

EAST AFRICA PROTECTORATE.

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

Fourth Session.
1915.

December 2nd, 3rd, and 4th, 1915.

Nairobi

PRINTED BY THE GOVERNMENT PRINTER,

British East Africa.

Minutes of the Proceedings of the fourth Session of the Legislative Council, 1915.

Held at Nairobi on the 2nd, 3rd and 4th December, 1915.

The Council assembled on the 2nd December, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (SIR H. CONWAY BELFIELD, K.C.M.G.) presiding.

Present:—

THE HON. THE CHIEF SECRETARY (C. C. BOWRING, C.M.G.).
THE HON. THE ATTORNEY GENERAL (J. W. BARTH).
THE HON. THE TREASURER (H. P. ESPIE).
THE HON. THE MANAGER OF THE UGANDA RAILWAY (B. EASTWOOD).
THE HON. F. W. MAJOR, I.S.O.
THE HON. A. C. MACDONALD.
THE HON. C. W. HOBLEY, C.M.G.
THE HON. J. AINSWORTH, C.M.G.
THE HON. W. A. M. SIM.

Absent:—

THE HON. R. BARTON WRIGHT.

MINUTES OF MEETINGS.

THE HON. THE CHIEF SECRETARY moved that the Minutes of the Meetings of the Council held on the 23-25th August and on the 13th September, 1915, which had been printed and circulated amongst Hon. Members, be taken as read, and be confirmed.

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

THE OSTRICH AMENDMENT ORDINANCE, 1915.

THE PRESIDENT said that, before proceeding to consider the Bills which were listed on the Order of the Day, he desired to make reference briefly to a Bill which had been passed at the Session of the Council held in the early part of the year for the purpose of amending the Ostrich Ordinance, 1907. Hon. Members would remember that that Bill had been introduced by way of endeavour to assist the local ostrich industry by placing certain restrictions on the issue of feather licences and also upon the importation of feathers from other countries into the Protectorate. It had been shown that the introduction of such feathers was probably having an adverse effect upon the industry which was being carried on by our local people, and the Bill had therefore been put forward as an endeavour to meet that difficulty. When it had reached the hands of the Secretary of State for the Colonies, he had conferred with the Secretary of State for Foreign Affairs upon the subject. Sir Edward Grey had expressed to the Colonial Office his opinion that the restriction on the importation and sale of these commodities would be contrary to the General Act, Berlin, of 1885. It would be in effect over-riding certain treaty rights which were held, by virtue of that Act, by subjects of Foreign Dominions. Upon that expression of opinion, the Secretary of State for the Colonies had referred the matter to him (the President) for further consideration, and he desired to inform Council that it was his intention to reply to the Secretary of State for the Colonies to the effect that he realised the correctness of the view taken by the Secretary of State for Foreign Affairs, and that under these circumstances he proposed not to bring the order into force in the Protectorate.

THE COMPULSORY SERVICE ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY laid on the Table a Certificate of Emergency to the effect that it was desirable and necessary to make provision for military service of male persons between the ages of 18 and 45, and for the maintenance of civil industry. On the strength of that Certificate he moved that the Standing Orders be suspended in order that the Bill intituled "An Ordinance to provide for Compulsory Military and other Service" might be passed through its various stages.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE CHIEF SECRETARY gave notice that he would introduce the Bill at the Meeting of Council on the following day.

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1915.

THE HON. J. AINSWORTH, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision for increasing Native Hut and Poll Tax." He said that the Bill had been introduced with the idea of amending the Native Hut and Poll Tax Ordinance, 1910. Under that Ordinance the liability of the natives was limited to Rs. 3 per annum, but it was now felt and believed generally that there were certain tribes in the Protectorate who, through increased prosperity, were able to meet an increased responsibility and make a greater contribution towards the revenues of the Protectorate. It was proposed by the Bill to increase the tax to Rs. 5 per annum. The Bill also provided that by proclamation the Governor might proclaim certain districts liable for the increased tax.

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

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

THE NATIVE REGISTRATION AMENDMENT ORDINANCE, 1915.

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 Native Registration Ordinance, 1915." He said that the object of the Bill was primarily to correct a printer's mistake made in printing the Native Registration Ordinance, 1915, after it had been passed by Council. The mistake was set out in Section 2 (1) of the Bill, and to avoid any possible doubt it was considered advisable to amend such mistake by Ordinance. At the same time advantage of that opportunity had been taken for correcting other printer's errors which had occurred in the Ordinance.

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

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

THE EAST AFRICA MARRIAGE AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to Facilitate Marriages between British Subjects resident in the Protectorate and British Subjects resident in the United Kingdom." He said that the object of the Bill was to enable His Majesty to make, by Order-in-Council, provision for the Marriage of British Subjects (Facilities) Act, 1915, to extend to the Protectorate, and to enable a Registrar of Marriages in the Protectorate to grant a certificate for marriage to a person who intends to marry a British subject in the United Kingdom. The Marriage of British Subjects (Facilities) Act, 1915, when applied to the Protectorate, provided that such certificate would have the same effect as a similar certificate issued in the United Kingdom by the proper authority and also provided for the issue in the United Kingdom of a certificate for marriage in the converse case. The Bill further provided for recognition in the Protectorate of a certificate for marriage issued by the proper authority in the United Kingdom, of a British subject resident in the United Kingdom who intends to marry a British subject resident in the Protectorate. The practical effect of the Bill was to enable a British subject coming to the Protectorate from the United Kingdom for the purpose of marriage, if he or she had a certificate from the proper authority in the United Kingdom, to marry forthwith on arrival in the Protectorate; otherwise a person coming from the United Kingdom to marry a person resident in the

Protectorate might have to wait three weeks for the issue of a certificate under the East Africa Protectorate Marriage Ordinance, 1902, or apply to the Governor for a special licence to marry. The joint effect of the Bill and the Act at home was to provide similar facilities for marriage in the United Kingdom of a British subject resident in the Protectorate to a British subject resident in the United Kingdom.

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

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

THE CUSTOMS TARIFF AMENDMENT (No. 3) ORDINANCE, 1915.

THE HON. F. W. MAJOR, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Customs Tariff Ordinance, 1909." He said that the Bill had been introduced because it was felt that owing to the decrease in the price of rubber the East Africa Protectorate could not stand the present duty of 10 per cent. on wild rubber. It was therefore proposed to reduce the export duty to 4 per cent. It had also been found necessary to make a small amendment since the Bill had been drafted, as it had been decided to extend the exemption of plantation rubber to plantation rubber obtained from land whether held on lease in connection with forest or not.

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

THE HON. F. W. MAJOR gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1915.

THE HON. A. C. MACDONALD, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to Diseases of Animals." He said that in view of the fact that the organism of ulcerative lymphangitis was present in the soil throughout the Protectorate, and that the disease was now widespread, it was considered by the Chief Veterinary Officer that no good cause would be served by keeping this disease under the notifiable diseases.

Before, however, the disease could be deleted from the list of contagious and infectious diseases, it was necessary to amend the Diseases of Animals Ordinance, 1906.

Further, in view of the recent serious outbreaks of trypanosomiasis in the Fort Hall district, it was considered advisable that power should be given to the Chief Veterinary Officer to slaughter animals affected with such disease. Hence the reasons for the introduction of the Bill.

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

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

THE NATIVE LIQUOR AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to keep alive the provisions of the East Africa Native Intoxicating Liquor Ordinance, 1908." He said that the purposes of the Bill were set out in the preamble to the Bill as printed. Hon. Members would recollect that Council had passed during the year a Native Liquor Ordinance in substitution for the then existing law relating to native liquor. That Ordinance gave the Governor power to apply it to such areas as he might think fit. Owing to the war and the conditions prevailing at the Coast it had been considered inadvisable to apply the Ordinance of 1915 to any area. As that Ordinance repealed the one of 1907, unless it were applied it left no existing provision regulating the traffic in native liquor. For these reasons it became necessary to pass an Ordinance to keep alive the provisions of the Native Liquor Ordinance, 1907, until such time as the Ordinance of 1915 might, with propriety, be applied to the Coast and other areas of the Protectorate.

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

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

THE INVENTIONS, DESIGNS, AND TRADE MARKS (TEMPORARY RULES) ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to extend the Powers of the Governor and the Governor-in-Council as the case may be during the continuance of the present hostilities to make Rules under the Indian Inventions and Designs Act, 1888 (Act V. of 1888) as applied to the East Africa Protectorate by Order of the Secretary of State made the 20th December, 1900, the Registration of Trade Marks Ordinance, 1912, and the Patents and Designs Ordinance, 1913." He said that the purpose of the Bill was to enable the registration of any trade mark, patent, or design registered by a subject of an enemy country or by a person carrying on business and residing in the territory of a State at war with His Majesty, to be suspended or avoided together with all or any rights conferred by such registration and to enable the Governor to grant to non-enemy subjects on such terms and conditions as he might think fit, licences to make, use, exercise or vend such patented inventions, trade mark or design as the case might be. The Bill was framed on similar legislation enacted in the United Kingdom which was to be found in the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914, as amended by 4 and 5 George V, chapter 73. The most important effect of the Bill would be to render it possible to sell in the Protectorate goods of non-enemy origin which otherwise might involve an infringement of a patent, design or trade mark registered by an enemy subject in the Protectorate.

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

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

THE POST OFFICE AMENDMENT ORDINANCE, 1915.

THE HON. F. W. MAJOR, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provision against the smuggling of Letters into and out of the Protectorate." He said that, as the title of the Bill showed, the Bill had been introduced to make provision to ensure that all letters being carried into or out of the country, by land or sea, would be passed through the hands of a postal censor.

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

THE HON. F. W. MAJOR gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE REGISTRATION OF PERSONS AMENDMENT ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Registration of Persons Ordinance, 1915." He said that Hon. Members would recollect that at the last Special Meeting of Council a Registration Ordinance had been passed. That Ordinance provided that the Governor might, by proclamation, make the provisions thereof applicable to any district and to any race within the Protectorate. "Race" was defined, as in the Crown Lands Ordinance, as persons of European, Asiatic, or African extraction, as the case might be. In the course of the organisation of the resources of the Protectorate, in connection with circumstances arising out of the war, it had become apparent to the Governor that it was desirable to extend the Registration Ordinance to certain tribes, but unfortunately, through an oversight in the original drafting, that was not possible without making an amendment. A "tribe" was not a race. The Governor had therefore instructed that an Ordinance should be enacted enabling the provisions of the Registration Ordinance to apply to Somalis, Swahilis, or any African tribe or any portion of a tribe. It had not yet been found possible, for various reasons, to give effect to the Native Registration Ordinance, and it was therefore necessary to provide for this special registration under the Registration of Persons Ordinance, 1915.

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

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

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1915.

THE HON. J. AINSWORTH moved that the Bill intituled " An Ordinance to make provision for increasing Native Hut and Poll Tax " 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. J. AINSWORTH moved that the Bill without amendment be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

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 NATIVE REGISTRATION AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the Native Registration Ordinance, 1915," 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 without amendment 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 EAST AFRICA MARRIAGE AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to Facilitate Marriages between British Subjects resident in the Protectorate and British Subjects resident in the United Kingdom " 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 without amendment 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 CUSTOMS TARIFF AMENDMENT (No. 3) ORDINANCE, 1915.

THE HON. F. W. MAJOR moved that the Bill intituled "An Ordinance to amend the Customs Tariff Ordinance, 1909," be read a second time.

THE HON. A. C. MACDONALD 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 with the following amendment:—

By the deletion of the last four lines of section 2 and by the substitution therefor of the following:—

(a) By the repeal of section 2 of the Customs Tariff Amendment (No. 2) Ordinance, 1912.

(b) By the substitution for the amendment of Table II of the Principal Ordinance contained in such repealed section the following:—

3. Rubber (other than plantation rubber) 4 per cent.

The Council resumed its Sitting.

THE HON. F. W. MAJOR moved that the Bill as amended be reported to Council.

THE HON. THE CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. F. W. MAJOR gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1915.

THE HON. A. C. MACDONALD moved that the Bill intituled "An Ordinance to amend the Law relating to Diseases of Animals" 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 was adopted without amendment.

The Council resumed its Sitting.

THE HON. A. C. MACDONALD moved that the Bill without amendment be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE NATIVE LIQUOR AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to keep alive the provisions of the East Africa Native Liquor Ordinance, 1907, as amended by the East Africa Native Intoxicating Liquor Ordinance, 1908," 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 without amendment be reported to Council.

THE HON. A. C. MACDONALD 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 INVENTIONS, DESIGNS, AND TRADE MARKS (TEMPORARY RULES)
ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled "An Ordinance to extend the Powers of the Governor and the Governor-in-Council as the case may be during the continuance of the present hostilities to make Rules under the Indian Inventions and Designs Act, 1888 (Act V. of 1888) as applied to the East Africa Protectorate by Order of the Secretary of State made the 20th December, 1900, the Registration of Trade Marks Ordinance, 1912, and the Patents and Designs Ordinance, 1913," 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 without amendment 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 POST OFFICE AMENDMENT ORDINANCE, 1915.

THE HON. F. W. MAJOR moved that the Bill intituled "An Ordinance to make provision against the smuggling of Letters into and out of the Protectorate" be read a second time.

THE HON. A. C. MACDONALD 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 with the following amendment:—

Clause 2, sub-section (ii), add at the end the words "if it shall not have been detained by a Postal Censor."

The Council resumed its Sitting.

THE HON. F. W. MAJOR moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. F. W. MAJOR gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE REGISTRATION OF PERSONS AMENDMENT ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the Registration of Persons Ordinance, 1915," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

In Committee.

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

The Council resumed its Sitting.

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

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1915.

THE HON. J. AINSWORTH moved that the Bill intituled " An Ordinance to make provision for increasing Native Hut and Poll Tax " be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

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

THE NATIVE REGISTRATION AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to amend the Native Registration Ordinance, 1915," 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 EAST AFRICA MARRIAGE AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to Facilitate Marriages between British Subjects resident in the Protectorate and British Subjects resident in the United Kingdom " 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 CUSTOMS TARIFF AMENDMENT (No. 3) ORDINANCE, 1915.

THE HON. F. W. MAJOR moved that the Bill intituled " An Ordinance to amend the Customs Tariff Ordinance, 1909," be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

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

THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1915.

THE HON. A. C. MACDONALD moved that the Bill intituled " An Ordinance to amend the Law relating to Diseases of Animals " be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

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

THE NATIVE LIQUOR AMENDMENT ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to keep alive the provisions of the East Africa Native Liquor Ordinance, 1907, as amended by the East Africa Native Intoxicating Liquor Ordinance, 1908," 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 INVENTIONS, DESIGNS, AND TRADE MARKS (TEMPORARY RULES)
ORDINANCE, 1915.

THE HON. THE ATTORNEY GENERAL moved that the Bill intituled " An Ordinance to extend the Powers of the Governor and the Governor-in-Council as the case may be during the continuance of the present hostilities to make Rules under the Indian Inventions and Designs Act, 1888 (Act. V. of 1888) as applied to the East Africa Protectorate by Order of the Secretary of State made the 20th December, 1900, the Registration of Trade Marks Ordinance, 1912, and the Patents and Designs Ordinance, 1913," 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 POST OFFICE AMENDMENT ORDINANCE, 1915.

THE HON. F. W. MAJOR moved that the Bill intituled " An Ordinance to make provision against the smuggling of Letters into and out of the Protectorate " be read a third time.

THE HON. A. C. MACDONALD seconded.

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

THE REGISTRATION OF PERSONS AMENDMENT ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY moved that the Bill intituled " An Ordinance to amend the Registration of Persons Ordinance, 1915," be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

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

The Council adjourned till 10 a.m. on the 3rd December, 1915.

SECOND DAY.

The Council assembled on the 3rd December, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (SIR H. CONWAY BELFIELD, K.C.M.G.) presiding.

Present:—

THE HON. THE CHIEF SECRETARY (C. C. BOWRING, C.M.G.).
 THE HON. THE ATTORNEY GENERAL (J. W. BARTH).
 THE HON. THE TREASURER (H. P. ESPIE).
 THE HON. THE MANAGER OF THE UGANDA RAILWAY (B. EASTWOOD).
 THE HON. F. W. MAJOR, I.S.O.
 THE HON. A. C. MACDONALD.
 THE HON. C. W. HOBLEY, C.M.G.
 THE HON. J. AINSWORTH, C.M.G.
 THE HON. W. A. M. SIM.

Absent:—

THE HON. R. BARTON WRIGHT.

THE COMPULSORY SERVICE ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY, in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for Compulsory Military and other Service." He said:—

I beg leave to introduce and move the first reading of a Bill intituled "An Ordinance to provide for Compulsory Military and other Service."

The title of this Bill is self-explanatory in so far as Military service is concerned. The "other" service quoted may be described as being of the nature of "civil services" and is provided for in Clause 14 (1) of the Bill.

Before dealing in detail with the provisions of the Bill it will be as well for me to review briefly the circumstances which have caused Your Excellency to issue instructions for the framing of the measure.

The mass meeting held in Nairobi on September 7th to which reference has already been made in this Hon. Council, was the first indication that a feeling was abroad that the resources of the Protectorate should be organised on a war footing. The resolution which was carried at that meeting without one dissentient voice asked for the application of the principle of universal service to all citizens. This resolution was subsequently endorsed at large and representative public meetings held at Kiambu, Nakuru, Lumbwa and Eldoret, while the Mombasa citizens assured Your Excellency of their unqualified support in any measures which Your Excellency might consider necessary for the further prosecution of the war.

It was probably the latest appeal for local volunteers which had appeared in the Press and in the *Official Gazette* of September 1st which caused the community to ask that they might be organised on a war footing. It was realised that without organisation the requirements of the military authorities could not be fulfilled except at the cost of so seriously interfering with the economic condition of the country that the results would be so far reaching as to cause a set back to its progress which might take many years to adjust itself.

At the time of the first of these meetings, *i.e.*, the Nairobi meeting of September 7th, Your Excellency had already given orders for the preparation of a Registration of Persons Ordinance as being an essential preliminary to any organisation of the community on a war footing.

Thus the Government and the community generally found themselves in complete accord as to the object to be attained.

The Registration Ordinance became law on September 14th, and Your Excellency lost no time in considering the best means of giving effect to the wishes of the community with regard to the organisation of its resources. On the very day that the Ordinance was passed a special Committee, known as the Governor's War Council, was brought into being. This Council consisted originally

of representatives of the civil service, the military authorities and the general public who consented to act thereon at the invitation of Your Excellency. This body has since been strengthened by the addition to it of three members elected by the European communities themselves and representing the rural highland settled areas of the Protectorate.

The next step was the formation in each District of local organising Committees. Instructions on this subject were issued to the District Commissioners on September 20th, and the Committees were duly formed in consultation with the local residents.

In the meantime the requirements of the military authorities had been expressed in terms of definite numbers. 300 men were required. The local position was serious and threatened to become more so. Additional arms and ammunition were known to have reached the enemy, whose activity on our side of the border and whose raids on the railway line had considerably increased. There was no indication of reinforcements being sent from overseas, and the situation in the European and Eastern theatres of war, so far as it could be assessed locally, held out no prospects of such reinforcements becoming available in the near future.

The task with which the Local Committees were faced was thus by no means an easy one. They were required to organise their districts on a war footing, while at the same time men were flocking in to join the local forces.

I should like to take this opportunity of congratulating those Committees on the success which has so far crowned their efforts. By local co-operation amongst the settlers themselves the affairs of those who have volunteered for active service are being looked after by those remaining behind, while the demands of the military authorities have been more than satisfied, for 320 local residents, including Government officials, have joined the forces since the Registration Ordinance was passed.

It might reasonably be asked why, if such be the case, especially now that reinforcements have been arranged for, is it considered necessary to proceed with the matter of compulsory military and other service.

I would state at once that there is no present intention of taking advantage of the provisions of the Ordinance in so far as they relate to military service. If the Bill is passed in its present form the power will be in Your Excellency's hands to require men of military age to join the forces, but until circumstances arise of such gravity as to render such a step necessary for the safety of the Protectorate, a contingency which, though it may now appear remote, is still within the bounds of possibility, or perhaps to meet further demands from the military authorities in the case of very heavy casualties in the E.A.M.R. or other local forces, it is hoped and believed that there will be no occasion for Your Excellency to avail yourself of these powers.

Further, from the records compiled by the local authorities, it is now clear that in spite of the large numbers of men who have joined, an appreciable, if not considerable, number still remain who could be spared if necessary without very seriously affecting the economic position. Should such a serious state of affairs as I have referred to as being always possible arise it would be these men—and their names have already been tabulated—who would first be called out.

But one very important provision of the Bill will come into force as soon as it is passed, and that is the provision relating to "civil services." In order to secure to those who have joined or who may join the local forces that protection by law which is at present afforded them by local arrangement, provision has been inserted in the Bill whereby no one who has undertaken to perform work or supervision for or on behalf of anyone who is serving in the military forces will be permitted himself to enlist or otherwise to leave his present employment without the consent of the District Committee or of his employer as the case may be. Already cases have occurred where the arrangements made by the Local Committees have been interfered with by such persons leaving their Districts, and it is considered necessary to provide by legislation that such arrangements shall be continued on as permanent a basis as possible, and shall not depend on the whim of individuals.

In short, the safeguarding of the interests of those at the front is deemed to be a very important item in the organisation of the Community on a war footing.

The reasons for introducing this Bill at the present stage are, therefore, briefly, as follows:—(1) An emergency might still arise which would necessitate a further call on the Community for men for the fighting line, and the necessary information is to hand as to how a certain number of additional men could be

provided without undue general inconvenience; and (2) it is undesirable to lose any time in safeguarding the interests of those who have already joined or may do so in future, either voluntarily or by exercise of the powers reserved to Your Excellency under the Bill.

I will now turn to the provisions of the Bill, which I should like to say has been prepared by the Attorney General on lines suggested by the War Council.

Clause 15 restricts the application of the Ordinance to British subjects and British protected subjects. No obligations are imposed on subjects of Foreign Powers or natives of Protectorates of Foreign Powers. The provisions may thus be considered as affecting only those coming under the former category.

Clause 1 cites the "short title" of the Ordinance. The War Council had advised that "National" should be substituted for "Compulsory," but Your Excellency was unable to accept this suggestion after learning the opinion of the Attorney General that the expression "national" was not suitable to a British Protectorate, and that the term "national service" would, moreover, have a different meaning in connection with the measure than that generally accepted in England.

Clause 2 authorises the Governor to form such military corps as he thinks fit, and Clause 9 brings any existing mobilised or embodied volunteer corps or unit within the scope of the Ordinance. Clause 3 imposes the obligation for military service on all male persons between the ages of 18 and 45.

Clause 4 provides for the formation of a War Council and of District Committees. When the Bill becomes law I shall ask Your Excellency formally to re-appoint the existing War Council and District Commissioners' Organising Committees under this Clause.

Clause 5 prescribes the duties of the War Council, which will be to provide from the various Districts such number of males of European or Asiatic origin for military service as the Governor may direct, having due regard to the necessities of civil life and to the circumstances of each case.

Sub-Section (3) of this Clause indicates the procedure to be adopted in the case of persons so selected.

Clause 6 similarly prescribes the duties of the District Committees which are to study the economic conditions prevailing in their Districts and furnish the War Council with lists of persons who in their opinion could be released for military service. It is on the information thus accessible to it that the War Council will be placed in the position of being able to select the men required.

By this system the onus of recommending individuals for military service will rest on the Local Committees, while the actual selection will be made by the War Council. Both these bodies are to be guided by the necessities of civil life and the circumstances of each case.

Clause 7 extends the recently enacted Native Followers Recruitment Ordinance to natives required for military service as soldiers. Neither the War Council nor the District Committees will, therefore, be concerned with natives so enrolled.

Clause 8 provides for the prescription of rates of pay and terms of service for persons selected for military service.

Clause 10 is a disciplinary clause.

Clause 11 gives the Governor powers to disband any corps formed or brought under the provisions of the Ordinance.

Clause 12 and the Schedule deal with the form of oath to be taken by all persons enrolled in a corps formed under the Ordinance.

Clause 13 saves the powers of the Governor to sanction the formation of corps under the provisions of the Volunteer Ordinance, 1915, but provides that until such corps are embodied or enrolled members of them shall be liable for military service under the Ordinance.

Clause 14 is the portion of the Bill relating to "civil services," to which I have already referred, and which will come into active operation as soon as the Bill becomes law.

Sub-Section (2) of this Clause provides for special certificates to be issued by District Committees to persons who for economic reasons are restrained from joining any military unit. It is considered that certificates of this nature will be valued by persons who, though anxious and eager to join, are prevented from doing so in the interests of the maintenance of civil industry.

Clause 16 authorises the Governor to make rules for carrying out the purposes of the Ordinance.

Clause 17 is the penalty clause.

And Clause 18 limits the operation of the Ordinance to the duration of the present War.

I now move that a Bill intituled " An Ordinance to make provision for Compulsory Military and Other Service " be read a first time.

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

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

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

THE HON. THE CHIEF SECRETARY (*Chairman*).

THE HON. THE ATTORNEY GENERAL.

THE HON. THE MANAGER OF THE UGANDA RAILWAY.

THE HON. W. A. M. SIM.

The Council adjourned till 10 a.m. on the 4th December, 1915.

THIRD DAY.

The Council assembled on the 4th December, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (SIR H. CONWAY BELFIELD, K.C.M.G.) presiding.

Present :—

THE HON. THE CHIEF SECRETARY (C. C. BOWRING, C.M.G.).

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

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

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

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

THE HON. A. C. MACDONALD.

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

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

THE HON. W. A. M. SIM.

Absent :—

THE HON. R. BARTON WRIGHT.

THE COMPULSORY SERVICE ORDINANCE, 1915.

THE HON. THE CHIEF SECRETARY submitted and read the Report of the Special Committee appointed to enquire into and report on the provisions of the Bill intituled " An Ordinance to provide for Compulsory Military and Other Service," as follows :—

REPORT OF THE SPECIAL COMMITTEE OF THE LEGISLATIVE COUNCIL OF THE EAST AFRICA PROTECTORATE APPOINTED ON DECEMBER 3RD, 1915, TO CONSIDER THE PROVISIONS OF A BILL INTITLED "AN ORDINANCE TO PROVIDE FOR COMPULSORY MILITARY AND OTHER SERVICE."

1. The Committee consisted of:—

THE CHIEF SECRETARY TO THE GOVERNMENT (*Chairman*).

THE ATTORNEY GENERAL.

THE GENERAL MANAGER, UGANDA RAILWAY.

THE HON. W. A. M. SIM.

2. The only amendment of importance which the Special Committee recommend for consideration by the Council is with regard to Clause 14 (1). It is recommended that the words in line 54 "No male person of European or Asiatic origin" be deleted, and the words "No person" substituted therefor. It appears to the Special Committee that cases may occur in which men are released or selected for active service because women undertake to perform work or supervision on their behalf, and it would be a distinct hardship if the interests of such men were to suffer because the District Committee had no control over their substitutes.

Further, the Special Committee consider that the obligations imposed on Europeans and Asiatics by this Clause could properly be extended to the case of natives, and they are of opinion that the District Committees can be relied upon to see that no undue hardship occurs through such extension of the principle of civil service.

3. The Special Committee desire to suggest a few terminological alterations, which will be duly moved when the Council is in Committee.

Nairobi,
3rd December, 1915.

C. C. BOWRING,
Chairman.

THE HON. THE CHIEF SECRETARY moved that the Bill 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 was adopted with the following amendments:—

In Clause 7, 2nd line, the words "procedure provided by" were substituted for the words "provisions of."

In Clause 14, section (1), 1st line, the words " male " and " of European or Asiatic origin " were deleted; in the 6th line, the word " abandon " was substituted for the word " leave "; and, in the 15th line, the word " employment " was substituted for the word " occupation." In section (2) of the same Clause the word " unit " occurring in the 3rd line was deleted and the word " corps " substituted therefor.

In Clause 17, 4th line, the word " description " was substituted for the word " kind," and the words " for a term " were inserted before the words " not exceeding."

In Clause 18, after the word " during," the words " the continuance of " were inserted.

The Council resumed its Sitting.

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

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE CHIEF SECRETARY moved that the Bill be read a third time.

THE HON. THE ATTORNEY GENERAL seconded.

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

ADJOURNMENT.

The Council adjourned until such date as might be duly notified. The Hon. The Chief Secretary, in moving the adjournment, intimated that at the next Session, which would probably be held in January, 1916, the Appropriation Bill for the year 1916-17 would be introduced.

