

MEETING HELD ON 8TH OCTOBER 1907

The Crown Advocate gave notice that he would move the Second Reading of the following Bills at the November meeting:

A Bill to make proper notification of amendments to Indian Acts applicable to this Protectorate.

A Bill to amend the Criminal Procedure Ordinance 1906.

The Senior Commissioner commissioner gave notice that he would move the Second Reading of a Bill to make better provision for regulating the sale of Native Intoxicating Liquors at the November meeting.

DISEASES OF ANIMALS BILL-- THIRD READING

The Treasurer having stated that the figures in the Schedule of a Bill to make further provision for preventing the spread of diseases among animals, are correct, the Bill was forthwith read a Third time without dissent.

HIGH COURT BILL-- COMMITTEE

The Council resumed the Committee and the Bill to define the powers of the High Court and to constitute and define the powers of Courts subordinate thereto.

Section 1

The Crown Advocate moved the insertion of the following definition at the end of Section 1:

" Subordinate Court shall except where inconsistent with the provisions of this Ordinance mean any Court subordinate to the High Court."

The Treasurer seconded and this was agreed to without dissent.

Section 36

The Crown Advocate moved to insert after the word " shall" in Section 36 the words " subject to the provisions of this Ordinance".

The Land Commissioner seconded and this was agreed to without dissent.

Section 38

The Crown Advocate moved to add the following proviso to Section 38:

" Provided however that an appeal shall lie to the High Court in any case in which a European shall be sentenced by any subordinate Court to a term of imprisonment exceeding 14 days or a fine of Rs 50 or to imprisonment and fine. "

The Land Commissioner seconded and this was agreed to without dissent.

Section 1

The Treasurer moved to add to Section 1 the following

" European shall mean a person of European birth or Descent."

Lord Delamere seconded and this was agreed to without dissent.

The Land Commissioner moved to delete " or American" or " or Americans" whenever the word may occur.

The Crown Advocate seconded and this was agreed to without dissent.

Section 39

Lord Delamere moved to delete Section 39 subsection 2.

Mr Wilson seconded.

On the question being put, there voted for the motion Lord Delamere and Mr Wilson. The President, the Land Commissioner, the Senior Commissioner, the Crown Advocate, the General Manager Uganda Railway and Mr Hollis voted against the motion.

The motion was lost.

Section 39

Lord Delamere moved to delete the following words from Section 39 subsection (iii) (a):

" or order the accused to be committed or retried by a Court of competent jurisdiction ".

Mr Wilson seconded.

On the question being put, there voted for the motion Lord Delamere and Mr Wilson. The President, the Senior Commissioner, the Land Commissioner, the Treasurer, the Crown Advocate, the General Manager Uganda Railway, Col Will and Mr Hollis voted against the motion.

The motion was lost.

Section 40

The Crown Advocate moved to delete Section 40 and substitute the following:

" All proceedings before the High Court in the exercise of its appellate jurisdiction in criminal matters shall be heard by not less than two Judges.

All proceedings before the High Court in the exercise of its revisional jurisdiction in original matters may be heard and any order thereon made or passed by one Judge."

The Land Commissioner seconded and this was agreed to without dissent.

Section 41

The Land Commissioner moved to add to Section 41 (2)

" Except in cases in which the High Court has convicted on an appeal from an acquittal ."

Col. Will seconded and this was agreed to without dissent.

Section 43

The Crown Advocate moved to insert a new Section 43, the present Section 43 to become 44:

" Any action or proceedings begun in any Court constituted under any Ordinance, Regulation or Order repealed by this Ordinance or ceasing to have jurisdiction on the commencement of this Ordinance and pending at the commencement of this Ordinance may be continued and concluded by such Court, as if this Ordinance had not been made, and every such Court is hereby authorised and empowered to do any act or thing, or to make and give any order Judgement or decree or award in such action or proceedings begun as aforesaid which might have been done made or given by such court before the passing of this Ordinance.

All the powers and duties conferred and imposed a District Court or a Special Court by or under the abolition of the legal status of ~~Slavery~~ <sup>Slavery</sup> Ordinance 1907 are hereby transferred to and shall be ~~performed~~ <sup>be performed</sup> by a Subordinate Court of the Second Class."

The Land Commissioner seconded and this was agreed to without dissent.

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

The Land Commissioner seconded.

After debate the Bill was reported to the Council.

The Crown Advocate gave notice that he would move the Third Reading of this Bill at the November meeting. It was already pointed out that the Bill had been read a Second time on September 9th last.

The Council then, with the exception of Lord Delamere, voted for the deletion of the ~~Second~~ Second Reading of the Bill.

LIQUOR BILL-- COMMITTEE STAGE

The Crown Advocate moved that the Council go into Committee to consider the provisions of the Bill for regulating the sale of Wines, Spirits and Malt Liquors.

The Land Commissioner seconded and this was agreed to without dissent.

Schedule I

The Crown Advocate moved the deletion of the words " section -19 inclusive" in Schedule I and the insertion of the words " the whole".

Lord Delamere seconded and this was agreed to without dissent.

Section 2

Lord Delamere moved to substitute " person" for " officer " in Section 2 subsection 6;

The Crown Advocate seconded and this was agreed to without dissent.

Section 9

The Crown Advocate moved to delete " naval" from Section 9 (13)

Lord Delamere seconded and this was agreed to without dissent.

Section 10

Lord Delamere moved to delete " or drunk" in Section 10 (1) (a).

The Crown Advocate seconded and this was agreed to without dissent.

Lord Delamere moved to delete Section 10 (1) c and d.

Mr Wilson seconded and this agreed to without dissent.

Section 10

Lord Delamere moved to delete Section 10 (2) a the words "boarding- meals" and from " between" to the end of the section and to insert " at any hour " after " day".

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to substitute " Licensing Court" for " Provincial Commissioner " in Section 10 (2) (b).

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 10 (3) the words " drunk", " during such" from " as" to "than" and to insert " consumed" for " drunk", " between the" after " day" and "of" after " hours", " 9 o' clock" to become "10 o' clock"

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 10 (4) the words " only - bottle" and " during" to the end of the subsection and to insert after " licence" the words " from 6 o' clock in the morning to nine O8 clock at night."

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 10 (5) from " on" to the end of the section and to insert " from 6 o' clock in the morning to 9 o' clock at night" after importation", and " consumed" for " drunk".

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 10(6) from "on" to the end of the section and to insert " from six o' clock in the morning to 12 midnight" after " premises".

Mr Wilson seconded and this was agreed to without dissent.

Section 10

The Treasurer moved to delete in Section 10 (7) (a) " for the consumption of premises "

Lord Delamere seconded and this was agreed to without dissent.

The Treasurer moved to insert " Secretary" after " properietor" in two places in Section 10 (7) (b).

The Crown Advocate seconded and this was agreed to without dissent.

Lord Delamere moved to amend Section 10 (7) (d)

Mr Wilson seconded.

On the question been put, there voted for the motion The Treasurer, the General Manager Uganda Railway, Lord Delamere, and Mr Wilson. The President, the Senior Commissioner, the Land Commissioner, the Crown Advocate, Colonel Will and Mr Hollis voted against the motion.

The motion was lost.

Lord Delamere moved to insert " bona fide" between " to" and " passengers" and to delete the words " and -- meals" in Section 10 (8) from " on".

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 10(9) from "on" to the end of the section.

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to insert " or other assembly" after " amusement " and to delete the words " excluding --Friday" inclusive in Section 10(10) (a).

Mr Wilson seconded and this was agreed to without dissent.

Section 10

The Treasurer moved to add " and other inland waters " at the end of Section 10(12) (a).

The Crown Advocate seconded and this was agreed to without dissent.

Lord Delamere moved to add " except to passengers and members of the crew" at the end of Section 10(12) (c).

Mr Wilson seconded and this was agreed to without dissent.

The Crown Advocate moved to delete Section 10(13) and substitute the following new Section 10 (13):

" A ' Canteen Liquor Licence' shall authorise the sale of liquor by retail on premises set apart as the Canteen Club Institute Mess or other similar institution established for the use of members only of His Majesty's Navy, His Majesty's Navy, the King's African Rifles or Protectorate Police Force. Such licence shall authorise the sale of liquor to members only of the Canteen Club Institute Mess or other similar institution for consumption on the licences premises only.

A District Commissioner may issue a Canteen licence without requiring certificate of any licensing Court to such person as the Officer Commanding the force or regiment in respect of which the licence is required shall nominate ."

The Land Commissioner seconded and this was agreed to without dissent.



Second Schedule:

Lord Delamere moved to delete the 2nd Schedule  
and to substitute the following:

SECOND SCHEDULE

	<u>For 12 months</u>	<u>for 6 months</u>
1. Wholesale liquor licence	Rs 250	140
2. Hotel liquor licence	200	115
3. Restaraunt or Cafe liquor licence	300	165
4. Malt liquor licence	75	45
5. Wine Merchants or Grocers liquor licence	300	165
6. General retail liquor licence in respect of premises situate within one mile of the area of any municipality or township	600	315
7. General retail liquor licence in respect of premises situate beyond one mile of the area of any municipality or township	450	240
8. Club liquor licence. Proprietary	450	240
9. Railway Station liquor licence	150	90
10. Theatre liquor licence	300	165
11. Brewer's liquor licence	300	165
12. Steamship liquor licence	100	60
13. Naval Canteen liquor licence	75	45
14. Temporary liquor licence	15 per day.	

The holder of a general liquor licence may hold a  
Hotel liquor licence or cafe liquor licence in respect of the  
same premises for the same period without the payment of any

sum in addition to the amount paid by him in respect of general liquor licence. A holder of a Railway Station licence granted in respect of a Railway rest house may hold an hotel liquor licence in respect of such rest house for the same period on payment of the one quarter of the sum prescribed for an hotel liquor licence in addition to the amount paid by him in respect of his Railway Station liquor licence.

Mr Wilson seconded and this was agreed to without dissent.

Section 11

Lord Delamere moved to amend Section 11 as follows:

" A court for the consideration and determination of applications for or granting to, removal or transfer of licences for the sale of ~~intoxicating~~ <sup>intoxicating</sup> liquors and for the manufacture of malt liquors is hereby constituted and shall be held in each province of the Protectorate.

Such Court shall consist of:

(a) In the Provinces of Seyidie, Ukamba and Kisumu

(1) The Provincial Commissioner or in the absence of the Provincial Commissioner the District Commissioner of Mombasa, Nairobi and Kisumu respectively.

(2) Such officials and non-officials ( not being more than six or less than two in number ) residing in the Province as the Governor may appoint

(1) The Provincial Commissioner or in his absence the District Commissioner at Naivasha.

(2) Such officials and non-officials  
( not more than six and not less than  
two in number) residing in the Province  
as the Governor may appoint.

(c) In the provinces of Kenya, Tanaland and  
Jubaland

(1) The Provincial Commissioners in  
their respective provinces and in their  
absence such administrative officers as  
may be appointed by the Governor on that  
behalf.

Provided however that the Governor may by a  
Proclamation in the Official Gazette declare that the Licensing  
Courts in all or any of these provinces shall be constituted  
in the manner prescribed in (b) of this Section.

The Crown Advocate seconded and this was agreed  
to without dissent.

#### Section 12

Lord Delamere moved to delete original Section  
12 and substitute the following:

" The following persons shall be disqualified  
for appointment and if appointed shall not  
continue as members of a licensing Court  
that is to say:-

1. The holder of any licence for sale  
or manufacture of liquor.
2. Any person interested or concerned  
in any partnership or Company with any holder  
of such licence as aforesaid or with any  
brewer.
3. Any paid officer or paid agent of  
any co-partnership or society interested  
in sale or prevention of sale of intoxicating  
liquor.

4. Any person employed directly or indirectly as an agent for the purpose of making application for a licence for any other person or any partner or any person so employed as an agent.
5. Any person being the agent or Manager of or a partner in any trade or calling carried on upon any premises licensed in respect of which an application for licence has been made, or the owner or the lessor of or the holder of any mortgage bond upon the premises.
6. An unrehabilitated insolvent.
7. Any person who in the Protectorate or elsewhere had had a sentence of imprisonment without the option of a fine imposed upon him for the commission of some crime or offence not of a political nature and has not received a pardon therefor.

Any person so disqualified knowingly acting or sitting as a member of the Licensing Court shall be liable to a penalty not exceeding Rs 1500.

The fact that a person is a member of a Club holding a Club liquor licence shall not in itself disqualify him from being a member of a Licensing Court.

The Treasurer seconded and this was agreed to without a dissent.

Section 13

Lord Delamere moved to substitute "Province " for "District" in Section 13.

Mr Wilson seconded and this was agreed to without dissent.

Section 14

Lord Delamere moved to delete " or as soon as possible thereafter " in Section 14.

Mr Wilson seconded and this was agreed to without dissent.

Section 15

Lord Delamere moved to delete " not" in Section 15 and from " but" to the end of the Section.

Mr Wilson seconded and this was agreed to without dissent.

Section 16

Lord Delamere moved the deletion of " the provinces of Syedie, Ukamba, Kisumu and Naivasha " and " of Licensing Court " in Section 16 and to insert the words after " in" " Licensing Courts constituted as provided in Section 11 (a) or (b) ".

Mr Wilson seconded and this was agreed to without dissent.

Section 17

Lord Delamere moved to substitute " Courts" for " Provinces " in Section 17.

Mr Wilson seconded and this was agreed to without dissent.

Section 18

Lord Delamere moved to insert " any" before " meeting" in Section 18.

Mr Wilson seconded and this was agreed to without dissent.

Section 19

Lord Delamere moved to insert " new" "before licences " in Section 19 (4).

Mr Wilson seconded and this was agreed to without dissent.

Section 20

Lord Delamere moved that Section 20 ~~should~~ <sup>should</sup> read as follows:

" The Licensing Court may , anything to the contrary notwithstanding in this Ordinance, when it shall be satisfied of its being for the convenience of the public, grant to the holder of any restaurant licence an extension of hours for the sale of liquor under such licence not later than 12 o' clock at night.

Such privileges shall be called midnight privileges and there shall be paid in respect of such privileges the amount equal to one half of the amount chargeable in respect of such licences."

Mr Wilson seconded and this was agreed to without dissent.

Section 21

Lord Delamere moved to insert a new section 21 as follows:

" Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as a house for the sale of intoxicating liquors to be consumed on the premises may apply to the licensing

Section 21

" Court for the provisional grant of a licence in respect of such premises and the Licensing Court if satisfied with the plans submitted to them of such premises and that if such premises had been actually constructed in accordance with such plans they would on application have granted such a licence in respect thereof may make such provisional grant. A provisional grant shall not be of any validity until it has been declared to be final by the Provincial Commissioner. Such declaration shall be made if the Provincial Commissioner is satisfied that the house has been completed in accordance with such plans as ~~as aforesaid~~ <sup>aforesaid</sup> and is also satisfied that no objection can be made to the character of the holder of such provisional licence.

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete from " or" to the end of the Section.

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete from " and" to the end of Section 21(2).

Mr Wilson seconded and this was agreed to without dissent.

Section 24

Lord Delamere moved to delete in Section 24 (1) the words " or the ~~renewal~~ <sup>renewal</sup> of any such licence " " renewed" and to insert a new subsection (ii) as follows:

" In the case of an application for the renewal of a licence no notice need be given, but no such application shall be considered by the Licensing Court unless such application is made on the first day of the meeting of such Court"

Mr Wilson ~~seconded~~ <sup>seconded</sup> and this was agreed to without dissent.

Section 25

Lord Delamere moved to substitute " Licensing Court" for " Provincial Commissioner" in the last line but one of Section 25(i)

Mr Wilson seconded and this was agreed to without dissent.

Lord ~~De~~ Delamere moved to substitute " Licensing Court" for " Provincial Commissioner" on the last two occasions that it occurs in Section 25 (ii).

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to insert after " Court" in Section 25.(3) the words " and to the Editor of the ~~Official~~ <sup>Official</sup> Gazette"

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere~~y~~ moved to insert in Section 25 (4) " such" after " every" and " and every application for renewal of licence" after " application "

Mr Wilson seconded and this was agreed to without dissent.



Section 26

Lord Delamere moved to insert " or removal" after renewal" in Section 26.

Mr Wilson seconded and this was agreed to without dissent.

Section 27:

Lord Delamere moved to insert after " force" in Section 27 " acting on general or specific instructions of the Inspector General of Police " and to delete " town or village" and substitute " District ".

Mr Wilson seconded and this was agreed to without dissent.

Section 28

Lord Delamere moved to insert after " thereof" in Section 28 (1) " stating the reason for such ~~of~~ objections" and to substitute " ten" for " five".

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to insert the following proviso at the end <sup>of</sup> Section 28 (1)

" Provided however Licensing Courts may have an objection to a granting of a licence notwithstanding that he shall not have sent his objections to the Provincial Commissioner, but in such case the Court shall, if the applicant shall so demand adjourn the hearing of the application for atleast ten days."

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete in Section 28 (2) the words " or- licence" inclusive to substitue " it" for "him", and to add after " applicant", "and any applicant for removal or transfer or renewal of a licence.

Mr Wilson seconded and this was agreed to without dissent.

Section 29

Lord Delamere moved to delete in Section 29 the words " or renew".

Mr Wilson seconded and this was agreed to without dissent.

Section 30

Lord Delamere moved to substitute " seven" for " four" in Section 30 (2).

Mr Wilson seconded and this was agreed to without dissent.

Section 31

Lord Delamere moved to delete Section 31.

Mr Wilson seconded and this was agreed to without dissent.

Section 32

Lord Delamere moved in Section 32 the following amendments : delete " or the renewal of an existing licence" in Section 32 (1), delete " in the case of a new licence" in Section 32 (3), (4) (5) delete.

Mr Wilson seconded and this was agreed to without dissent.

This Section now becomes Section 31.

Lord Delamere moved to insert a new Section 32 as follows:

" A Licensing Court may refuse to grant the renewal of an existing licence when it is proved to its satisfaction:

- (1) That the premises in respect of which application is made are out of repair or are not kept clean or wholesome state provided that notice of such disrepair or unclean or unwholesome state shall have been given to the Court on the last renewal of the licence.

Section 32

" (2) If there shall have been four convictions within five years or two within the preceding twelve months of any ~~off~~ offence under this Ordinance against the holders of such licence in respect of premises for renewal of licence for which application is made.

(3) That any conditions imposed by the Licensing Court under Section 29 of this Ordinance have not been complied with.

Mr Wilson seconded and this was agreed to without dissent.

Section 33

Lord Delamere moved to delete Section 33 and substitute the following :

" It shall not be competent for the Licensing Court to grant a new licence or renewal of any existing one of the transfer of a licence to any person:-

1. who has been here or elsewhere has had a sentence of imprisonment imposed upon him for the commission of some crime or offence not of political nature without the option of a fine and not received a full pardon therefor.
2. in case of a retail licensee not residing in the Protectorate.
3. who is under the age of 21 years.
4. who is a native.

The premises in respect of which a licence is issued or transferred to any person disqualified under this Section shall be closed

Section 33

" for the sale of liquor by order of the Provincial Commissioner of the Province in which they are situated until such time as the licence is transferred."

Mr Wilson seconded and this was agreed to without dissent.

Section 34

Lord Delamere moved to delete Section 34.

Mr Wilson seconded and this was agreed to without dissent.

Section 35

Lord Delamere moved to insert at the end of the Section 35 " and the Provincial Commissioner's Office ".

Mr Wilson seconded and this was agreed to without dissent.

Section 36 becomes Section 35 and Section 37 becomes Section 36.

Section 38

Lord Delamere moved to delete from " for- Court" inclusive in Section 38 and to insert " A Licensing Court shall not be bound to satisfy a temporary transfer or removal sanctioned by the Provincial Commissioner and should it refuse to do so ", to delete " renewal" substitute " removal".

Mr Wilson seconded and this was agreed to without dissent.

Section 38 becomes Section 37, Section 39 becomes 38 and Section 40 becomes Section 39.

Section 41

Lord Delamere moved to delete Section 41.

Mr Wilson seconded and this was agreed to without dissent.

Section 42

Lord Delamere moved to delete "Every granted" in Section 42.

Mr Wilson seconded and this was agreed to without dissent.

Section 42 becomes Section 40.

Section 43

Lord Delamere moved to delete Section 43 (a) (b) and to substitute the following:

(a) for a first offence a fine not exceeding

Rupees one thousand and five hundred and

in default of payment to imprisonment not

exceeding six months. or to an <sup>imprisonment</sup> ~~imprisonment~~

with hard labour not exceeding six months.

(b) For a second offence to a fine not less

than seven hundred and fifty and not exceeding

Rupees three thousand and in default of payment

to imprisonment with or without hard labour

for a term not less than six months or

exceeding twelve months.

Mr Wilson seconded and this was agreed to without dissent.

Mr Hollis moved to insert " or to both fine and imprisonment" at the end of Section 43(b).

Colonel Will seconded and this was agreed to without dissent.

Lord Delamere moved to delete " with or without hard labour" in Section 43 (b).

Mr Wilson seconded.

On the question being put, there voted for the motion The Treasurer, the Senior Commissioner, Lord Delamere and Mr Wilson. The President, the Land Commissioner, the Crown Advocate, Colonel Will and Mr Hollis voted against the motion.

The motion was lost.

Section 44

Lord Delamere moved to delete in Section 44 " or in any way" dispose of" and to insert "knowingly " after " person".

Mr Wilson seconded and this was agreed to without dissent.

Section 44 becomes Section 42

Section 45

Lord Delamere moved to delete Section 45.

Mr Wilson seconded and this was agreed to without dissent.

Section 46 becomes Section 43 and Section 47 becomes Section 44.

Section 48

Lord Delamere moved in Section 48 " seven" become " one" with " or" be deleted, " three" become " one" in Section 48 (3) " knowingly" be inserted before " sell" and after " duty" " unless on the written authority of a superior officer" be inserted. Section 48 (4) be deleted and the final clause substitute Rs 300 for Rs 2500 " with or" be deleted and " two" substituted for "six"

Mr Wilson seconded and this was agreed to without dissent.

Section 48 becomes Section 45.

Section 49

Lord Delamere moved to insert at the end of Section 49 " and all liquor found on the premises may be forfeited".

Mr Wilson seconded and this was agreed to without dissent.

Section 49 becomes Section 46.

Section 50

Lord Delamere moved to delete " with or" in Section 50.

Mr Wilson seconded and this was agreed to without dissent.

Section 50 becomes Section 47.

Section 51

Lord Delamere moved to delete Section 51 (3) (4) (5), (6) (7) (8) (9) and to insert the following:

" (3) If he shall be convicted of any offence under this Ordinance and the previous conviction within the preceding twelve months of the same or any other offence under this Ordinance shall be proved or three previous convictions within the preceding five years.

(4) If he shall be twice convicted within the year of selling offering or keeping for sale any adulterated liquor.

Mr Wilson seconded and this was agreed to without dissent.

Section 51 becomes Section 48.

Section 52

Lord Delamere moved to substitute " and" for " or that " in Section 52 line 4 to insert after " ~~occupy~~ occupier" "or a member of his family ".

Mr Wilson seconded and this was agreed to without dissent.

Section 52 becomes Section 49

Section 53 becomes Section 50

Section 54

Lord Delamere moved to delete Section 54 (2).

Mr Wilson seconded and this was agreed to without dissent.

Section 55

Lord Delamere moved to delete " with or" throughout

Section 55.

The Treasurer seconded and this was agreed to without dissent.

Section 55 becomes Section 53.

Section 56

Lord Delamere moved to delete Section 56.

Mr Wilson seconded and this was agreed to without dissent.

Section 53

The Senior Commissioner moved the insertion of the following new Sections 53 (1) and (2):

" (1) Every conviction against a licence holder shall be endorsed by the Magistrate on the licence of the convicted person and every application to the Licensing Court for a renewal of a licence shall, if required, by the licensing Court be accompanied by the licence.

(2) Any licensed person convicted of an offence under this Ordinance shall on demand being made by the Court convicting him produce his licence. Any such person refusing, so to produce his licence shall be liable to a fine not exceeding 250 Rupees.

The Crown Advocate seconded and this was agreed to without dissent.



Section 54

The Crown Advocate moved to insert a new section 54 as follows:

" When any tenant of any licensed premises is convicted of an offence against this Ordinance it shall be the duty of the Magistrate convicting to serve a notice of such conviction on the owner of the premises.

Where any order of the Court declaring any licensed premises to be disqualified from receiving a licence for any period has been made the Court shall cause such order to be served on the owner of such premises, where the owner is not the occupier, with addition of the statement that the Court will sit at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the ~~so~~ grounds following, but on no other grounds:-

(a) That the notice required by this section was not served on the owner of a prior offence which on repetition render the premises liable to be disqualified from receiving a licence for any period or

(b) That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Ordinance and the owner could not legally have evicted the tenant in the interval between the commission of the offence in respect of which the disqualification order was made, and the

Section 54

" receipt by him of the notice of the immediately preceding offence which on repetition renders the premises liable to be disqualified from receiving a licence for any period; or

(c) That the offence in respect of which the disqualification order was made occurred so soon after the receipt of such last mentioned notice that the owner notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

If the owner appears at the time and place specified or to which the Court shall be adjourned for the purpose and shall satisfy the Court that he is entitled to have the order cancelled on any of the grounds aforesaid, the Court shall thereupon direct such order to be cancelled and the same shall be void."

Lord Delamere seconded and this was agreed to without dissent.

Section 55

The Crown Advocate moved to insert the following new section 55 :

" Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken, violent, quarrelsome or disorderly and any person

Section 55

" whose presence on the premises would subject him to a fine or penalty under this Ordinance. And any such person who upon being requested in pursuance of this Section by such licensed person or his agent or servant, or any police officer refuses or fails to do so, shall be liable to a fine not exceeding Rs 75, and all Police officers are required on demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for the purpose. "

The Land Commissioner seconded and this was agreed to without dissent.

Section 57

Lord Delamere moved to insert after " Police" in Section 57 (2) " acting on the instructions of such Chief Officer " and to delete "a" before " Police ".

Mr Wilson seconded and this was agreed to without dissent.

Lord Delamere moved to delete " with or" in Section 57 (4).

Mr Wilson seconded and this was agreed to without dissent.

Section 57 to become Section 56.

Section 58

Lord Delamere moved to delete " with or " in Section 58 and to insert " European " before "Police " !

Mr Wilson seconded and this was agreed without dissent.

Section 58 to become Section 57.

Section 59

Lord Delamere moved to substitute " disorderly" for " noisy" in Section 59 and to insert " unnecessary" before " delay", to substitute "45" for " 75" and " seven" for " fourteen".

Mr Wilson seconded and this was agreed to without dissent.

Section 59 to become Section 58.

Lord Delamere moved to delete " with or" in two places in Section 59.

The Treasurer seconded.

On the question being put, there voted for the motion the Treasurer and Lord Delamere. The President, the Senior Commissioner, the Land Commissioner, the Crown Advocate, the General Advocate, Uganda Railway, Colonel Will, Mr Hollis and Mr Wilson voted against the motion.

The motion was lost.

Section 60

Lord Delamere moved to delete in Section 60, " of - officer ", " or-inspector ", " below Inspector", " to district" " or".

Mr Wilson seconded and this was agreed to without dissent.

Section 60 becomes Section 59, Section 61 becomes 60, Section 62 becomes Section 61 and Section 63 becomes Section 62.

Section 64

Lord Delamere moved to delete " or at" in Section 64 and to insert " the bar of" after " in".

Mr Wilson seconded and this was agreed to without dissent.

REPORT TO COUNCIL

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

The Land Commissioner seconded and this was agreed to without dissent.

After debate the Bill was reported to the Council.

The Crown Advocate gave notice that he would move the Third Reading of this Bill in January 1908.

ADJOURNMENT

The Council adjourned till 9.30 a.m. on October 10th 1907.