

X 1931

X 1931

17374

KENYA

17374

C0533/417

PASSPORT: (M^r & M^s GEF SEARLE)

INCLUSION OF ADOPTED DAUGHTER
OF ALIEN ILLEGITIMATE BIRTH.

Previous

Subsequent

Room 297 9/10
W. Eastwood 23
20
W. Eastwood 26/11
- 10-417

An easement on, over or through lands in a native reserve, communal reserve, or other area in the lawful occupation of a native tribe, and the operator and person affected by the easement, shall be subject in all respects to the provisions of this Ordinance, save that where notices or other documents are required to be served on, to, or by a native in a native reserve, communal reserve or other area in the lawful occupation of a native tribe, the notices or other documents shall have the same force and effect if served on, to, or by the Chief Native Commissioner, or such officer as he may appoint.

An easement acquired under this Ordinance on, over or through lands within a Native Reserve shall not be deemed to be a disposal or alienation of the land within the meaning of section 8 of the Native Lands Trust Ordinance, 1930."

Repeal and replacement of section 83(2) of the Principal Ordinance.

6. Sub-section (2) of section 83 of the Principal Ordinance is hereby repealed and the following substituted therefor :-

" (2) The said penalties may be recovered from the person actually committing the offence, or from the person in whose employment he is, and on whose behalf he is acting, or from both, or if the person actually committing the offence is a native under contract with an occupier under section 4 of the Resident Native Labourers Ordinance, 1925, or a member of his family, from the landholder or occupier with whom such native has contracted, provided the offence is committed on or in connection with the land of the said landholder or occupier or on or in connection with a body of water to which such land is riparian."

Amendment of section 88 of the Principal Ordinance.

7. Section 88 of the Principal Ordinance is hereby amended by inserting after the word "Ordinance" where it first occurs in the section the words "other than the provisions of section 75".

17

A BILL TO AMEND THE WATER ORDINANCE, 1929.

=====

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :-

Short Title.

1. This Ordinance may be cited as "the Water (Amendment) Ordinance, 1930", and shall be read as one with the Water Ordinance, 1929, hereinafter referred to as "the Principal Ordinance".

Amendment of section 2 of the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by deleting the word "Persons" at the beginning of the definition of the term "Persons", and substituting therefor the word "Person", and by substituting the word "Ordinance" for the word "Ordinance" in the definition of the term "Prescribed", and by deleting the words "and includes the water diverted or abstracted therefrom, or stored therein, by means of works under a licence" which occur in the third, fourth and fifth lines of the definition of "Body of water", and by inserting the words "or lake" after the word "swamp" which occurs in the first line of paragraph (a) of that definition.

Amendment of section 21(2) of the Principal Ordinance.

3. Sub-section (2) of section 21 of the Principal Ordinance is hereby amended by deleting the word "water" where it first occurs in the third line thereof, and by substituting therefor the words "any body of water" and by inserting the words "any such body of" before the word "water" where it occurs for the second time in the third line thereof.

Amendment of section 73 of the Principal Ordinance.

4. Section 73 of the Principal Ordinance is hereby amended by substituting the words "hold the" for the words "represent their" in the fifth and sixth lines of the section.

Repeal and replacement of section 75 of the Principal Ordinance.

5. Section 75 of the Principal Ordinance is hereby repealed and the following section substituted therefor :-

"75.(1) The powers conferred, and the duties and obligations imposed, by this Ordinance shall in any area of Crown land declared to be a native reserve or a communal reserve which is in the lawful occupation of a native tribe be exercised subject to the provisions of any law for the time being in force relating to land in native reserves or communal reserves, or to any other area in the lawful occupation of a native tribe.

(2) No action affecting any body of water in a native reserve or a communal reserve or any other area in the lawful occupation of a native tribe, or any other body of water interference with which is likely adversely to affect the supply of water to natives resident within such reserve, communal reserve or other area shall be taken by the Water Board without the prior consent of the Native Lands Trust Board established under the Native Lands Trust Ordinance, 1930.

(3) Whenever the land on, over or through which an easement is required is situated within the boundaries of a native reserve, or a communal reserve, or within the boundaries of any other area in the lawful occupation of a native tribe, the amount of compensation, if any, which shall be paid by the operator shall be determined by the Governor in Council.

total of £2,558 under the items 136 to 143 of the sanctioned Estimates, 1931, for Hydrographic Survey and Administration of Water Law. He states that, if the Water Ordinance, 1929 is brought into force, these savings cannot be effected. In the event, therefore, of the Ordinance being applied as from the 1st January, 1932 additional expenditure of £3,553 would have to be provided in the Estimates. In these circumstances, it is not proposed, in any case, to bring the Ordinance into force in 1932, but no objection is seen to proceeding with the enactment of the amending Bill, if this meets your views, and to His Majesty being advised not to exercise his power of disallowance in regard to the original Ordinance in view of the fact that, under section 3 of that Ordinance, it is to be applied by Proclamation.

6. In regard to the composition of the Water Board, the Board consists of six official and four unofficial members. The Director of Public Works is of opinion that Capt. E. M. V. Kenealy, who has taken considerable interest in the passage of this legislation and is fully conversant with it, should be appointed and that seats on the Board should be given to a civil engineer and a lawyer. I am not, however, at present in a position to make any definite statement as to the composition of the unofficial element on the Board. There is nothing in the Ordinance to require that any of the unofficial members should be members of the Legislative Council, but it is the case that Capt. Kenealy was unseated at the recent election.

7. I should be glad if I might be informed by telegram whether you see any objection to the provisions of the amending Bill.

I have the honour to be,
 Sir,
 Your most obedient, humble servant,

H. T. Martin

GOVERNOR'S DEPUTY.

native reserve as a condition precedent to granting consent. In view, however, of Lord Passfield's comment, Clause 5 of the Bill now submitted has been drafted in substitution for section 75, and makes express provision for easements and compensation therefor.

4. Opportunity is taken in Clauses 2 - 4 of the Bill to make minor amendments to definitions and to sections 21(2) and 73. Clause 6 substitutes a new subsection for sub-section (2) of section 83, which, as it stands, permits a penalty imposed upon a resident native labourer to be recovered from the owner of the farm on which such labourer was residing at the time of the offence, irrespective of where the offence was committed or whether such labourer had, under the Resident Native Labourers Ordinance, 1925, contracted with the owner of the farm where he happened to be residing at that time.

5. With reference to paragraph 5 of the despatch under reference, I may say that this despatch was prepared some time ago, but was held in abeyance pending the consideration of economy measures. I regret that an interim reply was not sent. It is anticipated that the permanent additional expenditure required for implementing the original Ordinance would be the provision of one Assistant Engineer, Public Works Department, costing £675 (including house allowance and passage) in the first full year and reaching to £828 in the eleventh year. It would be necessary for this officer to be available directly the Ordinance was brought into effective operation. Some additional clerical staff would also be required temporarily, especially in connection with the application of sections 20 and 21. The cost of this staff, which would only be required in the first year, is estimated at £320. It is the case that, in his draft Estimates for 1932, the Director of Public Works has provided for savings to a total

KENYA.

No 569.



GOVERNMENT HOUSE
NAIROBI.
KENYA

RECEIVED
16 OCT 1931
COL OFFICE

25th September, 1931.

Sir,

16070/30
K.C.

With reference to Lord Passfield's despatch No.520 of the 8th July, 1930, requesting my observations on two points in the Water Ordinance, 1929, I have the honour to transmit a copy of a Bill to amend the Ordinance drafted with a view to meeting these criticisms. It is proposed, subject to your concurrence, to proceed with the Bill at the next session of the Legislative Council.

29 Nov 31

2. The first criticism, which relates to the fact that, while section 75 of the Ordinance makes the Ordinance subordinate to the Native Lands Trust Ordinance, section 88(1) empowers the Water Board to authorise the diversion of water, etc., "notwithstanding anything contained in this Ordinance", has been met by Clause 7 of the Bill. This amendment, read in conjunction with the amendment to section 75 proposed in Clause 5 of the Bill, empowers the Native Lands Trust Board to determine the use of water both in native and communal reserves and also in native areas other than native reserves, e.g. the Northern Frontier and Turkana Provinces.

ms tel No 3415

3. As to the second point, the revised Clause 73 of the original Bill was deleted, as unnecessary in view of the addition to the Bill of section 75. The Attorney General advised that the necessity imposed by that section to conform with the Native Lands Trust Ordinance would enable the Central Lands Trust Board to fix the compensation payable in respect of easements on land in a native

THE RT. HON. J. H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON. S.W.1.

that it should read as follows:-

"An easement acquired under this Ordinance on, over, or through, lands within a native reserve shall not be deemed to be a lease, a licence or other disposal of the land within the meaning of Sections 7 and 8 of the Native Lands Trust Ordinance, 1930"; and I think it would be desirable that a fresh paragraph should be added to provide (on the lines of (a) of Section 7 of the Native Lands Trust Ordinance) that no easement shall be granted until the proposal has been brought to the notice of the Local Native Council and of the natives concerned, and ^{until} ~~that~~ such Local Native Council and such natives have had an opportunity of expressing their views upon it.

x removed
because it
does not have

inserted
27/3/4
the date (1930)
in the Rec. sec.
1930

[Handwritten signature]
20. X

[Handwritten signature]

duties and obligations imposed by this Ordinance, shall be exercised as regards native lands subject to the provisions of any law for the time being in force relating to native land.

The last paragraph of Section 75(3) will provide, however, that an easement acquired under this Ordinance shall not be deemed to be a "disposal or alienation" of the land within the meaning of Section 2 of the Native Lands Trust Ordinance. (Incidentally, Section 2 of that Ordinance makes no mention of "disposal or alienation", but only of leases and licences).

Section 7 of the Native Lands Trust Ordinance would, however, seem to be equally concerned. That section begins with the emphatic statement that "notwithstanding anything in any other Ordinance contained no land in any native reserve shall be leased or otherwise disposed of except under, and in accordance with, the provisions of this Ordinance". Section 7 and subsequent sections then go on to talk about leases, licences and excisions of land from the native reserves, but make no mention of an easement. Presumably, there is no reason why, despite this emphatic statement, a subsequent Ordinance should not detract from the effect of this declaration, but any such provision would, in effect, be an amendment of the Native Lands Trust Ordinance, and as such, would need careful consideration. On the other hand, as far as I can see, since the Native Lands Trust Ordinance does not deal with easements, there is no alternative to some such provision as that proposed. ~~which is not proposed~~

~~which is not proposed~~

I do not think, however, that the actual form of the words is quite satisfactory. I would suggest that

N O T E.

An "easement" is defined in Section 2 as "the right to occupy so much of the lands of another as may be necessary for, or incidental to the construction and/or maintenance of authorised works, and/or the exercise of a water right".

By Section 55, persons receiving authorisation under the Ordinance to construct works may acquire an easement on, over, or through, the land on which the works would be situated. The easement includes right of access and the right to take materials, but the holder of the land is protected against damage by the holder of the easement.

Sec. 57
Sec. 63
Sec. 64
Sec. 65
Sec. 66

When a person claims an easement under the Ordinance, he must serve a notice on the landholder. If the landholder agrees, particulars are then to be embodied in a deed. If he does not agree, application for the easement has to be made to the Water Board, in a manner to be prescribed by rules. The Water Board may then either grant or dismiss ^{the} claim.

Under Section 75(2) of the Ordinance, as it is proposed to amend it, no action ^{will be possible} ~~can be taken~~ regarding any native lands without the ^{prior} consent of the Native Lands Trust Board. Presumably, therefore, the Water Board could not grant an easement without the prior consent of the Native Lands Trust Board. Moreover, the amount of compensation, if any, to be paid shall be determined by the Governor-in-Council.

Section 75(1), as it is proposed to amend it, will provide that the powers conferred and the duties

duties

20 NOV 1931

17366/1931 Kenya

32

Mr. Eastwood 2/11
Mr. Duncan 4/11/31
Mr. Allen 4/11

Downing Street,
November, 1931.

Mr. Tomlinson.
Sir C. Bottomley. 5.11
Sir J. Shuckburgh.
Sir G. Grindle.

See para 10. 11. 31 6.7

Permt. U.S. of S. 15/11. 11. 2
Parly. U.S. of S. 14. 11. 31 et au
Secretary of State.

No. 346.
Your despatch of 25th September

No. 569 Water Bill, ^{Law/suggest} ~~we advise~~ that
last paragraph of amended Section 75
should ~~include reference to Section 7~~
~~as well as Section 8~~ of Native Lands
Trust Ordinance.

DRAFT. CODE TELEGRAM
Jackson V. minutes
WITHOUT PRIORITY.

GOVERNOR
NAIROBI.

I would also suggest addition of
provisions on the lines of Section 7(a)
of that Ordinance.
Subject to the above I approve
provisions of amending Bill.

Secar

*be redrafted to make it
clear that agreement shall
not be deemed to be
a lease licence or other
disposal of land within
the meaning of sections 7 and 8*

11

3. Clauses 2 and 3, effect certain minor amendments to the Principal Ordinance.

4. Clause 6 amends section 83 (2) which, as it stands, permits a penalty imposed upon a resident native labourer to be recovered from the owner of the farm on which the labourer was residing at the time of the offence, irrespective of where the offence was committed or whether such labourer had, under the Resident Native Labourers Ordinance, 1926, contracted with the owner of the farm on which he happened to be residing at that time.

The amendment, if passed into law, will limit the recovery to such cases where the landholder or occupier only is a person where the offender is a native under contract under section 4 of the Resident Native Labourers Ordinance, 1926, or a member of his family, and that the offence is committed on or in connection with the land of the said landholder or occupier, or on or in connection with a body of water to which such land is adjacent.

3. Clauses 2 and 3, effect certain minor amendments to the Principal Ordinance.

4. Clause 6 amends section 83 (2) which, as it stands, permits a penalty imposed upon a resident native labourer to be recovered from the owner of the farm on which the labourer was residing at the time of the offence, irrespective of where the offence was committed or whether such labourer had, under the Resident Native Labourers Ordinance, 1926, contracted with the owner of the farm on which he happened to be residing at that time.

The amendment, if passed into law, will limit the recovery of such penalty to the landholder or occupier only in cases where the offender is a native under contract under section 8 of the Resident Native Labourers Ordinance, 1926, or a member of his family, in that the offence is committed on or in connection with the land of the said landholder or occupier, or on or in connection with a body of water to which such land is adjacent.

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The proposed sub-section (2) provides that no action affecting any body of water in a native reserve or a communal reserve, or any other area in the lawful occupation of natives, or any body of water, interference with which is likely adversely to affect the supply of water to natives resident within such reserves or areas, shall be taken by the Water Board without the consent of the Native Lands Trust Board, and further provides that such consent shall not be given until the latter Board is satisfied that the proposal to take such action has been brought to the notice of the local Native Council and the natives concerned, and that such Council and such natives have had an opportunity of expressing their views upon the proposal.

The proposed new sub-sections (3), (4) and (5) provide firstly, for the determination by the Governor in Council of the amount of compensation which shall be paid in respect of an easement on over or through land situated within a native reserve communal reserve or any other area in the lawful occupation of a native tribe; secondly, that an easement, and the operator or person affected by the easement shall be subject to the provisions of the Principal Ordinance save that, in regard to notices or other documents required to be served on to or by a native in a native reserve, communal reserve or any other area in the lawful occupation of the native tribe, the notices or documents shall have the same effect if served on to or by the Chief Native Commissioner or such officer as he may appoint; and thirdly, that an easement acquired under the Principal Ordinance on over or through lands within a native reserve, communal reserve or any other area in the lawful occupation of the native tribe, shall not be deemed to be a disposal of land within the meaning of section 7 and 8 of the Native Lands Trust Ordinance.

OBJECTS AND REASONS.

The principal amendments in this Bill, namely, those embodied in clauses 5 and 7, have been introduced at the request of the Secretary of State, and opportunity has also been taken to make several formal amendments to the Principal Ordinance.

It has been pointed out to Government that, while Section 75 of the Water Ordinance, 1929, makes that Ordinance subordinate to the provisions of any law for the time being in force relating to land in native reserves or communal reserves and, therefore, to the Native Lands Trust Ordinance, 1930, Section 88 (1) provides that notwithstanding anything contained in the Ordinance it shall be lawful for the Water Board to authorise by sanction the diversion etc. of water. It would thus be possible, as the law stands, for the Water Board to take action under the last mentioned section notwithstanding the provisions of section 75 of the Ordinance.

Clause 7 of this Bill therefore ~~purposes to~~ amends section 88 (1) so as to provide that the provisions of that section shall not override the provisions of section 75.

2. Clause 5 of the Bill repeals and replaces section 75 of the Principal Ordinance. The new subsection reproduces the existing section 75 of the Ordinance except that this section has been expanded to cover, in addition to native or communal reserves, land in the lawful occupation of native tribes. The amendment will empower the Native Lands Trust Board to determine the use of water in such areas as the Northern Frontier and Turkana Provinces.

contract with an occupier under section 4 of the Resident Labourers Ordinance, 1926, or a member of his family, from the landholder or occupier with whom such Native has contracted, provided the offense is committed on or in connection with the land of the said landholder or occupier or on or in connection with a body of water to which such land is riparian."

Amendment of Section 88 of the Principal Ordinance.

7. Section 88 of the Principal Ordinance is hereby amended by inserting after the word "Ordinance" where it first occurs in the section the words "other than the provisions of section 76".

(3) Whenever the land on, over or through which an easement is required is situated within the boundaries of a native reserve, or a communal reserve, or within the boundaries of any other area in the lawful occupation of a native tribe, the amount of compensation, if any, which shall be paid by the operator shall be determined by the Governor in Council.

(4) An easement on, over or through lands in a native reserve, communal reserve, or other area in the lawful occupation of a native tribe, and the operator and person affected by the easement, shall be subject in all respects to the provisions of this Ordinance, save that where notices or other documents are required to be served on, to, or by a native in a native reserve, communal reserve, or other area in the lawful occupation of a native tribe, the notices or other documents shall have the same force and effect as if served on, to, or by the Chief Native Commissioner, or such officer as he may appoint.

(5) An easement required under this Ordinance on, over, or through lands within a native reserve, communal reserve, or any other area in the lawful occupation of a native tribe shall not be deemed to be a lease, licence or other right of land within the meaning of sections 7 and 8 of the Native Land Trust Ordinance, 1930."

6. Sub-section (2) of section 85 of the Principal Ordinance is hereby repealed and the following substituted therefor:-

"(2) The said penalties may be recovered from the person actually committing the offence, or from the person in whose employment he is, and on whose behalf he is acting, or from both, or if the person actually committing the offence is a native under-

contract

Repeal and replacement of Section 85 (2) of the Principal Ordinance.

6

Repeal and
replacement
of Section 75
of the
Principal
Ordinance.

5. Section 75 of the Principal Ordinance is hereby repealed and the following section substituted therefor:-

"75. (1) The powers conferred, and the duties and obligations imposed, by this Ordinance shall in any area of Crown land declared to be a native reserve or a communal reserve or which is in the lawful occupation of a native tribe, be exercised subject to the provisions of any law for the time being in force relating to land in native reserves or communal reserves, or to any other area in the lawful occupation of a native tribe.

(2) No action affecting any body of water in a native reserve or a communal reserve or any other area in the lawful occupation of a native tribe, or any other body of water interference with which is likely adversely to affect the supply of water to natives resident within such reserve, communal reserve or other area shall be taken by the Water Board without the prior consent of the Native Lands Trust Board established under the Native Lands Trust Ordinance, 1930, and the said Native Lands Trust Board shall not give its consent unless it is satisfied, after reference to the appropriate Local Board established under the Native Land Trust Ordinance, 1930, that the following condition has been complied with, namely, that the proposal to take such action as specified has been brought to the notice of the Local Native Council and of the natives concerned, and that such Local Native Council and such natives have had an opportunity of expressing their views upon the proposal.

5

A BILL TO AMEND THE WATER ORDINANCE, 1929.

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:-

Short title.

1. This Ordinance may be cited as "the Water (Amendment) Ordinance, 1932", and shall be read as one with the Water Ordinance, 1929, hereinafter referred to as "the Principal Ordinance".

Amendment of Section 2 of the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by deleting the word "Persons" at the beginning of the definition of the term "Persons", and substituting therefor the word "Person", and by substituting the word "Ordinance" for the word "Ordinances" in the definition of the term "Prescribed", and by deleting the words "and includes the water diverted or abstracted therefrom, or stored therein, by means of works under a licence" which occur in the third, fourth and fifth lines of the definition of "Body of water", and by inserting the words "or lake" after the word "swamp" which occurs in the first line of paragraph (a) of that definition.

Amendment of Section 21 (2) of the Principal Ordinance.

3. Sub-section (2) of Section 21 of the Principal Ordinance is hereby amended by deleting the word "water" where it first occurs in the third line thereof, and by substituting therefor the words "any body of water" and by inserting the words "any such body of" before the word "water" where it occurs for the second time in the third line thereof.

Amendment of Section 72 of the Principal Ordinance.

4. Section 72 of the Principal Ordinance is hereby amended by substituting the words "hold the" for the words "represent their" in the fifth and sixth lines of the section.

4



KENYA.

No. 52

GOVERNMENT HOUSE
NAIROBI,
KENYA.

5th February, 1932.

Sir,

No 3

No 1

I have the honour to refer to your telegram No. 346 despatched on the 20th November, 1931, in which further amendments to the Water Ordinance, 1929, were suggested and to inform you that, since Kenya despatch No. 569 of the 25th September, 1931, was written, the economic situation has tended to become even more serious, and it appears unlikely that funds will be available for the enforcement of the Ordinance for some time. It is therefore not proposed at present to introduce the Amending Ordinance, a copy of which, however, in its present form I enclose for your information

I have the honour to be,

Sir,

Your most obedient, humble servant,

BRIGADIER GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1.

water taken over native land being available en route as "compensation water" such as is common in this country, but I assume that the Native Land Trust Board, in giving its consent under Section 75(2) as amended in clause 5 of the Bill, will be able to attach such conditions as it thinks fit.]

WCB
5.11.31

Dear R. Hamilton.

You should see. I think we should telegraph as in draft.

[Signature]

11.11.31

WCB
12.11.31
at once

3 *[initials]* 30 for W.L. No. 346

20 Nov '31.

4 for Kaaya — 52 — 07/32

States that since No 1 was written, the economic situation has tended to become even more serious. It is, therefore, proposed to introduce the Amending Order in the form of the Amending Order in its present form.

? Puhly

W.S. Poirishin

1/3/32
[Signature]

I agree that we should telegraph the amendments suggested by Mr. Eastwood at the end of his Note, & that we should apprise the introduction of the Bill subject to alterations on these lines.

27/10/31

H. Duncan

Mr. Duncan.

Mr. Allen has discussed this with me and I gather that he has also spoken to you.

I submit a draft telegram for conson.

Garwood
2.11.31

Mr. Eastwood.

Mr. Allen did discuss this with me, but I have not changed the view expressed in my minute of 27/10/31. Your amendment seems to be preferable because it follows the wording of the sections in question instead of merely putting the marginal note on the present Bill down.

I should be inclined, however, only to suggest an amendment on these lines if it does not to put them down to your actual words.

3/11/31

H. Duncan

Amendment of the
Garwood
2.11.31

I of course accept Mr. Duncan's view as to the form of words - I based on the draft in its present form as otherwise the minute would not be intelligible.

H. Allen

28/11/31

Sir S. Wilson.

I send this on because you may wish to consider ^{to see if we} Sir R. Hamilton's bearing on the native interests generally and on the Native Land Trust Ordinance in particular.

^{In the minutes} My attention has been directed to the point of making watertight the provision in the Bill that "easements" of water shall not be regarded as matters coming under the Native Land Trust Ordinance, and there is no definite expression of opinion whether this exclusion is proper or not.

I think that it is. The Native Land Trust Ordinance certainly does not cover easements of this kind, and separate provision is necessary. It is essential for working that separate provision that there should be no confusion as to the position in regard to the Native Land Trust Ordinance, and as the Bill with the amendments suggested in the draft telegram will effectively secure native interests, I think that the draft may proceed.

[I cannot find in the original Water Ordinance, or the new Bill, any provision for

water

