and certain amendments made.

The Council resumed its Sitting.

THE HON. THE ACTING LAND OFFICER 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 LAND OFFICER gave notice that he would move the third reading of this Bill at a later stage.

Council adjourned till 9-30 a.m., on 13th August, 1919.

SEVENTH DAY.

The Council assembled on the 13th August, 1919, at 9-30 a.m., at the High Court, Mombasa, HIS EXCELLENCY THE GOVERNOR, (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE NATIVE HUT AND POLL TAX (WAR EXEMPTION) BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for Exemption from the payment of Native Hut Tax and Native Poll Tax in certain cases," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

THE TOWN PLANNING BILL.

THE HON. THE ATTORNEY GENERAL presented and read the report of the Select Committee on the Town Planning Bill as follows :—

THE REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE BILL INTITULED "AN ORDINANCE TO PROVIDE FOR THE MAKING OF TOWN PLANNING SCHEMES.

The Committee is generally in agreement with the principles underlying the Bill and considers that it should be enacted with such amendments as actual practice in the work of applying the similar provisions of the English Housing Town Planning, etc., Act, 1909, has shown to be advisable.

It is proposed that the title of the Bill should be altered to "An Ordinance to provide for the planning of Urban and other Areas," as in fact most schemes will include areas adjacent to towns properly so called.

In clause (3) of the Bill the Committee suggest that Section 54 (2) and (3) of the English Act should be incorporated and propose the following amendment :—

Clause 3. (2) The Governor-in-Council may authorise a local authority to prepare a town planning scheme with reference to any land within or in the neighbourhood of their area if the local authority satisfy the Governor-in-Council that there is a *prima facie* case for making such scheme or may authorise a local authority to adopt with or without modifications any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

Clause 3. (3) Where it is made to appear to the Governor-in-Council that a piece of land already built upon or a piece of land not likely to be used for building purposes or so situate with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last mentioned land the Governor-in-Council may authorise the preparation or adoption of a scheme including such piece of land as aforesaid and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

A consequential amendment in clause 4 should be added, *i.e.*, the insertion of the words "or adopted" after the word "prepared" in line 1 of the clause.

The Committee is of opinion that specific power should be given to the Governor-in-Council to approve part of a scheme or a scheme for a smaller area and recommends the following proviso should be added to clause (4) before the existing proviso and that the existing proviso should be modified to afford full publicity :—

After the words "fit to impose" insert Provided that the Governor-in-Council may approve of a scheme dealing with a smaller area than that for which the authority to prepare a scheme was granted or may approve of part of a scheme either disallowing the remainder or leaving the remainder for further consideration, and provided that before a town planning scheme is finally approved by the Governor-in-Council a descriptive memorandum of the scheme together with a notice specifying the time and place at which the relative plans, drawings and exhibits may be inspected by persons interested and the name and address of a person with whom obligations may be lodged, shall be published in the Gazette and if a person with whom obligations may be lodged, any person or local authority interested objects in writing stating the reasons for such objections and such objections are not subsequently withdrawn, the scheme shall be submitted to the Legislative Council at the next ensuing Session thereof and if the Legislative Council approve the rejection of the scheme or any part thereof no further proceedings shall be taken on the scheme if rejected or on the part thereof rejected.

In clause 5 a consequential amendment depending on the preceding amendment should be inserted, *i.e.*, the words "or any portion thereof" should be inserted after the word "scheme."

In clause 6 of the Committee is of opinion that power should be reserved to the Governor-in-Council to revoke part of a scheme by way of amendment and suggests that the words "in whole or in part" should be inserted after the word "scheme" on the 6th line.

The Committee is of opinion that instead of the Governor-in-Council prescribing general or special provisions as provided by clause 8 such provisions should be incorporated in the scheme submitted for approval in each case. Such an alteration would it is thought give the town planner greater freedom in preparing his scheme which it must be remembered is submitted in case of any objection to the Legislative Council who can move its rejection. It is obvious that such freedom is desirable.

The amendment and clauses proposed are as follows :—

Delete 8 (1) and substitute :—

The authority shall take into consideration the following matters and shall incorporate in the scheme such general provisions as seem needful in connection therewith :

(a) The alignment, adoption, naming, construction, grade, level, and width of streets, roads and other ways together with the spaces therein to be utilised for carriageways, tramways, ways for fast traffic, footways, boulevards, trees and planted or ornamental plots, and for stands for traffic vehicles and for sites for services of public utility, and the relation of buildings abutting thereon to the said streets roads or other ways and for communications by rail or water within the area and the treatment of the junction of such communications with streets, roads or other ways.

(b) The alteration, re-alignment, re-naming, diversion, closing or suppression of existing streets.

(c) The erection, character, occupation and use of buildings and other structures, the building line, height, and construction thereof, the space about the same, the percentage of any plot which may be covered by new buildings or on which old buildings may be reconstructed the number of separate family dwelling houses or the accommodation for the number of separate families that may be allowed per acre, the class of buildings to be erected in specified areas, and the adoption of zones within which to regulate the density of building for the purpose of securing amenity or proper hygienic conditions.

(d) The provision, adoption, maintenance, alteration or conversion of open spaces public and private and of parks, park-ways, and pleasure or recreation grounds.

(e) The preservation of objects of historical or archaeological interest or of natural beauty and the provision of access to the same.

(f) The lines of water mains and pipes and provision for means of water supply and the use such water supply for purposes of fire control.

(g) The lines of sewers and drains and the provision of means for drainage, sewerage and sewage disposal.

(h) Lighting.

(i) Ancillary or consequential works.

(j) The extinction or variation of private rights of way and other easements.

(k) The dealing with or disposal of land acquired by the responsible authority or by a local authority.

(l) The prohibition, removal, demolition or alteration of any obstructive work.

(m) The application of existing statutory enactments with the necessary modifications and adaptations of the said enactments for the purposes of the scheme.

(n) The carrying out and supplementing of the provisions of this Ordinance for enforcing schemes.

(o) Provision for regulating the administration of any money or property accepted or held by the responsible authority or a local authority for the furtherance of any town planning scheme.

(p) The charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme, the sum required to be paid in respect of that increase and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land, or such special provisions as may seem needful together with the power to make agreements as to concessions or other considerations in lieu of all or any of the said sums.

(q) The payment of compensation in respect of property injuriously affected by the town planning scheme.

(r) The area to which the scheme is to apply.

(s) The authority which is to be responsible for enforcing the observance of the scheme or different authorities which are to be responsible for enforcing different parts of a scheme (in this Ordinance referred to as the responsible authority) and for executing any works which under the scheme or this Ordinance are to be executed by the responsible authority and for providing for any matters which may be dealt with by by-laws as hereinafter described and for suspending, so far as necessary for the proper carrying out of the scheme and any work connected with it, any statutory enactments, Ordinances, rules, by-laws, regulations or other provisions, under whatever authority made, which are in operation in the area included in the scheme.

(t) Any other subject, matter or thing affecting the scheme.

The proviso to clause 8 remains as drafted in the Bill.

At the same time the Committee recommends that power on the lines of the Saskatchewan Town Planning and Rural Development Act, 1917, Section 9 (1), (2) and (5) be given to the responsible authority to prepare by-laws and suggest the following amendments:—

8. (2) The responsible authority may prepare a set of by-laws for the initiation control and prosecution of a town planning scheme and all works connected therewith and if such by-laws shall receive the approval of the Governor-in-Council, subsequent to such approval as aforesaid such by-laws shall have effect as if they were enacted in this Ordinance, and shall be considered as part of the scheme.

The Governor-in-Council may prepare model by-laws (or separate by-laws or sets of by-laws adapted for areas of special character) for the purpose of adoption by a responsible authority.

If at any time subsequent to the approval of a set of by-laws, an authority prepares or adopts a town planning scheme for any part of an area to which such by-laws relate, provision shall be made therein for incorporating such by-laws as part of the scheme except in so far as they may be modified or revoked in accordance with the requirements of this Ordinance.

Any such by-laws as aforesaid may impose a penalty for a breach thereof not exceeding a sum of Rs. 5,000/-.

The remaining matter dealt with in Schedule I., should form the subject of a new clause 9. The following is suggested:—

Insert after line 50, page 2, the following new section.

9. (1) During and after the preparation and execution of a town planning scheme it shall be lawful and competent for the authority or the responsible authority with its agents, officers and servants to enter into or upon any land, buildings or premises for the purpose of inspection, measurement or survey, upon producing such authority as may be prescribed by the Governor that they are *bona fide* members of the said authority or the agents, officers or servants thereof, as the case may be.

(2) The responsible authority shall be and hereby is empowered to make agreements with owners and others and owners or others shall be and hereby are empowered to make agreements with one another.

(3) The responsible authority shall be and hereby is empowered to accept any money or property or assistance for the furtherance of any of the objects of any town planning scheme.

(4) The responsible authority may with the consent of the Governor engage or employ, with proper remuneration, officers and servants for the preparation and enforcement of any town planning scheme.

Clause 9 becomes clause 10. In this clause the word "second" should be deleted.

In clause 10 the words "an approved" should be inserted before the word "town planning" and the article "a" should be deleted. This clause becomes clause 11.

To clause 11 (1) now clause 12 the following proviso should in the opinion of the Committee be added to clear up any doubt as to when the right to compensation accrues :—

"Provided that no compensation shall be paid under this section unless the scheme has been sufficiently carried into effect to affect injuriously the property and unless the claimant or his predecessor in title has lodged a claim as aforesaid."

A further amendment to this clause is suggested in sub-clause (2) after the word "made" on line 13 of clause 12 the insertion of the following "or in the case of no application having been made after the date of the order of the Governor-in-Council to the authority to prepare a scheme." And in the proviso to sub-clause (2) a consequential amendment should be made by the addition of the words "or order to prepare a scheme" after the word "application."

In order to avoid undue loss to property owners owing to delay in carrying out a town planning scheme the Committee propose that the owner should be safeguarded by the insertion of the following further proviso to sub-clause (2) of this clause : "And provided further that if after six months from the date of the approval of the scheme nothing has been done by the responsible authority to carry the scheme into effect this provision shall not apply."

In sub-clause (6) of this clause consequential amendments dealing with a partial revocation should be added as follows :—

In line (1) of the sub-clause the addition of the words "or partly revoked" after the word "revoked" and the addition at the end of the sub-clause "or part thereof."

The Committee is not unanimous on the question of the apportionment of any increase in value due to the scheme between the responsible authority and the property owner.

The Committee, however, by a large majority is of opinion that it is absolutely necessary that such apportionment should be made in order to give the authority some means of revenue for the furtherance of the scheme. Allowing the owner half of the increment is a compromise as the increase is not due to the exertions of the owner it might well be argued that the whole should be taken for the benefit of the community.

In clause 12 of the Bill now clause 13 the Committee suggest the addition of the following after the word "buildings" on line 12 of the clause "or prescribe the percentage of space of any plot which may be covered by buildings."

In clause 13 of the Bill, now clause 14, the Committee recommend that a specific provision be inserted giving power to the responsible authority to acquire more land than is actually required for the scheme in order that it may benefit by the enhanced values due to the scheme and thus recoup itself to some extent for the cost.

The suggested amendment is the insertion after the word "scheme" of the following :—

"Including any land within 200 feet of the boundary lines of any street, road or other way laid out, widened or improved or to be laid out widened or improved by the responsible authority or of any open space, public park or pleasure or recreation grounds laid out, improved or acquired or to be laid out, improved or acquired by the responsible authority."

Further amendments in this clause are the insertion of the word "land" after "Indian" to remedy a typographical error and the addition of the words "or any law amending or replacing the same" after "1894."

Clause 14 becomes clause 15.

Clause 15 now becomes clause 16.

In this clause for the words "general provisions" the word "regulations" should be substituted.

Clause 16 now becomes clause 17. It is thought by the Committee that this clause might well be expanded and the following is suggested :—

(17) The power of any authority appointed or authorised by the Governor-in-Council to prepare a town planning scheme as respects any area which in the opinion of the Governor-in-Council it is desirable should be planned or replanned shall include power to readjust the boundaries, area, shape and position of any plots or holdings affected in the manner following :

(a) The total area of any roads, streets or other ways open spaces, parks and pleasure and recreation grounds which by the scheme of planning or replanning shall be devoted to public use shall be computed.

(b) The total area of the plots or holdings of land covered by or abutting on the aforesaid roads, streets or other ways open spaces, parks and pleasure or recreation ground shall be computed.

(c) The area referred to in (a) shall when the scheme is finally approved by the Governor-in-Council become the property of His Majesty free from all charges, liens or any other claim whatsoever. Provided that the Governor-in-Council may direct that such area shall be vested in one or more local authorities for the administration thereof.

(d) The area remaining after the deduction of the area referred to in (a) from the area referred to in (b) shall be divided by the authority preparing the scheme into as many plots or holdings as existed before the preparation of the scheme.

(e) The area of any such new plot or holding shall as far as possible be reduced from the area of the original plot or holding in proportion to the difference between the area referred to in (a) and the area referred to in (b).

(f) Every plot owner or holder shall receive a new plot as far as possible on the same site on which his original plot or holding was situated.

(g) The value of each new plot or holding shall be at least equal to the value of the original plot or holding for which it is substituted otherwise the owner or holder may claim and shall receive as compensation an amount equal to the difference in such values.

(h) If the value of any new plot or holding shall be greater than the value of the original plot or holding the responsible authority shall be entitled to recover from any person whose property is so increased in value one-half of the amount of the increase.

(i) Every new plot shall have a frontage on a road of access and notwithstanding the provision in (e) hereof the authority preparing the scheme may give due consideration to the value given to any new plot by reason of its position on the plan and may make a smaller proportionate reduction in area on those new plots less favourably situated on the plan and a larger proportionate reduction on those new plots more favourably situated on the plan.

Clause 17 becomes clause 18.

In this clause for "The Public Health Ordinance, 1918," should be substituted "any law relating to Public Health."

Schedule I., should be deleted.

Schedule II., becomes the schedule.

THE TRADERS LICENSING BILL.

THE HON. THE ACTING TREASURER moved that Council resolve itself into Committee to consider the report of the Select Committee on the Bill.

The question was put and carried.

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

In Committee.

Certain amendments were made.

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

THE TOWN PLANNING BILL.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the report of the Select Committee on the Bill.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

In Committee.

Certain amendments were made.

The Council resumed its Sitting.

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

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

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

The Council adjourned till 9-30 a.m., on the 15th August, 1919.

EIGHTH DAY.

The Council assembled on the 15th August, 1919, at 9-30 a.m., at the High Court, Mombasa, HIS EXCELLENCY THE GOVERNOR, (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. J. C. COVERDALE.

THE HON. P. L. UYS.

QUESTIONS.

THE HON. E. A. PHELPS asked the following question :—

In view of the Soldier Settlements which are being made in the Nyanza Province, what arrangements are contemplated for reliable and effective road communications to serve these new settlement areas.

In view of the obvious necessity of assuring good and serviceable roads connecting these new settlement areas with the main Railway system of the Protectorate, what steps are contemplated for giving equal road advantages to already established and settled areas outside the new Soldier Settlement scheme.

In view of the manner in which the Nyando River cuts off all the country to the South of it from the Railway line at Muhoroni station for at least six months out of twelve, is it not considered desirable to build a bridge making the nominal right of way from Muhoroni station across the Nyando River effective. In the event of the necessary funds for these most urgent works not being immediately forthcoming, could not definite schemes and plans be drawn up forthwith, so that the work may be taken in hand without delay as soon as circumstances permit.

THE HON. W. MACGREGOR ROSS replied as follows :—

1. Improved communication to all the blocks of Soldier Settlement will not be available until considerable further expenditure is possible either from revenue or a loan.

2. In the utilization of any such funds as may be made available, the claims of already settled areas to have their communications improved would not be overlooked, and if Road Boards have not been formally created under pending legislation which is at present in draft, the views of District Committees will be invited to the allocation of funds.

3. The bridge referred to in the third question would cost about £1,000. If ample road funds are available next year, Government considers that it should be built. If, however, funds prove to be inadequate, it must be borne in mind that other bridges are required in the Province which would certainly carry a larger volume of traffic than the one in question.

4. The course suggested is already in hand. Investigation is proceeding, in as far as the present reduced staff of the Kisumu Public Works Department office allows, upon a number of road projects for which funds are not at present available. Proposals for extended activity in road work will be advanced with the Draft Estimates for next financial year.

THE HON. W. MACLELLAN WILSON asked the following question :—

1. What was the report given by the Labour Inspector after his recent visit to Mr. Glieman's farm at Makindu?

2. Did the Labour Inspector state to Mr. Glieman that natives ought not to work unless they wished to?

3. Did the Labour Inspector express the opinion to Mr. Glieman that his natives should get 2½ lbs. of rations daily instead of 2 lbs?

4. Did the Labour Inspector inspect Mr. Glieman's books?

5. Have Labour Inspectors been given authority to inspect private books?

THE HON. THE CHIEF NATIVE COMMISSIONER replied as follows :—

1. I beg to place on the Table a copy of the report sent by Labour Inspector Imbert to the Chief Native Commissioner.

2. The following is an extract from Mr. Imbert's letter sent in reply to a communication from this office asking him what had transpired to give rise to certain correspondence in the local Press :—

"During a conversation Mr. Glieman expressed his views unreasonable ones I thought, about compelling natives to work, between certain ages, either by direct orders or taxation. I replied that though labour was being strongly encouraged to come out and work I personally did not see how one could equitably force any man, irrespective of colour to work, if for instance, his means enabled him to live at home. No doubt the majority of white men worked because of the necessity of doing so and not through sheer love of it."

3. The Labour Inspector asked Mr. Glieman as to what amount of daily ration he supplied to his men, the reply was 1 kibaba of meal per man per diem. The Inspector then explained to Mr. Glieman that the Labour Commission recommended 2 lbs. of meal per diem to Kikuyu and $2\frac{1}{2}$ lbs. to Kavirondo. Mr. Glieman then stated that he gave the men a supply of game meat to supplement the meal ration. Mr. Glieman then asked his men whether they preferred to receive 1 kibaba with meat or 2 kibabas with no meat they replied that they preferred to receive the 1 kibaba and meat. The matter was left at this.

4. The Labour Inspector asked Mr. Glieman to let him see the labour register shewing the labour employed by him, this was produced by the employer, the register was checked and found correct.

5. Labour Inspectors have not been given authority to inspect private books.

THE HON. K. E. H. RODWELL asked the following question:—

Whether subjects of ex-enemy countries are to be prohibited from entering this Protectorate. If so for how long and under what Ordinance will they be prohibited.

THE HON. THE CHIEF SECRETARY replied as follows:—

This Government has no knowledge of the policy, if any, of the Imperial Government on this matter. The policy of this Government must depend on the policy of the Imperial Government and until that is declared it is impossible to give a more definite answer.

THE HON. T. A. WOOD asked the following question:—

1. What arrangements have been made by the Government for the housing of Settlers on arrival.

2. What arrangement has been made for Settlers under the scheme to find the proper farms and what arrangements have been made for transport of such Settlers to their respective farms.

3. What arrangements have been made to supply such Settlers with necessary implements such as ploughs and if arrangements can be made to supply these men with implements, etc., at cost or reasonable price.

4. If any steps have been taken by Government to ascertain the supplies of suitable implements in stock or upon the water of the various Agricultural Implement Agents, also iron and cement for dips, etc.

5. What steps have been taken by Government to provide oxen to Settlers on arrival.

6. What steps have been taken by Government to supply required information to Settlers on arrival, such as General Information Bureau.

THE HON. THE ACTING LAND OFFICER replied as follows:—

1. Steps have been taken months ago to provide temporary housing accommodation for Soldier Settlers on arrival at Mombasa and for the establishment of a Hostel at Kabete.

2. The Director of Surveys is making arrangements for Soldier Settlers to be shown where their farms are situated.

No special arrangements for transport of Soldier Settlers to their farms are in contemplation.

3. 100 waggons and 500 tents have been acquired by Government for re-sale at cost price to such Settlers.

4. From enquiries made it appears that Nairobi merchants have in stock 498 ploughs, 52 harrows, 662 cultivators, besides a useful number of miscellaneous agricultural implements, and that the following consignments are on the water, viz:—926 ploughs, 212 harrows, 534 cultivators, and a supply of miscellaneous implements. As regards iron and cement for dips, there are 200 barrels of cement and 30 tons of iron in stock and 2,000 barrels of cement and 20 tons iron on the water. Now that it is possible to obtain goods from Europe within a reasonable time by orders being placed, local firms are continually telegraphing further orders.

Government has an ample supply of cement for sale, and it is proposed to sell this to Settlers who wish to purchase for the purpose of erecting cattle dips.

5. As regards availability of oxen for purchase by Soldier Settlers, the Machakos district source of supply is now open, a quarantine exit station having been established to allow of oxen being passed out of this hitherto closed reserve. In the conquered territory of German East Africa the Mwanza district is now open for trade, and arrangements are being made to facilitate the importation of oxen from that district via Kisumu.

The Government has recently afforded special facilities for the entry into this Protectorate of 1,500 military transport oxen purchased in the conquered territory of German East Africa, with a view to their being placed on the market for the benefit of local Settlers.

6. A pamphlet was prepared and sent home months ago for the information of would be settlers giving full particulars about the country; full information was also given as to climate, lack of native labour, difficulty of communications, loss on exchange, shortage of oxen and agricultural implements, etc., etc.

Moreover some of the leading Settlers of the Protectorate who happened to be in England, have been sitting on the Selection Board in London.

HIS EXCELLENCY asked what was the intention of the Hon. Member in asking these questions.

THE HON. T. A. WOOD replying said that it was for the information of the general public.

THE HON. W. MACLELLAN WILSON asked with regard to the agricultural implements and other articles mentioned as being or on the water, was the importation of these articles being made by Government or by private firms and were the prices to be paid by the Settlers for these articles reasonable.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE replying said that he thought there would be no lack of material for constructing dips, etc., and that the shortage of iron would be overcome if shipping facilities were forthcoming. Further with the return of more shipping he hoped the prices would go down. The importation was mainly by private firms.

THE HON. T. A. WOOD asked the following question:—

Whether the Government is prepared to consider a relaxation of the Customs Duties so as to allow incoming Soldier Allotted Farms Settlers under the scheme to bring in their personal and household effects such as silver ware, cutlery, linen and similar otherwise dutiable articles free; this concession to be extended to cover such necessary equipment as say one rifle and one shot gun for each Settler.

THE HON. THE CHIEF OF CUSTOMS replied as follows:—

The reply to the Hon. Members question is in the affirmative, so far at any rate as some of the articles mentioned are concerned, but it is suggested that he should move a resolution on the subject so that it may be debated in Council, it being a question which should, in the opinion of the Government, be fully considered and discussed by this Honourable Council before any action is taken.

THE REGISTRATION OF TITLES (TORRENS) BILL.

THE HON. THE ACTING LAND OFFICER moved that a Bill intituled "An Ordinance to provide for the Transfer of Land by Registration of Titles," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

THE TRADER'S LICENCE BILL.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to Licence Trading within the Protectorate," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

THE TOWN PLANNING BILL.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Town Planning Ordinance," be read a third time.

THE HON. THE CHIEF SECRETARY seconded.

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

THE MASTER AND SERVANTS BILL.

THE HON. THE ATTORNEY GENERAL presented and read the report of the Select Committee on the Master and Servants Bill, as follows:—

THE REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL APPOINTED TO INQUIRE INTO AND REPORT ON THE PROVISIONS OF THE BILL INTITULED "AN ORDINANCE TO AMEND THE MASTER AND SERVANTS ORDINANCE, 1910," AND THE ORDINANCES AMENDING THE SAME."

The Committee met on the 12th instant.

(2) The application of the Bill was discussed and the Committee is unanimously of opinion that it should apply to all classes of labour that is both labour recruited and employed under a contract of service and to labour which engages itself otherwise than through the medium of a labour agent or a Government official.

It is thought that if it is necessary to look after the treatment in one case it is equally necessary to look after it in the other. And the Committee is of opinion that provision for inspection is necessary both in the interest of the labourer and of the employer.

It is, however, thought that such inspection is not necessary in the case of domestic servants. It is in connection with the power of the Inspector to enter into dwelling houses that a good deal of opposition has been evinced. The Committee therefore recommends that in clause 3 (1) of the Bill after the word "servant" should be inserted the words "other than a domestic servant."

(3) It is suggested that the provisions for the production of servants in clause 3 (2) of the Bill should be qualified in order that it should be borne upon the Inspector that he must use common sense in the matter. The alteration suggested is that the words "and without undue interference with his work" be inserted after the word "times."

(4) The Committee is of opinion that the examination of drugs and medicines by an Inspector would not be of much practical utility and it therefore suggests that the words "and all drugs and medicines" in clause 3 (4) of the Bill be deleted. At the same time it considers that provision should be inserted giving power to take samples of food and giving power to ascertain if medicines are kept. The Committee therefore suggest that the following should be inserted after the word "servants" "and to take samples thereof and to ascertain if reasonable medicines and dressings are provided for the use of servants."

(5) In clause 3 (6) the Committee suggest an amendment which will necessitate the reference of any matter to the Chief Native Commissioner before a prosecution by an Inspector is initiated. It is proposed that after the word employer in the third line of the sub-clause the words "and to report the facts to the Chief Native Commissioner who may direct such officer as he may appoint to" should be inserted. The words "and" and "and to" should be deleted and after the word proceedings the words "such officer may" should be substituted. The clause as re-drafted reads as follows:—

(6) (a) To take cognisance of any offence under any of the provisions of the Master and Servants Ordinances, 1910-19 committed by an employer and to report the facts to the Chief Native Commissioner who may direct such officer as he may appoint to take proceedings. Such officer may prosecute and appear in his own name in respect of the same.

(b) And to institute and or to appear on behalf of any servant in any civil proceedings by a servant against his master in respect of any matter or thing or cause of action arising out of or in the course of the employment whether such civil proceedings shall be contemplated or instituted by the servant himself or by civil proceedings ordered by a Magistrate in lieu of criminal proceedings pursuant to the provisions of Section 44 of the Principal Ordinance.

The Committee view with some distrust the provision in clause 4 (2) of the Bill giving a Medical Officer power to order the destruction of food and it is of opinion that the words "and order the destruction of" should be deleted. A further safeguard to the employer it is suggested should be added to this clause by the insertion at the end of the clause of the following "if an employer object to any condemnation of food under this provision two samples of the food shall be taken in the presence of the Medical Officer and of the employer and one such sample shall be sealed and sent by the Medical Officer to the Government Analyst and the other sample shall be sent or left with the employer."

(7) To protect the employer against extravagant orders under clause 4 (4) of the Bill the Committee suggest that the following be added "provided that the cost of the food supplied under any such order shall not exceed the nominal cost at that time of rations ordinarily supplied by employers to servants in that district."

(8) The Committee is of opinion that it would be advisable to give power to order the supply of clothing other than blankets. It is therefore proposed that after the word "blankets" wherever it appears in clause 4 (5) the words "or with clothing" should be inserted.

(9) In Part II of the Bill the Committee is of opinion that in "clause (2) (b) the words "in cases where food is to be supplied by the employer under the contract of service" should be inserted after the word "servants" to make the purport of the clause perfectly clear.

(10) It also suggests that any rules made under clause (7) should be submitted to the Legislative Council and suggests the following as an additional sub-clause.

5. All Rules made by the Governor-in-Council under the Master and Servants Ordinances, 1910-19 shall be submitted to the Legislative Council at the next Sessions thereof.

HIS EXCELLENCY said he trusted ~~that~~ the public and the unofficial Members would be satisfied that this Bill was not being rapidly pushed through without due consideration. The Special Committee to which it was referred consisted of six members, three of whom were official and three unofficial. The report of the Committee was unanimous.

THE HON. J. AINSWORTH moved that a Bill intituled "An Ordinance to amend the Master and Servants Ordinance, 1910, and the Ordinances amending the same," be recommitted for the consideration of the report of the Special Committee.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

In Committee.

Certain amendments were made.

The Council resumed its Sitting.

THE HON. THE CHIEF NATIVE COMMISSIONER moved that the Bill as amended be reported to Council and gave notice that he would move the third reading of this Bill at a later stage.

HIS EXCELLENCY stated that a telegram had been received from the Colonial Office announcing the King's nomination for the new members of the Council.

Council adjourned till 10 a.m., 16th August, 1919.

NINTH DAY.

The Council assembled on the 16th August, 1919, at 10 a.m., at the High Court, Mombasa, HIS EXCELLENCY THE GOVERNOR, (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent :—

THE RIGHT HON. LORD DELAMERE.

THE HON. P. L. UYS.

THE HON. H. BRASSEY-EDWARDS.

THE HON. H. T. MARTIN.

OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to Dr. A. D. Milne, C.M.G., Principal Medical Officer, and Shekh Ali bin Salim, C.B.E., as Official Members and to Mr. Abdulrasul Allidina Visram, M.B.E., as an Unofficial Member of the Council, who thereupon took their seats.

THE MASTER AND SERVANTS BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to amend the Master and Servants Ordinance, 1910, and the Ordinances amending the same," be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

HIS EXCELLENCY asked if any Hon. Member wished to make any alteration to the Bill or to propose that it be recommitted before he put the question.

THE HON. K. E. H. RODWELL asked if it was essential for the work of the Inspectors of Native Labour that the Bill should be passed now.

THE HON. J. AINSWORTH replying said that there were certain parts of the Bill which were extremely essential and it was necessary that the Labour Inspectors be appointed. At the present moment they had no proper means of examining recruiters permits when submitted for inspection, etc. It was on account of the existing methods that they asked for this legislation. He further said that they had considered the many points of the Bill and amendments had been made regarding the powers of Labour Inspectors; he did not see what other part of the Bill remained in any way objectionable and asked that the Bill be read a third time and passed.

THE HON. J. C. COVERDALE said he was quite sure the general public would appreciate the fact that this Bill had been recommitted before the third reading for further consideration, and having regard to what the Hon. the Chief Native Commissioner had said he saw no reason why the third reading should be delayed. The one feature which might still be open to question was the fact that Native Registration had not yet come into force. This was the main point of recommitment, but he thought this point might be now left to the good sense of the Hon. the Chief Native Commissioner who was in charge of the working of it. He thought that the Bill should operate where it was most required and where it was intended to operate until such time as Native Registration should take place. He could see no reason why the Bill should not be read a third time.

HIS EXCELLENCY said he was quite in agreement with the last Hon. Member who spoke that it was vitally important that Native Registration was needed to run side by side with this measure, and he could assure Hon. Members that all possible steps were being taken. He hoped very shortly that the Hon. the Chief Native Commissioner would be able to publish a statement as to how far matters had proceeded and on what date registration would be started. He felt that the Hon. the Chief Native Commissioner would support him in issuing very distinct orders to the Labour Inspectors as to how they were or were not to set about their work. He considered it essential that when a Labour Inspector went into a district he should report himself to the Provincial Commissioner or the District Commissioner and should work in conjunction with the District Officers. Labour Inspectors should go to these officials first and make enquiries regarding labour camps in the district. The District Commissioner would know if there was any place where the natives were not being treated well and he could instruct the Labour Inspector to visit there. He asked the Hon. the Chief Native Commissioner if he supported him in what he said.

THE HON. THE CHIEF NATIVE COMMISSIONER said he agreed that Labour Inspectors should report to the Provincial Commissioner or the District Commissioners as the case may be and work through them. He said a great deal depended on departmental policy and the way it was carried through but he assured Hon. Members and the public that the members of his Department would do everything possible to ensure an amicable working of the Ordinance and he could only ask that should causes for complaint arise, as the Hon. Mr. Rodwell had mentioned, employers would have the courtesy to inform him of the facts.

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

MEMBERS OF SELECT COMMITTEES.

HIS EXCELLENCY said there were certain Bills of long standing which had been referred to Select Committees which had not yet reported and in some cases unofficial Members had left the country. He considered it of importance that those Bills which had been so referred, should be presented to Council and he asked the Hon. the Chief Secretary to propose a few members to fill up the membership of these Select Committees.

THE HON. THE CHIEF SECRETARY moved a suspension of the Standing Orders for this purpose.

THE HON. THE ACTING TREASURER seconded.

The question was put and carried.

SELECT COMMITTEE ON PUBLIC HEALTH BILL.

THE HON. THE CHIEF SECRETARY moved that the Hon. the Principal Medical Officer be appointed a member to consider the provisions of the Public Health Bill.

THE HON. THE ACTING TREASURER seconded.

The question was put and carried.

HIS EXCELLENCY said it was also intended to ask Mr. Phadke to be a member of that Committee as well.

SELECT COMMITTEE ON SEGREGATION OF RACES BILL.

THE HON. THE CHIEF SECRETARY moved that the Hon. the Principal Medical Officer, the Hon. Ali bin Salim, the Hon. Abdulrasul Allidina Visram be appointed members of a Select Committee for the purpose of considering the provisions of the Segregation of Races Bill.

THE HON. THE ACTING TREASURER seconded.

The question was put and carried.

CERTIFICATE OF EMERGENCY.

HIS EXCELLENCY said a state of affairs had arisen in Mombasa which necessitated in the opinion of the Government his signing an emergency certificate to introduce a Bill to make provision for the Maintenance of the Public Supply of Electric Energy, of which Bill he proposed to take the first, second, and third reading that morning in order that the possibility of Mombasa being left without light might be provided against. He said that he had been in communication with the company which now supplied the electric light in Mombasa and their demands for terms under which they were willing to supply light were such that no Government could accept.

THE HON. THE ATTORNEY GENERAL then read an Emergency Certificate.

THE HON. THE ATTORNEY GENERAL said that in pursuance of the certificate read he moved that the standing orders be suspended in order that the Bill might be considered.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE MAINTENANCE OF ELECTRIC SUPPLY BILL.

THE HON. THE DIRECTOR OF PUBLIC WORKS introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for the Maintenance of Public Supplies of Electrical Energy."

He said Mombasa appeared to be faced with a position which was provided for by the Electric Power Ordinance but which measure was not yet in force. If such were the case it would be competent for a local authority to take over the entire works, premises and plant and carry on upon public account so that no discontinuance of light might occur. The emergency Bill prescribed that the Electric Power Ordinance, where it applied to this special case, might become law at once, so that Government might enter upon the works of the electric light operator and continue operations. The Bill provided for the appointment of an arbitrator to fix the amount of compensation to be paid.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that a Bill intituled "An Ordinance to make provision for the Maintenance of Public Supplies of Electrical Energy," be read a second time.

THE HON. THE CHIEF SECRETARY seconded.

THE HON. W. MACLELLAN WILSON said he wished to express his profound gratification with the Government for taking this prompt measure. He trusted it would not have to be enforced but if it had to be done in the future he trusted that the same promptness would be forthcoming, as it would always have his full support.

THE HON. K. E. H. RODWELL said he supported what the Hon. Mr. MacLellan Wilson had said and he hoped full discussion would be given to the Bill. At the last Session they had asked several pertinent questions of the Hon. the Director of Public Works as to the state of affairs at Mombasa and had received the reply that the plant there would be finished in two years. As far as he could gather the public would be safeguarded by the passing of the Bill and he would readily give his support to the passing of this drastic measure.

The question that the Bill be read a second time was put and carried.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that Council resolve itself into a Committee to consider the clauses of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

In Committee.

Certain amendments were made.

The Council resumed its Sitting.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that the Bill as amended be reported to Council and that it be read a third time and passed.

THE HON. THE ATTORNEY GENERAL seconded.

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

MOTION FOR ADJOURNMENT.

THE HON. THE CHIEF SECRETARY moved that Council adjourn till the third Monday in November or such other date as might be notified.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. K. E. H. RODWELL said that before the motion for adjournment was put he wished to be allowed on behalf of the Coast to express the appreciation of all communities of the holding of a Session of the Legislative Council at Mombasa. Sheikh Ali bin Salim had especially asked him to emphasise how deeply impressed the Arabs and Swahilis had been. He hoped that His Excellency would be able to hold at least one Session every year at Mombasa.

The motion for adjournment was then put and carried.

Council adjourned.