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1916
3 Feb.

Blue Book Report - 1914-15

1916

3 Feb.

Last previous Paper.

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1916

Mr Macnaghten

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Colonial Reports Series 1881

I have made a few
excisions. If you agree, the Report
might be sent to the P.D. for
a proof.

Mrs Rockett
I agree
T.C.R.
23/3/16

H. J. D.
23/3/16

Proofs

Mr. Bettanley
Proof herewith for consideration and authority
to publish. The map was sent home long before the Re-
port and copies were printed off before it was deci-
ded not to use maps during the war. It will consequ-
ently be inserted.

subsequent Paper.

1916

THE MASTER AND SERVANTS AMENDMENT ORDINANCE, 1916.COMPARATIVE TABLE.

Section.	Remarks.
1.	Short title.
2.	Desertion made a cognisable offence.
3.	Penalties prescribed by the Master and Servants Ordinance, 1910, are increased.

ATTORNEY GENERAL.

2/2/16.

B.

of the inefficiency of the law relating to Master and Servants and pending the application of the provisions of the Registration of Natives Ordinance, 1915, it is considered advisable that the law be amended to enable a deserter to be arrested by the police without warrant. Further in many instances the farmer lives at a very considerable distance from a Magistrate or Justice of the Peace and it is impracticable for him to make his complaint in person.

3. The increased penalties provided by Section 3 of the Ordinance are due to the fact that the penalties which they replace provided by Section 48 of the Principal Ordinance have been found to be an insufficient deterrent. In cases where heavy loss has been sustained by an employer through acts which constitute an offence under Section 48 of the Principal Ordinance the penalties provided by that Section are considered too low to provide an adequate punishment.

4. A comparative table is attached.

5. The Governor's assent in His Majesty's name can in my opinion be given.

W. BARTH
ATTORNEY GENERAL.
B.

Nairobi,

The 2nd day of February, 1916.

ENCLOSURE No. 2

In Despatch No. 87 of Febry 3rd 1916

THE MASTER AND SERVANTS AMENDMENT ORDINANCE, 1916.

STATEMENT OF OBJECTS AND REASONS.

The objects of the Master and Servants Ordinance, 1916, are:-

- (1) to make desertion, which is created an offence by Section 48 (5) of the Master and Servants Ordinance, 1910, cognisable to the police so that an arrest can be made without the necessity for the complainant lodging a formal complaint to a Magistrate or Justice of the Peace vide the Master and Servants Ordinance, 1910, Section 40, and
- (2) to substitute for the punishments provided for offences created by Section 48 of the Master and Servants Ordinance, 1910, a fine not exceeding Rs. 75/- and imprisonment of either description not exceeding six months.

2. Experience has shown that in the absence of any system of passes or identification the delay caused by the necessity for making a complaint before a Magistrate or Justice of the Peace renders the provision for the punishment of desertion nugatory. In the majority of cases the offender has had time effectively to disappear before process is issued and he is never found again. This fact has lead to many complaints