

Harol. Lab

MEETING HELD AT NAIROBI, * 1ST MARCH 1909

- Present: H.E. The Governor (Sir J. Hayes Sadler)
 The Land Commissioner (Lt. Col. Montgomery)
 The Treasurer (Mr Bowring)
 The General Manager Uganda Railway (Mr Currie)
 The Crown Advocate (Mr Combe)
 Mr A.C. MacDonald
 Mr A.C. Hollis
 Lord Delamere
 Captain Cowie

OATH

The oath was administered to Lord Delamere.

MINUTES

The Minutes of the previous meeting were confirmed.

QUESTION No 1

Captain ^{Cowie} ~~Combe~~ to ask the Government to furnish a return of information for Honourable members, showing:

- (a) The number of stock thefts reported in the Ukamba Province during the year 1906.
- (b) The names of the persons reporting the losses.
- (c) The class of animal lost in such each.
- (d) The number of animals recovered.
- (e) The convictions secured against offenders.
- (f) The amount of compensation (if any) awarded to the owners for the losses.

To ask what provision (if any) at present exists for fining of Native Chiefs for Stock Thefts committed and traced to their villages.

If no such provision exists and in view of the fact that stock thefts are prevalent in this Protectorate and little

or no redress can be given owing to the shortage of Police to ask His Excellency the Governor to favourably consider the advisability of legislating on the above lines.

The Crown Advocate replied and an extract of stock thefts in the Ukaamba Province was laid on the table.

MOTION No 1

The Treasurer moved that the Expenditure on the Public Works Extraordinary item 78 in 1908- 1909 Estimates for £ 3,000 for Installation of Electric Lighting be now proceeded with.

The Land Commissioner seconded and this was agreed to

COCOANUT BEETLE BILL-- FIRST READING

Mr MacDonal moved the First Reading of a Bill to make provision for preventing the spread of Cocoanut Beetle.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

Mr MacDonal gave notice that he would move the Second Reading of this Bill at the next meeting of the Council.

NATIVE VESSELS ORDINANCE 1907 (Amendment) BILL

The Crown Advocate moved the First Reading of a Bill to amend the Native Vessels Ordinance 1907.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

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

ABOLITION OF SLAVERY ORDINANCE 1907 (Amendment)

The Crown Advocate moved the First Reading of a Bill to give further effect to the Abolition of Slavery Ordinance 1907.

Mr Hollis seconded and this was agreed to.

The Bill was read a First time.

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

WITCHCRAFT BILL-- FIRST READING

Mr Hollis moved the First Reading of a Bill for the punishment of persons persisting or making use of the so called witchcraft.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

Mr Hollis gave notice that he would move the Second Reading of this Bill at the next meeting of the Council.

MASTER AND SERVANTS BILL-- FIRST READING

Mr Hollis moved the First Reading of a Bill to regulate the relations between the Employers and Natives employed as servants and to control the recruiting and engagement of Natives for service within or without the Protectorate.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

Mr Hollis gave notice that he would move the Second Reading of this Bill at the next meeting of the Council.

BILLS OF SALE BILL-- FIRST READING

The Crown Advocate moved the First Reading of a Bill to make provisions regarding the application of the Bills of Sale Acts 1873 and 1882 and the Acts amending the same in the Protectorate.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

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

POLICE BILL -- FIRST READING

The Crown Advocate moved the First Reading of a Bill to make provisions for the Organisation, Discipline and powers and duties of the Police.

The Land Commissioner seconded and this was agreed to.

The Bill was read a First time.

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

BANK BILL-- FIRST READING

The Crown Advocate moved the First Reading of a Bill for the regulation of Banks established or to be established in the East Africa Protectorate.

The Treasurer seconded and this was agreed to.

The Bill was read a First time.

The Crown Advocate moved that he proposed to move the Second Reading of this Bill at the next meeting of the Council.

COLLECTIVE PUNISHMENT BILL--FIRST READING

The Crown Advocate moved the First Reading of a Bill intitled the Collective Punishment Bill.

Captain Cowie seconded and this was agreed to.

The Bill was read a First time.

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

NATIVE HUT AND POLL TAX BILL -- FIRST READING

The Crown Advocate moved the First Reading of a Bill to amend the laws relating to the taxation of Natives.

Mr Hollis seconded and this was agreed to.

The Bill was read a First time.

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

BANK BILL (SPECIAL COMMITTEE)

The Crown Advocate proposed that a Special Committee be appointed to consider this Bill, to consist of Major Leggett, the Treasurer and the Crown Advocate.

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

CUSTOMS ORDINANCE 1904 (Amendment) BILL-- SECOND READING.

The Treasurer moved to postpone the Second Reading of this Bill until the next meeting of the Council.

This was agreed to.

KING'S AFRICAN RIFLES ORDINANCE 1908 (Amendment) BILL

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

The Land Commissioner seconded and this was agreed to.

Section 2

The Crown Advocate moved to insert in Section 2 after " who" the words " after the commencement of this Ordinance " .

The Land Commissioner seconded and this was agreed to.

Section 5.

The Crown Advocate moved to reinstate Section 5 which was deleted at the Second Reading.

The Land Commissioner seconded and this was agreed to.

Section 6

The Crown Advocate moved to delete Section 6 and insert the following :

" This Ordinance shall have effect as regards the provisions of Section 2 thereof, from the first day of August 1908, and as regards all other provisions for the date of publication of the Ordinance ".

The Land Commissioner seconded and this was agreed to.

The Crown Advocate moved that the Bill be now reported to the Council.

The Land Commissioner seconded and this was agreed to.

The Crown Advocate moved the Third Reading of this Bill.

The Land Commissioner seconded and this was agreed to.

The Bill was read a Third time.

LIQUOR ORDINANCE 1909

The Ordinance was recommitted to the Council by His Excellency's instructions for reconsideration.

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

The Land Commissioner seconded and this was agreed to.

COUNCIL INTO COMMITTEE

The Crown Advocate moved to make provision for the hours of opening to be from 8 a.m. till 11 o' clock at night and on Sundays from 12 noon to 2 p.m and 6 p.m. till 9 p.m.

The Land Commissioner seconded.

Lord Delamere proposed the hour of closing to be 12 o' clock midnight.

Captain Cowie seconded.

The Crown Advocate stated that midnight privileges could be granted by the Licensing Court upon the payment of the additional fee.

Lord Delamere then proposed that the hours of ~~close~~ closing be 11 O' clock for the ordinary licence, but that midnight privileges be granted to all licence holders, upon payment of additional fee provided in each case. There were no public objections to this.

Lord Delamere wished to record his opinion that this course could in no way injure the public, the reason being that public control the licence holders in ^{many} ~~few~~ ways; they can object to the issuing of the midnight licensing and further that it is/ proposed to abolish vested interests in this Ordinance.

The Crown Advocate seconded and this was agreed to.

The Crown Advocate moved to insert provision in the Bill to do away with vested interests.

The Land Commissioner seconded and this was agreed to.

The Treasurer moved to provide for Clubs and Steamship licences to come under the same definition as a General Retail Liquor Licence.

Lord Delamere seconded and this was agreed to.

Lord Delamere proposed that the cost of a General Retail Liquor Licence be reduced from Rs 600/- to Rs 500 per annum (within the municipal areas) and outside the Municipal area from Rs 450/- to Rs 400/- and that the licence for the midnight privileges to be Rs 100/- and for six months Rs 60/-

Capt. Cowie seconded.

On the question being put all members except the Treasurer

and the General Manager Uganda Railway voted for the motion.

The Motion was carried.

The Crown Advocate then moved the followed amendments to give effect to the motions agreed to:

Section 3

To add a new paragraph to section 3 as follows

" on licence means a restaurant or cafe
Liquor licence, a Club Liquor Licence
or a Steamship Liquor Licence ".

The Treasurer seconded and this was agreed to.

Section 10

After the words " or any day" in line 4 insert
" except Sundays, Christmas Day and Good Friday " and add at
the end of the paragraph " and on Sundays, Christmas Day and
Good Friday between the hours of 12 mid-day and 2 p.m and
6 p.m. and 9 p.m. "

The Land Commissioner seconded and this was agreed to.

After the words in Section 10 (4) in line 3 " specified
in the licence " insert " on any day except Sundays, Christmas
Day and Good Friday ". Delete 6 and substitute 8 and add at the
end of the paragraph " and on Sundays, Christmas and Good Friday
between the hours of 12 noon and 2 p.m. and 6 pm. and 9 pm.

The Land Commissioner seconded and this was agreed to.

In Section (6) insert after the words " premises"
in line 3 " or any day except Sunday, Christmas Day and Good
Friday ". Delete 6 and substitute 8. Delete 12 midnight and
substitute 11 o' clock at night. Add at the end of the paragraph
" and on Sundays, Christmas Day and Good Friday between the
Hours of 12 mid-day and 2 p.m. and 6 .pm. and 9 pm. "

The Land Commissioner seconded and this was agreed to.

Section 8

After the words " refreshment rooms " insert "or other Railway premises ".

The Land Commissioner seconded and this was agreed to.

Section 9

Add at the end " or any day except Sundays, Christmas Day or Good Friday, to be consumed on the premises ".

The Land Commissioner seconded and this was agreed to.

Section 13

Delete 1909 " and substitute " 1910".

The Land Commissioner seconded and this was agreed to.

Section 15

In line 2 after the word " shall" insert " not". And add at the end of the section " and every application for a licence shall be treated as an application for a new licence "

The Land Commissioner seconded and this was agreed to.

Section 19

In line 7 delete " Inspector General " and substitute " Commissioner ".

The Land Commissioner seconded and this was agreed to.

Section 20

Delete and substitute therefor the following :

" The Licensing Court shall on the application of the holder of any General Liquor Licence or any Restaurant or Cafe Liquor Licence and anything in this Ordinance to the contrary notwithstanding when it shall be satisfied of its being for the convenience of the public grant to such holder an extension of hours for the sale of ~~liquor~~ liquor under such licence until not later than 12 o' clock at night.

The Land Commissioner seconded and this was agreed to.

Section 25

In Line 3 of subsection 3, delete " Inspector General " and substitute " Commissioner " .

The Land Commissioner seconded and this was agreed to.

Section 27

Delete " Inspector General " and substitute " Commissioner " in line 4. Insert after the word " granting " the words " or renewal " .

The Land Commissioner seconded and this was agreed to.

Section 28

At the end of subsection 2 insert the following :

" Provided however that the Licensing Court may require the attendance of the person applying for the renewal of a licence or the responsible manager of the premises in respect of which the licence is applied for and may call upon such person or manager to answer on oath such questions as it may think necessary ."

The Land Commissioner seconded and this was agreed to.

Capt. Cowie moved to add to this amendment the words " relative to the enquiry at issue "

Lord Delamere seconded and this was agreed to.

Section 29

In line 2 after the words " a licence " insert " or renew an on licence " . In line 3 before the words " a licence " insert " or renew " .

Mr Hollis seconded and this was agreed to.

Section 31

To delete the headnote before Section 31.

This was agreed to.

Section 31 (continued)

Delete Section 31 and substitute the following :

"In case the renewal of a licence held by any person shall be refused by the Licensing Court and such person shall not during the preceding 12 months have been convicted of any offence against this or any other law relating to the sale of intoxicating liquors, he shall upon payment of a proportional part of the cost of a licence such as that as held by him be entitled to obtain a licence for a period of one month for the purpose of disposing of liquor then on the premises to commence from the day after the last day of the sitting of the Court by which the renewal of his licence had been refused, or from the termination of his existing licence, whichever is later. "

The Land Commissioner seconded and this was agreed to.

Section 32

Delete and substitute therefor the following :

" The objection which may be taken to the renewal of an existing licence other than an on licence may be one or more of the following:

- (1) That in the case of a new licence the applicant is of bad fame or character or of drunken habits or has previously forfeited a licence or has been convicted at any time previous to his application of selling liquor without a licence or any other illegal manner.
- (2) That in the premises in respect of which the application is made are out of repair or are not kept in a clean and wholesome state or

" are unsuitable for the class of business for which the licence is required.

- (3) That in the case of a new licence the business is conducted in an improper manner and drunkenness permitted upon the licensed premises or that the conditions upon which the licence was granted have not been satisfactorily fulfilled; or that a licensed place is no longer required in the neighbourhood "

The Land Commissioner seconded and this was agreed to.

Section 66

Delete and substitute the following :

" This Ordinance shall be cited as the Liquor Ordinance 1909 and shall come into force on its publication ".

This was agreed to.

Schedule II

The Crown Advocate moved to delete in item 6 Rs 600/- and Rs 315 and substitute Rs 500 and Rs 260/- respectively. And in item 7 delete Rs 450/- and Rs 240/- and substitute Rs 400/- and Rs 210/-

Lord Delamere seconded and this was agreed to.

The Crown Advocate proposed that further debate on this Bill be postponed until the next meeting of the Council and in the meantime the Bill will be re-printed.

The Land Commissioner proposed that Lord Delamere be a member of the Special Committee on this Bill.

The Treasurer seconded and this was agreed to.

ADJOURNMENT

The Council adjourned until 20th March 1909