

MEETING HELD ON 7TH OCTOBER 1908

VOLUNTEER RESERVE BILL ( COMMITTEE RESUMED ) .

Section 17:

The Acting Crown Advocate moved to insert after Section 16 and delete Section 17:

" The Deputy President shall have the power to dismiss a member of the Volunteer Reserve for any act contrary to good order and discipline. "

The Land Commissioner seconded and this was agreed to.

Section 16

The Acting Crown Advocate moved to insert after Section 15, a new section 16 as follows:

" The Vice President shall have the power to sue in any court of competent jurisdiction for the cost of any loss or damage to Government arms or other stores, duly assessed under Section 15."

The Land Commissioner seconded and this was agreed to.

Section 5

Major Leggett raised the point in Section 5 para 2 that the provision should be made for the period of the Vice-President's term of office.

The General Manager then moved to add at the end of the paragraph

" thereafter the Vice- President shall be elected annually at the commencement of each calendar year. "

Major Leggett seconded and this was agreed to.

The Crown Advocate moved to alter the number of Section 28 for 20 and also Section 30 to become Section 31 and visa versa.

Mr Watts ~~seconded~~ <sup>seconded</sup> and this was agreed to

Section 8

The Treasurer moved that the words be added in Section 30 after the word " hostilities " " or until my services are no longer required by His Excellency the Governor " and after " Army Act in force" to insert " and the Volunteer Ordinance of East Africa Protectorate 1908 " .

The Acting Crown Advocate seconded and this was agreed to.

Section 24

Colonel Will moved to add after the word " disband " in Section 24 " at any time " .

Mr Watts seconded and this was agreed to.

Section 26

The Crown Advocate moved to delete Section 26 and to substitute the following :

" the pay of the members of the Volunteer Corps will be notified in the Gazette in which the proclamation for a Volunteer Corps is published."

The Treasurer seconded and this was agreed to.

Section 21

The Treasurer considered that the members of the Volunteer Corps should have a preference when enrolment was taking place for Active Service and moved to add after " formation " in Section 21 " from the Volunteer Reserve " .

Capt. Cowie seconded and this was agreed to.

Section 19

The Acting Crown Advocate moved the following rules with regard to fines- Section 19:

" Fines for non-efficiency or non attendance at Rifle meetings without a just cause shall be those mentioned in the Schedule hereto. The said fines shall go to a fund of the unit, and if the said fines are not paid by the members when ordered to do so by the Vice President shall sue for recovery of the same in any Court of competent jurisdiction. "

SCHEDULE

For non- efficiency or for non-attendance when ordered to attend.	not exceeding Rs 15
Failing to keep complement of the ammunition on hand.	.. ..
Drunkenness or other irregular conduct at Volunteer meetings	.. ..
Carelessness or other irregular conduct at the Rifle range.	.. ..

The Land Commissioner seconded and this was agreed to.

The Acting Advocate for the Crown moved that the Bill <sup>now</sup> be ~~not~~ reported to the Council.

The Land Commissioner seconded and this was agreed to.

The Acting Crown Advocate gave notice that he would move the Third Reading of the Bill at the next meeting of the Council.

COTTON BILL ( RESUMPTION OF COMMITTEE)

The Council resumed the Committee on this Bill.

Section 2

*MacDonald*  
Mr ~~MacDonald~~ moved to amend Section 2 as follows:

add in line 6 w " after use " the words " and importation.  
Delete " used or " before the word " imported " in line 11.  
Line 12 add " or regulate " after the word " prohibit".  
Line 13 after " ginning" add " baling ". Add to Section 2  
the following :

" and may require the destruction of any  
diseased cotton on the land with or  
without compensation to the owner or  
owners thereof ".

Major Leggett seconded and this was agreed to.

*MacDonald*  
Mr ~~MacDonald~~ moved that the Bill be now reported to  
the Council.

The Land Commissioner seconded and this was agreed to.

SUSPENSION OF STANDING ORDERS

*MacDonald*  
Mr ~~MacDonald~~ moved the suspension of standing orders  
for the purpose of reading this Bill a Third time.

Major Leggett seconded and this was agreed to.

The Bill was read a Third time.

Mr MacDonald asked His Excellency for permission to  
send copies of the Cotton Bill to the Press before the  
Ordinance is brought into force.

His Excellency consented.

LAND TITLES ORDINANCE ( AMENDMENT ) 1908

The Council resumed the Committee on this Bill

Sections 7, 34, 35 and 36

The Land Commissioner moved to delete the words  
" subject to the appeal hereinafter allowed " in section 7 and

also to substitute the following for Section 34, 35 and 36

" 34 Any person claiming any land or interest therein against a person registered as having title as mentioned in Section 20, on the ground of fraud or error or misdescription in any Certificate of Title or in any entry or memorandum in the Register book shall be entitled to prosecute his claim in some court having jurisdiction in the matter within 12 years from the date of registration, provided always that any person who at the time of expiration of 12 months from the date of application of this Ordinance to immoveable property of which or of an estate or interest in which he has been deprived shall be under the disability of infancy or unsoundness of mind may such action proceed with within 12 years from the date on which the disability ceases.

35 An action under section 34 shall be barred unless and until written notice of such action shall have been given to the Recorder of Titles who shall immediately upon the receipt of such notice record the same in the Register with the date of receiving the notice.

36 If the action shall have been decided against the Registered person, the Court shall order the Certificate of Title to be cancelled and shall order the Recorder of Titles to cancel the entry in the Register and the Recorder of Titles shall duly carry out such order <sup>with</sup> ~~the~~ effect."

The Acting Crown Advocate seconded and this <sup>was</sup> ~~we~~ agreed to.

The Land Commissioner moved that the Bill be now reported to the Council.

The Acting Crown ~~Advocate~~<sup>Advocate</sup> seconded and this was agreed to.

The Bill was passed as amended.

After the Land Titles Bill had been ~~passed~~<sup>passed</sup> as amended the Land Commissioner stated that the amendments had been prepared under instructions from the Colonial Office, but His Excellency proposed to refer the question again to the Secretary of State. It was admitted that no one should be allowed to principally profit from ~~his~~<sup>his</sup> own fraud, but on this ground only should it be possible to reserve the finding of a Land Registration Court. Such findings were made after a full judicial enquiry, and it was most important to have finality in the proceedings.

#### MINUTES

Captain Cowie's amendments, previously referred to, having been read, the Minutes of the previous meeting were confirmed.

#### ADJOURNMENT

The Council adjourned till the second Monday in November 1908.