

45741

Commissioner's Office,

Mombasa, 29 DEC 05

December 5th

PROTECTORATE.

I have the honour to acknowledge the receipt of your letter of the 7th inst. respecting the Railway Amendment Ordinance (No. 8 of 1905) and to express my regret that the Crown Advocate's copy of which is enclosed herewith, was inadvertently omitted.

2. I shall be careful in future to ensure that Ordinances are accompanied by the requisite explanatory Memoranda to carry out your other instructions as to their transmission to the Colonial Office.

I have the honour to be,

SIR,

Your most obedient,

humble servant,

Principal Secretary of State
for the Colonies,
Canning Street,
London.

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Commissioner's Office,

Mombasa,

29 DEC 05

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PROTECTORATE.

It is the honour to acknowledge the receipt of your
 letter of the 7th inst. respecting my failure
 to give legal opinion on the Railway Amendment
 Ordinance (No. 8 of 1905) and to express my regret that the
 Crown's copy of the same, a copy of which is
 enclosed herewith, was inadvertently omitted.

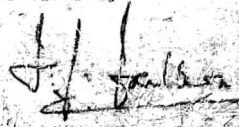
2. I shall be careful in future to see that all communications
 are accompanied by the requisite explanatory documents and to
 carry out your other instructions as to their transmission
 to the Colonial Office.

I have the honour to be,

Sir,

Your most obedient,

humble servant,



Principal Secretary of State

for the Colonies,

Whitehall, London, E.C. 4.

CROWN ADVOCATE'S OFFICE,

Mombasa,

September 5th 1905.

No. 12

Sir,

I have the honor to submit for your approval a draft Ordinance limiting the responsibility of the Uganda Railway Administration in respect of carriages on the lake.

Mr. Currie is anxious to have this Ordinance published as soon as possible in order to minimize the risk of heavy damages being incurred through a possible serious accident to one of the steamers.

The lake being an inland water it would appear that under the Indian Railways Act 1890 Section 3 Sub-Section 1, (d) all ships used thereon for the purposes of the Railway traffic are included in the term "railway".

The responsibility of the Railway Administration for loss, destruction or deterioration of animals or goods delivered to be carried by "railway" is determined by the Indian Railways Act 1890 Section 72.

By Section 82 of the Act when the contract is to carry partly by "railway" and partly by sea a condition exempting the Railway Administration from responsibility for loss of life, personal injury or loss of or damage to animals or goods which may happen during the carriage by sea from various specified causes is deemed to be part of the contract and subject to that condition the

M. Deputy Commissioner,

M O M B A S A .

Railway's responsibility is limited to that of a ship owner under the Merchant Shipping Act 1894.

The effect of the enclosed draft Ordinance is to apply the provisions of Section 82 to contracts of carriage on the Lake.

I have to, , Ac.,

Sd/- J.W. Barth,

ADVOCATE,