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COLONY AND PROTECTORATE OF KENYA.



Official Report of Debates in
Legislative Council,
1927.

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VOL. I.
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COLONY AND PROTECTORATE OF KENYA

Legislative Council Debates,
1927.

FIRST SESSION.

TUESDAY, 8th MARCH, 1927.

The Council assembled at 10 a.m. on the 8th March, 1927, His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

EX-OFFICIO MEMBERS.

- ✓ GEOFFREY ALEXANDER STAFFORD NORTHCOTE (Acting Colonial Secretary).
- ✓ WALTER CLARENCE HEGGARD (Attorney General).
- ✓ REGINALD CLIFTON GRANNUM (Treasurer).
- ✓ GERALD VERNER MAXWELL (Chief Native Commissioner).
- ✓ JOHN LANGTON GILKS (Director of Medical and Sanitary Services).
- ✓ ALEXANDER HOLM (Director of Agriculture).
- ✓ EVAN EDENEZER BISS (Acting Director of Education).
- ✓ MAJOR GODFREY DEAN RHODES (Acting General Manager, Kenya and Uganda Railway).
- ✓ ARTHUR GEORGE BAKER (Acting Commissioner of Lands).
- ✓ HOWARD LECKY SIKES (Director of Public Works).
- ✓ EDGAR GEORGE BALE (Acting Commissioner of Customs).

NOMINATED OFFICIAL MEMBERS.

- ✓ THOMAS FITZGERALD (Postmaster General).
- ✓ COLONEL ANDREW GAHAN DOHERTY (Chief Veterinary Officer).
- ✓ CECIL MOORE DOBBS (Acting Senior Commissioner, Nyanza).
- ✓ FREDERIC GORDON SMITH (Solicitor General).
- ✓ ROBERT WILLIAM HEMSTED (Senior Commissioner, Kikuyu).
- ✓ HAROLD ROBERT MONTGOMERY (Acting Senior Commissioner, Coast).
- ✓ WALTER FRANCIS GLENCARNE CAMPBELL (Acting Senior Commissioner, Ukamba).

EUROPEAN ELECTED MEMBERS.

- ✓ HUGH CROMBIELEY, BARON DELAMERE (Rift Valley).
- ✓ CONWAY HARVEY (Lake).
- ✓ THOMAS JOSEPH O'SHEA (Plateau South).
- ✓ CAPT. HELMUTH ERIC SCHWARTZ (Nairobi South).
- ✓ CAPT. HAMILTON FREDERICK WARD (Nairobi North).
- ✓ CAPT. EDWARD MAURICE VAUGHAN KENYALU (Kenya).
- ✓ LIEUT.-COL. CORSEY GEORGE DURHAM (Kikuyu).

ACTING MEMBERS.

- ✓ ALGERSON CHARLES FREEMAN-PANSETT (Coast).
- ✓ ALEXANDER MORRISON (Mombasa).
- ✓ CAPT. FRANK O'BRIEN WILSON (Ukamba).

INDIAN ELECTED MEMBER.

- ✓ AHMAD HUSSEIN MALIK.

NOMINATED UNOFFICIAL MEMBER TO REPRESENT THE INTERESTS OF THE AFRICAN COMMUNITY.

- ✓ REV. CANON JOHN BRITTON.

PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS OF COUNCIL.

I am sure that the Governor regrets that he is not here to-day to welcome the new Council, but we all realise that he is serving the interests of this Colony in England, and I know I am voicing the desires of you all in expressing the hope that his efforts may lead to the further welfare and happiness of this country.

It gives me much pleasure on his behalf to welcome you all here to-day. I desire to extend in particular a welcome to those new Members who will, I hope, afford the full measure of their assistance and capacity in the consideration and enactment of legislation to the lasting advantage of Kenya.

I wish also to express the appreciation we all feel of what has been accomplished in Council during many years of great importance to this country by those who are no longer Members of this Council.

I desire on behalf of Government, and in fact on behalf of you all, to express my thanks to Mr. MacLellan Wilson, Captain Coney and Mr. Sim for the great help they rendered the Government in the business of this Council and on Select Committees of Council. Mr. MacLellan Wilson was a nominated unofficial member of this Council from 1916 to 1920, and an elected member from 1923 until the last election. Captain Coney was a member of this Council from 1921. Mr. Sim represented Mombasa from July, 1925, and previously served on Council as far back as 1912.

We much regret that the Indian community is not represented here to-day by their full complement of Members. It is the case that the Indians have not as yet registered themselves in any considerable number on their roll, on which at the beginning of this year there were only 360 names. At the election which was held in accordance with the Ordinance one candidate was forthcoming, and he has been duly declared elected. There are, therefore, four vacancies for Indian Members. Under the Royal Instructions provision is made in default of elected Members for the nomination of five Indian Members, and, consequently, if the vacancies are to be filled, an amendment of these Instructions is necessitated to provide for nomination to these four vacancies. As it is understood that the Indian community recognise that the present position cannot be to their lasting advantage, and as they have shown signs of being willing to reconsider their position, it is now proposed that the four vacancies should be filled by nominations for one year only, which will allow of an election being held under a new roll—on which it is hoped the community will be fully represented—early next year. I have been in telegraphic communication with the Secretary of State since the present situation arose, and I received a cable on the 4th informing me that the Royal Instructions will be amended to provide for nominations for vacancies for one year only from the date of the new Instructions, after which date nominations, should such be necessary, will be made from the Indian Electoral Roll only, as provided in the Ordinance.

The Secretary of State notifies me that it would be impossible for the additional Instructions to be issued before the opening of Council—which, as you know, has statutory to be assembled within one month of the date of the elections—but that these amended Instructions will be issued at the earliest possible date. He has further authorised me to offer nominations as a preliminary measure, and I have been in consultation with representative leaders of the community.

The Indian Congress has been informed of the position and requested to put forward as early as possible names for consideration for nomination.

It is the earnest desire of us all to see the Indians of Kenya represented in this Council by their leaders, and by men who will fully and wisely represent their interests. We are anxious to see the whole body of electors taking advantage of the means offered them under the White Paper to secure such representatives, and I look forward with confidence to the Indians in this country registering themselves on the communal roll open to them and insuring that by this time next year they will be able to fill the vacancies by election on a roll which will be fully representative, and on which the field of selection will not be limited.

The Council meets under circumstances of happy augury. The general prosperity of the country is reflected in our balance sheets. The position at the end of the year was more favourable than was anticipated.

The estimated revenue for 1926 was £2,375,991, and this sum was exceeded by £254,006. The original estimate of expenditure was £2,388,753, which has been exceeded by the comparatively small amount of £21,217, while the supplementary estimates anticipated an excess of £91,939.

The surplus for the year, on the figures which we have at present, was £210,000, which, with the balance in hand on January 1st, 1926, gives us surplus balances amounting to £359,723, which may, I think, be regarded as distinctly satisfactory, the more so when it is realised that the true financial position of the Colony at the commencement of 1922 was that there was in effect a deficit of £251,624, after taking into account the inflated values of a number of assets which appeared on the balance sheet of that year, and also a number of outstanding liabilities which were then due for liquidation, all of which have since been adjusted. That is to say, that in five years, a deficit of £251,624 has been converted into a credit of £359,723 without impairing in any degree the advance and prosperity of the Colony.

It is also gratifying to know that the receipts of the Railway and of the Customs Department for the first month of this year are satisfactory.

The Railway showed an excess of revenue over the estimate for 1926 of £18,910, though there was an increase on the estimates of expenditure of £39,477. The balance of net running for 1926 amounted to £207,795. The General Manager reports with regard to the working in January and February that though, of course, only approximate figures are now available the working has been generally satisfactory and the earnings show an increase over the estimate of over £8,000, while the figures for January show a saving on estimated expenditure.

The Customs receipts for January, 1927, show an actual net collection of £7,418 over the estimated monthly proportion for the current year. It is also satisfactory to both countries to know that the imports to Uganda are normal, and that in the opinion of the Commissioner of Customs there is an improvement in Uganda trading conditions, as compared with those ruling towards the close of last year.

It is early in the Year to talk of supplementary estimates, but Council will, I am sure, be glad to know that the strictest instructions have been issued to all departments requiring them to keep their expenditure within the provision allowed in the estimates. The only expenditure now anticipated falling under this head will be brought before you by motions in Council—adjustments in salaries to correct certain anomalies which arose out of the salaries scheme in respect of 1926—the cost of removal of the Racecourse from its present site, which will set free a very valuable area in the centre of the town—expenditure on a plant-breeding station for wheat at Njoro to carry out the recommendations of Professor Sir Rowland Biffen, together with further assistance to the maize industry to be carried out with the help of the maize-growers—expenses to be incurred on account of the administration of the Bankruptcy Ordinance which has now been applied from March 1st—the probable cost of re-opening the quarantine station at Isiolo, which should be more than met by recoveries—these items of expenditure have necessarily arisen out of schemes previously discussed, but for which provision could not have been made at the time of passing the Estimates.

In this connection I may inform the Council that the completion of the buildings for the amalgamation of the two Presses—which, I am glad to say, is making considerable progress under the experienced guidance of Mr. Knightly—is being met from the Emergency Reserve of £3,500 appearing in the Estimates for Public Works Extraordinary.

I do not propose to deal at length here with loan expenditure. The position of the Colony in respect of loans was very fully put before the Council by Sir Edward Grigg last August, and full and detailed statements are now regularly tabled showing the present position and actual commitments.

The Works Committee recently decided that the works of greatest urgency to be undertaken are the European Schools, Nakuru and Eldoret; the Indian School, Nairobi; the Government House, Nairobi; and the housing of Government employees.

It is hoped to proceed with the housing schemes and the erection of approved buildings at out-stations with the help of African and prison labour. It is desired further to make an early start with houses for the African employees of Government; it was agreed in 1923 that these men should be provided with Government housing, and it is much to be regretted that

it has not been found possible to fulfil this promise earlier, the main reasons for the delay being the difficulty in settling on a site which has now been determined with the agreement of the Town Planning Committee and the Municipality, and the selection of a suitable plan—type plan for buildings—which is now ready for submission to the Works Committee. It is also proposed to deal separately with the needs of Government servants at Mombasa and a local committee has been appointed to make special recommendations in this respect.

The response made to the Government invitation to individuals to put forward applications for loans for the erection of their own buildings has been disappointing. The Acting Treasurer and the Director of Public Works have put up a joint report on the Basden Report recommendations. I will not deal with this matter further except to express the hope that the Works Committee will be able to make recommendations thereon, which will enable Government to make a start with a workable scheme.

The present expenditure on house allowances and rentals of houses leased for Government officers amounts to £47,356, which represents the interest and sinking fund on a capital expenditure of £700,000. I find that a sum of £8,127 is expended by Government over and above the 15 per cent. house allowance to which officers are entitled in providing houses for them owing to the present high rentals—a state of things which cannot be allowed to continue, and yet until houses are built either for or by Government officers the only alternative appears to be to require them to find houses for themselves where houses are not and where they can only be obtained at rentals in excess of the allowance granted them for their houses.

The necessity for better housing, better offices, better conditions of living generally has been recognised by Council and loan expenditure voted for the purpose. It may here again be repeated that more than three-quarters of the total loan liabilities of this Colony has been incurred on account of the Railway and Port, and the balance has been expended almost entirely on municipal services, and such undertakings as maize-drying and cold storage installations which generally involved no charge on the Colony.

It is essential that the development of conditions of living in this country in which is included not only housing but educational and medical facilities should proceed *pari passu* with the development of our transport services, or we may find ourselves in the position of possessing some of the best machinery in the world without the man-power to work it.

On the resolution passed by the last Council on November 5th, 1926, relating to further expenditure upon Railway and Port, the Secretary of State has approved of further advances being made by the Crown Agents on account of rolling stock

to the amount of £120,000 and upon lighting the port of Kilindini, £50,000, and towards the construction of two further deep-water berths. But, until a decision is reached after consultation in England between the Governor and the Colonial Office as to the source from which the necessary funds are to be obtained for the construction of branch railways, expenditure on the Thomson's Falls line cannot be incurred. It is hoped, however, that a start will be made with the line which will run through this valuable country before the end of the year.

The Branch Railways Committee will be invited to consider further the question of the steps to be taken in respect of the Kavirondo Railway, and the line it should follow. This scheme has already been sanctioned but it has still to be decided whether the Colony should incur further liability on account of interest and sinking fund on any loss which may result from the line for the first year of working, though it may be safely estimated that the railway must in course of time become one of the best-paying in the country, running as it will through one of the richest native areas.

Farmers are generally busy and forward with their work and the agricultural prospects of the country appear to be favourable. The export of maize has surpassed all previous records. The quantity exported between 1st July last and 28th February was 860,000 cwt., while the total export between 1st July, 1925, and 30th June, 1926, amounted to 852,000 cwt., that is, 8,000 cwt. more has been exported during the eight months than was exported during the previous year. In January and February the Railway conveyed 31,336 tons of maize to the coast as compared with a total for the whole year of 1926 of 48,126 tons. The export of coffee also shows a considerable increase. Between 1st July, 1925, and 30th June, 1926, 141,000 cwt. was exported; between 1st July, 1926, and 28th February, 1927, 172,000 cwt.

Statistics may be dull, but they may help to convince critics of this country who affect to believe that European settlement is holding up development and that land is possessed but not cultivated.

In 1921, 3,332,106 acres were under European occupation; in 1926 the extent was 4,587,817 acres—an increase of 37 per cent., while the acreage under cultivation increased during the period by 124 per cent.

The most noteworthy increases in acreage under crops in 1926 were in respect of maize, of which 37,271 more acres—or an increase of 29.9 per cent.—were cultivated than in 1925, while there was a still larger proportional increase in the acreage under wheat amounting to 13,136 acres or 42.9 per cent. The acreage under barley was doubled last year, nearly 4,000 more acres were put under coffee and 7,000 odd acres more under sisal.

The total value of our agricultural exports has increased by over 1½ million pounds since 1921.

On an average each European occupier exported produce to the value of £982 during the year 1925-26.

The outlook for the coffee crop for 1927 is reported to be good while there is also a prospect of the maintenance of good prices for coffee generally as the world production is hardly keeping pace with world consumption.

The wheat industry is taking a considerable hold in districts where it has not hitherto been cultivated; it has further been stimulated by Professor Biffen's visit and a large increased acreage under wheat may be confidently expected; though as the planting season is July-August it is too early as yet to say more of the prospect.

The production of sisal is steadily increasing.

In sugar and tea, there is progress. There is a small but steady increase in the acreage under sugar-cane and a large plantation is being opened up at the coast. In tea, progress is reported and two factories are being erected this year.

There is little development to record in connection with cattle, but sheep show a decided advance. Wool production is increasing steadily and the quality shows improvement. The census figures for sheep for 1926 are given as 205,906—an increase of 15-16 per cent. on the figures for 1926.

The Stock Owners Conference held at the commencement of last month was undoubtedly a great success, on which I should like to congratulate the Director of Agriculture and all those who assisted him at this Conference. It brought together representatives from thirteen districts and should have a very stimulating effect on the livestock industry. Throughout the country it has created a real interest and given the expectation of a settlement of many questions which have long been awaiting full discussion and decision. It has also given a fuller appreciation of the work being done at the Kabete laboratories. It is now proposed to reopen the stock trade for the Northern Frontier District—provided the position in respect of stock disease, which is now being investigated, permits. It has long been felt that the Northern Frontier District is merely a heavy incubus and burden on the Colony, which has to maintain a large military and police force there without corresponding advantage. It is proposed to impose taxation on the same basis as is done in respect of other parts of the Colony on some of the tribes, but to ensure its collection it is obviously necessary to afford the large cattle-owning tribes opportunities for disposing of their surplus stock. It is proposed further to assist them in the supply of water by water-boring operations.

A Select Committee of Council dealt during the last Council very fully with the question of the reopening of the stock trade and their recommendations have been of much assistance to Government.

It is clear that every effort must be made to supplement our dairy supplies and to ensure adequate reserves in this country for local storage as well as provide quantities for export from the cool stores which have now been opened at the coast.

The report of Mr. A. D. Lewis, the Director of Irrigation of the Union of South Africa, is a valuable contribution to the study of irrigation in this country and though he was obliged to come to the conclusion that "the immediate possibilities of an extensive irrigation scheme in the country are exceedingly poor" he considered that there "is a reasonable prospect of finding water by boring over large areas of the country in sufficient quantities to establish water centres for stock purposes and at smaller cost than in any other way." He also recommended that "the best results can only be obtained if the Government itself undertakes the whole work."

Four boring machines have been imported and a special committee was appointed to advise as to where they should be first utilised. It was agreed that they should be employed in the first instance in the unalienated area from Sultan Hamud to Makindu with a view to running in the machines and to training the operators to local conditions under the direct supervision of the supervisor. The charges for their hire when available are to be uniform and will shortly be published.

The general agricultural prosperity has also extended to the native reserves, except for a few very local shortages of food. The Honourable the Chief Native Commissioner reports that the year 1926 was a quiet and prosperous year in the native reserves. The settlement of their boundaries should do much to remove any land uneasiness and it is hoped that what has already been done will be made more fully known amongst the natives by district officers taking every opportunity of pointing out the boundaries. Much can be done by simply "beating the bounds" which can be followed later by maps, and special boundary marks.

Two important schemes for the improvement of native education are requiring further support and a motion to devote a portion of the sums allocated for native education from loan funds to the Native Industrial Training Depot at Kabete will be put before you at this Session of Council. An Inspector of Industrial Work has now been appointed to the Education Department in Mr. Waller and it is believed that with his assistance closer supervision will be exercised at the Industrial Training Depot and further houses for teachers will be erected at considerably less cost at the Jeanes school. The report on the former institution has dis-

closed an unsatisfactory state of affairs in respect of supervision generally and financial control, but the actual work done by the native apprentices, especially in carpentry, is well reported upon. The material is undoubtedly good.

The experiment of training native teachers at the Jeanes School to teach other native teachers is attracting considerable interest outside this country, and it behoves us to see that steps are taken to make the work there efficient. The appointment of a lady doctor and an agricultural assistant from England have already been approved, and will I hope be expedited.

It is time I think that further effort was made in this country to start training institutions for native women for work in domestic service and hospitals and I suggest that the East African Women's League can render Government considerable assistance in this matter.

One of the most important achievements in the history of Local Government in Africa is likely to have been accomplished by the work of the Local Government Commission, which has just completed its inquiries. It is hoped that the full report—which deals very fully with the subject—will be available for local distribution in a few weeks' time it is being printed in England and it would I think be premature at this stage to refer to its recommendations until it can be considered as a whole. In the meantime I can safely say on behalf of the Colony that we are all greatly indebted to the chairman, Mr. Justice Footham, for the great interest, capacity and care he has devoted to the work. He has already expressed to me his indebtedness to his local helpers, who, like the Colony, will I am sure have greatly benefited from the experience gained.

Much has been said of the number of experts who have recently visited this country, but I believe Kenya has greatly gained from their visits. There is one more to be added to the list, it is anticipated—a marine biologist to examine the Lake Fisheries. Mr. M. Graham, one of the assistant naturalists on the staff of the Ministry of Agriculture and Fisheries in London, by whom he has been very strongly recommended, will, it is hoped, visit the Lake area for six months from July next. Tanganyika and Uganda have undertaken to contribute to the cost of the visit and it is believed that the investigation is unlikely to cost Kenya more than £400. Provision was made in the Estimates for 1927 to cover this expenditure.

The position of the fisheries on the Lake, as the Hon. Member for the Lake has several times pointed out, is serious, and the sooner it is investigated in the interests of the food supply of the countries concerned the better. It is unfortunate that suitable arrangements cannot yet be made for a marine investigation on the coast, but the South African Government

have shown themselves willing to co-operate and it is hoped that the Honourable Director of Agriculture, who will shortly be visiting South Africa, will be able to obtain further information there as to what can be effected in this direction.

Visits of experts to this country whom we all welcome are those of the British airmen. The first four months of the year will be of great historical importance in the development of arial communications in Kenya.

In February the first arial mail service was inaugurated between this country, Uganda, the Sudan, and Egypt, and thence to England, by the arrival at Kisumu on 12th February of a seaplane piloted by Captain Gladstone. It is believed that a regular arial mail service will now be maintained at intervals of a fortnight.

We hope this week to have Sir Sefton Brancker, Director of Civil Aviation, with us, and next month extend a welcome to the combined Royal Air Force and South African Air Force flight.

It is to be hoped that these great aviators will explore the possibilities of establishing a route, either direct or alternative, from the East Coast of Africa to Australia and that the possibilities of the use of aircraft in the Northern Frontier may be further explored.

With regard to broadcasting, it will be of interest to Council to know that negotiations are in progress with a syndicate of financial standing. Every hope is therefore entertained that within the year broadcasting will be established in the Colony and that, associated with the same station, there will be a wireless telegraph route forming a cheaper alternative to the existing cable.

I will not attempt here to deal with important problems which are always with us and which must necessarily be constantly in our thoughts. The cost of living in the Colony has reached a height which undoubtedly creates alarm and must certainly be capable of adjustment to a level more in accordance with the general conditions of life in this Colony. A representative Commission is now sitting under the chairmanship of His Honour the Chief Justice, and may be expected to put forward recommendations for your careful consideration. It is to be hoped that members of the public will come forward to give evidence before this Commission. Another Commission is sitting under the chairmanship of the Honourable the Director of Agriculture to consider the labour position outside the native reserves and the best means of economising and utilising the labour now employed on estates in the country. The registration of native births and deaths in the towns has been reported upon by a special committee, whose recommendations are now receiving the attention of Government. Another committee is dealing with the scheme for a combined

hospital for the different communities in Nairobi which has received the general approval of Government, and which it is hoped will result in combined and concentrated effort by medical practitioners, official and non-officials. The Colony has every reason to be grateful to the public spirit of unofficials, who are prepared to devote a considerable amount of their time to assisting in the solution of these important problems and in this category I should like to express the thanks of Government in particular to the Kenya Advisory Committee, who are investigating the promotion of closer settlement in this country and who are helping very considerably to bring the Colony into touch with such important bodies at home as the Empire Marketing Board, who will it is hoped be able considerably to assist the industries, and in particular the dairy industry in this country.

I will now, in conclusion, deal briefly with the work before us in this Session of Council: the list of Ordinances is comparatively small, though the subjects dealt with are of considerable importance. The most important is the Kenya and Uganda Railway Bill which makes provision for the working and management of the Kenya and Uganda Railway, including the Lake Services, and the responsibilities generally of a Railway administration. The Bill follows on the Railway Order in Council and the creation of the office of High Commissioner for Transport. It has already been fully considered by the Railway Advisory Council, but it is not proposed to put the Bill through Council until it has been considered by Joint Committees of the Legislative Councils of Kenya and Uganda, to whom it is proposed to refer it after the second reading.

The Bill to amend the Widows' and Orphans' Pensions Ordinance is consequent upon the introduction of the new scales of consolidated salaries and allows of contributions being continued to the scheme by officers transferred to other branches of the Colonial Service outside East Africa.

The Bill to amend the Companies and Bank Ordinance is designed to relieve the banks of unnecessary duplication of work.

The Bill to amend the Cotton (Tax) Ordinance is to secure that the cotton tax in Kenya and Uganda is on the same basis and that the law in this regard should harmonise in contiguous areas.

The omission of the Defence Force Ordinance will doubtless be noticed—the Bill has been redrafted on the lines of the Memorandum issued in the Gazette, which was explained to the country at the elections and which Government is glad to find has apparently received the general approval of the country. The changes, though the main principle of compulsory service remains intact, have necessitated the introduction of a new Bill, which will consequently necessitate prior publication of

28 days. In the meantime preparations are being made locally by the Staff Officer to enable the Ordinance to be put into force immediately it has been assented to.

A Bill has been drafted to deal with the Registration of Domestic Servants, which will be ready for introduction at the next Session of Council. A measure of this kind has been found to be necessary to protect the interests of the better class of servant and to ensure a higher standard of efficiency amongst the domestic servant class.

In conclusion and in opening this Session of Council I most earnestly trust that with the help of Almighty God its deliberations may tend to the further peace, prosperity and welfare of the Colony of Kenya.

MINUTES.

The Minutes of the meeting of December the 22nd, 1926, were confirmed.

PAPERS LAID ON THE TABLE.

By THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOLE):

The Imperial Shipping Committee's Report on the control and working of Mombasa (Kilindi) Harbour.

Report of the Inter-Departmental Committee on the Apportionment of the East African War Expenditure.

Memorandum on the Defence Force Bill.

Schedule of proposed Salary Adjustments.

Motor Transport Regulations.

The Legislative Council Ordinance Amending Rules, 1927.

By THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM):

The Seventh Annual Agricultural Census Report.

By THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES):

Report on Irrigation, Water Supplies for Stock, Water Law, etc., by Mr. A. D. Lewis.

ORAL ANSWERS TO QUESTIONS.

RAILWAY ACCOMMODATION AT KISUMU.

THE HON. CONWAY HARVEY asked:

"What steps are being taken by the Railway Administration for the provision of reasonable accommodation for travellers at Kisumu Station?"

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MAJOR RHODDS) :

The accommodation provided by the Railway Administration for travellers at Kisumu Station consists at the present moment of the provision of meals for first and second class passengers in possession of railway tickets or passes.

After a meeting of the Licensing Board which is called for the 10th instant, it is hoped that we will be in a position to restore the accommodation for passengers which has been provided in the past.

THE HON. CONWAY HARVEY : Your Excellency, will the Honourable Gentleman attempt to justify the attitude of the Railway Administration in depriving . . .

HIS EXCELLENCY : Order, order; I think the Honourable Member can move a motion on the subject, but that question is quite out of order.

RAILWAY PROPERTY AT KISUMU.

THE HON. CONWAY HARVEY asked :

"What steps are being taken by the Railway Administration to conform to public health requirements by keeping Railway property between Kisumu Station and the Lake shore reasonably free from insanitary vegetation?"

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY :

Instructions have been issued to the Assistant Engineer, Kisumu, to arrange to keep clean the Railway area between Kisumu Station and the Lake shore, and the area in question is now reported to be clear of vegetation.

THE HON. CONWAY HARVEY : Your Excellency, arising out of that answer, may I ask how many complaints have been received by the Railway Administration from the Medical Authorities in respect of the Railway land in Nyanza during the last year?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, I shall require notice of that question to enable me to make further inquiries, but so far as my information goes we have had no complaints whatsoever. I think the Honourable the Director of Medical and Sanitary Services will agree that we have given every possible facility to his officers at Kisumu and that we have spent a very considerable sum of money in that area in trying to maintain a suitable sanitary area.

THE HON. CONWAY HARVEY : Your Excellency, will the Honourable Gentleman give me a written answer to my question?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY : I shall be glad to do so.

HOSPITAL ACCOMMODATION, KISUMU.

THE HON. CONWAY HARVEY asked :

"Will Government be pleased to state what progress has been made in connection with urgently needed increased hospital accommodation for Europeans at Kisumu?"

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS) :

Loan proposals include a sum of £1,500 for a new European Hospital at Kisumu. Arrangements for the erection of the building are not yet in hand.

THE HON. CONWAY HARVEY : Arising out of that answer, Your Excellency, may we be informed when we may expect Government to get a move on in connection with this most important matter?

THE HON. T. J. O'SHEA : Your Excellency, arising out of that answer is it proposed by Government to erect a hospital at Kisumu when Government is at the present moment trying to off-load its responsibility as regards hospitals in other districts.

HIS EXCELLENCY : I do not think that entirely arises out of the question. The answer to the question is that the matter is in hand.

EUROPEAN HOSPITAL, NAIROBI.

CAPT. THE HON. H. E. SCHWARTZ asked :

"Has the attention of Government been drawn to the prevailing system in the European Hospital, Nairobi, whereby male natives only are employed in the women's ward? Will Government take steps to substitute female native servants in this ward in place of male native servants?"

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES :

The question is engaging the present attention of Government. Government is exploring the possibility of obtaining female native servants to replace the male native servants.

RENT AND SURVEY FEES.

CAPT. THE HON. H. E. SCHWARTZ asked :

"How many tenants on Government Farms were in arrear with their rent and/or survey fees in respect of the years 1925 and 1926 as on 30th November, 1926? In how many cases have proceedings been instituted?"

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKER):

Nineteen holders of leasehold farms from the Crown were in arrears with their rent and/or survey fees for the years 1925 and 1926 as on the 30th November, 1926. Of this number, seven have since liquidated their debts, seven are being pressed for payment, three have been granted extensions of time in which to pay, one is deceased, and negotiations for exchange were in progress in respect of another.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of that answer, am I to understand that proceedings have not been commenced against anyone?

THE HON. THE ACTING COMMISSIONER OF LANDS: No, Sir.

DAYLIGHT SAVING.

CAPT. THE HON. H. E. SCHWARTZ asked:

"When is it the intention of Government to appoint the committee to consider the *pros* and *cons* of daylight saving in accordance with the terms of the amendment passed by this Honourable Council in December last?"

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE):—

Inquiries have been addressed to the Governments of neighbouring territories in accordance with the terms of the motion adopted in Legislative Council on 20th December. Replies have now been received and a committee is being appointed consisting of:—

The Hon. the General Manager, Kenya and Uganda Railway (Chairman).

The Hon. the Director of Agriculture.

The Hon. A. G. Baker, and

The Hon. Elected Members for Nairobi North, Nairobi South and the Lake.

ANOMALIES.

CAPT. THE HON. H. E. SCHWARTZ asked:

"Will Government state whether the recommendations of the Anomalies Committee have yet received the approval of the Secretary of State for the Colonies, and if not, when a decision may be expected?"

THE HON. THE ACTING COLONIAL SECRETARY:

A reply has been received from the Secretary of State. Detailed proposals for the adjustment of salaries accordingly are being submitted to Council at the present Session.

NAIROBI EUROPEAN HOSPITAL.

CAPT. THE HON. H. E. SCHWARTZ asked:

(1) What were the number of patients, male and female, admitted to the European Hospital during 1926?

(2) How many sisters are on the staff of the European Hospital?

(3) Is Government satisfied that the requirements of the patients can be adequately met with the existing staff?

(4) If not, does Government intend to take steps to provide an adequate staff?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES:

(1) The number of admissions during 1926 to the European Hospital, Nairobi, is as follows:—

Males	...	...	309
Females	...	...	228

(2) The nursing staff for which provision has been made in the Estimates is:—

Matron	...	...	1
Nursing sisters	...	...	6

Recently it has been found necessary to detail an extra nursing sister for duty. Another will be posted almost immediately as a temporary measure while necessity exists.

(3) Government considers that the staff as detailed above should be adequate to cope with the work presenting.

(4) In view of the foregoing the question does not now arise.

THE HON. CONWAY HARVEY: Your Excellency, may I ask whether the Honourable Gentleman has been made aware that the sole nursing staff at the Kisumu European Hospital a short time ago consisted of one gallant lady working twenty-four hours a day?

HIS EXCELLENCY: That is the subject for another question and does not arise out of this question.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, arising out of that question, may I ask whether the answer that "Government considers that the staff as detailed above should be adequate to cope with the work presenting" refers to nursing sisters only or does it also refer to qualified medical men. In other words does he suggest that one medical man is sufficient?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency it does not refer to the medical officer at the Hospital, but it may be taken that the answer is the same.

LEGISLATIVE COUNCIL ORDINANCE.

THE HON. CONWAY HARVEY asked:

"What action does Government propose to take in connection with the Report dated 17th July, 1925, of the Committee of Legislative Council appointed to consider the readjustment of the boundaries of electoral areas and any further amendments of the Legislative Council Ordinance, 1919, which may be deemed desirable?"

THE HON. THE ACTING COLONIAL SECRETARY:

The question of adjusting the present electoral boundaries is to be considered in connection with the Report of the Local Government Commission which has now been received.

Schedule II of the Legislative Council Ordinance which refers to the preparation of registers of voters, is at present being revised so as to provide—

(1) for the register of voters to be open for revision from 1st January to 31st August in each year. This will enable the revised register of voters to come into effect on the 1st January, following.

(2) for a notification to be published in the Official Gazette of the names of voters which have been expunged from the register under Section 9 of Schedule II of the Ordinance.

It is proposed to consider revision of Schedule III of the Ordinance (which contains rules for the election of members) and, if necessary, to introduce an amending Ordinance in the light of the Report of the Committee of Legislative Council appointed to consider readjustment of the boundaries of the electoral areas and of the experience gained at the recent general election.

BILLS.

FIRST READINGS.

THE KENYA AND UGANDA RAILWAY BILL.

On motion of the Honourable the Acting General Manager, Kenya and Uganda Railway (Major Rhodes), the Kenya and Uganda Railway Bill was read a first time.

THE KING'S AFRICAN RIFLES RESERVE OF OFFICERS BILL.

On motion of the Honourable the Acting Colonial Secretary (Mr. Northcote), the King's African Rifles Reserve of Officers Bill was read a first time.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

On motion of the Honourable the Treasurer (Mr. Gramnum), the Widows' and Orphans' Pensions (Amendment) Bill, was read a first time.

THE COMPANIES (AMENDMENT) BILL.

On motion of the Honourable the Attorney General (Mr. Huggard), the Companies (Amendment) Bill, was read a first time.

THE BANK (AMENDMENT) BILL.

On motion of the Honourable the Attorney General the Bank (Amendment) Bill was read a first time.

PROCEDURE.

CAPT. THE HON. H. E. SCHWARTZ: On a point of information may I ask Your Excellency if it is your intention to sit during this Session in the afternoon or to follow the recommendation in the Report of the Select Committee which has been adopted, to sit only in the mornings?

HIS EXCELLENCY: I may tell Honourable Members of Council that it is hoped to sit in the mornings only, but it depends on the volume of business. I do not think it will be necessary to sit other than in the mornings.

(Council adjourned until 10 a.m. on Thursday,
10th March, 1927.)

THURSDAY, 10th MARCH, 1927.

The Council assembled at 10 a.m. on the 10th March, 1927, His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of 8th March, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

By THE HON. THE ACTING COLONIAL SECRETARY

(MR. NORTHCOTE):—

Two Certificates of Emergency.

The first is in respect of the Dangerous Petroleum (Amendment) Bill which has been circulated to hon. Members this morning.

Members will understand, I am sure, the necessity not only for immediate action, but for confidential action on the part of Government in introducing this Bill and putting it through its stages in one day. It is really an unintentional error in the Laws as they stand and it is to save the Colony's revenue.

The other Bill relates to the Cotton Tax. It has been published, but it has not passed through the stages prescribed by Standing Orders to allow of its production in the ordinary way.

I have further to lay on the table the additions and alterations in the Estimates for the Revenue and Expenditure for 1927.

If hon. Members will allow me I will draw their attention to the first volume of the verbatim report which has been circulated. I should like to congratulate the staff upon its production. They are working under enormous difficulties. The Press is not yet erected which is designed to print this report; and I think it very much a matter of congratulation to Mr. Knightly, the Clerk of Council, and the rest of the staff concerned, that it has been produced so quickly. (Hear, hear.)

MOTIONS.

RACECOURSE SITE.

THE HON. THE ACTING COLONIAL SECRETARY :—

"That this Honourable Council approve the expenditure out of Revenue of a sum of £5,000 to meet the cost of moving the present buildings of the old racecourse site, Nairobi, which is required for town planning purposes, and of erecting a fence and preparing the site of a new racecourse."

Your Excellency, I should like to make it quite clear that this expenditure from Revenue will ultimately be reimbursed from the expenditure on the Town Planning Scheme. It is very important that this removal of the racecourse should take place as early as possible. The Nairobi Town Planning Scheme will be published before long, and I am not at liberty to state details, but I can say, and I think it is public knowledge, that the present site of the racecourse is a considerable feature in that scheme, particularly as an open space—a much-needed amenity in what will be one of the most congested parts of the town—and also as a site for further buildings which, I am convinced, are very urgently required from the point of view of housing.

It is, therefore, very important that this site should be vacated, and Government is prepared to advance the necessary sum from its Revenue—which will ultimately be reimbursed. In accordance with an arrangement with the Jockey Club, an agreement was reached that they would surrender their present lease and accept a lease of some 350 acres in its place of land along the Ngong Road in the forest area, on the understanding that the transfer would be the subject of no expense to the Club. The erection of stands, the preparation of the ground, the erection of fences and other things will involve a certain expenditure, the total cost of which is estimated at £5,000.

I feel that this project requires very little urging upon hon. Members, from its great desirability in the way of improving the town. It will enable us to give assistance to a scheme which we all have at heart. I believe I am right in saying that this site will allow of the laying out of a racecourse in accordance with the most modern ideas and improvements.

I beg to move.

THE HON. THE TREASURER (MR. R. C. GRANNUM) : I beg leave to second the motion.

CAPT. THE HON. H. F. WARD : Your Excellency, speaking purely for myself, I should like to suggest a slight amendment to the motion. Instead of expenditure being provided for out of Revenue, as suggested by the Colonial Secretary, I suggest

that it should be advanced to the proper authority. Hon. Members will find it difficult to decide whether the "proper authority" is the Town Planning Committee or Nairobi Corporation—that is a matter for Government—but I think that hon. Members will be with me when I suggest that this should be an advance to the proper authority, instead of expenditure out of Revenue. I beg, therefore, to move that in substitution for the words "approved out of expenditure," the words "advanced to the proper authority" should be inserted.

THE HON. CONWAY HARVEY : I beg leave to second the amendment. I may add that I myself had formulated an amendment in identical terms.

THE HON. THE TREASURER : I do not think it possible to accept that amendment. The difficulty is that at present there is no authority to whom this money can be advanced, and it will be quite obvious to hon. Members that Government could not advance a sum of money to itself. I think the procedure suggested is the correct one. When the proper authority is created it will in itself be an adequate safeguard for the proper expenditure of the money.

THE HON. T. J. O'SHEA : In view of that explanation, I should like to ask how it is that no competent authority yet exists, and yet there is a competent authority to expend the money.

THE HON. THE TREASURER : The Government is the proper authority and will actually expend the money.

THE HON. THE ACTING COLONIAL SECRETARY : In view of what has been said by the Hon. the Treasurer, I think the desires of hon. Members opposite are entirely met by what I said in my opening speech; that the money will be refunded eventually by the Town Planning Authority. The expenditure is absolutely safeguarded in that way.

The amendment was withdrawn.

CAPT. THE HON. H. E. SCHWARTZ : In view of the criticism to which Members of this Council are subject, most of which springs from a lack of knowledge, I think it only fair to state, in the absence of the hon. Member for the Rift Valley, who is also President of the Jockey Club, that this expenditure was not the result of any request made by the Jockey Club, but solely the result of a request of the Town Planning Committee. If this is not made clear, it is quite certain that someone or other will point to the fact that the Member for the Rift Valley, acting as Leader of the Elected Members of the Council and also as President of the Jockey Club, has jockeyed something else through the Council. (Laughter.)

HIS EXCELLENCY : The amendment having been withdrawn, I now put the motion to the House.

The question was put and carried.

ANOMALIES.

THE HON. ACTING COLONIAL SECRETARY: Your Excellency the second motion which I move to-day reads:—

“That this Honourable Council approve the adjustments in salaries detailed in the statement laid on the table, and that this Honourable Council approve the expenditure out of revenue of a sum of £3,344 to meet the cost of these adjustments in 1926.”

When the debate took place on the motion with regard to the revision of salaries, there was very considerable feeling on the part of His Excellency and on the part of hon. Members on the other side of the House, that there was a number of existing anomalies as regards salaries, and the suggestion was also made at that time that certain other salaries—which could not properly be described as anomalous—should be taken into further consideration.

The Anomalies Committee was called into existence some time before the revision of salaries took place, but when that revision was undertaken and the Governors of Kenya, Uganda and Tanganyika met at Moshi—to draft as far as possible a unified scheme for salaries for these three countries—the work of the Anomalies Committee was suspended as being for the moment somewhat supererogatory. The matter was debated, and the revision was made. Then the Anomalies Committee sat, as was obviously desired by all Members of this Council, and produced a report which was placed before His Excellency the Governor.

His Excellency forwarded his recommendations, based upon that report and upon his own consideration of the salaries of certain senior officers in particular, to the Secretary of State, and the schedule which has been laid before hon. Members shows such alterations and revisions as the Secretary of State is prepared to approve among those recommendations. I think the fact that the figures of the cost for those alterations in the salaries of officials approximate so very closely to the estimate which was passed by the late Council—that sum was £3,600, and the revision for this year comes to £3,691, and for the previous year to £3,344—I think that the fact that the figure in the Estimates approximates so closely to that revision is a sufficient indication that the wishes of this hon. Council have been very closely followed. I am sure that hon. Members will not desire me to recite the details of each post that has been improved. I hope in view of what I have said in regard to figures that they will not consider it necessary to put this schedule before a Select Committee. Should, however, the desire be strongly expressed on the other side of the House, Government will be prepared to form a Select Committee for that purpose; but I would suggest to hon. Members that they treat the schedule as a motion to give effect to what was

obviously intended. With regard to this motion, it is perhaps only necessary to explain that the vote covers the expenditure for last year. The amount was not inserted in Estimates, as at the time when the Revision and Anomalies Committee sat it was hoped that the report would be through before the end of the financial year, and that it would be possible to meet the debit for the year out of the revenue for that year. This was not, however, the case.

I beg to move.

THE HON. THE TREASURER: I beg leave to second the motion.

CAPT. THE HON. VAUGHAN KENBLY: In spite of the plea made by the Hon. Acting Colonial Secretary that there should not be a Select Committee, I wish to urge very strongly that this should be done. I am informed that several of these recommendations were not made by the Anomalies Committee, that they have crept in from some other source. I am not satisfied with the constitution of the Anomalies Committee. Apparently it was the child of a previous Committee appointed by this hon. Council, and the child put in its report after the parent was dead—not to its parent but to His Excellency. I think the position is anomalous; and since the Committee itself is anomalous I trust that this hon. Council will agree—I put this as strongly as possible—but if this hon. Council does not consider the arguments put forward strong enough, I will add to them.

THE HON. CONWAY HARVEY: I should like to associate myself with the views of the last speaker. Not, Your Excellency, that we are in any way opposed to the principle; we have been agreed for years that many anomalies exist which should be corrected, and in many cases in this schedule the recommendations are merely a case of belated justice. Nevertheless we feel that this hon. Council should have an opportunity of going further into the detail of every item in the expenditure of public funds. It is especially difficult when, as in the present case, the salaries of officers who are actually Members of Legislative Council are the subject of discussion. I do most respectfully suggest that it could be far more properly done through the medium of a Select Committee.

CAPT. THE HON. H. F. WARD: I cannot refrain from drawing the attention of Council to the unfortunate lady in the Education Department who, having been consolidated with food, drops from £200 to £180. (Laughter.)

THE HON. ACTING COLONIAL SECRETARY: As I have already stated, Government is not definitely opposed to the appointment of a Select Committee. If hon. Members on the other side of the House consider that it is necessary, perhaps someone will move to that effect.

THE HON. CONWAY HARVEY: I beg leave to move the appointment of a Select Committee.

THE HON. CAPT. H. R. SCHWARTZ: I second the motion. Question put and carried.

COMPASSIONATE PENSION: WIDOW OF M. GALLAGHER, D.S.O.,
UGANDA RAILWAY.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, I beg to move the resolution standing in my name:—

“That in consideration of the destitution of the widow of the late Mr. M. Gallagher, D.S.O., who, after twenty-five years, six months and twenty-five days satisfactory service in the Kenya and Uganda Railway, retired on the 3rd of July, 1923, on a pension of £639 13s 4d. a year and died on the 1st of October, 1926, this Honourable Council is pleased to award her a compassionate pension at the rate of £133 6s. 8d. (which represents one-sixth of the emoluments drawn by her deceased husband last before retirement) with effect from the 2nd of October, 1926, inclusive.”

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to second.

THE HON. T. J. O'SHEA: Your Excellency, motions of this nature in favour of compassionate allowances have become rather a common feature of the agenda of this hon. Council in the last year or two and I feel compelled to raise an objection. It is rather an unpleasant discussion to object to the grant of a compassionate allowance to some unfortunate widow. I am not strictly concerned with the merits of this individual case and I am not exactly stating my objections against this particular case, but when one reads that a man who has been in the service of this country for twenty-five years and drawing a salary that enabled him to retire with a pension of £639 per annum, should leave his widow destitute and dependent on the charity of this country, I think it necessary to raise the question of this Government continuing the practice of granting these compassionate allowances. Your Excellency, I think in view of that that it is really necessary for the hon. Mover of this motion to attempt to justify the grant of this compassionate allowance. (Hear, hear).

THE HON. THE TREASURER: Perhaps I should have stated, Sir, and I am afraid I am rather rusty just having returned from leave and not having attended Council for some time, that this pension if granted will, of course, be shared by the Railway as Mr. Gallagher was an officer of that Administration before the Railway ceased to be a Department of Government.

The point that strikes me is why she is not a beneficiary in the Widows' and Orphans' Scheme and I take it that Mr. Gallagher retired before that pension scheme came into force. His widow has made a statement to the effect that she believes that she will be left with about £100 after settling his funeral and nursing expenses. She points out that her husband was put to heavy and extraordinary expense in a nursing home and that she is practically destitute.

THE RT. HON. LORD DELAMERE: Your Excellency, I must say that on the question of principle I do think, Sir, that there ought to be some definition in this matter. I have never before questioned these compassionate allowances brought up in this hon. House, but it does seem to me, as my hon. Friend for Plateau South said, that if you make a habit and practice of giving these allowances nobody is going to take the trouble, which ordinary people have to do, of insuring their lives or whatever it may be. After all there are many cases where a compassionate allowance has got to be made as in the case of a man who has died soon after leaving the service and has not been able to put anything away, but when a man has been receiving nearly £650 a year as a pension and lived for a long time after he left the service surely he ought to have made some arrangement to insure his life or to do something. It does amount, I think, to this that if you make it a practice and a precedent that every widow who is left by her husband destitute is going to be provided for by this Government I do not really see why any people should take any trouble to provide for their own people at all and I presume he has got a family—I remember his having children here when I was young some years ago—who ought to take some part in keeping their mother I think.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, while agreeing with the principle which has been stated by the two speakers on this side of the House, am I not right in saying that a repetition of this, or a repetition on any large scale is impossible now that the Widows' and Orphans' Pension Fund is in force because it is compulsory and it is only those people who were in the service prior to the application of that scheme who could now come to this hon. House and ask for assistance.

THE HON. THE TREASURER: That is so and the great majority of cases where pensions are asked for—I think I am correct in saying so—is only in the case of Asians. There is no Widows' and Orphans' Pension fund for Asians at present and that is why the next motion is being put before this House. Steps are being taken for Asians to be put on practically the same footing as Europeans and when that comes into force these petitions to Council will certainly cease.

CART. THE HON. E. M. V. KENEALY: May I suggest to the Treasurer a clarifying alteration, that the word "last" be put before the word "enrolments" in the previous line?

THE RT. HON. LORD DELAMERE: Your Excellency, so far as I am concerned one would like to see Mrs. Gallagher get the allowance and so far as I am concerned I am going to withdraw my objection in this instance.

THE HON. THE ACTING COLONIAL SECRETARY: Speaking to that point, Sir, I would say that the hon. Member for Nairobi South has stated Government's case quite fully.

THE RT. HON. LORD DELAMERE: It is not fully really.

THE HON. THE ACTING COLONIAL SECRETARY: It is the case that the Widows' and Orphans' Pensions Fund is a compulsory fund. Every member joining the service has to contribute thereto and the practice which the Noble Lord has anticipated will not become a precedent.

The question was put and carried.

COMPASSIONATE GRATUITY: WIDOW OF F. X. FERNANDES.

THE HON. THE TREASURER: Your Excellency, I beg to move the second motion standing in my name:—

"In consideration of the destitution of the widow of the late Mr. F. X. Fernandes, who, after rendering thirteen years, one month and nineteen day satisfactory service in the Provincial Administration of this Colony, died in Kenya on the 30th of July, 1926, this Honourable Council is pleased to award her a compassionate gratuity of Shs. 2,160 which amount is equivalent to six months salary of her deceased husband at the rate drawn by him at the time of his death."

This, Sir, is the case of an Asian and as there is no Widows' and Orphans' Pension Fund in respect of Asians the case is certainly a deserving one.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to second.

The question was put and carried.

UNFORSEEN EXPENDITURE.

THE HON. THE TREASURER: Your Excellency, I beg to move the third resolution standing in my name:—

"Whereas it was found necessary during the quarter ended the 30th of September, 1926, to incur expenditure amounting to £43,054 7s. 90c. for which no provision was made in the approved Estimates for the year 1926, as more particularly set forth in the statement laid on the

table of the Council, this Council hereby approves that part of such expenditure which has not already been approved in the 1926 Supplementary Estimates, amounting to £1,410 17s. 91c."

It is customary, Sir, to ascertain whether it is the wish of the hon. Elected Members to go into Committee on these statements and if that is their wish then we shall take them item by item, otherwise the motion can be put and passed.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg to propose that this Honourable Council go into Committee to consider this.

THE HON. CONWAY HARVEY: I beg to second.

The question was put and carried.

In Committee.

THE HON. T. J. O'SHEA: Your Excellency, I am trying to follow the figures you are giving.

HIS EXCELLENCY: I am giving you the total under each head.

Head VII.—Administration. Medical Examination Fees.

THE HON. T. J. O'SHEA: May I be allowed to ask a question?

HIS EXCELLENCY: Certainly.

THE HON. T. J. O'SHEA: Yesterday a question was asked in connection with the erection of a hospital at Kisumu. I should like to ask Government whether it is intended to spend money on a new hospital at Kisumu?

HIS EXCELLENCY: Medical Examination Fees have nothing to do with the construction of a hospital.

THE HON. T. J. O'SHEA: May I ask for guidance in that case. I understood that if a vote came up in connection with expenditure it gave an opening to ask questions.

HIS EXCELLENCY: That is the case with the Estimates, but not when we are dealing with Supplementary Estimates, these are separate and special items of expenditure which have been incurred in addition to the expenditure authorised in the Estimates.

Head XVIII.—Education.

THE HON. T. J. O'SHEA: As some of the money included in this item has been expended on transport and travelling I wonder if I am in order in asking for information regarding the proposed allowances for leave of the new junior civil servants.

HIS EXCELLENCY: The hon. Member is not in order.

THE HON. T. J. O'SHEA: May I explain that this is a complete reversal of what I have been led to believe in the past three years to be the position of a Member in discussing Estimates. I have been informed, and have been acting on the information for the past three years, that when it came to a money vote of a department one was free to discuss anything in connection with that department and it was in that belief that I have been interrupting you. I am sorry, Sir.

HIS EXCELLENCY: I rather think the hon. Member is travelling too fast. In discussing annual Estimates it is quite in order to ask questions in regard to expenditure of the department or of any item arising out of that item of expenditure, but that does not mean that in the discussion of any money vote any question may be asked regarding the work of any department. Questions should be confined to the subject-matter involved.

*Head XXIIa.—Agricultural Department—Extraordinary.
Carriage of Goods.*

THE HON. T. J. O'SHEA: Your Excellency, included in that sum is £200 for the carrying of goods. Possibly some of the goods so carried were on behalf of the members of the Bowett Institute, who were present in this country examining some of our problems. Am I in order in asking for information to implement the promise of the Director of Agriculture that something would be done to extend their investigations to the Casin Gishu?

HIS EXCELLENCY: No, the hon. Member is out of order.

Head XXI.—Division of Veterinary Adviser.

THE HON. CONWAY HAINBY: May I ask for some further explanation of the sum of £222 under the head of Division of Veterinary Adviser. We should like to know who is the Veterinary Adviser, what are his duties, and how long he is likely to be a charge of this Colony?

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): I regret I have not the details here. I was not aware that this was coming up so early before this hon. Council, but I will say that this item of £222 is in connection with closing the account of the Veterinary Adviser for past services. It has nothing to do with the continuation of his services.

Head XXV.—Miscellaneous Services. Fees to Crown Agents.

RT. HON. LORD DELAMERE: Sir, Fees to Crown Agents, may I ask how we have got an excess of £428 in a quarter?

THE HON. THE TREASURER (MR. GRANNUM): That entirely depends on the work done. There is a fixed and standing charge for commission and if the amount of stores purchased comes to

more than what was anticipated then obviously there must be an excess. It is a fixed charge I think of one-fourth of one per cent.—speaking from memory—which is paid to the Crown Agents for purchases of stores.

THE RT. HON. LORD DELAMERE: If that is the principle on which we are going to work how are we going to avoid Supplementary Estimates under this particular head? The hon. Gentleman said it was obvious there must be an excess in the vote. I think it must be obvious that if you have not the money to pay the charges you should not order the stores for the next three or six months. There is another way out surely. How are we going to avoid Supplementary Estimates on which we have an undertaking from His Excellency the Governor that they will not be introduced except in special circumstances.

THE HON. THE TREASURER: I am in rather a difficult position for I have been away and I have not been told that there has been a pledge that there will be no Supplementary Estimates and I know nothing of it. How Supplementary Estimates can be avoided in any country which is working on the ordinary financial basis I cannot see. Circumstances are bound to arise which will necessitate Supplementary Estimates. I find additional items are now put in the form of financial resolutions; that is practically a Supplementary Estimate, and I cannot see how it is going to be possible to avoid from time to time putting up Supplementary Estimates to cover items which could not have been foreseen when the Estimates were prepared. That is the point.

With regard to the arrangement with the Crown Agents I can think of no other means of working that arrangement. It is quite possible that an indent is sent forward without at that time knowing what it is going to cost for Crown Agents' commission. It is natural that when stores are sent out the actual figures of cost are not received and I can see no better method of working.

CAPT. THE HON. H. E. SCHWARTZ: Nobody ever suggests, I think, and I do not think the Noble Lord would suggest, that we should go from 1st January to 31st December without a supplementary estimate, but the meaning of the pledge given by His Excellency, or, the interpretation at all events which I put on it was that there should be a proper interpretation of the word "foreseen." Hitherto Government has told Heads of Departments, I believe, "Oh, don't put that in, cut it out, it makes the estimate look nicer when it comes up for discussion. Put it in Supplementary Estimates." That is the procedure objected to by the House and the objection concurred in by His Excellency. In order to clear this matter up, and I speak for myself, without authority from hon. Members on this side of the House, but I think I hold the views of all Members on this side of the House, we can only agree to Supplementary Estimates even if they are in the form

of a money motion where the expenditure could not have been foreseen at all. I should like to ask a question, to which I should like a frank answer, as to how much this country has benefited or not by getting things from the Crown Agents.

CAPT. THE HON. H. F. WARD: Before that question is put I should like to say a few words in regard to the rate of commission paid to the Crown Agents. Except in some exceptional circumstances involving technical enquiries, I think four per cent. is a very high rate.

THE HON. THE TREASURER: A quarter of one per cent.

CAPT. THE HON. H. F. WARD: Another point I should like to ask the hon. Gentleman is, does Government get anything from rebates in respect of the shipment of their freight or who gets the usual rebates that the commercial community gets. A second point I should like to ascertain is will Government inquire very closely into purchases overseas as compared with purchases locally. There are many cases in which it is altogether advantageous from every point of view to purchase locally through the representatives in this country. (Hear, hear.)

THE RT. HON. LORD DELAMERE: May I further suggest to the hon. Gentleman that the Governor's pledge is on record and I thought that such an important pledge would have been brought to his notice.

THE HON. THE TREASURER: I do not think anything I have said is contrary to the pledge given by His Excellency. With reference to the question asked by the hon. Member for Nairobi North, I am very much afraid that my memory does not go back to the actual rates charged, but if the information is required I could obtain it and let the hon. Member know after Council.

Head XXV.—Miscellaneous Services. Tanganyika Masai Boundary.

RT. HON. LORD DELAMERE: I am going to propose that this amount of £106 4s. 60c. be cut out of these Estimates for the Tanganyika Masai Boundary.

It seems to me a peculiar thing for expenditure to be incurred to meet the views of somebody, I do not know who, but somebody in another country, which is of no practical use whatever in this country. Even when our boundary was with a foreign country down there, with Germany, there was no question of cutting out this boundary. It was simply in order that Tanganyika might show that they had nothing to do with Kenya. I know of no reason for putting up these stones. There is no reason.

To my mind it is a scandal that this money should ever have been included in the Estimates. It could have been foreseen perfectly easily. It is not a thing which could not have been foreseen. It could be foreseen. If you are going to lay out a boundary between two British contiguous territories because of the Masai who live on each side of the border with their villages and so on and so forth—after all if you are going to do anything so foolish—it could be foreseen and I propose that this amount be cut out of the Estimate. I can see no justification for it being in. It is a pure waste of money and I beg to suggest that this amount be cut out of the Estimate forthwith and that the Government which requires this done, the Government of Tanganyika, be asked to pay for it.

THE HON. THE TREASURER: I should like to explain that possibly the Noble Lord is under some slight misapprehension.

THE RIGHT HON. LORD DELAMERE: I am not in the least.

THE HON. THE TREASURER: This amount is practically a revote. The provision was made in the third Supplementary Estimates of 1925 to meet this expenditure, so that this hon. Council has already accepted the principle.

THE RT. HON. LORD DELAMERE: I am very glad it has come up again. It is rather like the Defence Force Bill, we have another chance at it (laughter) and I think it is a good thing indeed that it has been reinserted. It is one of the amounts we have to vote now and if I missed it before it does not alter my opinion one iota. It has only made me pleased because this matter has come up again in this form. I hope the hon. Members on this side of the House feel the same as I do. It seems one of the most wasteful expenditures of money that was ever made.

THE HON. THE ACTING COLONIAL SECRETARY: As regards the Tanganyika Masai Boundary, as the money has already been voted by this hon. Council I would I think be somewhat of a contempt of the late Council if it were, so to speak, unvoted now.

With regard to the earlier item, speaking as one who has had to help to frame a budget or two in the past I would urge on hon. Members to remember that there are certain votes the expenditure upon which is more or less automatic such as the vote for commission on stores ordered. It really would not be possible at the time of framing the estimates to show the amount of stores that would have to be ordered for the various departments through the Crown Agents in the following year, i.e., practically eighteen months ahead and it is only possible on automatic votes such as this to average a figure, taking the experience of the last few years, and putting down what is considered reasonable. Another alternative would be to put down so large a sum that it could not possibly be

exceeded so that there would be inevitably a saving but I would suggest that would be an undesirable procedure as it would be taking money which could be better spent in the interests of the Colony and I would ask them to recognise that this present procedure is the best. I will undertake that when this vote is put into the Estimates for 1928 it is considered carefully as to whether there has been over-expenditure on it and if it is the case whether the vote should not be considerably increased. I think that will meet hon. Members.

THE RT. HON. LORD DELAMERE: There is a further alternative; that is, the savings made in a department out of the very big votes in other directions. As the hon. Gentleman says you take these things on an average. One vote is heavy. You take local travelling in the Agricultural Department. One vote is too little and surely it is the business of the Head of the Department if he makes a mistake in one item to see if he can save it on another, instead of coming to this House and putting in a supplementary estimate which, according to this side of the House, could have been foreseen. After all, the amount of stores to be ordered by the departments must surely be known every year.

CAPT. THE HON. H. E. SCHWARTZ: I have not had an answer, whether frank or otherwise, to my question as to whether we are benefiting or not benefiting by having to deal through the Crown Agents or if we deal through the Crown Agents because we are forced to.

THE HON. THE ACTING COLONIAL SECRETARY: I was on the point of saying that I would like to give an expression here of Government's gratitude to the Crown Agents for the work that they have done and to express the full confidence of Government in the way the work is carried out. I do not think the work could be carried out half so well by any other agent while this Colony is in the stage it is. It is the case that the Dominions have their own agents but that is another matter. But while Kenya remains small in dimensions, politically and otherwise, I do not think it can be better served than by the Crown Agents. As regards purchases overseas, there has been considerable correspondence with the Chamber of Commerce and I think I may say that Government and that Chamber are in agreement as to the steps to be taken to bring about local purchases where possible.

THE RT. HON. LORD DELAMERE: It is rather a curious thing that the opinions of the head of a business department such as the Secretariat should be at complete variance with the General Manager of the Uganda Railway, who has to buy a very enormous number of stores under practical conditions during the course of a year. I have always understood him to express his opinion that his business was held up to a considerable extent by purchasing through the Crown Agents, in

particular in regard to delivery of goods and other things. In view of what I said about the hon. Director's Department just now I know he won't support me in this. (Laughter).

The question was put and lost.

THE HON. THE TREASURER: I beg to move that Council now resume.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that the Statement of Unforeseen Expenditure for the Quarter ended 30th September, 1926, has been considered in Committee of Council and passed. The motion will now be put to Council.

The question was put and carried by 24 votes to 6.

Ayes.—Messrs. Baker, Bale, Biss, Canon Britton, Messrs. Campbell, Dobbs, Colonel Doherty, Messrs. Fitzgerald, Freeman-Pannett, Dr. Gilks, Messrs. Granum, Hemsted, Holm, Huggard, Malik, Maxwell, Montgomery, Morrison, Northcote, Major Rhodes, Captain Schwartze, Messrs. Sikes, Gordon Smith, Captain Ward.

Noes.—Lord Delamere, Lieut.-Col. Durham, Mr. Conway Harvey, Captain Kenealy, Mr. O'Shea, Captain Wilson.

NATIVE INDUSTRIAL TRAINING DEPOT AT KABETE.

THE HON. THE ACTING DIRECTOR OF EDUCATION (MR. BISS): Your Excellency, I beg to ask permission of this House to substitute for the motion as printed in the Order of the Day another resolution which has been circulated this morning. The reason is merely to safeguard the point that no additional money is to be raised by loan for this purpose. With your permission I will read the new resolution that I am asking may be substituted for the one on the paper:—

“ Be it resolved that this hon. Council approves the expenditure of £4,400 for the building of the Native Industrial Training Depot at Kabete additional to—

(a) the £12,000 already allotted for the purpose in the Loan Schedule, and

(b) the sum of £2,000 allotted for that purpose from the hitherto unallocated balance, amounting to £10,000, of the £185,000 voted by this hon. Council on the 25th of March, 1926, for Educational Buildings.

And be it further resolved that this additional sum of £4,400 be provided from general savings in respect of the Loan Schedules previously approved by this hon. Council; details of which savings cannot at present be furnished.”

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): Your Excellency, I beg to second.

THE HON. THE ACTING DIRECTOR OF EDUCATION: The Native Industrial Training Depot at Kabete for which this money is asked is an institution for the training of African artisans. In this case the technical work is not looked at from a purely educational point of view, but from the point of view of the turning out of efficient artisans only. Any literary work that they may do is done in the evenings and has a direct bearing on the artisan work. It is therefore an institution of very great importance. In September, 1925, this hon. Council approved of the expenditure of £12,000 for the buildings connected with that institution, to be found from loan funds. It was of great importance that this work of training artisans should be pushed forward, and though the department had not at headquarters an officer qualified for the full supervision of technical training, it was felt desirable that a start should be made and that the way should be felt along the road of securing trained artisans. The staff that was employed in this institution was adequate for constructional work that had to be done there, but it was akin to running a military department without departmental commissioned officers, and as might be expected difficulties arose in the course of the work. The progress in the training of these artisans, however, has been gratifying, to use the words of the newly-appointed Supervisor of Technical Education. Several of the trades, in particular the carpentry work, have been excellently done. Unfortunately, the expenditure which had been originally estimated must be exceeded if the institution is to be brought into full efficiency, and this in two ways, one I think unjustifiably and another more justifiably. The unjustifiable excess expenditure has really arisen through the misapplication of certain funds. I am not raising here the question of dishonesty but of an unskilled application of more money than was necessary to certain parts of the work thereby starving other parts, and serious though that is, there is worse to come, for there has been an actual loss of a matter of some £330 worth of material. I wish to put this quite frankly to Council so that they may be fully aware of the facts. Disciplinary action is being taken in that connection, but I should like to say that those who are concerned in commercial ventures in this country would probably agree that a certain loss of stores is almost certain to occur in such a case as that of the start of the Native Industrial Training Depot.

The other class of excess that has occurred was first of all that the estimate was too low; it was not prepared as well as it might have been in the absence of proper technical supervision, and consequently it did not include all the items which are necessary for the conduct of the institution. The pump and pipe line, for instance, were not included in the first estimate, which seems a strange thing, also temporary quarters for the

constructional staff. A further difficulty was the changes that have occurred in the costs of building materials during the last two years. They have varied a good deal in Nairobi, and that has upset the original estimate.

I was aware that all was not well in this institution, and as soon as the Supervisor of Technical Education arrived the first order that he was given on arriving in Nairobi was that there was to be a full investigation of this institution in all its branches. The Treasury was asked to assist us on the financial side, and the whole matter has been very fully inquired into both from the technical and financial sides. A report was placed before the Committee of Visitors and sent to Government with their recommendations. The whole matter has been gone into in great detail. We are now for the first time in a position to give a guarantee which I think should be given to this House that the supervision of the Native Industrial Training Depot will be in the future absolutely adequate, because the Supervisor of Technical Education is a man with very high qualifications and with very wide and varied experience, and I have the greatest confidence in saying that his supervision of this institution both in general and in detail will be entirely adequate.

On the financial side the system of accounts which has been proposed by the Treasury has been brought into force from the first of January of this year, and we are satisfied now that the supervision on that side will be entirely adequate also.

The past having been investigated, it remained for me to come forward to Government and say what was necessary for the future. It was originally proposed to train 300 artisans at that place. The number was then dropped to 150, in order to reduce expense, but I am convinced that less than 300 boys in that institution would be almost useless, and will form no solution to the general problem which we are trying to deal with. The number of 300 is, therefore, now before us. Dormitories and workshops for these boys with quarters for the permanent European staff and movable quarters for the European leading artisan staff are included in the estimate, and all other buildings and requirements will be noted.

The total cost of the institution, including the losses which have been incurred and the completion of all that is required will be £18,100. That is including of course the £12,000 which has already been allotted to it. £6,100 extra is therefore required; of this amount it is proposed that £2,000 should come from moneys already allotted to Native Education and saved by very careful estimation and reduction in building costs owing to the work of the Supervisor who has gone into the matter. £4,100 remains which has not been authorised, and that is the sum for which I am now asking the agreement of this hon. House.

THE HON. A. C. FREEMAN-JANSETT: Your Excellency, I feel convinced that it does not need my assurance to say that we are all in sympathy with this work, but I really think further particulars are required before we are asked to vote all this amount. The Director has mentioned that literary education will not be given during ordinary hours of work, but that this will be conducted in the evening. Are we then to gather from that that literary education will not be compulsory? When I say literary education I mean that amount which is necessary to teach any artisan his trade,—(hear, hear)—because it is obvious that no artisan can turn out as a useful mechanic unless he has some knowledge, and I sincerely trust—though I am not a keen advocate of a high standard of education—I do think that some form of literary education is indispensable in their training. One other point I should like to have some information on as to whether the amount mentioned by the Director of £185,000 includes all the technical equipment for that school. I might say that on the basis of 150 scholars it appears that unless technical equipment is provided the estimate is a very expensive one, working out at £124 per pupil. There is one other point I should like information on. We are told that the person responsible for the somewhat serious losses has been dealt with from the point of view of discipline, and it was stated at the same time that similar instances occur in ordinary businesses. They certainly do, unfortunately, but I would like to point out that in the schedule which has been before this House and comes up again at a later date, there is an item for a storekeeper who, it is suggested, should have his salary arranged to a maximum of £500. I suggest that that person, or his predecessor, was the person responsible for the loss, and I suggest this matter should be considered when the schedule comes up for review.

There is one other point I should like to draw hon. Members' attention to, and that is the remark regarding the expense of building material during the past two years. I have had a considerable amount of experience, and my experience has been that prices have been steadily decreasing, and there should be no case for additional expenditure; rather the opposite.

CAPT. THE HON. H. F. WARD: Your Excellency, I am also extremely in sympathy with this resolution; but can we have a few additional explanations? What loan has been referred to? It is obvious, I think, that it must be the Colonial Loan, and would it not be better to say so, because it may be taken as a general application to the loans of the Colony?

The second thing which seems to me to require explaining is that the Education Department will have a balance of £10,000 unallocated out of the £185,000 which is included in the Colonial Loan. I fail to see why they should go outside

and attempt to get a balance which they state in resolution cannot be assessed; why they should go outside their own vote, possibly to the prejudice of a lot of things that may be required, when they have an ample amount in their own vote to meet this sum of £1,100.

THE HON. THE ACTING COLONIAL SECRETARY: If I might speak on that point, I am sure the hon. and gallant Member would not like Government, without the consultation of this hon. Council, to employ funds which are voted for some specific school, say the European Kabete School, because that money has not been utilised, for some other school without permission? The only balances, as far as I know, that stand in the Colonial Loan against education are against particularised schools, and if I have understood the hon. Member rightly—I may not have—he suggested that we should use these balances. The proper duty of Government is to come to this Council and say we want £4,400; we propose to get it from savings, even if we cannot state what the savings are, but nevertheless we should come forward as soon as possible.

CAPT. THE HON. H. F. WARD: On a point of explanation, of course I did not mean that that money should be appropriated without reference to Council. May I read (b) of the resolution?—

“(b) the sum of £2,000 allotted for that purpose from the hitherto unallocated balance, amounting to £10,000, of the £185,000 voted by this hon. Council on the 25th of March, 1926, for Educational Buildings.”

THE HON. THE ACTING DIRECTOR OF EDUCATION: That £8,000 is to be used for the Jeanes School at Kabete for training supervisors of village education.

THE RT. HON. LORD DELAMERE: Under whose authority?

THE HON. THE ACTING COLONIAL SECRETARY: When the vote of £185,000 was taken on this it was stated that £145,000 was to be spent on European schools which were specified—I think I am right in saying £145,000—the other £40,000 would be chiefly spent on Indian education, but a certain amount on native education, and at that time there was specific mention of the Nanyuki School, which was subsequently deleted, as money for this purpose was found out of revenue. Subsequent to that, £30,000 out of that £40,000 was allocated to the Indian School, Nairobi, to increase the accommodation, by agreement with this hon. Council.

There remained the sum of £10,000 to be allocated, and I am not aware at the moment whether that is shown in the schedule of non-specific works which was circulated this morning and has not yet been laid.

In the explanatory schedule the hon. Member will see among the works in preparation, or which it is anticipated will be put in hand, the Jeanes School, Kabete, £8,000.

The Hon. the Treasurer has not laid this statement this morning because he wished to make notes of the new items which appear in this schedule for the information of Council, and to be able to make a statement. The statement has, however, been circulated as early as possible. When he lays it he will, among other items to which he will draw attention, draw attention to that one. It will explain, as I did to the last Council, that the intention is that Members should have the earliest information of the intentions of Government so that it will be possible for any Member to raise a point regarding any item: Government will follow the practice which has hitherto been followed of specifying any new items which appear in these non-specific votes, such as Housing of Government Officers.

CAPT. THE HON. H. F. WARD: Your Excellency, I am sorry to take up the time of this House, but I wish to press my amendment to the effect that this £1,400, if agreed to by this hon. House, should come out of this unallocated balance, which now stands at £8,000, of the £185,000 voted in March, 1926.

HIS EXCELLENCY: You are moving this as an amendment?

CAPT. THE HON. H. F. WARD: Yes, Sir. I think it is absolutely wrong that a definite financial issue before this House should be prejudiced by the fact that the Government propose to ask authority later on for the expenditure of a sum which will involve this balance. It is unfortunate that this hon. Council has not been offered any explanation of the proposals for the expenditure of £8,000 on the Kabete Industrial Training Depot, nor has the authority of this House been asked; and it is necessary not to prejudice an issue which has not been before this hon. Council, and also to understand the policy of this department before proceeding to delve into the general balance of the Colonial Loan.

HIS EXCELLENCY: Is this amendment seconded?

THE RT. HON. LORD DELAMERE: I will second the amendment; not because I wish to delay the granting of this money for this particular purpose, but because I do not in the least understand how this money is to be allocated. We have a statement put before this hon. Council this morning. It was distinctly laid down that before that was done the question should come before the Works Committee. This matter has never been before the Works Committee. I know nothing about it at all for the reason, I think, that the £10,000 which is still available is still available for the purpose of this particular vote which is being asked for now. After all, you have got one thing in hand owing to an inexact estimate, at

the beginning, of what the building would cost for the Kabete Industrial School, and owing to the loss of £300. It has been found necessary to ask for another £1,400 to complete that work which it was agreed ought to be put in the priority list by Government, as far as I know, and the Works Committee. As far as I know, I have never seen the question of the Jeanes School brought up. It is impossible for the Works Committee to be in any way responsible to anybody for anything put on the list which they have never had laid before them, and which they have never seen. They have responsibilities, and have been given a constitutional position in the matter, and as far as I am concerned, so long as they are there it appears to me that their responsibilities are killed if Government acts without their help and advice on things on the list which have not been agreed to by the Committee. It was agreed to by the Committee and this hon. House that these questions should be put forward in this way by the Works Committee and laid before this hon. Council, so that they could have an opportunity of raising the question of priority and regulating the money to be spent. That was the action taken. My Hon. Friend the Postmaster General, who was in charge of the Committee at the time when these things were decided, must remember that. No change whatever has taken place in that way. At any rate, it is unnecessary to have a Works Committee at all if that is the case.

CAPT. THE HON. E. M. V. KENEALY: I should like to support this amendment, not only on the grounds that have been mentioned, but also on general grounds—one of them being that this Government has adopted no financial decision to embark on this very peculiar policy. For instance, I will quote a matter similar to this, and I trust that Government will either follow it, or deliberately dissociate itself from a policy which it has adopted in the past. Here you have a capital expenditure of £1,400. There was a capital expenditure of under £800 on Nanyuki School. That was a capital expenditure, and the local inhabitants of Nanyuki were asked to supply £200 of the capital expenditure for the erection of a school at Nanyuki. That was presumably the policy dictated by Government, and it established a precedent which should be maintained now. If the local community at Nanyuki had to supply £200 out of less than £800—rather more than a quarter—therefore, on the same community basis, it is obvious that the Native Trust Fund should furnish £1,100 of this sum of money. If Government maintains that ridiculous precedent, I agree entirely with the mover of this motion that the money for the Jeanes School, which has not been approved by this House, should come from that fund. I support this amendment.

THE HON. THE ACTING COLONIAL SECRETARY: I have Your Excellency's authority to say that in the light of the views expressed by the Noble Lord and hon. Members,

Government is prepared for the moment not to go on with this motion on the understanding that hon. Members do not disagree with the expenditure of £4,400 more, or let us say £3,100 more, on the Native Industrial Training Depot at Kabete; i.e., that they will utilise up to £6,400 on the Native Industrial Training Depot. That will leave an unallocated balance of £3,600 of that £10,000, and the matter of the Jeanes School, Your Excellency, I understand, will be referred to the consideration of the Works Committee specifically at their next meeting.

THE RT. HON. LORD DELAMERE: The Works Committee have no power in the matter; it has never been voted.

THE HON. THE ACTING COLONIAL SECRETARY: The whole matter of the Jeanes School will be referred to the Works Committee at their next meeting. I would now like to suggest that of the £10,000 unallocated money remaining out of the £185,000 voted by this hon. Council for educational work, £6,400 be utilised to bring to completion the Native Industrial Training Depot, there then remaining unallocated that £185,000 some £3,600. Your Excellency, I scarcely think it necessary to move this specifically, as the money is already voted by this hon. Council. If there is no objection to the Government's proposals as to how we spend this money I suggest we pass on to the next business. I suggest this motion be not put, Government withdrawing it.

THE RT. HON. LORD DELAMERE: I hope that hon. Members on this side of the House will accept that position. It appears to me to put it on a better basis altogether. It appears to me that without knowing it, hon. Members on this side of the House are making it impossible to build Kabete School, whereas we are now taking it out of the amount still remaining for African education by a motion for that purpose which is I think quite proper.

HIS EXCELLENCY: In view of the assurance given I will ask the Hon. Member for Nairobi North if he wishes still to move the amendment?

CAPT. THE HON. H. F. WARD: No, Sir; I beg to withdraw the amendment.

HIS EXCELLENCY: The amendment is withdrawn. Will the Hon. the Acting Director of Education now withdraw the original motion.

THE HON. THE ACTING DIRECTOR OF EDUCATION: Your Excellency, I beg leave to withdraw the motion standing in my name.

HIS EXCELLENCY: The motion is withdrawn.

THE HON. THE ACTING COLONIAL SECRETARY: With the indulgence of hon. Members I will now move that the Standing Rules and Orders of this House be suspended so as to enable the Bills on the Order of the Day to be advanced. It is hoped, and I feel sure it will meet the convenience of Members, that we should, if possible, get through the second reading of the Bills so as to bring them up for third reading at Saturday's sitting. I will say here that there is no intention on the part of Government to burke or suspend consideration of motions standing in the names of the hon. Members concerned, but unless the second readings are taken to-day it will not be possible to get through on Saturday. There is further the Bill to amend the Dangerous Petroleum Tax Ordinance, and when permission is granted to vary the Order of the Day I will move a further motion with regard to that Bill.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I would point out that there are several motions in the names of hon. Members; there are two in my own name, which will not take more than five minutes, and as I shall be unable to attend on Saturday owing to pressure of business I should be glad if they could be taken now.

CAPT. THE HON. H. F. WARD: I should be very glad if my motion could be heard on Saturday morning.

THE HON. THE ACTING COLONIAL SECRETARY: In the light of what the Hon. Member for Nairobi South has said, I will defer my motion to suspend Standing Orders in order that these two motions may be taken. It is the intention of Government to adopt them.

FILM CENSORSHIP.

CAPT. THE HON. H. E. SCHWARTZ: I beg leave to move:—

"That a Select Committee of this hon. Council be appointed to consider the whole question of Film Censorship."

In moving this motion I merely wish to say that I would ask the Select Committee when they consider this question to consider the advisability of forbidding the exhibition of films to Africans with the exception of educational films and other films sanctioned by Government.

CAPT. THE HON. H. F. WARD: I beg to second the motion.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to state, Your Excellency, that Government is prepared to accept this motion.

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: The following names have been suggested for the Select Committee on Film Censorship:—

The Hon. the Chief Native Commissioner (in the chair).

The Hon. the Postmaster General.

The Hon. Member for Nairobi North.

The Hon. Member for Nairobi South.

The Hon. Member for Kenya.

The Hon. Canon J. Britton.

HIS EXCELLENCY: Are there any other names?

HIS EXCELLENCY: The Committee is appointed.

EUROPEAN EDUCATION CESS

CAPT. THE HON. H. E. SCHWARTZ: I beg leave to move:—

"That a Select Committee of this hon. Council be appointed to consider some more equitable method of taxation in connection with the European Education Cess than at present existing under the increased Poll Tax."

Your Excellency will remember that the European Education Tax Cess was passed at the last minute, the original suggestion of the Domestic Servants Tax having been dropped by Government, I think I can say against the wishes of this side of the House, and certain Members on this side of the House were prepared to accept it if Government gave an undertaking that it would only last one year and that some more equitable form of taxation would be imposed after the lapse of one year. Government declined to do that. I understand that Government will accept this motion, and I would suggest that those members of the Committee who sat before and failed to find an equitable method should be left out this time and more brilliant brains be found to take their places. (Laughter.)

THE RT. HON. LORD DELAMERE: I beg to second that. There is nothing to be said in regard to the collection of a poll tax, except that it is easily collected by Government.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I am empowered to say that Government is prepared to accept this motion.

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: I suggest that the composition of that Select Committee be announced at the next meeting of this Council which I understand will be to-morrow.

ADJUSTMENT OF SALARIES.

May I take this opportunity of saying that Your Excellency has approved of the following Committee for the adjustment of salaries:—

Myself, in the chair.

The Hon. the Treasurer.

Capt. the Hon. H. E. Schwartz.

Capt. the Hon. H. F. Ward.

Capt. the Hon. E. M. Vaughan Kenely.

HIS EXCELLENCY: Has Council any alterations or suggestions to make?

HIS EXCELLENCY: On behalf of Council I appoint that Committee.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that Standing Orders be suspended.

HIS EXCELLENCY: In order to avoid moving the suspension of Standing Orders I will ask the Hon. Member for the Lake that his motion be taken later.

THE HON. CONWAY HARVEY: I agree.

THE HON. THE ACTING COLONIAL SECRETARY: In that case I move the suspension of Standing Orders to enable a Bill to amend the Dangerous Petroleum Tax Ordinance to be read a first time.

THE HON. THE ATTORNEY GENERAL: I beg to second.

The question was put and carried.

BILLS.

THE DANGEROUS PETROLEUM TAX (AMENDMENT) BILL.

On motion of the Hon. the Attorney General the Dangerous Petroleum Tax (Amendment) Bill was read a first time.

SECOND READING.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that a Bill to amend the Dangerous Petroleum Tax Ordinance be now read a second time.

It may appear at first sight that this Bill contains proposals to double the tax on petrol. I can assure the House that there is no such intention. The object of this Bill is merely to correct an error appearing in the Revised Edition of the Laws. What has happened is this: In 1921 an Ordinance was passed called the Dangerous Petroleum Tax Ordinance, which imposed a duty of twelve and a half cents on every gallon of dangerous petroleum imported into the Colony. At the time the Ordinance was passed the currency in force

in the Colony was the florin currency, and therefore the actual tax imposed was twelve and a half cents of a florin. Subsequently, when the currency was changed, an Ordinance was passed called the Currency Interpretation Ordinance, and that provided that in any Ordinance passed prior to the 31st of December, 1921, having reference to rupees, florins or cents, you dealt with the Ordinance as if it referred to double the number of shillings and double the number of cents. By virtue of that Ordinance the tax automatically became twenty-five cents of a shilling, and the tax has been collected at that rate up to the present day. Now, Sir, when the Revised Edition of the Laws was being prepared, the Commissioners, acting under the authority of the Currency Interpretation Ordinance, converted any reference to rupees, florins, and cents, to double the amount in shillings and shilling cents. That is to say, wherever they found a reference to rupees they doubled the amount and called it shillings and where they found reference to cents they doubled the number of cents. Unfortunately, Sir, in this one case they failed to make conversion, and the tax provided for in the Revised Edition under this Ordinance is twelve and a half cents, that of course is at the present time twelve and a half cents of a shilling, and as the Revised Edition now represents the Law of the Colony the tax leviable is only twelve and a half cents of a shilling, whereas the original Ordinance allows for double that amount and double that amount has always been collected. This Bill is designed therefore to make provision for a tax of twenty-five cents instead of twelve and a half cents and it is necessary to make the provisions of the Bill retrospective to 1st July last, that being the date on which the Revised Edition came into force. I might direct attention to the fact in this connection that there is a printer's error appearing in clause 3 of the Bill which reads "January" instead of "July", that being the date on which the Revised Edition came into force.

I am sure that hon. Members will appreciate the necessity for omitting to publish the Bill in the ordinary way, and for placing it before them at the last moment. It was undesirable that it be published for general information.

I beg to move that the Bill be read a second time.

THE RT. HON. LORD DELAMERE: I beg to second it. It is not only necessary that it should be passed but it must be passed through all its stages at one moment, otherwise people will repudiate their liabilities.

THE HON. T. J. O'SHEA: Your Excellency, I understand that this Bill has been necessitated by a blunder on the part of the people responsible for the new Edition of the Laws. If I remember right, for the past three years we have been voting very large sums of money for this work; it has been going on for a very lengthy period, and it would appear as if

in spite of the expenditure of these very large sums of money the work has not been done with that degree of accuracy which I consider is essential in the publication of the Revised Laws. This is the first error which has been discovered. I wonder if we can get any assurance that this will be the last.

There is another aspect of the Bill which I should like to deal with in that it gives me an early opportunity of raising the question of the cost of petrol in this country. I appreciate that

HIS EXCELLENCY: I think you are out of order on this Bill. This Bill is to correct an error and is not concerned with the cost of petrol, and has nothing to do with the conditions governing dangerous petroleum in this country.

THE HON. T. J. O'SHEA: I understand the law as at present printed is that a tax of twelve and a half cents is to be levied and that this Bill is to levy a tax of twenty-five cents?

HIS EXCELLENCY: Which is the tax being collected.

THE HON. T. J. O'SHEA: Am I right in understanding that this Bill is to confirm Government's authority in collecting that tax? In that case, Your Excellency, am I not in order in criticising the amount of the tax?

HIS EXCELLENCY: Not on this Bill, which is merely to correct an error. If the hon. Member wishes to do so he can do so by a motion or by putting forward private legislation to Government, but this Bill is merely correcting an error. It is merely to put the present status on a proper basis.

THE RT. HON. LORD DELAMERE: Surely as an argument in favour of not altering this the hon. Member is right? As an argument, an additional argument why this should be levied. I should have thought he was quite correct, with the greatest respect, Sir.

HIS EXCELLENCY: I think it would be in order if it were an alteration of the existing condition of affairs. The existing condition of affairs is that the tax to be inserted in this Bill is being paid.

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, is it not in the law of the country that the duty is twelve and a half cents at present? (Laughter.)

THE HON. THE ATTORNEY GENERAL: Your Excellency, if I may say so, I think the hon. Member is in order in criticising the amount of the tax.

HIS EXCELLENCY: In the circumstances I will withdraw my ruling, but I would remark that we are dealing with a clerical error.

THE HON. T. J. O'SHEA: That being the case, Your Excellency, I should like personally to emphasise this fact: that petrol is not a luxury article in this country, as I should

think 95 per cent. of its consumption is a necessity, and that being the case I think it inadvisable that the present high rate of the tax should be continued. I would urge upon Government that Government should consider the question, in compiling the Revenue Estimates next year, of a reduction in the cost of petrol to the consumer.

THE HON. THE ATTORNEY GENERAL: Your Excellency, in regard to my hon. Friend's (Hon. T. J. O'Shea) second point I do not think it is for me to reply on that, but with regard to his first I cannot help feeling, and I do suggest to the House, that he is being a little unfair in regard to the Commissioners for Law Revision. I do not know if my hon. Friend has any conception of what the preparation of a Revised Edition means. I have some conception because I have been responsible for the compilation of a Revised Edition in another colony. It involves an enormous amount of labour of a most arduous character. As my hon. Friend will admit, nobody is infallible, and I question whether a Revised Edition has ever been published without an error of some kind creeping into it. As far as I know it is the first material error that has been found in the Revised Edition, and I hope that this will be the first and last, but I do submit that he has been a little unfair.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg to move that the House resolve itself into a Committee of the whole House to consider this Bill.

In Committee.

Clause 3.—Date of commencement.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the word "July" be substituted for the word "January" in clause 3.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the Bill as amended in Committee be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report to Council that a Bill intituled "A Bill to amend the Dangerous Petroleum Tax Ordinance" with one amendment has been accepted.

On motion of the Hon. the Attorney General the Dangerous Petroleum Tax (Amendment) Bill was read a third time and passed.

THE MARRIAGE (AMENDMENT) BILL.

On motion of the Hon. the Attorney General the Marriage (Amendment) Bill was read a first time.

THE COTTON (TAX) (AMENDMENT) BILL.

THE HON. THE ACTING COLONIAL SECRETARY: As stated, a Certificate of Emergency has been signed by Your Excellency in regard to the next Bill, the Cotton (Tax) (Amendment) Bill. I will read, Your Excellency, the Certificate which will explain to hon. Members why the Bill should be undertaken now:

"WHEREAS section 2 of the Cotton (Tax) Ordinance provides for the payment of a fixed tax, not exceeding six cents per pound, to be prescribed by the Governor on all cotton ginned in the Colony:

AND WHEREAS it is considered that a tax on a sliding scale based upon the selling price of cotton is more equitable in its incidence than a fixed tax:

AND WHEREAS a tax on the above basis has recently been enacted by the Government of Uganda:

AND WHEREAS it is important that the law in regard to Cotton Tax in Kenya and Uganda should harmonise, at least in those areas which are contiguous:

NOW, THEREFORE, I hereby certify that an emergency exists and that it is necessary in the public interest that the Standing Rules and Orders relative to the publication and first reading of the Cotton Tax (Amendment) Bill be suspended, so as to enable the Bill to be read a first time without due notice."

I think, Your Excellency, that is sufficiently explanatory, and with your permission I will now move the suspension of Standing Orders.

THE HON. CONWAY HARVEY: I beg to second.

The question that Standing Orders be suspended was put and carried.

On motion of the Hon. the Director of Agriculture the Cotton (Tax) (Amendment) Bill was read a first time.

SECOND READING.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): I beg to move the second reading of a Bill to amend the Cotton Tax Ordinance.

Hon. Members will recollect that when the Principal Ordinance was passed the tax was placed at a fixed rate of six cents per pound, and at that time mention was made of a proposal that the Cotton Tax should be introduced on a sliding scale basis. Since that date the Government of Uganda has considered the proposal on that account further, and quite recently that Government introduced a tax on the sliding scale basis, and, as explained in the objects and reasons as printed in the Bill, the intention is, and the desire is, that this Colony, at least in those areas contiguous to Uganda,

should follow the same course, and apply this tax on a sliding scale basis. It is considered that a tax of this kind is more equitable in its incidence than a fixed tax and further that one very desirable result would be to steady cotton prices which are rather apt to fluctuate at different times. I would explain to hon. Members who may not be acquainted with practice in the cotton trade that the Liverpool Cotton Exchange publishes prices which are called "future" prices for cotton twelve months in advance, and in order to fix the rate of this tax the Uganda Government, after conferring with the authorities in the cotton markets and with the Liverpool Cotton Exchange, and with the approval of the Secretary of State, enacted in their Bill that the closing price of cotton on the Liverpool Cotton Exchange on either the 14th, 15th or 16th December in respect of June "futures" should be taken for fixing the cotton tax for the ensuing season. On the "futures" of cotton in June next the tax for this present cotton season is two cents per pound, *i.e.*, a reduction of four cents per pound on the present cotton tax. But, Sir, having regard to the comparatively small output of cotton from this Colony the loss in revenue will not be very considerable.

With this explanation, I beg to move the second reading.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to second.

THE HON. CONWAY HARVEY: Under the peculiar circumstances I am going to vote for this motion, but I do, Sir, wish to make it perfectly clear that that must not for one moment be taken as expressing one iota of agreement with the general principle of an export tax. I do consider, Sir, that the need for this amending Ordinance very clearly illustrates the extreme unsoundness of that form of taxation. I would ask Your Excellency to visualise what would happen if Kenya's fiscal policy embraced a general form of taxation on all domestic exports. It would mean that this Council would be in permanent session, amending Ordinances every day in accordance with market fluctuations.

THE HON. THE DIRECTOR OF AGRICULTURE: May I say a word without occupying the time of the House long in reply to the point made by the Hon. Member for the Lake. I would say that the case is a special one; Government renders to those connected with the production of cotton a special service which is not rendered to other industries; for example, the issue of seed to cotton growers.

The question was put and carried.

THE HON. THE DIRECTOR OF AGRICULTURE: I beg to move that Council resolve itself into a Committee of the whole Council to consider a Bill to amend the Cotton Tax Ordinance clause by clause.

In Committee.

The Bill was considered clause by clause.

THE HON. THE DIRECTOR OF AGRICULTURE: I beg to move that a Bill to amend the Cotton Tax Ordinance as printed be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill to amend the Cotton Tax Ordinance has been reported to Council without amendment.

On motion of the Hon. the Director of Agriculture the Bill to amend the Cotton Tax Ordinance was read a third time and passed.

THE KENYA AND UGANDA RAILWAY BILL.

SECOND READING.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MAJOR RHODES): Your Excellency; I beg to move the second reading of a Bill to Provide for the Regulation, Control and Management of Railways, Ports, Harbours and Steamer Services in the Colony and Protectorate of Kenya, and for matters incidental thereto.

The reasons for the introduction of a Railway Control Bill were briefly outlined by Your Excellency in your opening address to this Council.

It is not, therefore, necessary for me to enter into any detail in connection with the principles of this Bill, but, for the benefit of a few new Members of this hon. Council and for the information of the general public, I think it is advisable that I should make a few general remarks in connection with the need for such a Bill.

It will, I think, not be disputed that the transportation system is probably the most important business concern in this Colony or in Uganda. From this point of view alone, therefore, this Bill is of considerable importance and must receive very careful consideration.

It will be remembered that an Order in Council was introduced in February, 1926, altering the entire organisation of the transportation system in East Africa.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, on a point of order is the hon. Gentleman reading a speech or is he referring to notes?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: I am referring to notes, Your Excellency. In explanation, I wanted to read these remarks as I am acting for the General Manager, and it is necessary I should be precise in what I say.

It was designed also to provide means for running such a system on sound business lines, as a commercial undertaking should be run, free from undue political influence or interference.

Those who have watched the progress in transportation legislation in other parts of the world will have seen that similar steps have already been taken in many countries, such as, for example, Canada, India, Australia and South Africa.

HIS EXCELLENCY: I do not disagree with the hon. Member reading a portion of his speech when he is quoting, but I think that he should be warned that it is the custom of this Council that speeches should not be read as a practice, and that with reference to any point that he may wish to emphasise he may refer to his notes.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: I will try to carry out your Excellency's wishes. I wish to point out that legislation of this sort has been introduced in other countries and we are therefore only following the practice which has been followed elsewhere in dealing with this matter. I want to refer to another point. The industry of transportation must of necessity be a monopoly. It is difficult and dangerous to place such monopoly in private hands without stringent safeguards. Such safeguards are legislated for in such a way that a private company would be discouraged from an undertaking of that sort. It is well-known that the object of a private company is to earn dividends for its shareholders and in a case such as the present one many of the shareholders would be outside the country and that would necessitate money being exported for the payment of shareholders.

In the new system, however, introduced by the Order in Council it was the intention to apply an organised railway system on a basis which would be similar to that of a private company while still remaining under the control of the Colony.

It will be remembered that in connection with that organisation it was laid down that the surplus earnings should not go out of the country but go back into the system, come back to the shareholders, i.e., the Colony of Kenya and Uganda, by betterment or improved services and by reduction in rates. I would like to read an extract from one of the clauses which emphasises that point:

"The services shall be administered on business principles, due regard being had to agricultural and industrial development in Kenya and Uganda by means of cheap transport."

That is an essential principle of the Bill.

I think it will be recognised and realised by Members of this hon. Council that cheap transport is one of the most important things that any part of Africa could have. No other industry which one can think of can facilitate the development of a country so easily as a good cheap transportation system.

In considering this Bill I would therefore ask this hon. Council to look at it from three points of view:—

(1) that the transportation service is being operated on your behalf and on your behalf alone. What I mean by that is that it is not being operated for interested shareholders in other parts of the world.

(2) That it is the biggest and most important industry in this Colony, and the more efficiently it is run the more useful it can be to this Colony.

(3) That the Bill is designed to provide means for administering such a service efficiently, with such limited safeguards as are necessitated for an industry which operates for the benefit of the country as a whole, and not for the benefit of outside shareholders. This point is important because it colours the whole Bill.

If we were dealing with a Bill for a private company we would legislate on an entirely different line.

With regard to procedure, it will be remembered that the Order in Council was very closely considered by Select Committees from both Kenya and Uganda Legislative Councils. I would suggest that the present Bill requires some similar treatment. It has been based on existing Ordinances and has been carefully studied by the law officers of both Kenya and Uganda. It has, of course, also been before the Railway Council and has been carefully considered by that body on several occasions.

It is essential that this Bill should be an agreed Bill with Uganda, at any rate in regard to main principles and if possible in all details. It would be very difficult, of course, to have two separate Ordinances in the two Colonies and that should be avoided if it can possibly be done. It is proposed, therefore, that after passing the second reading the Bill should be referred to a Select Committee who should consider it very carefully and in consultation with a Select Committee appointed by the Uganda Legislative Council. In view of that I would suggest that such Select Committee should not be too large. An agreed report should, if possible, be drawn up and it should then go before the Railway Council for their views, and the report with the Railway Council's views will then go before the Legislative Councils for final consideration. This procedure, I think, will ensure the Bill receiving adequate consideration in all its aspects.

In conclusion, I would like to emphasise one more point. The Bill cannot provide efficiency. All that it can do is to allow of efficient management being possible. That is what we are aiming at. For example it is impossible at the present moment to exercise efficient management of the Port for various reasons which are well-known to this Council. No one desires

efficient management for the transport industry more keenly than Mr. Felling and his staff, and I believe that no one that this Colony is liable to have at its disposal for some time to come is so likely to be able to ensure efficient management as Mr. Felling, provided he is given the adequate power to do so.

It is for this reason that the Railway Administration looks forward to the passing of this Bill. We want efficient management on your behalf and, for this reason alone, I recommend this Bill to this Council.

I wish formally to move, Your Excellency, that this Bill be read a second time.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to second.

CAPT. THE HON. H. E. SCHWARTZ: I do not think that any Member of this House who voted in favour of the Railway Order in Council can do anything but support this Bill. It is a necessary corollary to the Order in Council and the sooner it becomes law the better. It is a Bill I think where any criticism must be criticism of detail, and that criticism is more correctly voiced in committee than on the second reading. I merely wish to say this. I quite realise that greater powers can be given to what in effect is a State railway than to a private railway. There are, in my opinion, limits to those powers even if it is a State railway and I consider that some of the powers given to the High Commissioner in this Bill are too wide and are not properly safeguarded at present.

The position as it exists at present in the Railway Ordinance is that the Railway Administration are given very wide powers subject to the approval of the Governor in Council. Under the Bill as drafted the position is that the High Commissioner is given those same powers, or greater powers, without the approval of anyone, and I wish to give notice that in committee (either by myself or someone else), it is the intention of Members on this side of the House to ask for provision whereby the High Commissioner can only exercise those powers subject to the approval of the Governor in Council, thus leaving the final word in the hands of the Government of this country.

CAPT. THE HON. H. P. WARD: I wish to support that.

THE HON. CONWAY HARVEY: Your Excellency, I am in a slight difficulty in regard to this matter. The Elected Members had the Bill before them at a meeting and we unanimously accepted the principle that a Railway Control Bill is necessary, but the measure contains so much complicated matter of a highly technical nature that it was thought that the Bill should be examined clause by clause by a Select Committee consisting of all the Elected Members and such other gentlemen as Government may appoint.

The hon. Mover of the motion, Sir, visualises a far smaller Select Committee, in view of the fact that a joint meeting with Uganda representatives may be necessary, but so far as my responsibility goes—deputising for the Noble Lord, who is unavoidably absent—I have been instructed definitely by my colleagues to ask that the Select Committee should be composed of at least all the Elected Members.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: Your Excellency, in reply to the hon. Members opposite, I would say that Government will accept the Select Committee on the lines indicated by the last speaker, although I feel that it will be a rather awkward committee as regards size to work. However, that can be accepted. With regard to the points raised by the Hon. Member for Nairobi South there are several points expressed in Chapter 2 of the Bill which I understand will be objected to and these points can be dealt with, as suggested, in Select Committee.

HIS EXCELLENCY: As has already been explained to Council this Bill will be submitted to a Select Committee of this Council. A Select Committee is also being appointed by the Uganda Legislative Council, and it is hoped that a joint meeting will be held. While Government has accepted the suggestion that all Unofficial Members should be members of the Committee, I trust that all Members of this Council will appreciate the necessity for getting this Bill through as quickly as possible, and the Bill cannot be held up because Members who are resident in distant parts of the country cannot attend. (Hear, hear.)

I hope that with that proviso a meeting will be held as soon as possible.

The Committee will consist of:—

The Hon. the Acting Colonial Secretary.

The Hon. the Attorney General.

The Hon. the Director of Agriculture.

The Hon. the Acting General Manager, Kenya and Uganda Railway, and all the Elected Members.

Are there any other names to suggest?

HIS EXCELLENCY: I declare the Committee appointed.

The question that the Bill be read a second time was put and carried.

KING'S AFRICAN RIFLES RESERVE OF OFFICERS BILL.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move the second reading of a Bill to make provision for a Reserve of Officers for the King's African Rifles. The object of this Bill is to organise from among the very considerable

number of retired officers in this Colony and those who are permanently resident, a reserve that in time of emergency will allow of battalions to be brought up to strength and for casualties to be replaced. The great advantage, as all Members will recognise, is that we will have at once ready to our hand men with a knowledge of the country, the climate and the customs of the Colony; and those whose memories extend back thirteen years ago know how much we lost by not having such a force at that time. The Bill enables Government to call on this reserve in emergency for active service or for training.

Its history dates back over some seven years and I think I can say that the originator of the idea is a distinguished officer who was then holding the post of Officer Commanding Troops, and who, I am glad to say, is still busy in another capacity with the Colony's affairs. The suggestion was endorsed by the Government in 1921, by General Northey, and in 1921 was approved by the Secretary of State. It has lain for some considerable time before the Overseas Defence Committee, and is now ready, and I trust that it will receive full endorsement by all hon. Members.

With regard to the cost I may say that I cannot give any figure that can be regarded as in any way reliable, but it will be but slight save in times of emergency. It cannot be much save the cost of the month's training.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to second the motion.

CAPT. THE HON. E. M. V. KENEALY: Members on this side of the House discussed the advisability of introducing this Bill, and have come to the conclusion that it is advisable to postpone this Bill until it has been considered by the Defence Force Committee and considered with the Defence Force Bill. We have come to the conclusion that both things should be taken together; they are indivisible in practice, and I trust Government will postpone this Bill until the provisions of the Defence Force Bill have been considered.

THE HON. THE ACTING COLONIAL SECRETARY: I agree with the hon. and gallant Member that that may be reasonable but I would urge on hon. Members on the other side that they should advise the Colonial Secretary in cases of this kind in order to avoid publishing Bills in the Order of the Day which are not to be advanced. I should like to know whether hon. Members would be prepared to take the second reading, and leave it there. That might probably be the better course.

THE HON. CONWAY HARVEY: We feel that an apology is due to the Hon. the Acting Colonial Secretary for not having advised him of the conclusion arrived at by Elected Members, but I must say that I and some of my colleagues were a little hazy as to the conclusion we had reached. (Laughter.)

One thing is quite clear, and that is that we are all of the opinion that there is no immediate urgency for this measure and it might very well be given further consideration, but I do respectfully suggest that in one respect the Bill is completely out of order inasmuch as no financial statement accompanies the measure indicating the probable cost to the Colony; which, without a shadow of doubt, will be very considerable. Anyhow some estimate could have been made.

THE HON. THE ACTING COLONIAL SECRETARY: I hope that the hon. Member heard what I said, that an estimate could not be made to a figure which was worth having, but, in the opinion of those who had anything to do with it, it would not be large.

HIS EXCELLENCY: I suggest that the principle of this Bill might be confirmed by the second reading to-day and then that the Bill be held up until the larger and more important measure has been through Council.

HON. CONWAY HARVEY: Your Excellency, I beg to move that progress be reported in connection with this measure.

The question that the Bill be read a second time was put and carried.

HIS EXCELLENCY: Further consideration of this Bill is postponed for the time being.

(Council adjourned until 10 o'clock on Friday,
the 11th March, 1927.)

FRIDAY, 11th MARCH, 1927.

The Council assembled at 10 a.m., His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 10th March were read and confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE TREASURER (MR. GRANNUM):—

I beg leave to lay on the table the Colonial Loan Statement. The only point, Sir, to which I should draw the attention of Council is that on page 4 they will observe that the amount which has already been sanctioned by this Council for Mombasa Railway Station has been inserted; and on page 6 the amount which has been sanctioned for advances to the Nairobi Corporation, £20,000, has also been inserted.

With regard to the explanatory schedule, the amount which appears against the Jeanes School, £8,000, will now, in the light of what passed during yesterday's debate, have to be revised.

SELECT COMMITTEE: KENYA AND UGANDA RAILWAY
BILL.

HIS EXCELLENCY: With reference to the Select Committee of Council appointed yesterday to consider the Kenya and Uganda Railway Bill, four Government names were put forward:

- The Acting Colonial Secretary,
- The Attorney General,
- The Director of Agriculture,
- The Acting General Manager, Kenya and Uganda Railway.

I should like to suggest to Council the addition of one further name, which is particularly important in relation to Part 2 of the Bill—the Hon. the Director of Public Works. Are there any other names?

I declare the Select Committee appointed as yesterday, with the addition of the name of the Hon. the Director of Public Works.

MOTION.

NATIVE RESERVE BOUNDARIES.

HIS EXCELLENCY : The first motion stands in the name of the Hon. Member for the Lake.

THE HON. CONWAY HURVEY : Your Excellency, I beg leave to move the motion standing in my name :—

" That in view of the fact that the Native Reserve Boundaries have now been demarcated and gazetted, this Honourable Council is of the opinion that no change should be made in the boundaries as so gazetted without prior reference to this House."

The main object of my motion, Your Excellency, is to relieve to some extent the uneasiness which still exists in the minds of both natives and Europeans regarding the demarcation of native reserve boundaries. This fixing of boundaries has been urged by Elected Members for a large number of years, and at last it is an accomplished fact. As Your Excellency indicated on Tuesday last, it is well to broadcast the glad tidings that the natives of Kenya now have absolute security of tenure to land at present in their lawful occupation, and I wish to consolidate that security by obviating the possibility of any change of boundary being made until all interested parties have had full and ample opportunity of expressing their views in this hon. and fully-representative House. As Your Excellency is aware, the public is extremely suspicious in regard to several contemplated land exchanges, and it is stated that representations are constantly being made to Government for the incorporation in the native reserves of parcels of land—Crown land—at present unalienated. I have heard that proposals have been made for the Masai Reserve to be increased by the mile strip of land on the south side of the Railway, between Athi River and Sultan Hamud; whilst rumours have been rife for a number of years that the matter of a very big change in the Buret Reserve boundaries has engaged the serious attention of Government. Now, Sir; I hold the view that every taxpayer in Kenya has a very real and definite interest in all land transactions and should accordingly, through the medium of this hon. Council, be given an opportunity of participating in all decisions. I think, Your Excellency, that is highly desirable, in order that a reasonable and equitable decision may be achieved.

What I mean, Your Excellency, by referring all such matters to the Legislative Council, is that in my humble opinion Government proposals should in the first instance be tabled in the usual way. Interested parties thus have an adequate opportunity of studying the matter, and of giving it proper consideration. Following that I would suggest that a motion be introduced, giving full details of Government proposals. If

will then, Your Excellency, be possible for all sections of the community in Kenya, through their representatives in this hon. Council, to put forward any objections or views they may have in regard to the matter.

I think, Your Excellency, my motion is entirely non-contentious; and I sincerely trust that it will meet with the unanimous approval usually accorded to measures which are likely to be of lasting benefit to Kenya.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE) : Your Excellency, I may say at once that Government has the fullest sympathy with and welcome for the motion which the Hon. Member for the Lake has introduced this morning. That all matters concerning the land are of the greatest interest and importance to this Council is undeniable; that native reserve boundaries should be as far as possible fixed and constant is of the utmost importance to all sections of the community, and we know how closely the African section of the community naturally and quite rightly watches this matter. I welcomed particularly the statement of my hon. Friend when he said that it is to the interest both of African and European that this matter should be made quite clear. I think, Sir, that the proposal which the hon. Member has put forward, that Government should table any proposal for an alteration in the native reserve boundaries, will certainly meet the case. I will undertake, and I have your authority, Sir, to do so, to say that Government will take that course of action, and will do so with the fullest possible detail. Where possible, and I cannot conceive of a case when it will not be possible, the papers will contain sketch maps showing the proposed alterations in the fullest detail, with statements and reasons for the proposed alterations. That, I think, will give any Member of this hon. Council an opportunity to move in relation to any proposal of Government. I trust, Sir, that that acceptance of the hon. Member's proposals will meet him.

For the moment, at any rate, I will leave the matter there; once more expressing the full sympathy of Government with the underlying intention of this motion, and of admiration for the way in which it has been so ably put forward.

THE REV. CANON THE HON. J. BRITTON : Your Excellency, I very strongly support this motion which has been put before the House. One is, however, a little alarmed lest, confidence having been brought to light in the hearts of the native population that their reserves have been definitely demarcated and gazetted, any question now raised should upset that hope and feeling of security on the part of the native population, and I should be glad if this hon. Council could say something to reassure the native population that no very great change is contemplated. One or two specifically mentioned possibilities have been rumoured, but it has been of such good effect upon

the minds of the native population in the reserves that they have been demarcated and gazetted that there should not now be any excuse for any feeling of loss of security. I think something might be said by Government now that no outstanding change is contemplated.

HIS EXCELLENCY: I may say that the hon. Member who spoke last may be assured, with the whole of this Council, that there is nothing the Government desires less than any alteration in native boundaries. That should be regarded as final, and should give a feeling of confidence among the natives, so that they know exactly where they are. As I stated in my speech at the opening of Council, the Government proposes to mark out the boundaries by beating the bounds in addition to gazetting them, so that the natives may know exactly where they stand. This motion is a very appropriate one from their point of view, and it is important to let this House know beforehand of any question of the alteration of native boundaries by papers being laid on the table. As the Hon. the Acting Colonial Secretary has explained, the very fullest statement will always be laid on the table of this House before any change is introduced.

I now put the motion to the House.

The question was put and carried.

BILLS.

WIDOWS' AND ORPHANS' PENSIONS AMENDMENT BILL.

SECOND READING.

THE HON. THE TREASURER: Your Excellency, I beg to move the second reading of the Bill to amend the Widows' and Orphans' Pensions Ordinance. Two important amendments are contemplated in this Bill. The first repeals and re-enacts sub-section 1 of section 5 of the Widows' and Orphans' Pensions Ordinance, and it adjusts the rates of contributions to the scheme so as to conform with the new scales of salaries introduced as from the 1st January, 1926. The opportunity has also been taken to base the contributions to the scheme on the actual salary drawn, instead of as in the Ordinance, on the maximum of the scale.

The second important amendment repeals and re-enacts sections 27 and 28 of the Principal Ordinance to allow married officers or an officer who, being a widower with children of pensionable age, but who himself has not attained pensionable status, when transferred outside of East Africa, to continue the contribution to the scheme. Both of these amendments, Sir, are obviously to the advantage of contributors to the scheme. In the first case, for example, an officer who is on the new £900 to £500 scale under present conditions would have to contribute at the rate of £24 a year for the whole of his scale, whereas if

the proposed amendment is agreed to he will contribute £15 a year while drawing £300; £18 a year while drawing between £300 and £400, and will only contribute £24—which under the Principal Ordinance he would have had to contribute for the whole of his scale—after he has passed the figure of £400. To quote another example, an officer on the new scale of £425 to £600 will contribute under the proposed Bill £24 a year while his salary is not more than £500, instead of £30 a year, which he will have to contribute under the Ordinance as it exists to-day.

As regards the second amendment, the existing Ordinance, as I have said, requires an officer who is transferred before he reaches pensionable status in the cases I have mentioned to cease contributing to the scheme, and further to lose his claim on the scheme after a period dating from the date of his transfer and amounting to one-third of the number of complete months for which he has contributed to the scheme. In other words it means that if an officer serves for three years in Kenya or in East Africa and is then transferred in the circumstances mentioned outside of Kenya or East Africa, he will cease to be a contributor to the scheme from the date of his transfer, and will lose his claims on the scheme twelve months after his transfer—that is, one-third of the complete thirty-six months during which he had contributed to the scheme in East Africa. You will see that this amendment removes a great hardship, and I am sure it will be very welcome to those members of the Kenya Civil Service who are liable to benefit under its provisions. There are a few minor amendments under the Bill, but it seems scarcely necessary to refer to them now; reference will be made to them when the Bill is in Committee.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to second the motion.

HIS EXCELLENCY: The question is that the Bill be read a second time.

The question was put and carried.

COMPANIES (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL: I beg leave to move the second reading of a Bill to amend the Companies Ordinance. It is rather difficult to explain this Bill, Sir, without referring to the Bill standing next on the Order of the Day, so perhaps I may be allowed to deal with both Bills at the same time. The combined object of the two Bills, Sir, is to grant relief to the banks in connection with the forwarding of annual returns under the Bank Ordinance and under the Companies Ordinance. The present position is that under the Bank Ordinance, which was passed in 1910, bankers carrying on business in the Colony are required to forward certain

annual returns to the Governor, who is required in his turn to file one copy of these returns with the Registrar of Companies. Then under the Companies Ordinance, passed in 1921, banks to which that Ordinance applies are required to furnish precisely similar returns direct to the Registrar of Companies. Well, Sir, it has been represented by the banks that this duplication of returns involves a considerable amount of time and labour, and Government has been pressed to grant some relief. The matter has been considered by Government, and it has been agreed that so far as Government is concerned one set of returns is all that is required. The proposal, therefore, is to alter the present law so as to require only one set of returns, namely, those under the Bank Ordinance, and to relieve banks which comply with those conditions from the obligation under the Companies Ordinance. In future all such returns will be sent to the Registrar of Companies direct and will be filed in his office. In effect, what we say to the banks is that in future we require only one set of returns, which should be sent under the Bank Ordinance to the Registrar of Companies. I beg leave, Sir, to move the second reading of this Bill.

THE HON. THE ACTING COLONIAL SECRETARY: I second the motion.

The question was put and carried.

BANK (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to move the second reading of a Bill to amend the Bank Ordinance.

I have already explained the main objects of the amendment provided for in the Companies (Amendment) Bill and this Bill. There are just one or two points in this Bill to which I should perhaps also refer. In clause 2 of the Bill the opportunity is taken to insert a new definition of the word "bank" so as to include any person or body of persons, whether incorporated or not, who may be carrying on the business of banking within the Colony. It will also be noted, Sir, that by clause 4 two sections of the Principal Ordinance are repealed. These clauses are no longer necessary in view of the proposals that all returns be sent in future direct to the Registrar of Companies.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to second the motion.

THE HON. T. J. O'SHEA: Your Excellency, as this Bill deals with certain returns furnished by the local banks to Government, I wonder whether it is an opportune moment to again bring up the question of these returns, such as would be of material benefit to the country, being given by the banks.

The returns at present, while being very necessary for certain purposes, are of very little practical value, whereas it is quite possible that after consultation with the banks you might find it possible to so amend these returns so that they would be of material value to the country. That being the case, Sir, I wonder whether the suggestion would commend itself to Government that, though the second reading has been taken, the final reading of the Bill be deferred until the banks have been consulted and their views ascertained. Sooner or later it will become necessary in this country for the banks to present returns of the nature which I have in mind, because sooner or later the method of taxation in this country will be altered, and it will be necessary for the banks to declare the profits they are making in this country and in the meantime they could very well issue certain returns to which I believe they would have no objection and which, nevertheless, would be of considerable value; because returns showing their deposits, their balances and their clearances are very valuable to the people engaged in commerce and industry and also of considerable value to Government in connection with estimates of revenue. In most other countries such information is available, but unfortunately in this country it is not; and I believe the banks would gladly co-operate with Government in giving this information at the present time. This being the case, Sir, I ask favourable consideration of my suggestion that the final stages of the Bill be not taken until the banks have been consulted.

THE HON. THE ATTORNEY GENERAL: Your Excellency, my hon. Friend the Member for Plateau South has been good enough to discuss this matter with me and naturally I am in entire agreement with him that if it is possible to amend the present form of returns which are submitted by the banks so as to make them of more practical value than they are at present, subject to what the banks may have to say about it, the amendment should be made. But, Sir, I suggest to my hon. Friend that it is rather a big question, this question of altering the form of returns, and I should like him to agree to getting these two Bills, which the banks have really pressed for, out of the way and that possible amendments in regard to the forms should be dealt with at a later date by separate Bills. The adoption of that course, Sir, will of course not prejudice the consideration of my hon. Friend's points and perhaps he will not mind me saying that it was agreed between us yesterday to invite the banks and, if possible, representatives of the Chamber of Commerce to discuss this question and if possible to put up practical proposals for amendment. The point at the moment is, I suggest, Sir, whether we should pass these Bills. There can be no objection to them; and if later it is found necessary to introduce further amendments to the law, they can be dealt with by separate Bills.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move that this House resolve itself into a Committee of the whole Council to consider the three Bills on the Order of the Day.

Question put and carried.

In Committee.

WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

Clause 2.—Rate of Contribution.

THE HON. THE TREASURER (MR. GHANEM): Your Excellency, there are two small amendments which I wish to state here. On page 2, line 16 of the second paragraph, reference is made to the approval of the Governor after medical examination. On looking back, Sir, to the previous Ordinance and after discussing it with the Hon. the Attorney General, we find that it was originally as it is worded here and that when the last amending Ordinance was passed it was changed to a Government medical board, and my hon. Friend and myself suggest that it would be better if that were altered back and allowed to stand as now shown in the Principal Ordinance "to be examined by a Government medical board."

THE HON. THE ATTORNEY GENERAL: I may just add to what the Hon. Treasurer said that the amendment of the substitution of "a Government medical board" for medical examination was made about 1922 on the instructions of the Secretary of State so that there are strong reasons for making the amendment now suggested. I suggest line 15 read "after examination by a Government medical board."

THE HON. T. J. O'SHEA: Am I to understand Your Excellency that the Governor is to be subject to examination by a medical board?

THE HON. THE TREASURER: The Governor is not a contributor and is prohibited from contributing.

THE HON. T. J. O'SHEA: It is suggested as the clause reads that the Governor is to be subject to a medical examination.

THE HON. THE ATTORNEY GENERAL: It may make it clearer if you insert a comma after "Governor". If I may read from the very beginning of paragraph 2 it will read in this form:—

A contributor who has not so elected before the date of his first contribution or within three months after marrying, may be permitted to elect at any time during his contribution term, subject to the approval of the Governor, after examination by a Government medical board.

THE HON. T. J. O'SHEA: May I suggest that it would read better if the last clause came in after the word "term" in line 15?

THE HON. THE ATTORNEY GENERAL: It will be quite clear if the words are inserted there, but it must be remembered that this Ordinance exists in other Colonies, and it is desirable that the form should be the same in each Colony. I have examined the laws of Nigeria, and the wording of the Nigerian Ordinance is exactly the same as that now suggested.

THE HON. T. J. O'SHEA: I bow to the mass of authority.

THE HON. THE TREASURER: There is one other small amendment which I wish to propose. This Bill was sent to the Secretary of State in September last and the date in line 30 in the Ordinance is as was drafted here, that is to say, June, 1927. We are now in March which allows a very short time for officers to notify their election and I wish to suggest that it be altered to the first day of August, and that the same amendment be made in line 37.

THE HON. T. J. O'SHEA: Lines 39 to 42 now read: "A contributor who at the time of his appointment or re-appointment to the service of this Government is already making an additional annual contribution under the scheme." May I ask, Sir, whether civil servants of this country are servants of this Government as I understand that their contracts are with the Secretary of State for the Colonies.

HIS EXCELLENCY: Yes, such is the case.

THE HON. THE ATTORNEY GENERAL: I think I am right in saying that in a case where there is a specific agreement entered into by the Crown Agents they act on behalf of the Governor, and where appointments are made without a specific agreement the appointments are invariably made by the Governor with the approval of the Secretary of State.

COMPANIES (AMENDMENT) BILL.

The Bill was read clause by clause.

BANK (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the amendment standing in my name in the Order of the Day:—

"That clause 3 of the Bill be deleted and the following substituted therefor:—

Amendment of sections 32, 33, 38 (1) and 39 (1) of the Principal Ordinance:

3. (1) Sections 32, 33 and 39 (1) of the Principal Ordinance are hereby amended by the substitution of the words 'Registrar of Companies' for the word

'Governor', and by the substitution of the words 'one copy' for the words 'two copies' wherever such words appear.

2. Sub-section (1) of section 38 of the Principal Ordinance is hereby amended by the substitution of the words 'Registrar of Companies' for the word 'Governor' and by the deletion of the words 'in duplicate'."

The amendment, Sir, appears to be a very different section to that which appears in the original Bill, but in fact the only alteration that is made is the substitution in three sections of the words "one copy" for the words "two copies" and the deletion in another section of the word "duplicate", the object being, Sir, to relieve the banks of the necessity of sending these returns in duplicate. This matter has been brought to my attention by the banks since the publication of the Bill, and I have discussed the matter with the Registrar of Companies, who assures me that one copy is sufficient for his purpose.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move that the Bills as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that the 'Widows' and Orphans' Pensions (Amendment) Bill with amendments; the Bank (Amendment) Bill, with slight alterations, and the Companies (Amendment) Bill, without amendment, have been reported to Council.

*(Council adjourned until 10 a.m. on Saturday,
12th March, 1927.)*

SATURDAY, 12th MARCH, 1927.

The Council assembled at 10 a.m., His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 11th March, 1927, were read and confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING COLONIAL SECRETARY

(MR. NORTHCOTE) :—

The Report of the Select Committee appointed to consider Anomalies and Adjustments of Salaries.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, may I take this opportunity of stating that the Select Committee appointed to consider the Railway Control Bill will meet at my office at ten o'clock on Tuesday morning.

ORAL ANSWERS TO QUESTIONS.

REGISTRATION OF DOMESTIC SERVANTS.

CAPT. THE HON. H. F. WARD: Your Excellency, in view of the reference to this matter contained in Your Excellency's speech at the opening of Council I beg leave to withdraw the first question standing in my name in the Order of the Day.

Question withdrawn.

HEAVY MOTOR VEHICLES.

CAPT. THE HON. H. F. WARD: I beg leave to ask the second question standing in my name in the Order of the Day:

"In view of the excessive damage caused to certain roads by heavy motor vehicles plying for passenger hire, will Government consider the amendment of the Motor Tax Ordinance in order considerably to increase the tax payable by this class of vehicle."

THE HON. THE ACTING COLONIAL SECRETARY: The reply to the hon. Member's question is that Government is prepared to form a Committee to consider the matter and proposes to invite the hon. Elected Members for Nairobi North, Plateau South and the Indian Electoral Area to sit under the chairmanship of the Hon. Director of Public Works, to put forward proposals with regard to the proper taxation to be paid by heavy vehicles, in view of the damage done by them to the roads.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, may I ask when I may expect an answer to my questions handed in about four days ago—more especially the question with regard to the Kericho land scandal.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I also handed in a question about ten days ago which has not been answered.

THE HON. T. J. O'SHEA: I also handed in questions which have not yet been answered.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I have not at the moment any recollection of any of the questions mentioned by hon. Members, nor of the land scandal referred to by the Hon. Member for the Lake. I think that the question as to the scale of charges at the coast ferries asked by the Hon. Member for the Coast is on the Order of the Day.

COAST FERRIES.

THE HON. A. C. FREEMAN-PANNETT: I beg leave to ask the question standing in my name in the Order of the Day:

1. Is it a fact that the public bodies at the coast, including the Mombasa Chamber of Commerce and Agriculture, the Coastal Planters Association, the Mombasa District Committee, and the local Government departments using the ferries, have protested against the present exorbitant charges on motor-cars and lorries crossing the coast ferries (minimum, Shs. 4 per crossing) and have recommended that they should be reduced, and if so, will Government give the reasons for not carrying out these recommendations?

2. Also is it a fact that the R.E.A.A. Association offered to indemnify Government against loss if the charges are reduced to Sh. 1 per car, per crossing.

3. Also is it a fact that the contractor working the coast ferries has agreed to reduce his charges contingent upon Government making similar reductions.

THE HON. THE ACTING COLONIAL SECRETARY:

1. The answer to the first part of the question is in the affirmative. The matter has been discussed with the authorities controlling the Port and it has been decided to accept the committee's recommendations in regard to charges.

2. The Royal East African Automobile Association made an offer on the lines stated above about a year ago, before the Nairobi - Mombasa Road was open, in order to encourage visits to Kwale. This offer is no longer open.

3. It is understood that the contractor has agreed to make reductions on the terms stated.

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, arising out of the reply made by the Hon. the Acting Colonial Secretary, I should like to receive some assurance from Government that the matter of the decision in regard to charges will be treated with a little more urgency than has been accorded to such questions in the past. Our original application to the Hon. Colonial Secretary was dated six months ago.

HIS EXCELLENCY: I must call the hon. Member to order. All business arising out of questions must be put in the form of supplementary questions, and not dealt with in a speech. If the hon. Member so wishes, the point referred to will be dealt with as one with the original question; in any case the matter will be treated as urgent.

THE HON. ACTING COLONIAL SECRETARY: The reply is in the affirmative.

THE HON. T. J. O'SHEA: May I ask Your Excellency whether it is proposed that Council should sit on Monday?

HIS EXCELLENCY: I had understood that it was the desire of Council to conclude business to-day.

CAPT. THE HON. H. E. SCHWARTZ: May I ask, Your Excellency, whether, in that case answers to these questions may be put in writing, so that members may receive written answers from Government and copies may be sent to the Press.

HIS EXCELLENCY: Government is quite prepared to give written answers to any such questions, on the understanding that the questions are in order.

THE HON. T. J. O'SHEA: In that case, Your Excellency, may I beg the privilege of asking that answers in that form may not be given to my questions, as written answers give me no opportunity of asking supplementary questions.

THE HON. THE ACTING COLONIAL SECRETARY: I feel I must apologise to the hon. Members whose questions have not been answered. I trust that Council will credit the statement that there was no intentional disregard of their questions. The fact is that once Council has begun to sit it is extremely difficult to get an opportunity of dealing with such business. I do not know how it has happened that these questions have not been answered; but I hope to have them answered as soon as possible.

HEAVY MOTOR VEHICLES: SELECT COMMITTEE.

HIS EXCELLENCY: Arising out of the answer to the second question on the Order of the Day, I would ask the Hon. Colonial Secretary to let me have the names suggested for the Select Committee to be appointed to consider the matter.

THE HON. THE ACTING COLONIAL SECRETARY: The names suggested for the Select Committee to be appointed to consider the matter are:—

- The Hon. the Director of Public Works, Chairman.
- The Hon. the Elected Member for Nairobi North.
- The Hon. the Elected Member for Plateau South.
- The Hon. the Indian Elected Member.

HIS EXCELLENCY: Any other names?—I declare the Committee appointed by Council.

MOTIONS.

ANOMALIES AND ADJUSTMENTS OF SALARIES.

HIS EXCELLENCY: The first motion in the Order of the Day is the adoption of the Report of the Select Committee.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, the Committee the adoption of whose Report I have the honour now to move met yesterday afternoon, and was able to arrive at the agreement embodied in the short Report which has just been circulated. The effect of the Report is that the Committee advise the acceptance of the schedule of salaries submitted to Legislative Council at the beginning of this session, and also make certain comments with regard to revisions of salary for certain posts which are given in detail in the Report. The suggestions with regard to the two subordinate posts at Government House are in respect of the Head Gardener, that the present scale should be considered personal to the present holder and that the scale should be reconsidered upon the post falling vacant and further, that the title "Chaufeur" should be altered to "Chaufeur-Mechanic" to make it quite clear that the appointment should be filled by a qualified chauffeur-mechanic.

With regard to the proposals respecting the salary of His Honour the Chief Justice the Committee recommend that this post should be remunerated at £2,400 per annum, and suggest that the position would not be met by an increase in the personal and pensionable allowance accorded to His Honour from £100 to £200 per annum. This conclusion of the Committee was agreed to with one dissentient. I must make it clear that in reaching their decisions the Committee took into consideration the Report, or rather the two Reports of the Anomalies Committees, for there were two Anomalies Committees, at the same time that they considered the proposals of Government. The Committee made further recommendations in addition to those of the Anomalies Committees, which are also shown in the Report. The question of Resident Magistrates was merely a matter of oversight on my part, I am sorry to say. The Anomalies Committee particularly recommended that the scale of remuneration for Resident Magistrates should be on the same scale as that for Crown

Council but as no figure appeared in the schedule which I have already mentioned, I am sorry to say that those particular posts were omitted. The recommendation actually was that the remuneration for appointments to those posts should be on the £720 - £920 scale. There is a rider that if officers are appointed from the Administration to such posts they should undergo a period of probation. Such a course appears very advisable to the Committee. The only other post which appears to me to need comment is that of Deputy Registrar of Titles: the Committee recommended that the salary attached to that post should be fixed at £840 per annum.

THE HON. THE TREASURER (MR. GRANNUM): I beg leave to second the motion.

CAPT. THE HON. H. F. WARD: It appears to me, Your Excellency, that there are two small points arising out of the schedule of salaries which require comment. The scale of salary for the post of Chauffeur-Mechanic still appears to be exceptionally high. It seems to me that if you allow for board, accommodation, passages and so on, the combined rate will be in excess of the commercial rate paid even to the highest class of motor mechanic. The second point which I wish to raise is that the Hon. Colonial Secretary did not state what salary is drawn by the Deputy Registrar of Titles at the moment. I take it that the Committee is satisfied that the proposed new scale is high enough in view of the heavy responsibilities which that officer undertakes.

CAPT. THE HON. E. M. VAUGHAN KEENEALY: I should like to ask whether Government has accepted the recommendations of the Committee with regard to the probationary period for Resident Magistrates appointed from the administrative staff, and whether the revised rate of pay proposed for the Chief Justice is not conditional on a reduction in the personal and pensionable allowance of £200 made to His Honour the Chief Justice. May we have an assurance from Government that the allowance will not be paid if the pay and emoluments of His Honour are raised to £2,400.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, in reply to the two points raised by the Hon. Member for Nairobi North, I would say with regard to the post of Chauffeur-Mechanic that Government followed the recommendations of the Anomalies Committee in the first place. Yesterday we started with these two posts and it was, I think, generally accepted by the Committee that it would not be possible for the Select Committee of this Council to go right through the list and make the same detailed examination of these questions as the Anomalies Committee gave to the subject, and that where the Anomalies Committee's recommendation agreed with the recommendations of Government it might be as well to accept them. Actually, however, we

discussed the salary of the Chauffeur-Mechanic, and the opinion was expressed by one member of the Committee that the pay suggested was equitable in comparison with the salary usually paid in Nairobi for such a post. With regard to the salary of the Deputy Registrar of Titles, special consideration was given to this post yesterday, and it was felt that the pay was adequate to the responsibilities and duties falling upon that officer.

In reply to the Hon. Member for Kenya I think I may say that in the absence of any instructions to Government Members from your self, Sir, to the contrary, it will be the case that Government Members will agree with the recommendations of the Select Committee that appointments from the administrative staff to the post of Resident Magistrates should be, in the circumstances, purely probationary. I have to admit perhaps that in the Report so far as His Honour the Chief Justice is concerned I have omitted to state that it was in the mind of the Select Committee unanimously that when the higher salary was paid to His Honour the Chief Justice the personal allowance at present paid to His Honour should cease. I hope I have made that quite clear. I beg to move the adoption of the Report.

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, following on the adoption of the Report of the Select Committee I now beg to move a motion which was moved by me on Thursday:

"That this hon. Council approve the adjustments in salaries detailed in the statement laid on the table and that this hon. Council approve the expenditure out of revenue of a sum of £3,314 to meet the cost of these adjustments as amended by the Report of the Select Committee of Legislative Council appointed to consider Anomalies and Adjustments of Salary in 1926."

THE HON. THE TREASURER: I beg leave to second.

HIS EXCELLENCY: Before the motion is put I would point out that the sum of £3,314 is incorrect. The figure should be amended. It appears to me that with the amendments the cost will not be the same.

THE HON. THE ACTING COLONIAL SECRETARY: It will cover it; there might be some saving.

CAPT. THE HON. H. E. SCHWARTZ: That was a point, Your Excellency, which I was going to raise with due respect to the Hon. Colonial Secretary. The sum mentioned surely will not cover the increase in expenditure for the salaries of the Deputy Registrar of Titles and the Resident Magistrates. It may make no difference in regard to the Resident

Magistrates, all of whose salaries are, I believe, in excess of £720 per annum, but with regard to the Deputy Registrar of Titles it will make a definite increase in the sum required. I suggest that if possible someone should work out this morning what sum will be required to meet increased expenditure on the lines of the Report submitted by the Select Committee, and that that sum be put in the motion before this Council, instead of the question arising later in regard to expenditure for 1926.

THE HON. THE ACTING COLONIAL SECRETARY: I suggest, Your Excellency, that the point raised by the Hon. Member for Nairobi South may be met by a verbal alteration in the motion now before this hon. Council, and that the motion should be amended so as to read:

"That this hon. Council approve the adjustments in salaries detailed in the statement laid on the table and that this hon. Council approve the expenditure out of revenue of the sum necessary to meet the cost of these adjustments, as amended by the Report of the Select Committee appointed to consider Anomalies and Adjustments of Salaries, for 1926."

The question was put and carried.

BRANCH RAILWAYS COMMITTEE.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I beg leave to move the second motion standing in my name in the Order of the Day:—

"That a Select Committee of this hon. Council be appointed—

(1) to consider reports upon railway and economic surveys relating to branch railway lines in Kenya;

(2) to advise in regard to what further branch lines should be built and in what order of priority;

(3) to consider and advise in regard to the arrangements necessary for the provision of funds for such construction; the Select Committee consisting of the Colonial Secretary, the Treasurer, the Chief Native Commissioner, the General Manager, Kenya and Uganda Railway, the Director of Agriculture, the Commissioner of Lands, the Director of Public Works, all the Unofficial Members of the Council and such other Official Members as the Colonial Secretary may require."

I feel that this motion requires no justification and no particular support from me. The Branch Railway Committee functioned during the last Council very successfully, and very usefully for the purpose of the Government and the Railway, and I trust that the motion will be adopted without objection.

THE HON. THE TREASURER : I beg to second.

The question was put and carried.

BANKRUPTCY ORDINANCE.

THE HON. THE ACTING COLONIAL SECRETARY : Your Excellency, I beg leave to move the third motion standing in my name in the Order of the Day :—

That this hon. Council approve the expenditure out of revenue of a sum of £700 to meet the expense of operation of the Bankruptcy Ordinance during 1927, as follows :—

European accountant at £480 per annum (ten months)	£400
Temporary clerical assistance (ten months)	300
Total	£700

Perhaps I should explain why a motion of this nature is on the order paper at all. The reason is that when the Budget was being prepared last year this matter of the Bankruptcy Ordinance came before the framers, but it was then unknown when the Bankruptcy Ordinance would be applied, and it was considered inadvisable in the interests of the Colony to include in the Budget a considerable sum to meet the commitments which must arise when the Ordinance was applied, and it was therefore purposely omitted from the Budget. The Ordinance, as hon. Members know, was applied from the 1st of March this year. I think it is undisputable that a certain staff is necessary in order that the Ordinance may be put in force, and I trust that hon. Members will agree that the staff asked for here, that is, one European accountant at £480 per annum (or some such figure; we are not bound to pay as much as that if we can find an officer for less), and temporary clerical assistance—I trust that they will agree that these items are reasonable and meet the case. They are to a certain extent empirical, but I hope it will not be necessary, when placing the Estimates before this Council for next year, to make an increase of any considerable amount.

I have to add, to make the facts clear, that this staff covers the operation of the Ordinance for the whole Colony and Protectorate; and will enable an office to be maintained in Mombasa to deal with the cases that arise there, and with other functions that concern the Registrar General.

THE HON. THE TREASURER : I beg to second.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, there is one point. While I quite agree that, though the opening of an office at Mombasa is absolutely vital to the success of the Ordinance in the Protectorate, it would be unwise to ask for a large sum of money for the purpose especially in the earlier and experimental stages of this office, yet I would like an assurance from Government that when they come to consider the Estimates for 1928 they will, in the light of the experience that will then have been gained with the office at Mombasa, look at the matter with an open mind. I say that because the Hon. the Acting Colonial Secretary has suggested, has rather given the opinion of Government, that there will be no necessity to make any further provision in the 1928 Estimates. The country has been calling loudly for this Bankruptcy Ordinance for many years, and we have now got it, and it is absolutely essential that proper provision should be made for the adequate working of the Ordinance.

I understand that the Deputy Registrar General is going down to Mombasa immediately to open this office, and I think that he will be undoubtedly able to carry it on. But one has to consider the matter of reliefs. I understand he is going on leave in July, and I think it will be found—I hope I am wrong—that it is absolutely essential that an exceptionally good man should be available to take charge of that office during the absence of the Deputy Registrar General. I merely mention this because I do not want, and nobody on this side of the House wants, anything but a completely open mind so that when experience has been gained the question should be considered whether there is sufficient provision, or whether a better and more qualified man will be necessary in future for the better working of the Ordinance.

THE HON. CONWAY HARVEY : Your Excellency, I intend to support this motion because it is understood that this expenditure could not have been foreseen, but we should like an assurance from Government, Your Excellency, that the principle of restricting to the minimum the introduction of supplementary money votes on motion will be seriously considered by Government.

THE HON. A. MORRISON : Your Excellency, I entirely agree with this motion, but I am in some doubt as to whether the provision made is sufficient. I wish to emphasise what the Hon. Member for Nairobi South has stated, that the duties of Official Receiver under this Ordinance are very onerous. There are some very contentious matters, and they require a well-informed lawyer to carry them through, and the Bankruptcy Ordinance provides that the Official Receiver shall preside at the original meetings of creditors. It is absolutely essential that there should be a properly qualified Official Receiver in Mombasa as it is absolutely ridiculous to have the

creditors going to Nairobi for that purpose. I support the motion and I should like an assurance from Government that they will make proper provision for the post in Mombasa, and an assurance that this provision will be sufficient to provide for the continuous services of an Official Receiver to be available at that place.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, that very valuable document, the verbatim report, will, I think, show that when I opened I stated that the estimate was empirical, and that I hoped—I did not say I was of the opinion—that there would be no considerable increase in next year's estimate. I may now express the hope that that same valuable report will support me, or you, Sir, for that matter, if it is necessary to ask for any considerable provision next year in addition to what is asked for here. I can give the assurance asked for by hon. Members that Government regards this matter with an entirely open mind, and will have every regard for that economy which has always characterised its proceedings—(laughter)—and I hope that additional expenditure will not be necessary.

I note the point which has been made by the Hon. Member for the Lake in regard to money votes by motion.

I now beg to move.

The question was put and carried.

PLANT BREEDING SERVICE.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): Your Excellency, I beg to move:—

That this hon. Council approves of an additional expenditure on Plant Breeding Services of £1,691 under Head XXII, Agricultural Department; £700 under Head XXXIa, Agricultural Department Extraordinary; and £4,300 under Head XXX, Public Works Department Extraordinary, as shown in the following schedule:—

Head XXII.—Agricultural Department.

Personal Emoluments.

	£	£
* 1. Assistant Plant Breeder (£480 by £20 to £600 by 30 to £720) ...	320	
† 2. 1—Assistant Agricultural Officer (£372 by £18 to £480 by £20 to £600) ...	279	
† 3. 1 African Clerk (£100) ...	75	
Total Personal Emoluments ...		674

* (1): Provision made for eight months.

† (2) and (3): Provision made for nine months.

Other Charges.

* 4. Upkeep of Stations ...	350
* 5. Labour ...	300
6. Purchase of Oxen ...	200
7. Implements, Machinery and Equipment ...	500
8. Passages ...	150
9. Travelling Allowances ...	80
10. Local Transport and Travelling ...	240

1,820

Less amount already voted under Item No. 68 ... 800

Total Other Charges ... 1,020

Total ... £1,691

Head XXIIg.—Agricultural Department Extraordinary.

Establishment of Plant Breeding Stations at Njoro and Mau Summit:

For Sheds, Wheat Breeding Cages, Quarters for Labourers, Water Supply and Fencing ... £700

Head XXX.—Public Works Department Extraordinary.

Establishment of Plant Breeding Station at Njoro:

For 3 houses for Staff ... £3,400

Laboratory and Store ... 600

Office ... 150

Quarters for African Clerk ... 150

£4,300

I hope that this hon. Council will be prepared to take the schedule as read.

Sir, when His Excellency the Governor in his address to this hon. Council at the end of last year, and in dealing with the Estimates for 1927, referred to plant breeding services, he informed Council that included in the vote of the Agricultural Department was a token vote of £500 for Plant Breeding Services, and it was further explained that that inclusion was merely to indicate to Members of Council that a sum of money

* (4) and (5): Provision made for nine months.

was required for this service. It was further the intention—the desire—of Government that the scheme should not be submitted to Council until Government and the Council had the report of Professor Sir Rowland Biffen. May I say that I assume hon. Members are acquainted with that section of Professor Biffen's report in which his recommendations to Government with regard to plant breeding services in this country, particularly in regard to wheat-growing, were given, and may I say, at this stage, that I think it must be gratifying to this Colony that so favourable a report was received from Professor Biffen in regard to the prospects of wheat-growing in this country. At the same time, Sir Rowland Biffen pointed out that wheat could not be grown successfully in this country unless rust-resistant varieties were raised and produced, and that therein lay a considerable difficulty. He further pointed out that considerable progress had already been made in this Colony with regard to the raising of rust-resistant varieties. The motion before hon. Council, Sir, is, for all practical purposes in regard to wheat-growing, a repetition of Sir Rowland Biffen's recommendations, but there is embraced in this service provision for the Department of Agriculture to carry out essential work for the benefit of the maize industry. After much consideration the conclusion was arrived at that it was advisable to embrace in one organisation services for the wheat industry and services for the maize industry, and for that reason there has been included in the estimate, as shown in the motion before this House, an additional appointment of an Assistant Agricultural Officer with the consequential additional expenditure. I would explain that Professor Biffen, in his report on the wheat industry, did not feel called upon to deal with the maize industry, but I can inform hon. Members that I discussed this extended organisation with him and he agreed that in all the circumstances it would be a wise course to pursue to embrace the wheat and maize industries in one organisation. For this scheme there will be provided three technical officers, two plant breeders, and one agricultural officer, and I would stress the point as to the value of attaching an agricultural officer to this organisation, for the reason that those connected with the work of plant breeding will be greatly assisted in their work if they have someone possessing the qualifications of an agricultural officer to relieve them of the ordinary details of routine work. It is hoped that not only will the wheat industry receive much greater attention than it has been possible to give it hitherto, but that valuable work can be done for the maize industry also.

Now, Sir, I come to an interesting point in connection with the offers that have been made by organisations representing these industries in this country. The Kenya Farmers' Association, with which is now incorporated the Plateau Maize Growers' Association, have voluntarily offered to Government

to contribute towards services of this kind for the benefit of the maize industry, at the rate of one cent per bag on all the maize that passes through their hands, for a period of five years; and in accordance with your request, Sir, I am in negotiation with that Association at the moment with regard to the payment of the contribution for 1927. I had hoped that before this motion had come before this Council that I would have received a reply. There is one, I believe, oh the way and I have reason to believe that the Kenya Farmers' Association will be prepared to make this contribution for 1927.

The Wheat Growers' Association also considered in what way they should contribute towards this service, and they passed a resolution in favour of contributing on a basis of 20 cents per bag to be collected through the wheat mills. Well, Sir, with regard to that contribution I would not care to give any assurance that it can be made available immediately because, as I see the case and having regard to the organisation of the Wheat Growers' Association itself, a contribution of this sort cannot be collected without legislation in some form or another. In any case it shows that there is a spirit of co-operation and desire equally on the part of these representative organisations of the maize and wheat industries to show their interest in work of this kind and to assist Government in carrying out these services both on the financial side and otherwise.

One more point which I should like to explain generally with regard to the scheme is this. In anticipation that this hon. Council would approve the motion, inquiries have been made with regard to suitable land and an area of just under 200 acres on the outskirts of the Township of Njoro is available and is considered to be highly suitable for the purpose. That is to be the central plant breeding station with substations at Mau Summit and at the Scott Agricultural Laboratory at Kabete. I do not wish to take up the time of this Council unduly in going into details about the scheme itself. Suffice it to say that the reason why Njoro was chosen by Sir Rowland Biffen, and supported by the Department as the central station is this, that there the two severe forms of rust in this country, *puccinia graminis*, or the black stem rust, and the *puccinia glumarum*, or the yellow rust, are prevalent. Then at Mau Summit it is intended to use that station—a small station of a few acres—for the breeding, testing and raising of wheats resistant to *glumarum*. It has been proved that the Scott Agricultural Laboratory site is eminently suitable for the testing and raising of wheats to resist the black stem rust.

I hope, Sir, that I have said sufficient to justify this hon. Council in unanimously supporting the motion which I now submit to this House.

THE HON. THE TREASURER (MR. GHANNUM):—Your Excellency, I beg to second the motion.

THE HON. CONWAY HARVEY: Your Excellency, I am very pleased to be able cordially and strongly to support the motion as expressed on the Order paper, as I am and always have been an ardent supporter of the principle of co-operation and far be it for me to suggest that members of the Kenya Farmers' Association, of whom I am one, and the wheat growers of the Colony should not do exactly as they please with their own. But I must, Sir, most strongly deprecate any suggestion of introducing insidiously a change in our fiscal system. I can think, Sir, of no principle of taxation more dangerous than the principle of sectional taxation, and I would ask the Government's financial advisers very seriously to consider to what extent this form of taxation will prejudice the ability of the public to subscribe to general revenue. I am perfectly certain, Sir, that this most dangerous suggestion of sectional taxation must inevitably prejudice the general revenue of the Colony and I do sincerely trust that Government will give most serious and protracted consideration to any proposal to introduce legislation on the lines indicated by the hon. Member.

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, I feel confident that we will all support this measure and vote in favour of it but I would like some further information. The Hon. the Director of Agriculture stated that there was a matter of 200 acres to be obtained in Njoro District. Is it the case that it is Crown Land and if it is not is the cost of that area included in this vote?

THE HON. T. J. O'SHEA: Your Excellency, I also have the pleasure of supporting this motion which I take as an act of recognition by Government that the promotion of the agricultural industry as the most important industry of the country is one of the primary responsibilities of Government. Well, I do not take quite the same view on the taxation issue involved as my hon. colleague on my right (Hon. Conway Harvey) but I feel that the policy of endeavouring to split up the responsibility and the cost of a service for the agricultural industry is far from being a good one. I think that on the contrary the Government recognises that the agricultural industry of the Colony is the primary one and that it is a sound principle to promote its development by the ordinary means of taxation. I refer to this motion because it shows that Government is steadily widening its recognition of the wheat industry in this country. I should like the Hon. the Director of Agriculture to give some more reasons as to why Mau Summit has been selected for a substation rather than the higher areas of the Usin Gishu where the wheat industry has been established for many years and where, I believe, the largest proportion of the wheat produced in the country is raised.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): I should like to give the Hon. Member for the Lake the assurance asked for, that Government will give every

consideration to the measure. . . (Interruption). I would take this opportunity, Sir, of emphasising what the Director of Agriculture has already stated that the expenditure upon this maize service, which is additional to the recommendations of Sir Rowland Biffen, will of course be governed by the certitude that the contributions from the maize farmers will be forthcoming this year.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I think there is very little for me to reply to except perhaps to say in reply to the Hon. Member for the Lake, that I should never be a party to anything being done insidiously (Laughter), and I regret very much, if I may put it this way, Sir, that this question of fiscal policy and the method of taxation, should be introduced when a motion of this kind is before this hon. Council, and I would just dispose of my own feelings in the matter by saying that it does not seem to me that politics and research work mix very well together. With regard to the question put to me by the Hon. Member for the Coast there will be no cost in respect of land. It is Crown land which was at one time included in the Njoro township and is no longer required for that purpose.

With regard to the question put by the Hon. Member for Plateau South, it is the case that in the neighbourhood of Mau Summit, *puccinia glumarum*, the yellow rust, is particularly prevalent, more prevalent than in most other parts of the country at a high altitude, and that was one reason why Sir Rowland Biffen chose that place as the centre for one of the substations. An additional reason was that it was within accessible distance of Njoro itself and although Hon. Members may not be disposed to believe it without further proof, the Agricultural Department is always very careful to consider how and when at any time economy can be effected in travelling (Laughter). It is obvious that it would cost a great deal more to control and work a substation, say, situated in the Usin Gishu Plateau, a very considerable distance from the central station than it would by making it at Mau Summit which is reasonably accessible.

I would express the appreciation of the Department to hon. Members on the other side of the House for the support they have given this motion.

The question was put and carried.

ISIOLO VETERINARY STATION.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I beg to move:

"That in accordance with the recommendations of the Select Committee appointed to consider and report upon the movement of stock from the Northern Frontier

District, this Honourable Council approves of an additional expenditure of £1,250 under Head XXII, Agricultural Department, on the Isiolo Veterinary Station as shown in the following Schedule:—

XXII.—AGRICULTURAL DEPARTMENT.

VETERINARY ADMINISTRATIVE AND EXECUTIVE DIVISION.

SUB-DIVISION NATIVE RESERVES.

Personal Emoluments.

*1. 1 Stock Inspector (£300 × £18 to £300 × £18 to £180 × £20 to £500)	£225
*2. 1 African Clerk £100 per annum	75
3. Labour	225
Total Personal Emoluments	£525

Other Charges.

4. Upkeep of Station	£75
5. Temporary Buildings, Crushes, etc.	500
6. Local Transport and Travelling	150
Total Other Charges	£725
Total	£1,250

Note.—Anticipated Revenue in connection with above service

£1,000

and ask again that hon. Members will be good enough to take the Schedule as read.

Sir, in your opening address to hon. Members at the beginning of this Session you indicated the policy of Government in respect of the Northern Frontier District and the question of provision which should be made for the sale of stock from that area, and I would remind hon. Members that this subject has been very fully considered and reported on by a Select Committee of this Council appointed last year. That Select Committee presented to this hon. Council an Interim Report which dealt specifically with the Somali question in Laikipia and a Final Report dealing with the movement of stock from the Northern Frontier District and the recommendations with regard to expenditure involved are those which appear

* Provision made for 9 months.

† This item is non-recurrent.

in the Schedule. The Committee were satisfied that provision should be made for the movement of this stock. They explored very fully the possibility of securing at other than Isiolo a grazing area of sufficient dimensions suitable in other ways for a veterinary station, but after very full examination it was found that, at least at present, no area other than Isiolo is known which is suitable. In that connection I should like to inform hon. Members that in the Northern Frontier District it is not an easy matter to secure an area of land suitable for the purpose which is under consideration in which very large numbers of stock have to be maintained at any one time. There is the difficulty not only of suitable pasture but the primary difficulty of water supply. Then again the area has to be free of East Coast Fever and tsetse fly and only at Isiolo, as far as is at present known; is there an area in which suitable conditions are to be found for a veterinary station. With these few explanations, Sir, I would leave the motion to hon. Members and I have no doubt my friend the Hon. the Chief Veterinary Officer will amplify the case if necessary.

COL. THE HON. A. G. DOHERTY (CHIEF VETERINARY OFFICER): Your Excellency, I beg leave to second the motion.

CAPT. THE HON. E. M. VAUGHAN, KEMBAI: Your Excellency, I trust that Government can be persuaded to withdraw this motion and I propose to give reasons for suggesting the withdrawal of this motion. First of all, Sir, this motion is a monetary one, we are now asked to vote money and we are asked to vote it unconditionally, but, Sir, this money is required only contingently upon the report of the veterinary authority in the Northern Frontier District being favourable to the possible movement of stock. At the moment we have not information enough to know whether it will be possible to move the stock, and I suggest, Sir, that it is most unwise to vote and spend money before we know the position, that is to say whether that stock on which it is desired to spend the money can or cannot be moved and to provide for an eventuality which may not be realised. I suggest, Sir, that if this money is voted it should be voted conditional upon the subsequent veterinary reports being favourable to the movement of stock. It may be impossible to move stock. Another matter is this, Sir. At Isiolo there are a number of K.A.R. buildings which are not required for K.A.R. purposes, as the K.A.R. transport has been converted from an animal to a mechanical basis; the transport buildings were animal transport buildings and they are not required. I suggest the Agricultural Department could appropriately and economically use some of these buildings.

In regard to the remark made by the Director of Agriculture about Government having explored every possibility as to the establishment of a station at another place, I suggest that these have not been properly explored. The prominent factor is water supply and I suggest that an alternative station

to Isiolo could be found where there is water, and Government has not carried out the suggestion of a portion of the Committee that the water position in that area should be investigated prior to spending money on an unsuitable site such as Isiolo, as I suggest that Isiolo is a very unsuitable one, as there is a more suitable purpose to which Isiolo could be put, namely, settlement. I trust, Sir, that because of these reasons and first of all because we do not know if we can get that stock down, Government will withdraw this motion or at least make it a conditional one.

COL. THE HON. A. G. DOHERTY: Your Excellency, with regard to the last speaker's request to make the motion a conditional one, it is of course understood, Sir, that movement of stock will not be allowed from the Northern Frontier Province unless it is safe to do so. I should like very briefly also to mention that with regard to the K.A.R. buildings and the use of these buildings by my staff at Isiolo at the present moment, so far as I know there are no buildings available. The question of an alternative site to Isiolo was exhaustively discussed at the meetings of the Select Committee appointed by the last Council. In regard to water and suitable grazing we had the assistance of the Report of Mr. Lewis. Exhaustive inquiries were made in that direction and it was found to be impossible.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, it only remains for me to say that the Hon. Member for Kenya subscribed to the Report which dealt fully with the question of water supply in that particular area of the country, for the service under consideration, and there is a section of that Report dealing very fully with the subject. I will not take up the time of this hon. Council by reading it. I therefore do not agree with him that the Committee, of which he was a member, did not fully go into the question.

CAPT. THE HON. E. M. VAUGHAN KENEALY: On a point of order, Your Excellency, I did not suggest the Committee did not go fully into the matter. I said that Government had not since gone into the matter to find out whether water was there or not.

THE HON. THE DIRECTOR OF AGRICULTURE: I think the position in regard to that, Sir, is that Government accepted the advice of the Committee in regard to this matter.

A point that I ought to have mentioned, a very important point, is that included in the Committee's Report were rules and regulations governing the movement of stock through this station in order to control the movement of stock through the veterinary station and to collect fees for grazing and for the services rendered. It was further proposed in the recommendations of the Committee that there should be established an auction centre at Isiolo for the purpose of the movement of this stock and that non-natives should provide satisfactory

evidence that they had an area of land to which the stock were to be moved. Again that in the case of native purchasers of stock they should be furnished with a permit in writing from the officer in charge of the native reserve. Provision is also made in the rules which are before Government for the movement of stock for sale purposes and so on and in amplification of what the Hon. the Chief Veterinary Officer has stated I would like to inform Council that a Veterinary Officer is working in the Northern Frontier District, and the reports received from him are favourable in respect of disease and it is anticipated if this vote is approved by Hon. Members, that ere long it will be possible to make provision for the movement of and sale of this stock in other parts of the country.

The question was put and carried.

PROTECTIVE DUTIES.

CAPT. THE HON. H. F. WARD: Your Excellency, I beg leave to move the motion standing in my name on the Order of the Day:—

"That in the opinion of this hon. Council the whole question of protective duties, especially those imposed on imported butter and bacon, require the careful consideration immediately of the Economic and Finance Committee."

May I say, Sir, that I had at one stage proposed to ask the leave of this House to take out the word "immediately" as I understand that it is considered that this matter could best be considered when the Commission on the Cost of Living has reported to Government. I am not going to do so because I think we should ask for an assurance from Government that there will be no undue delay in the consideration of this matter.

Sir, before detailing the reasons for this motion, I should like to make quite clear my own position in regard to protective duties. This is not meant to be an attack, insidious or otherwise, on the fiscal policy of the Colony, which includes protection. I, Sir, have been returned to this House as Member on four occasions, and on each occasion as an avowed protectionist. When the protective duties were first brought before this House I did what I could to obtain agreement in my constituency in this matter. I think, Sir, that although we have to consider the working and details of these protective measures from time to time we must be particularly careful to show that it is not a direct or indirect attempt to upset the present policy of Kenya and to give every assurance at the same time that those who are at present engaged in the industry or contemplate being so can do so with absolute security. Furthermore, that with a recommendation such as the one in respect of wheat which has just been passed the

protective duties should be secured, and I understand that idea still stands. But, Sir, the population of this country increases, changes and alters so quickly that arguments previously put forward for protection are lost or forgotten. Again, Sir, Kenya alone is not concerned with this question. It is a joint question, and affects Nyasaland, Northern Rhodesia, Kenya and the Sudan, and is as much for the benefit of residents in Tanganyika and Uganda as in Kenya. We want to get these questions ventilated from time to time and the working of protection considered. Sir, my reason for this motion is that there are all sorts of questions that the consumer does not understand and there are factors which make the consumer distinctly nervous. Take the case of bacon, Sir. The history of that industry is roughly as follows: At times the industry has taken a spurt and a number of factories for bacon and ham have been established in the country. Then there appears to have been a certain amount of conflict between various interests; some factories remain, some do not. Pigs are sometimes said to be in large quantities, and you hear later they are being given away or otherwise disposed of, and all the time the consumer finds it extremely difficult to obtain supplies of these local products, and at the same time there is a very excessive duty on the imported article. Against that you hear it argued in other directions that certain factories in the country have never refused to purchase a respectable pig (laughter); that the price for the pig is well in excess of figures laid down by competent authorities; that it shows a very respectable profit to the farmer for the production of pigs; that the prices for retail and wholesale are in many cases less than those paid for by people say in England. I think, Sir, that the two cases I have outlined are a very good justification for the close examination of these questions, that the facts may be established and that the facts may be known. Further, Sir, a point made in regard to this particular subject is that the purchasing power of these territories increases so rapidly that it is a very difficult matter to keep up the supply, and finally that it would be a thousand pities to make any alteration in this particular duty in view of the fact that Government contemplates very shortly the alienation of land to provide for closer settlement and small farms. As I say, I hope I have justified my proposal for the close consideration of that particular matter in order that facts may be established and facts may be known. In regard to butter: There is a point which without the report of a committee it is very difficult to understand, and it is, Sir, the facts that have been published in the Press, if they are correct, which show that in this particular item distribution is exceptionally weak, and that possibly steps are called for on the part of Government. Not only do we get periodical shortages here in Kenya, the centre of supply, but jointly with that we read of contracts overseas, to ships, to places such as Zanzibar, which are outside the Customs Union, and even to England, and it

seems that matter are wholly wrong when consumers within the Customs Union have to go short and supplies are sent outside that Union to other consumers. I have seen it raised in the Press that the matter is one of cold storage, and it has been suggested that everybody is responsible, except the right one, in my opinion, for the capital necessary to increase cold storage facilities. I think, Sir, that it should be recognised that capital for these sorts of auxiliaries should be provided by those interested in the industry in return for the tremendous facility they get through the protective duties. I do not say that it is the business of the distributor or retailer to put up cold storage. It is nothing to him whose butter he sells, he makes the same profit whoever it belongs to. Surely it is not the business of Government? Surely, if protection means anything to the dairying industry it must mean something to those interested in that industry, and I feel that point so strongly that if it was really a point of difficulty to provide that capital I should be only too glad to support a motion whereby amounts considered necessary by competent authorities were advanced on proper security to the industry, the same way as I understand was done some years ago to the Plateau Maize Growers in the production of transport. Of course, Sir, if we ever get an agricultural or land bank I take it that difficulty will be solved. I think we must insist on the consumers within this Union getting the first chance of local supplies, and I think it is a matter for the consideration of Government, through the Economic and Finance Committee, as to whether the export of all local products in this country should not be licensed, and the licence issued could only be issued if the Department were satisfied that local supplies were being properly met and future supplies properly protected. I think, Sir, that the question of butter raises another issue too, and that is whether or not you could fix a maximum price for the sale of that commodity. I do not know if it is possible or not, but I do suggest that it is well worth close inquiry on that particular point. There has recently been an established instance of where butter supplies have been acquired by certain interests in the retail section of the community, and the shortage has been made an excuse for running that price up to about one hundred per cent. of the original price paid by the retailer. Sir, if instances like that are liable to occur it does show that protection can be open to very severe abuses, and I submit, Sir, that that is another reason in support of my motion that Government, through the Economic and Finance Committee, should further consider whether controlled prices in respect of articles produced locally are not possible.

I do not wish to take up the time of this House further, but my final reason is this, that if everybody believes, as I do, that the prosperity outlined in Your Excellency's address at the beginning of Council is due to three factors, i.e., the fertility of Kenya's soil, the policy of protective duties, and

the fact that we have relied on indirect taxation, then, Sir, I think it important that every possible complaint and every possible matter of doubt should be closely examined from time to time and the facts established and disseminated so as to prevent public opinion not only in Kenya but in contiguous territories from going against the policy which is vital to our own interests.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to second the motion. I do not wish to speak to it except on one small point which the hon. Mover mentioned when he said—I gathered him to say—that recently as a result of the butter shortage the price charged by the retailer had gone up one hundred per cent., and in fact large profits were made by retailers owing to the shortage. That was undoubtedly proved in some cases but I do think it fair, Sir, to place on record that this was by no means universal. One naturally does not mention names in this House, but there was at least one well-known grocer in Government Road who could have charged what he liked, but declined to charge more than sufficient to give him his ordinary profit, and I think this ought to be made public.

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, while in sympathy with the motion before this hon. Council, I should very much like to add an amendment to same, and I suggest that after the words "butter and bacon" be inserted the word "timber". The hon. Mover of this motion has told us that memories are short and people are apt to forget the reasons advanced when these protective duties were started, and I would like to point out to hon. Members that one is apt to forget the incidence of these duties and one is apt to look at them from a somewhat parochial point of view. I may be accused of the same view. In the matter of timber, I do suggest, Sir, that the people at the Coast have not been considered properly, and it is for that reason that when the inquiry is held I should very much like this commodity to be included, together with the other commodities mentioned.

THE HON. A. MORRISON: I beg to second the amendment.

HIS EXCELLENCY: Will you let me have your amendment? The words "and timber" would, I think, be better.

CAPT. THE HON. E. M. VAUGHAN KENEALY: Your Excellency, may we have a presidential ruling as to whether it is in order to speak to the amendment only or to the original motion at this time?

HIS EXCELLENCY: The amendment is now before Council and you may speak to the amendment now and afterwards on the motion.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, with greatest respect, does not that ruling in fact mean that you have to debate the amendment, and then put the amendment, and then go on and debate the motion? I would ask Your Excellency to consider whether it is not the usual practice to speak either to the amendment or the motion, and when the debate is closed the mover of the original motion moves his motion and the question is put without further debate.

HIS EXCELLENCY: Perhaps that would be the more convenient plan, but my ruling is correct.

CAPT. THE HON. E. M. VAUGHAN KENEALY: Your Excellency, I wish to oppose this motion with all the strength that lies in my power. We have seen the result of the motion already by the introduction of this amendment. The whole policy of protective duties is coming under discussion and it is suggested should come under revision.

Now the hon. Member who proposed this motion, Sir, suggested that it was fair to have an occasional inquiry into a matter of unfairness. I suggest, Sir, that he has suggested the most serious unfairness in this matter by stating that no matter what the finding of this Committee may be he seriously believes in the policy of protection, and it is obviously unfair to discuss any matter at all if you intend not to be swayed by the aspects and reasons which are brought forward at that discussion. I suggest it is entirely dishonest and unfair to discuss anything in these circumstances. This is a noble gesture of generosity at the expense of commonsense. The Elected Members on this side of the House who support this motion are worshippers at the shrine of the god of "Wobble." (Laughter.) We, Sir, must maintain a policy which is not based on feminine frivolity, but is based on sound commonsense and very detailed analysis of supply before we commit ourselves to a policy. If, Sir, the temporary shortage of some commodity is considered a sufficient reason for swaying the whole fiscal policy of a country then our mandate is so worthless as to be unworthy of the people of this country. I do suggest that there are ways of dealing with a shortage of a commodity—a trivial shortage. A few people have felt it, and a few people have got to make a few sacrifices for a policy which affects the whole of this country. Our dominant problem and the only problem which will enable us to solve our difficulties in future is that of settlement, and for the encouragement of settlement one must have a fixed policy which can be relied upon, and not a policy of shilly-shally, and we can only attract settlers to this country by giving them reasonable grounds to expect security. We have, Sir, I think actually suggested in the past, when the last discussion on protection was raised, that these duties should be applicable and retained for five years, and I suggest that this precludes a proposal that protection should now come under discussion.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I must confess also to a feeling of great disappointment at the support this motion has received from Members on the other side of the House. I entirely agree with the Hon. Member for Kenya when he said the whole question of the principle of protective tariffs must be debated if this motion is accepted. Whether it is the case that the population of this country are kaleidoscopic, as the hon. and gallant Member has suggested is, I must say, extremely doubtful, but I must say that I feel there must be some limit to the number of times that Government should be called upon to express its "credo". I myself, and I am speaking on behalf of Government when I say so, would state that the counterpart of that maxim that your tariff should be stable as far as possible is that there must be a reasonable justification for stability and that was the view expressed by the Economic and Finance Committee when they stated that they thought that for five years there should be stability in the protective duties. Periodical revision is particularly necessary with such primary products as food and even the protective duties which may be regarded as the dykes behind which the fertile fields of this Colony can be tilled and brought into production must occasionally come under review. I wish to make it quite clear, Sir, that the policy of this Government is that the protective duties should not be regarded as Median or Persian in their application; that they are there to encourage the introduction and growth of new industries, and that when these industries are well on foot, well started, the time will come when these duties should be further considered. But apart from that point, Sir, there is the introduction of the word "immediately" into the motion of the hon. Mover. He himself has mentioned the fact that at the present moment a Commission is sitting composed of very able and experienced lady and gentlemen, inhabitants of this Colony, and under the able chairmanship of His Honour the Chief Justice. To suggest that whilst a Commission is sitting simultaneous consideration should be given to a subject which must form part of the field of their inquiry is, to my mind, a denial of the practical and of the proper conservation of energy.

CAPT. THE HON. E. M. VAUGHAN KENEALY: Hear, hear.

THE HON. THE ACTING COLONIAL SECRETARY: Whether or not, on receipt of the report of that Commission, Government should refer it to the Economic and Finance Committee for their consideration and their advice as to the policy to be followed by Government is another matter, and I believe that that will be the proper course on Government's part, but that the Economic and Finance Committee should sit immediately to consider any question regarding the protective duties, especially in regard to matters which are under investigation by the Cost of Living Commission, would be supererogatory at the moment. In order as far as possible to meet the hon. Mover

I will undertake that copies of this debate are sent to the Chairman of that Commission for his consideration, so that he may be aware of what is expressed by certain Members of this Council. I have only to add that so far as my information goes, at any rate in the case of butter, and I would ask the Hon. the Commissioner of Customs to correct me if I am wrong, there has been a very small export to supply ships which call at the Port, and for the rest the whole of the export has gone to Tanganyika and Uganda, and nothing has gone out of the Customs Union of Eastern Africa. I hope, Sir, in view of what I have said and in view of the undertaking—I may regard it as an undertaking—that the report will be sent to the Economic and Finance Committee as soon as it is received by Government, the hon. Mover will not press his motion.

THE HON. THE ACTING COMMISSIONER OF CUSTOMS (MR. BALE): I must correct the Hon. the Acting Colonial Secretary of a slight error. There have been small exports to Zanzibar. The exports of butter have been mainly to Tanganyika and Uganda, but there have been small exports to Zanzibar and small consignments to ships' stores. The bulk has gone to Tanganyika and Uganda, which are in the Customs Union.

HIS EXCELLENCY: I will ask the hon. Mover of the amendment if he wishes to withdraw his amendment.

THE HON. A. C. FREEMAN-PANNETT: With the permission of my secondor I will withdraw my amendment.

HIS EXCELLENCY: The amendment is now withdrawn.

CAPT. THE HON. F. O'B. WILSON: I support the motion brought forward as an avowed supporter of protection and protective duties. I think that those of us who appear to benefit by the protective duties put on for our immediate benefit accept them in the belief that they are going to be of benefit to the country, and we should not burke any discussion or try to keep discussion down when the consumers of the country from time to time complain that they are being mulcted in the price of various commodities which are protected. To that extent my feeling is that at any time if people are paying larger prices for a commodity which comes under protection it shows that the matter should be gone into, and should be met as far as possible, and I believe that every time the matter is gone into I am perfectly certain that it will only result in the strengthening of our position, the position of those who advocate protection in the belief that it is to the ultimate good of the country that these duties should carry on.

CAPT. THE HON. H. F. WARD: Your Excellency, before replying to the debate, I think my right course is to ask the House to take out the word "immediately", but I do not

quite understand how the Hon. the Acting Colonial Secretary can guarantee to this House that anything will be said about protection or protective duties in a report of a Commission which has not been received by Government.

HIS EXCELLENCY: There is a further amendment before the House now. Is your seconder seconding your amendment?

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I agree to the deletion of the word "immediately".

THE HON. THE ACTING COLONIAL SECRETARY: I must thank the hon. Member for the amendment which he has now introduced into his own motion. As I stated, the Government could not accept the motion as it stood in view of the inquiry into the cost of living. He stated that he was a protectionist. On that matter I am glad to say I agree with him; I am a protectionist also; but that the matter should be referred immediately to the consideration of the Economic and Finance Committee is quite another thing, and on the understanding that it will be so referred after the report of the Commission has been received I am glad to say Government accepts the amended motion.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I think a peculiar position has arisen. I understand that the amendment in regard to timber was withdrawn because the proposer thought that the proposer of the original motion was going to withdraw his motion, otherwise he would not have withdrawn it.

HIS EXCELLENCY: There is a different motion before the Council now and it is open to the Hon. Member for the Coast to move his amendment.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, I have been a Member of this Council for a number of years. Never have I heard in my life, either here or elsewhere, and I say this with the greatest respect, the mover of a motion being allowed to move an amendment.

HIS EXCELLENCY: It is always possible for the mover of a motion to amend his motion with the permission of the House and that of his seconder.

Do you wish to move your motion as now amended?

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, I desire to move that the words "and timber" be inserted after the words "butter and bacon".

THE HON. A. MORRISON: Your Excellency, may I speak to the amendment? This question of duty on timber may perfectly legitimately be considered without in any way infringing on the principles of protection of the timber industry

which has received the support of this Council for many years. The word "timber" is one embracing many different things and different classes of timber, and the particular point on which we wish the Economic and Finance Committee to direct their attention is the desirability of continuing the protective duty on teak and building timber for which at present there is no marketable substitute. It is not the intention of the Mover or myself to raise the whole general question of protective duties on timber, but we merely wish to ask that the Economic and Finance Committee should be directed to the advisability of continuing the duty on timber required for buildings at the Coast and not generally to the protective duties on timber.

HIS EXCELLENCY: Council will now adjourn for fifteen minutes.

Council resumed its sitting.

HIS EXCELLENCY: The amendment to the motion of the Hon. Member for Nairobi North is now before the Council.

THE HON. THE ACTING COLONIAL SECRETARY: With regard to that amendment, I would say that Government has no objection to the reference once more to the Economic and Finance Committee of the subject of timber though I may say it was fully considered by it last year. The Committee reported to Government quite recently that it saw no reason for altering the present duties. Whether that will be the effect of their answer or not I am not able to say, but on the understanding that that is a possible and permissible answer I would say that Government will accept that amendment.

CAPT. THE HON. E. M. VAUGHAN KENYALY: Your Excellency, may I have some information on this point of the acceptance by Government of an amendment to a motion. Instead of the vote of all Government Members can we in this instance have a free vote among Government Members?

HIS EXCELLENCY: This is not an occasion for a free vote.

The amendment was put and carried.

HIS EXCELLENCY: The motion before Council is:—

That in the opinion of this hon. Council, the whole question of protective duties, especially those imposed on imported butter and bacon and timber, requires the careful consideration of the Economic and Finance Committee.

The question was put and carried by 22 votes to 1.

Ayes: Messrs. Baker, Bale, Biss, Canon Britton, Messrs. Campbell, Dobbs, Col. Doherty, Lieut.-Col. Durham, Messrs. Fitzgerald, Freeman-Pannett, Dr. Gilks, Messrs. Grannum,

Hemsted, Huggard, Maxwell, Morrison, Northcote, Major Rhodes, Messrs. Sikes, Gordon Smith, Capt. Ward, Mr. Wilson.

No: Capt. Kenesly.

Declined to vote: Mr. Conway Harvey.

PORT CONTROL.

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, in the absence of the Right Honourable Member, and with the permission of Your Excellency and this hon. Council, I would ask leave to move this motion for the Right Honourable Member:—

" This hon. Council considers that the indeterminate nature of the present arrangements and working of the Port of Mombasa is most unsatisfactory and points to the necessity for the adoption of the Report of the Commission of Inquiry appointed to go into this matter; wherein the Commissioners emphasised the difficulties consequent upon the absence of any central authority; especially as regards future development, Port finance, supervision, general control, and the actual method of handling goods dealt with at the Port.

" This hon. Council asks that this motion and the debate thereon be transmitted to His Excellency the Governor, Sir Edward Grigg, in order that this matter may be brought seriously to the notice of the Secretary of State for the Colonies and in order that the control recommended in the Report be placed in the hands of the General Manager of the Railway assisted by a strong Advisory Board."

HIS EXCELLENCY: The motion read by the hon. Member does not exactly follow the wording in the Order of the Day, but with the permission of Council the modification may be accepted. It does not affect, as I understand it, the intention of the motion as put forward by the Right Hon. Member. If you would perhaps explain to Council why you put in the words " indeterminate nature " . . .

THE HON. A. C. FREEMAN-PANNETT: Your Excellency, it was considered that in view of the short period which the present arrangements are intended to meet, it was necessary to move that some arrangements should be made to end the indeterminate nature of the present working, because at some distant date we hope that some definite arrangement will be evolved.

Your Excellency, in the early part of this motion I referred to the present unsatisfactory state of the working of Kilindini harbour, and without desiring to take up the time of this hon. Council in details I think I must give one or two small

details of this very unsatisfactory state. At the same time I would like to mention that the working arrangements appear to be going very smoothly but unfortunately the interests of the producer and the shipper are very indefinite, and it is on that basis that I suggest more definite arrangements are necessary at the earliest possible moment.

To illustrate my point, Your Excellency, I would like to give two examples. One in connection with import cargo and another with export cargo.

In the first case, as hon. Members are no doubt aware, landing agents take charge of the cargo in the ships and place it on the wharves in the sheds, and one would imagine that in the case of damage resulting to such cargo the consignee would have a very proper claim against the land agents; but unfortunately recently in some cases which have come to my notice this does not appear to be the case. A case occurred recently where a consignee claimed for damage done to goods whilst in the import shed and the claim was repudiated by the landing agent for the reason that the sheds were not theirs but were only lent by the Railway. Well, Sir, if that is the sort of reply that an importer will get for damage done to Jia goods, I suggest that some more definite arrangement is necessary. It is understood, too, in this connection, that actually in the agreement between the Government and the shipping companies the liability of the landing agent is distinctly and specifically laid down wherein he is solely responsible for the goods whilst waiting in the import sheds. For some unknown reason they refused to entertain claims.

Dealing with export cargo, Your Excellency, I would like to show you the difficulties under which we are working to-day and the loss which results to producers and shippers alike. We had a remarkable instance brought before us in the last few days when a certain up-country producer shipped certain produce to Mombasa for shipment overseas. This produce was placed in one of the new sheds and the ship that was to carry the produce home lay at the adjoining berth—a matter of probably two hundred yards. To facilitate the work, as the ship was desirous of quick despatch, the railway provided flat wagons for the carrying of this produce from No. 1 shed to No. 2 berth, and unfortunately whilst the produce was on these flat trucks a heavy rainstorm occurred and damage was done to the cargo with the result that the ship shut it out. Obviously the consignors immediately put in their claim against the lighterage company and were told that it could not be entertained because the damage occurred whilst on the open truck, and, to the best of my opinion, no payment was made by the lighterage company for the use of these trucks. I would like to say that we put a claim before the Railway and they naturally repudiated it, in this case I think rightly so, but I do suggest that the state of affairs existing to-day shows the necessity for some immediate correction.

That is rather the domestic side of the affair. I should now like to go on to the larger aspects. There is the question as to who is to see to the future development of the Port, and I contend that unless this is put in the hands of some central body with a fairly large view the necessary development cannot take place, especially in regard to the development of deep-water berths, because it is obvious, Sir, that if we encourage lighterage to the detriment of working alongside steamers very little encouragement is going to be given to the extension of deep-water wharves, and it is only natural that the lighterage companies are going to benefit. The very important question which will thrust itself before this hon. Council in future on many occasions is the question of advancing the present work and the further work to be carried out. When I say advance, I am referring to the provision of the necessary funds for interest and sinking fund for these works.

It has been laid down that the Railways have charge for the first twelve months, but I do suggest that it is hardly fair or equitable to ask the Railway Administration to accept this very large burden unless they are to control the working and also to achieve whatever revenue can be gained by the working of the Port. The equipment and the wharves and the sheds have been put up with public money and I do suggest that the public should get the advantage of them and I think the public would get the advantage best by them being under the control of one of the Departments, preferably the Railway Administration.

With regard to the last portion of this motion, I myself, and I think other Members on this side of the House also, agree that if this matter can be brought before His Excellency in England, showing him that the views of the country are now more or less clarified in regard to this question, it will be of considerable help to him when the matter comes up for discussion with the Secretary of State, and I do wish you to believe that the position that was noticeable at one time is not so noticeable at the present time and various resolutions have been passed of recent date which show that the commercial community is very much more in favour of this solution to our difficulties than they were hitherto.

THE HON. CONWAY HAILEY: Your Excellency, I beg to second.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MAJOR RHODES): Your Excellency, there is not a great deal for me to say in this connection at the present moment but I would like just to assure this hon. Council that the Railway Administration is in the same difficulties with regard to this matter as the public. I think I may also say, on behalf of the Railway Council, that they feel considerable difficulty owing to the present indeterminate arrangements which exist in regard to the working of the Port. When the

estimates for Railway working for this year were in preparation the Railway Council left out of consideration all payment of any interest on port charges and so on, on the understanding at that time that such charges would be borne by whatever Port Authority would be established. Subsequently, in order that further time might be given for the final solution of this matter, the Port, for the present year only, was placed under the control of the Railway Council, and provision had to be made for meeting that interest. That has seriously affected the Railway policy naturally with regard to rates and rate reductions and in every rate policy that might come up for consideration and such provision had to be made by cutting out a large amount of betterment work that had been anticipated to be carried out during the present year, in order to find the necessary funds to meet this expenditure. That is one aspect of the question which is of course a very serious one. There are many other comparatively minor aspects which concern the actual working of the Port. We are endeavouring to do the best we can under existing arrangements but as pointed out by the Hon. Member for the Coast there are cases where difficulties arise. The particular case to which he referred might usefully be pressed further by the shippers because I do not think that the attitude taken by the lighterage company can be justified. The Port Commission's Report although not considered ideal by the Railway Management is a definite recommendation, and is a workable scheme on the whole. There are one or two minor amendments that may eventually be brought about, but on the whole the scheme is a workable one and the Railway Administration is therefore very glad to welcome such control as some definite arrangement. In any case whatever definite arrangement is come to should be come to at a very early date, as the present position is most unsatisfactory to both sides. A Port Authority of some sort must be constituted at an early date.

I think possibly this debate will be of considerable assistance to His Excellency, Sir Edward Grigg, and the General Manager, who are now at home because I think the feeling has been, up to the present, that the Colony does not take any particular interest in this matter and that they will leave it to the authorities at home to settle it in the best way they can. I think some expression such as this debate puts forward will be of considerable assistance in dealing with the matter at home.

I do not think, Your Excellency, I have any further remarks.

HIS EXCELLENCY: I desire to say in regard to the motion that is now before Council that Government is prepared to accept this motion as representing the views of the country in regard to the Port, and also the views of the country as to the necessity for an urgent decision which will determine

the control of the Port. It has been pointed out that the conditions there are indeterminate at present and are therefore unsatisfactory, but I should like to inform the House that the Secretary of State has given the matter very serious consideration and in answer to a question that was asked in the House of Commons the Rt. Hon. the Secretary of State said :

"As a purely provisional measure and without prejudice to the final settlement, I have approved of the Port being controlled as a Railway service under the Transport Order in Council until the end of next year. I have informed the Governor of Kenya that I definitely do not propose to leave the Port as a Railway service and that I reserve my opinion as to what other arrangements should be adopted for its future control."

In the telegram which we received after the Report of the Imperial Shipping Committee reached the Secretary of State the Secretary of State added in regard to this Report :

"In the circumstances I do not consider that any forward movement can be made until the report has been fully examined here and by you."

We all know that the Governor is now in England and is discussing this matter at length with the Secretary of State and I think this debate will interest him and will show him further, as he is of course aware, the views of this Colony with regard to the Port and the conditions there and we trust that it will be of use to him in obtaining an early settlement of the control and management of the Port because until that is settled there are bound to be such difficulties as are mentioned by the Mover of this motion. On a small point I would like to suggest to the Mover of the motion that in view of these observations he might improve the motion by the omission of the word "seriously" in the sentence "that the matter be brought seriously". Representations have been made at considerable length by telegram and despatch and it will by no means weaken the motion if it is amended by the omission of the word "seriously". It is merely a verbal amendment. (Hear, hear.)

THE HON. A. C. FREEMAN-PANNETT : I agree.

HIS EXCELLENCY : I am putting the motion as amended to the Council :

"This hon. Council considers that the indeterminate nature of the present arrangements and working of the Port of Mombasa is most unsatisfactory, and points to the necessity for the adoption of the Report of the Commission of Inquiry appointed to go into this matter; wherein the Commissioners emphasised the difficulties consequent upon the absence of any central authority, especially as regards future development, port finance, supervision, general control and the actual method of handling goods dealt with

at the Port. This hon. Council asks that this motion and the debate thereon be transmitted to H.E. the Governor, Sir Edward Grigg, in order that this matter may be brought to the notice of the Secretary of State for the Colonies and in order that the control recommended in the Report be placed in the hands of the General Manager of the Railway, assisted by a strong Advisory Board."

That I think meets the views of the mover.
The question was put and carried.

RAIDING BY NANDI.

THE HON. T. J. O'SHEA : I beg to move that :

"This hon. Council urges upon Government to apply section 68 of the Police Ordinance to portions of the Nandi Native Reserve and to strengthen the Police Force along the Nandi border of the Uasin Gishu and Trans-Nzoia districts with a view to checking the persistent raiding by Nandi of European owned cattle in these districts."

For the information of Members, Sir, may I say that section 68 of the Police Ordinance gives power to His Excellency, if due cause be shown, to station extra police in a district, and to make the natives pay for their cost. I am asking for this to be done in the case of the Nandi Reserve because of the persistent raiding by the natives of that area into the European area for the purpose of stealing stock. It will be in the recollection of this House that in 1925 a Committee of Inquiry was appointed to go into this very same question. That Committee submitted its Report before the end of that year, and in the course of it it was stated that the evidence showed that stock thefts were especially prevalent in the districts of Uasin Gishu, Trans-Nzoia and Kisumu-Londiani, and that the Nandi and Lumbwa were the tribes principally concerned. The following extract from the Report indicates the position :—

The figures given of reported thefts cannot be entirely relied upon. A theft is often reported at several places, sometimes the animals have only strayed and occasionally, as the evidence shows, farmers do not consider it worth while reporting. Nevertheless, it is conclusively proved that stock thieving is widespread in the above areas, and is a grave source of exasperation to the farmers concerned and of pecuniary loss.

Now, Your Excellency, subsequent to that inquiry there was a considerable reduction in the number of stock thefts in those areas, but during the past year there has been a fresh outbreak on a much greater scale than ever before. It can, I think, be quite truthfully described as the biggest outbreak we

have had in the history of that territory. Between the months of October of last year and February of this year inclusive there were twenty-five cases of stock thefts from Europeans on the Usin Gishu, and to-day the unfortunate owners of cattle are in a condition being more exasperated than they were then. It has, in fact, become very serious indeed. There is one remarkable feature of these cases and that is the very small number of convictions secured by the police. Because of that I understand that Government is inclined to doubt the value of statements that these thefts are actually committed by natives living within the Nandi Reserve. Members on the Government side of the House contend, I understand, that such a large proportion of these thefts are committed by squatters in the European area that it would be grossly unfair to hold the natives in the reserves responsible. Still I submit, Sir, that an examination of the evidence produced over the last four or five years is sufficient to satisfy anybody who is satisfied with reasonable evidence that the overwhelming majority of these stock thefts are committed by Nandi residing in the reserve. I have one case out of many to prove that contention—to support that contention perhaps I should say—but this is such a glaring case that I think it will impress those who hear it. A European in the Usin Gishu district had twelve head of cattle stolen. He reported the theft to the police who got on to the job very promptly. I will say in passing that I wish to testify to the activities of the police who, especially within the last eighteen months, have certainly done their best. It looked like being one of the many cases in which proofs were altogether lacking; one of the many cases in which those who hold a different point-of-view from me in the matter might say that these cattle never went into the reserve, but that they were stolen by squatters living in the European area. However, the thieves handed over the custody of the cattle to friends, as a result of which a dispute arose, due to one of the cattle being killed, and so we get the further history. They complained to a chief that one of their cattle had been stolen. He made an investigation, and so we have a record of this very interesting case. The following is an affidavit made by one of the convicted parties:—

"I have been convicted of being concerned in the theft of twelve head of cattle and have been sentenced to three years' R.I. I stole cattle belonging to Mr. MacDonald. I belong to Chief Arap Kogo. I am a minor from the reserve. I stole the cattle with the help of Cherure Arap Kipchumba. After we stole the cattle we took them into the forest near the Nandi boundary in Arap Kogo's area and remained there about a month with the cattle. We took out the brands from the cattle with hot pangas, after that we took them to the Kabras. We went by the road of Kabei and passed a hill called Tesia which is through the location of Arap Kamitoi. The place

where we stayed in the forest is in the location of Arap Kogo. We took the cattle to an old man called Kabei, who is a Kabras near the Nandi border. The cattle were actually taken to Kabras by Cherure. We took them to Kabras as we could hide these cattle easily and they could not be found."

In the course of that statement there are some very, very interesting points in connection with this cattle-thieving in the Usin Gishu district. This boy actually had the cattle in the Nandi Reserve for a month. He knew sufficient about cattle-thieving to make it worth his while to learn how to erase the brands off the stolen cattle. He passed right across the Nandi Reserve to Kabras country, remained there for some little time, and could probably have retained possession of the cattle up to the present time had not one of his friends slaughtered one of them, causing a quarrel, and so the matter was brought to light.

Time after time when this matter has been brought up it has been said that it was impossible to produce sufficient evidence that the cattle are taken into the reserve. Here is a case, Your Excellency, where a theft is traced not only to the Nandi Reserve, but it is proved that the cattle remained there at least one month, in an area not far distant from district headquarters. We have contended for the last three years that the natives along this border are more or less a gang of cattle thieves, and that they require the closest supervision, and yet we find that after all the promises made by Government they could actually hide a herd of twelve head of cattle for a period of one month almost within shouting distance of district headquarters. (Laughter).

Your Excellency, what I ask in this motion is I think reasonable and is, I think, justified by the circumstances. Government has made many promises in this connection during the past two years, and the essential things have not been done. If something effective is not done in the near future I think it only right to say that a serious situation will exist in the district. I think it is only right to say that a number of exasperated farmers are threatening seriously to raid the reserves and take cattle from the Nandi to replace the cattle stolen in our area. Whether we shall be as clever as the Nandi in covering our tracks I cannot say. (Laughter.) As a matter of fact, Sir, the situation has become so serious that I am wondering whether it would not be in the best interests of law and order for me to co-operate with these gentlemen in carrying out their intention, as it is only by doing something of that nature that Government will be made to realise how serious the situation is. What I ask is that during the dry season, i.e., from October next to the following April, an extra force of police be placed along the border, and that the natives there be made to pay for these police, because it is not fair that the country at large should be made to do so. In addition an inspector

of squatter stock should be appointed to the Usin Gishu as a temporary measure to check up squatters' cattle, and so complete the work, because that is an essential part of any scheme of prevention.

THE HON. MR. CONWAY HARVEY: Your Excellency, I beg formally to second the motion.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL): Your Excellency, I should like to say at the outset that Government of course is in strong sympathy with the principle which underlies the motion put forward by the hon. Member for Plateau South, but I must point out that the intention of the Ordinance, as I understand it, is that where a disturbed condition exists, and evidence is forthcoming that this condition exists owing to the conduct of certain people in a particular area, which makes it necessary in the interests of law and order that extra police should be put into that area, steps should be taken, and the cost should be eventually raised by a levy from the inhabitants of that area. There is one slight alteration I would make in my hon. Friend's quotation of the law. He said that the law provided that any sum necessary should be levied from the "natives". I believe the law says that the money is to be levied from the "inhabitants" of the area concerned, and they may not all be natives. Now, Sir, it is necessary before Government can actually apply this section that there should be definite evidence that this disturbed condition exists in a particular area, and that it does arise from the conduct either of the whole community or of a particular section of the community, and on receiving such evidence I can confidently say that Government would be prepared at once to apply the provisions of the Ordinance. But Government finds it difficult to accept the motion quite as it stands. There has been recently, or fairly recently, considerable inquiry into the matter of stock thefts by the Stock and Produce Thefts Committee, and it was then found, as we all know as a matter of fact, that a very great deal of the stock theft that goes on is undoubtedly committed by natives who are uncontrolled squatters on the farms of Europeans, acting on the instigation of natives in the reserves. Now, Sir, in reading that affidavit my hon. Friend left out five very important words; the words "I come from a shamba." The affidavit reads "I am a minor from the reserve, but I come from a shamba."

THE HON. MR. T. J. O'SHEA: Your Excellency, on a point of explanation may I say that I was trying to be brief, I had no other object in omitting those words from the passage I quoted except that of saving the time of Members.

THE HON. THE CHIEF NATIVE COMMISSIONER: This, Sir, is a very clear case, and obviously calls for punishment, but the point I am trying to make is this, that evidence must be obtained and gone into in every case before Government can

act under the Ordinance. It is obvious that the area in which stock theft is rife must include not only the place to which stock is taken, but also the place in which the stock theft is actually committed. That area must be policed as well as the other place. If it is the case that stock theft is carried out in collusion between natives in the reserve and natives living on shambas it will be necessary to place the burden of the cost of the extra police both on the natives in the reserve and on the squatters on the farms, who are the original thieves and the original sinners. It may also be necessary, I suggest, that where it is shown that the employer of those squatters has consistently failed to comply with the provisions of the Resident Natives Ordinance, he should not be exempt from bearing his share of the cost of police.

Since notice of this motion was given a telegram has been sent to the District Commissioner of the Usin Gishu district, to ask him how many cases within his knowledge, within the last six months of stock and cattle thefts have been traced to the reserve. His reply is "two."

I trust, Your Excellency, that my hon. Friend who has put forward the motion asking Government to take a very proper and constitutional step, did not really mean to take away from the value of his suggestions by suggesting that he and his friends should adopt a very unconstitutional means of dealing with the situation. I hope he did not mean that seriously, as it would spoil his case.

Government finds it difficult to accept the motion as it stands because before the provisions of this section can be brought into operation, Government must have full evidence. Government will undertake to make the closest inquiry at once into the condition of things which is said to prevail, and which I believe to be prevalent, and to ascertain what area, if any, should be the subject of a proclamation under section 68. I trust that upon that assurance my hon. Friend will withdraw his motion.

CAPT. THE HON. H. F. WARD: Your Excellency, the last hon. speaker, the Hon. the Chief Native Commissioner, was not quite clear on what he said about collective punishment. Collective punishment was under consideration. May I say it would be easier for Members on this side of the House in knowing the circumstances if a statement had been made by him as to whether collective punishment had been imposed on the occasion which we heard of during the course of the debate.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): May I say, Sir, that the hon. Member is mixing up the Collective Punishment Ordinance and the Stock Thefts Ordinance.

CAPT. THE HON. H. F. WARD : May I ask that in giving the facts he will say whether that was imposed or not?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) : On a point of explanation may I say that what I said was that this is a very glaring case to which my hon. Friend has drawn attention and it appears from his statement to be an appropriate case for the infliction of collective punishment. Whether that case has come up or not I will find out. It has to be done by a judicial inquiry by a magistrate and transmitted to the Governor. I have not heard about it.

CAPT. THE HON. H. F. WARD : A good deal seems to hang on that, whether or not collective punishment has been inflicted. It looks as if it has not, because otherwise it would be easy to get evidence. The second point I should like to know is this. I heard it stated that the administrative officer of the Nandi Reserve warned the police authorities some time ago that they were to be prepared for increased stock thefts when the seven-year circumcision ceremony takes place. That is the rumour, and if that is correct it seems to show that Government must have had ample warning and that it should not be necessary for these exasperated people to wait for a further inquiry.

CAPT. THE HON. E. M. VAUGHAN KENEALY : We have had assurances from Government in this matter and promises of inquiries. The time for inquiries has now passed. We have information and on that information action should be taken. It is easy to suggest, Sir, although two cases of theft have been traced to the Nandi Reserve by persons concerned in protecting these reserves from the implication that thefts go on, that these thefts require further proof and it is easy, Sir, to prejudice an inquiry by exculpating people who obviously are responsible. They have the knowledge. If they have not that knowledge the fault is theirs. The Hon. the Chief Native Commissioner deprecated that a threat of action should be made at this time and I suggest that these tactics are not admirable. I consider that these tactics are exceptionally unsuitable. The suggestion apparently is that if the Government takes no action, the farmers are to promise to take no action either. Another point raised by the Hon. the Chief Native Commissioner is that this individual mentioned who made this affidavit was a shamba boy. That was surely a trivial point and does not concern the point at issue. If stolen stock can be traced to a reserve and if the stock is in that reserve and if they have no knowledge as to where the stock goes then I maintain that those persons who are responsible for the control of the reserve should be held responsible. I hope Government will accept this motion. I think an admirable case has been made out and nothing has been suggested that will persuade me to alter my opinion in this matter.

THE HON. THE ACTING COLONIAL SECRETARY : I hope, Sir, that it is really quite clear that Government is really anxious to do all that it can to go into the matter and it is only the actual wording of the motion at the moment which is standing in the way. If the motion suggested that instead of the application of the section that the Government should hold an inquiry as to the application of the section or not then both the purpose and the effect would be the same and in any case I may say Government will hold an inquiry.

CANON THE HON. J. BRITTON : Your Excellency, I was wondering, while the debate was in progress, whether this matter had been brought before the local native council involved, the Nandi Council. It is very bad indeed from every point of view that these raids should go on and the native communities should have brought home to them their responsibility, and I am certain that responsible headmen and members of local native councils would take this matter up seriously and would possibly ask for suggestions whereby this kind of thing can be stopped. It can very easily be stopped by the native leaders themselves. I would put that suggestion forward. The local native councils should be approached on the matter and their suggestions asked for to stop these raidings.

THE HON. CONWAY HARVEY : Your Excellency, I had the opportunity of being present when this matter was discussed in very great detail with representatives of the Nandi. Several dozen of the chiefs and headmen from the Nandi Reserves were present and they stated that whatever Government might do or say, they would never stop stock thieving until you used penalties which could reasonably be expected to act as a deterrent and the Nandi chiefs themselves stated in the plainest possible terms that the only deterrent for crime of this nature was corporal punishment. Now, Sir, I have a good deal of sympathy with the Hon. the Chief Native Commissioner's remark that uncontrolled squatters are very largely identified with the very great majority of stock thefts. Whose fault is that, Sir? It is the fault of the authorities themselves. I suggest it is quite impossible through the interpretation which has been placed upon existing legislation, and possibly owing to faults in the legislation itself, for the owners of farms on whom squatters reside to control these natives. Only recently we have been ordered that we are not allowed to sign their registration certificates. We are now deprived of the very minimum of control. They are not regarded as servants and it is not possible for any employer of labour in Kenya to know what he can do with his resident natives whom he is most anxious to control and I do sincerely trust that that will engage the attention of the authorities.

THE HON. THE CHIEF NATIVE COMMISSIONER: I know I am not allowed to speak again on the debate, but with the permission of the House may I give a bit of information, in explanation? The point raised by the hon. Member for the Lake is receiving consideration. A legal ruling was given by the Supreme Court in the matter and that has given rise to an unforeseen situation. The ruling was that kipandis of squatters cannot be endorsed, and legislation has already been drafted to rectify this. I recently discussed the question with the Executive of the Convention of Associations with a view to putting the matter right.

HIS EXCELLENCY: I may assure hon. Members that Government will have very full inquiry made into this matter and will be prepared to have the papers in regard to that inquiry laid before this Council. The position in respect of this motion is that Government cannot accept the motion as it is now brought before Council, as to ask for executive action on a matter which has been debated before this Council without holding an inquiry would be unjustifiable. Government does intend to hold an inquiry, and I would suggest that the hon. Member should accept the amendment suggested by the Hon. the Acting Colonial Secretary.

THE HON. T. J. O'SHEA: Your Excellency, I am very sorry that I am unable to see my way to accept the suggestion.

HIS EXCELLENCY: Will you reply?

THE HON. T. J. O'SHEA: Your Excellency, may I say that I cannot see my way to accepting the suggestion because it would give rise to the suggestion that I was satisfied with Government's decision in this matter. I am far from being satisfied. Government would probably ridicule the idea that they are conniving at this question of stock theft and yet on this evidence it would appear to the people that Government is conniving at the question and it is because of that that I am satisfied that the position has gone beyond the stage of Government making inquiries and I must insist upon the matter being voted. The Hon. the Chief Native Commissioner has made much of the fact that Government must have definite evidence before it takes any steps in the matter. That is the whole point. What does Government regard as evidence? The administrative officer himself has written to the police informing them that when the seven-year circumcision ceremony takes place there will be more stock thefts. Is that not evidence, that that officer knowing his natives is aware that there are stock thefts and that in such circumstances, they must be particularly active. Did Government take proper steps to deal with the situation when he warned the police? The opinion of the police officers in the district is that because of the cleverness of the thieves they have been unable to trace a number of cases in the reserve and they are not satisfied. The

evidence is good enough for them that the majority of these thefts result in the cattle being brought into the native reserves. If that evidence is not sufficient then no action can get any further than this. I have before me the figures provided by the police. There were twenty-five cases since October last and only two convictions. If you are not satisfied with the circumstantial evidence you can get no further evidence because the methods used up to the present to deal with the situation have been so ineffective.

CAPT. THE HON. E. M. V. KENEALY: Hear, hear.

THE HON. T. J. O'SHEA: May I make it clear that I have never questioned the fact that it is certain that there is the closest collusion between the Nandi Reserves and the squatters in the European areas and the method of working—and they are so clever—is for some of them to go and reside in the European area as squatters. It seems to me that if I were engaged in that form of earning my living it would be one of the first things I would think of doing. (Laughter). The Hon. the Chief Native Commissioner has expressed the hope that I do not sincerely mean that I contemplate something that I represented to this hon. Council. If Government does not take action in the matter in the immediate future I feel compelled to say, Sir, that I do. I feel that it is only by some such action as that that Government will be made to realise how exasperating the situation is. It is not the value of the cattle, which is a negligible item, but it is that night after night you are on the alert for these thieves. There is not a farmer along the border who has not two or three nights of the week to get out of his bed as he hears the dogs barking. It gets on one's nerves to such an extent that in despair of getting Government to do what Government should do they contemplate taking the law into their own hands, and I feel compelled to say that they are justified.

Now with regard to the Collective Punishments Ordinance. In this particular case I understand that the fine imposed was Shs. 1,100, whereas under the law it should have been Shs. 11,000. This is known in our district and the question is asked "what does Government mean when it actually goes against the law; they have one of these cases and impose one-tenth of the fine." I do not know whether the fine was imposed under the Collective Punishments Ordinance, but I want to know what Government has done in the matter. In regard to the Rev. Mr. Britton's suggestion that native chiefs in the district be consulted. They have been. I do not wish to be unfair to the Nandi. They are a fine race in many ways but they are very good at thieving. They are great people as cattle thieves and they find it difficult to settle down to the ordinary conditions of this country. It is impossible under present conditions to rely upon the chiefs to control their own people. I feel certain that the leading men are really anxious to put a

stop to this cattle thieving but it is the young men who do it and they have to be controlled, and the administration in the reserve is not such as will control them and that is why I insist upon it that they be made to pay for the maintenance of law and order.

HIS EXCELLENCY: I will now put the motion to Council.

The question was put and lost by 8 votes to 18.

Ayes: Lieut.-Col. Durham, Messrs. Freeman-Pannett, Conway Harvey, Captain Kenealy, Messrs. Morrison, O'Shea, Captain Ward, Mr. Wilson.

Noes: Messrs. Baker, Bale, Biss, Canon Britton, Messrs. Campbell, Dobbs, Colonel Doherty, Mr. Fitzgerald, Dr. Gilks, Messrs. Grannum, Hemsted, Huggard, Malik, Maxwell, Northcote, Major Rhodes, Messrs. Sikes, Goglon Smith.

BILLS.

THE MARRIAGE (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to move that a Bill to amend the Marriage Ordinance be read a second time.

Under the Principal Ordinance, Sir, the Registrar of Marriages in each district is required to register in a book, called "a Marriage Register," every certificate of marriage which is filed in his office, and he is also required each month to send the Registrar General a certified copy of all entries so made by him during the preceding month. These certified copies have been filed in the office of the Registrar General. Now, Sir, one of the objects of this short Bill is to provide an index for these copies of marriage certificates which are filed in the office of the Registrar General so as to render the copies of these certificates easily available to any person who wishes to obtain a copy, and provision is also made in this Bill enabling anybody to search this index, and, on paying a fee, to obtain a certified copy from the Registrar General.

The second object of the Bill is to provide a new and complete form of certificate of marriage. Hon. Members will notice from the present form that it is no more than a précis of the original certificate. What has happened in the past is that the Courts in England have declined to accept that certificate as evidence of the marriage to which it has reference and it is proposed now to insert a new and more complete form of marriage certificate, and so comply with the requirements of the English Courts.

I beg to move the second reading of the Bill.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I beg to second.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole House to consider the provisions of the Bill.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to second.

The question was put and carried.

In Committee.

The Bill was considered clause by clause.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Marriage (Amendment) Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill to amend the Marriage Ordinance has been considered in Committee, of the whole Council and has been returned to Council without amendment.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that Standing Orders be suspended to enable the third readings of certain Bills to be taken without due notice.

THE HON. CONWAY HARVEY: I beg leave to second.

The question was put and carried.

THIRD READINGS.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

On motion of the Hon. the Treasurer a Bill to amend the Widows' and Orphans' Pensions Ordinance was read a third time and passed.

THE COMPANIES (AMENDMENT) BILL.

On motion of the Hon. the Attorney General a Bill to amend the Companies Ordinance was read a third time and passed.

THE BANK (AMENDMENT) BILL.

On motion of the Hon. the Attorney General a Bill to amend the Bank Ordinance was read a third time and passed.

THE MARRIAGE (AMENDMENT) BILL.

On motion of the Hon. the Attorney General a Bill to amend the Marriage Ordinance was read a third time and passed.

EUROPEAN EDUCATION TAX: SELECT COMMITTEE.

HIS EXCELLENCY: I have to inform Council of the composition of the Select Committee to consider the question of the European Education Tax:—

The Hon. the Treasurer (Chairman).

The Hon. the Commissioner of Customs.

The Hon. A. G. Baker.

The Right. Hon. Lord Delamere.

The Hon. Elected Members for Nairobi South, Mombasa, the Lake, and Plateau South.

Are any other names suggested?

CAPT. THE HON. H. F. WARD: Your Excellency, I am not at all sure that I am not intended to act on the Committee, and not Captain Schwartz, who is not here. At the last session but one he asked that I should serve on Committees.

HIS EXCELLENCY: The alteration proposed is the substitution of the Hon. Member for Nairobi North for the Hon. Member for Nairobi South. With that alteration the Select Committee is appointed by Council.

(Council adjourned sine die.)

WRITTEN ANSWERS TO QUESTIONS.

POSHO MILLS.

CAPT. THE HON. H. E. SCHWARTZ:

"Is it a fact that the Commissioner of Customs has recently made a differentiation between small and large posho mills, leaving the large ones on the free list as agricultural machinery and levying a duty on the small ones? If so, on what basis has such differentiation been made?"

Reply:

The answer to the first part of the question is in the affirmative.

Milling plant imported for grinding posho for wholesale trading is admitted free of duty as machinery for industrial purposes under Table V, 34 (a), of the Customs Tariff Ordinance.

Machinery for industrial purposes has not been interpreted as including posho mills imported for—

- grinding posho in the course of retail trade;
- household use;
- grinding posho for issue to employees;
- retail sale by commercial firms.

EXPORT OF BUTTER.

CAPT. THE HON. H. E. SCHWARTZ:

"How much butter was exported from the Colony during the months of January and February, 1927?"

Reply:

15,530 lb. during January, and

11,580 lb. during February,

to the following destinations:—

	January.	February.
	lb.	lb.
Via Kilindini—		
Zanzibar	450	180
Tanganyika	2,680	700
Seychelles	—	500
Ships' Stores	400	200
Via Kisumu—		
Tanganyika	1,000	1,000
Uganda	9,000	9,000
Total	13,530	11,580

NAIROBI EDUCATION.

CAPT. THE HON. H. F. WARD :

" Will the Honourable Director of Education please state :—

- (a) The names of the Nairobi Education Committee for 1927.
- (b) The number of pupils in—
 - (1) The Senior Division,
 - (2) The Junior Division,
 for the years 1924, 1925, and 1926.
- (c) The number of Masters and Mistresses employed in Nairobi in respect of (1) and (2) above.
- (d) The total cost per head, including share of overheads, of education in respect of (1) and (2) above.
- (e) The fees paid per pupil in Nos. (1) and (2) above?"

Reply :

(a) (i) The names of No. 3 School Area Committee for European Education which includes Nairobi in its area are as follows :—

The Senior Commissioner, Nairobi, Chairman.
 The Headmaster, Government School, Nairobi.
 Captain H. C. C. de la Poer, for Nyeri.
 Major A. Holford Walker, for Nanyuki.
 J. L. Theron Focks, Esq., for Thika.
 Major H. Hemsted, for Kikuyu District.
 Major Walter Kirton, for Kyambu.
 The District Commissioner, Machakos, for Ulu.
 Dr. Mackinnon, for Nairobi.
 Rev. J. W. Wright, for Nairobi.
 Rev. J. F. G. Orr, for Nairobi.
 Mrs. G. E. Orr, for Nairobi.

(ii) The names of the Committee for the European School at Nairobi are :—

The Senior Commissioner, Nairobi.
 The Honourable the Director of Education.
 Mrs. G. C. Millet.
 Mrs. Duncan Beaton (acting for Mrs. T. A. Wood).
 Rev. J. F. G. Orr.
 Rev. W. J. Wright.
 Headmaster, European School, Nairobi.
 Senior Assistant Master, European School, Nairobi.
 Dr. Mackinnon.
 Chief Inspector of Schools.

(b) The numbers in the Senior Division for 1924 were 61; for 1925, 64; for 1926, 76. For the Junior Division the numbers were 169, 209 and 214 respectively for the same years.

(c) The work of masters and mistresses is not absolutely confined to one or other division of the school, but the number in the Senior Division has been 6 in each of the years indicated and 7, 8 and 8 in the Junior Division.

(d) The average total cost per head in the Senior School has been £40-4-0, £53-16-0, and £51-5-0, and in the Junior School £17-6-0, £23-14-0, and £23-14-0.

(e) The fees paid per pupil for tuition are Sh. 15 per mensem in the Senior, and Sh. 10 per mensem in the Junior Division.

NATIVE CIVIL HOSPITAL, KISUMU.

THE HON. CONWAY HARVEY :

" What steps are being taken by the authorities to abate the nuisance caused by the stagnant drainage from the Native Civil Hospital at Kisumu?"

Reply :

During last year a certain portion of the road drain on the north side of Blackett's Avenue was provided with a concrete invert with a view to abating to some extent the nuisance that was caused by the effluent from the Hospital. An estimate is now being prepared of the cost of dealing in a similar manner with the remainder of the drain in Blackett's Avenue.

It is realised that such measures can only be regarded as a temporary method of disposing of the effluent and the question of providing a sewerage scheme for Kisumu Township is receiving attention.

NURSING STAFF, KISUMU EUROPEAN HOSPITAL.

THE HON. CONWAY HARVEY :

" Has the Hon. Director of Medical and Sanitary Services been made aware of the fact that the sole nursing staff at the European Hospital, Kisumu, a short time ago consisted of one gallant lady who was on duty twenty-four hours per day?"

Reply :

The nursing staff of the European Hospital, Kisumu, consists of two nursing sisters who have elected to divide the duties into spells of twenty-four hours each.

NYANZA RAILWAY LAND.

THE HON. CONWAY HARVEY :

"How many complaints have been made to the Railway Administration by the Health Authorities during the last twelve months in regard to the existence of insanitary conditions on Railway land in Nyanza?"

Reply :

Two official complaints have been traced. In both cases action was immediately taken by the Railway Administration. There has, no doubt, been correspondence between the local officers of the Medical Department and of the Railway Administration, but as the Railway local officers have instructions to see that everything possible is done to deal with insanitary conditions reported by the Medical Authorities, the absence of reference to headquarters indicates that satisfactory action has, as far as funds permit, always been taken.

LAND REPORTS.

CAPT. THE HON. E. M. V. KENEALY :

"With the intention of making the application of the accepted policy of increased European settlement, its method and expedition, more generally known to residents of Kenya and others interested and since the native reserves have now been generally gazetted and demarcated, will Government publish annually a Land Report, and also furnish for publication a three-monthly statement giving detailed analysis of land alienated during the previous three months, and land under negotiation prior to or pending alienation?"

Reply :

Government will undertake that the Annual Report of the Land Department shall be published in future.

It is not at present thought that the value of a three-monthly statement would justify the amount of work involved, but further consideration will be given to the possibility of complying with this request.

SOLDIER SETTLERS.

CAPT. THE HON. E. M. V. KENEALY :

"Will Government furnish the names of serving soldiers who acquired rights under the Soldier Settlement Scheme, who have not yet occupied or developed their properties, and the Land Office numbers of these farms in Laikipia and North Nyeri?"

2. Are there any persons other than soldier settlers who have not yet fulfilled the conditions imposed, who still retain rights to their land, and if so will Government give reasons for allowing this?"

Reply :

The information asked for is as follows:—

Name.	Farm No.
Major C. N. Custance	2568
Lt.-Colonel Hon. C. M. Hore-Rutlven ...	2766
Major W. M. Tate	2764
Lt.-Colonel E. C. Anstey	2483
Major R. P. Watts	2453
Lt.-Colonel B. N. Sergison-Brooke ...	3189
Major F. Fitz-Gibbon	2865
Captain G. E. Hawkins	2487
Major E. B. B. Hawkins	2919
Major W. Wetherbe	2770
Colonel H. C. Hawtreay	3399

2. As regards farms alienated apart from the Soldier Settlement Scheme, the conditions have either been fulfilled or are not yet due for completion.

NAIROBI SLAUGHTER HOUSE.

THE HON. A. H. MALIK :

"In view of the close proximity of the most thickly populated area of the town—the area which has always been alleged to be in a perpetual state of insanitation—have the Medical Authorities ever given a thought to the nuisance the slaughter house with its reservoir of refuse causes to those living in its immediate vicinity in particular, to wayfarers on its surrounding roads and to the inhabitants of the town to whom the obnoxious odour from the said reservoir is carried by the breeze always blowing townwards in general?"

Do the Medical Authorities not consider it desirable that the town slaughter house should immediately be removed to some more remote and distant place? If they do, what steps do they propose to take?"

Reply :

1. The necessity for the construction of a modern slaughter house on a convenient site in Nairobi has been brought to the notice of the Council of the Municipal Corporation of Nairobi by the Medical Officer of Health.

The matter is referred to on page 42 of the Annual Medical Report of the Medical Officer of Health for 1925, a copy of which was transmitted to each Municipal Councillor.

2. With a view to minimising the nuisance which on occasion results from the septic tank at the slaughter house, certain alterations are in process of being carried out by the Municipal Council.

3. It is understood that a suitable site for a new slaughter house has been selected by the Municipal Council and that the Council is negotiating with the Railway Administration for its allocation for this purpose.

4. It is also understood that the Council has instructed its engineer to prepare plans for a modern abattoir.

5. The Medical Department is of opinion that a new slaughter house on a suitable site is desirable and has directed attention to the matter.

STANDING ORDERS.

CAPT. THE HON. E. M. V. KENEALY :

"Will Government state by what Standing Rules and Orders the proceedings of this hon' Council are conducted at present and when the amended rules are to be adopted?"

Reply :

The Standing Rules and Orders governing the conduct of business in Legislative Council are those adopted by the Council on 2nd November, 1923.

A Committee has recently considered revision of Standing Rules and Orders, but it is not proposed to submit any revised draft Rules for the consideration of Council until after the return of Sir Edward Grigg.

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