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COLONY AND PROTECTORATE OF KENYA.



Official Report of Debates in
Legislative Council,
1927.

VOL. I.
(PART 2)

NAIROBI:
PRINTED BY THE GOVERNMENT PRINTER
1927.

List of Members as at 10th May, 1927.

President:

HIS EXCELLENCY THE HON. E. B. DENHAM, C.M.G.

Ex-Officio Members:

ACTING COLONIAL SECRETARY (The Hon. G. A. S. Northcote).

ATTORNEY GENERAL (The Hon. W. C. Huggard, K.C.).

TREASURER (The Hon. R. C. Grannum, C.M.G.).

CHIEF NATIVE COMMISSIONER (The Hon. G. V. Maxwell).

DIRECTOR OF MEDICAL AND SANITARY SERVICES (The Hon. J. L. Gilks, F.R.C.S.).

DIRECTOR OF AGRICULTURE (The Hon. A. Hohn, C.B.E.).

DIRECTOR OF EDUCATION (The Hon. J. R. Orr, O.B.E.).

ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY
(Brig.-Gen. the Hon. G. D. Rhodes, C.B.E.,
D.S.O.).

ACTING COMMISSIONER OF LANDS (The Hon. A. G. Baker).

DIRECTOR OF PUBLIC WORKS (The Hon. H. L. Sikes).

COMMISSIONER OF CUSTOMS (The Hon. G. Walsh).

Nominated Official Members:

THE HON. T. FITZGERALD (Postmaster General).

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E. (Liwali
for the Coast).

COL. THE HON. A. G. DOHERTY, M.C. (Chief Veterinary
Officer).

LIEUT.-COL. THE HON. C. S. DAVIES, C.M.G., D.S.O. (Officer
Commanding Troops).

THE HON. C. M. DOBBS (Senior Commissioner, Nyanza).

THE HON. R. W. HEMSTED (Senior Commissioner, Kikuyu).

THE HON. H. R. MONTGOMERY (Acting Senior Commissioner,
Coast).

THE HON. W. F. G. CAMPBELL (Acting Senior Commissioner,
Ukamba).

THE HON. P. A. McELWAIN (Acting Solicitor General).

European Elected Members:

THE RIGHT HON. LORD DELAMERE (Rift Valley).
 THE HON. CONWAY HARVEY (Lake).
 THE HON. T. J. O'SHEA (Plateau South).
 CAPT. THE HON. H. E. SCHWARTZ (Nairobi South).
 CAPT. THE HON. H. F. WARD (Nairobi North).
 MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE, D.S.O.
 (Coast).
 CAPT. THE HON. E. M. V. KENYALA (Kenya).
 THE HON. G. G. ATKINSON (Mombasa).
 LIEUT.-COL. THE HON. C. G. DURHAM, D.S.O. (Kikuyu).
 LIEUT.-COL. THE HON. J. G. KIRKWOOD, C.M.G., D.S.O.
 (Plateau North).
 THE HON. F. O'B. WILSON, D.S.O., *Acting* (Ukamba).

Indian Elected Member:

THE HON. A. H. MALIK.

Arab Elected Member:

THE HON. HAMED MOHAMED BIN ISSA.

Nominated Unofficial Member representing the interests of the African community:

THE REV. CANON THE HON. J. BUITON.

Members Absent:

10th May, 1927—THE HON. T. J. O'SHEA.

12th May, 1927—NONE.

13th May, 1927—THE RIGHT HON. LORD DELAMERE.

14th May, 1927—THE RIGHT HON. LORD DELAMERE.
 CAPT. THE HON. E. M. V. KENYALA.

18th May, 1927—THE HON. SHEIKH ALI BIN SALIM,
 C.M.G., C.H.E.

THE HON. C. M. DOBBS.

THE HON. H. R. MONTGOMERY.

THE RIGHT HON. LORD DELAMERE.

THE HON. G. G. ATKINSON.

THE HON. HAMED MOHAMED BIN ISSA.



COLONY AND PROTECTORATE OF KENYA.

Legislative Council Debates,

1927.

SECOND SESSION.

TUESDAY 10th MAY, 1927

The Council assembled at 10 a.m. on the 10th May, 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.

- ✓ JAMES RUSSELL ORR (Director of Education).
- ✓ GEORFFREY WALSH (Commissioner of Customs).

NOMINATED OFFICIAL MEMBERS.

- ✓ SHEIKH ALI BIN SALIM (Liwali for the Coast).
- ✓ LIEUT.-COL. CHARLES STUART DAVIES (Officer Commanding Troops).
- ✓ FREDY ALEXANDER McELWAIN (Acting Solicitor General).

EUROPEAN ELECTED MEMBERS.

- ✓ MAJOR ROBERT WILLIAM BARRINGTON ROBERTSON-EUSTACE (Coast).
- ✓ GEORGE GLANVILLE ATKINSON (Mombasa).
- ✓ LIEUT.-COL. JAMES GEORGE KIRKWOOD (Plateau North).

ARAB ELECTED MEMBER.

- ✓ HAMED MOHAMED BIN ISSA.

PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS OF COUNCIL,

We meet under conditions which promise well for the agricultural prosperity of the country, though it is never wholly safe to prophesy as to crop prospects, while it is absolutely certain that there will be some farmers who will not get the weather they want.

But it can be said that the weather conditions for the first quarter of the year were very favourable for the preparation of land, and planting became general in March and April, while the rains this month have generally improved conditions. Coffee is a crop which always causes some anxiety. Present indications point to a record crop, but in some areas mealy bug is causing serious losses. The Agricultural Department is alive to the position and is co-operating in a Coffee Conference to be held on June 23rd, to which twenty-eight delegates from all the coffee-growing districts have been invited. It is hoped that this Conference will result in still further co-operation and co-ordination of effort. Government fully appreciates the necessity of taking all possible steps to assist in the investigation work on pests and diseases in coffee and their treatment, but in an industry which makes such large demands in these directions, necessitating very heavy overhead charges for establishment, some assistance may I think be looked for from the industry. The Coffee Conference should assist both in indicating the directions in which such help can be given and the best organisation obtainable.

No less than 760,897 bags of maize were exported during the first four months of the year—68,308 tons were carried over the Railway, as against 20,918 tons for the same period last year. This quantity was 28,000 tons above the amount the Railway undertook to carry, while the shipping space booked for maize for February was increased on representations being made from 6,800 tons to 20,000 tons (hear, hear), and the tonnage actually shipped during that month was 21,178 tons.

From January to April this year 115,922 tons of various commodities (coffee, cotton, maize, soda, etc.) have been railed to the Coast as against 87,500 tons during the corresponding period of last year, or nearly double the amount carried in 1926.

There has been an increase of nearly 50 per cent. in the tonnage landed at Kilindini pier up to the 23rd April and imports railed up-country for the first three months of the year show an increase of 16,570 tons, or nearly 43 per cent. over the figures for the corresponding period in 1926.

The revised figures of the Colony's financial position in 1926 show a surplus of £212,542; which is an increase of £2,542 on the figures I gave you at the last meeting of Council, and increases our surplus balance to £362,265.

It will be realised that at this early stage of the financial year it is not possible for Heads of Departments to state with any measure of certainty either to what extent their revenue collections for the whole year are likely to deviate from Estimate figures—this applies particularly to the case of Native Hut and Poll Tax—or the amount of savings that they may be able to show on voted expenditure.

• Departments have not been allowed, as formerly, to submit demands for inclusion in the Supplementary Estimates that are to be placed before Council at this session; they have merely been asked to state what savings, if any, they expect to accrue. It may safely be said that the few savings shown represent a very conservative estimate, and that the actual figure will be considerably higher.

I do not desire to detain you to-day with further figures.

The Acting General Manager will give you further particulars regarding railway finance and work before moving the second reading of the Ordinance to Amend the Supplementary Appropriation (Railway) Ordinance.

I am now able to make the following announcement with regard to the future working of the Mombasa Port.

An Agreement was signed on April 13th between representatives of the Railway and the Wharfage Companies relative to the methods of working. The following are the main provisions:—

The African Wharfage Company and the East African Lighterage Company to amalgamate. The amalgamated Company to do all-shore handling of general cargo and export under agreement.

The handling charges to the public to remain as at present, including the recent reduction in the export charges, but the proportion payable to the Port Authorities to be increased considerably, the proportion retained by the Wharfage Companies being reduced accordingly.

The agreement to operate from 1st of July next and to remain in force for nine years, subject to twelve months' notice thereafter, but charges to be subject to review every three years, and in the absence of agreement between the Port Authorities and the Wharfage Company to be referred to arbitration.

Oil in bulk, coal, minerals, soda, etc., are excluded from the terms of the agreement and lighterage is left free.

In view of the foregoing arrangements and the provision relative to port control, Lord Inchcape has agreed to the cancellation of the lease of Mbaraki. Mbaraki will thus become part of the general Port facilities.

The following system is approved :—

Control to be exercised by the High Commissioner of Transport through the General Manager, to whom, as Chief Adviser of Harbour Services, the Port Manager will report in regard to the Port Department in the same manner as in the case of the Railway, but as an independent head of a department of the Railway. The Port Manager will not be under the Railway Traffic Department, but to avoid duplication and unnecessary expense the General Manager will use the Railway engineering stores and accounting departments for Port Services.

The High Commissioner to be advised by a Port Advisory Board to be constituted on the lines of paragraph 97 of the Port Commission Report.

The Inter-Colonial Railway Council to have no jurisdiction in connection with the Port.

The Railway Estimates and Port Estimates to be prepared separately by the respective Advisory Boards and thereafter combined under the direction of the High Commissioner, submitted to the Kenya and Uganda Legislative Councils, and subsequently approved in terms of section 17 of the Order in Council.

The Port land to be defined as recommended in paragraphs 100 and 101 of the Port Commission Report, and to include houses, etc., transferred in connection with the recent transfer of the Port Captain's Department, such land whilst not alienated to the Port Authorities by the Government to be administered by the High Commissioner, subject to the advice of the Port Advisory Board in the interests of the general development of the Port, profits, if any, being set off against Port capital or interest charges. If the whole of the Mbaraki estate purchased is not required by the Port Authorities the Kenya Government to consider taking over a portion and to accept proportionate liabilities therefor.

While it must be understood in the interests of development that the Port cannot be made to pay for itself immediately and loss must be borne in combined Railway and Port Estimates, the Advisory Board must consider the system of charges recommended by the Port Commission with the object of steadily improving the financial position.

Such legislative provision by Order in Council as will be necessary to give effect to these decisions will be put before this Council in due course.

I feel sure that this Council will agree that the arrangements made are generally satisfactory and that our thanks are due to His Excellency the Governor for the settlement of this question which he has been able to effect in England.

Progress is being made in many directions. The Thika-Nyeri line has now been completed and handed over to the open line, and the extension from Nyeri to Narro Moru started.

It is hoped that the extension to Uganda will be opened under open line conditions before the close of the present year. The work on the Mpologoma Causeway and Bridge is progressing satisfactorily.

A report has now been submitted by a Committee which was appointed to consider the proposal to close the Makupa Causeway. This Report is still under the consideration of Government.

A start has been made by Messrs. Pauling's with the construction of two more deep-water berths.

You will be interested to hear of the progress being made in respect of public works in the Colony. The European School now being erected in Nairobi should be completed and ready for use by the beginning of next year. The Nakuru School should be finished shortly after Easter, 1928. The collection of materials for the Eldoret School is in hand and I hope that the work in connection with this School and Kitale School will be pushed on rapidly.

There has unfortunately been delay in starting the Indian School owing to difficulties in respect of the site, in connection with the proposals which were made for hospitals for the different communities at one centre. A Committee was appointed to make proposals as to the site for the hospitals, and their report has now been received and has been sent to the Municipal Council for their comments. The layout is now being prepared for the Indian School.

Housing at out-stations, which has been treated as an urgent work, is now progressing at Kitui, where construction has been started, and at Kwale, while Rumuruti and Kakamega will shortly be taken in hand.

The work at both Government Houses is reported by the Hon. the Director of Public Works to be progressing satisfactorily.

The housing of the African employees of Government is an urgent matter and work has been started on the site. Roads are under construction and material is being collected for block-making. Owing to the nature of the soil foundations will not be excavated until the rains are over.

The building of houses for the European and Asiatic officers of Government also demands immediate attention, and has received it from the Works Committee. A Special Committee was appointed for Mombasa which has reported in favour of the early construction of houses by Government.

and I trust that steps may be taken to give effect to their proposals. Government is at present faced with a very heavy bill for rentals for houses for its officers, which it is anticipated may reach £54,500 before the end of this year. It is now found that houses cannot be rented at rents equivalent to fifteen per cent of the officer's salary, which is the allowance made by Government where Government cannot provide an officer with a house. It is a matter for consideration whether a sum more in accordance with the actual expenditure which must be incurred on this account should not be added to an officer's salary, relieving Government of the obligation of providing quarters; the alternatives are that Government should at once embark on a building programme to be carried out either departmentally or by contract, or give advances to officers to build their own houses. These alternatives are still under the consideration of the Works Committee. The present position is uneconomic from every point of view.

The roads of the Colony are an urgent problem, and necessitate early action being taken. In order to secure a definite policy being undertaken as soon as possible a Central Roads Committee—on the lines suggested in the Local Government Commission's Report—has been appointed, and the Public Works Department has now got out a detailed scheme and illustrated by maps the most urgent road work to be undertaken for the consideration of the Committee, which, it is hoped, will put before Government at an early date their proposals for further immediate expenditure on roads. Government is satisfied that there is need to incur expenditure on the improvement of main roads and on the provision of adequate branch roads to the Railway. Mr. Moore's report will be laid on the table at this session of Council.

Other important reports which will be laid this session are the Report of the Labour Commission. I desire to express the thanks of Government to the Chairman (Mr. Holm, the Director of Agriculture), and the unofficial members, Colonel Griffiths, Commander Lawford, Captain Tyson, and Mr. E. A. Evans, for the care and trouble they have taken in the preparation of this useful Report. The figures showing the demand for labour and the probable supply up to 1929 will receive your full consideration. I would only add here that the view taken by the Commission should do much to increase confidence in the labour position in the Colony, as the Commission consider that the labour requirements of the Colony should be met, at any rate, for the immediate future. Valuable recommendations are made for the improvements in working and conditions both for employers and employed. In this connection I may mention that I have appointed a Committee to investigate the steps to be taken for the improvement of agricultural education among the native population.

The Report of the Stockowners' Conference will also be tabled.

I had hoped that the Report of the Local Government Commission might be laid on the table at to-day's meeting, but printed copies have not yet been received from England. They have been despatched and will, I trust, be ready for distribution before the close of this session.

The additional Royal Instructions in regard to the constitution of Legislative Council affecting the nomination of Indian Unofficial Members are tabled to-day. The Eastern African Indian National Congress has been communicated with and requested to submit names for consideration for nomination. The Congress has hitherto not been able to comply with my request; I have been asked to allow them further time to enable them to do so. I hope to be able to make an announcement to this Council that I have been able to fill the vacancies for nominated Indian members.

We have before us at this session several important measures.

The Defence Force Ordinance has been fully explained from this chair. A memorandum dealing with the Bill as it now stands and explaining the modifications from the original Bill was published in the Gazette on the 12th of January, and in introducing the measure the Colonial Secretary will deal fully with the provisions of the Bill. I need only now remind you that a Defence Force Bill was introduced into this Colony nearly six years ago.

The European Officers' Pensions Ordinance is a Bill to make provision for regularising the pensions and gratuities and other allowances to be granted in respect of the service of European officers in Kenya. It is based on a model Ordinance which has been prepared by the Secretary of State after exhaustive inquiry in England by a Committee on Pensions and Passage Expenses of Colonial Officers. This Committee deserves the thanks of all the Colonies for the care and trouble they have devoted to securing a settlement of a very difficult question on lines which are generally acceptable. Similar measures have been and are being introduced in all the Colonies, and I trust that Council will accept the Bill as it stands as a measure which will remove several notable disadvantages from which officers suffer at present by transfer from one Colony to another. It also provides for an officer exercising an option and taking a gratuity and reduce pension on retirement, a provision which should particularly appeal to officers in the Colony, which presents such remarkable attractions to the settler, and to all those who visit and work in it. A gratuity of an amount not exceeding one year's pensionable emoluments may be granted under the Ordinance to the legal personal representative of an officer who dies in the service.

The Customs Tariff Bill prescribes the provisions which will apply in regard to the levy and collection of import duty as between this Government and the Government of any

territory with which an agreement has been entered into under section 263 of the Customs Management Ordinance, relating to the removal of customs barriers. The question of entering into such an agreement has been the subject of correspondence between the Governments of Kenya and Tanganyika for a considerable time. On the 9th July, 1926, a communication was addressed to the Tanganyika Government enclosing a rough outline of the provisions which it was suggested should be included in the proposed agreement. Included in these provisions were certain "safeguarding clauses" to the effect that, in order to maintain uniformity, subscribing territories would undertake that no amendment of their respective Custom Management or Tariff Laws or Regulations should be made without prior reference to the other Governments concerned. On the 4th February this year a reply was received from the Tanganyika Government forwarding a draft agreement. This draft agreement, however, did not contain the safeguarding clauses above referred to. The Government of Uganda was then consulted and that Government agreed with the Government of Kenya in considering it highly desirable if not essential that the safeguarding clauses should appear in the agreement. Accordingly, on the 10th March, the views of the Governments of Kenya and Uganda were conveyed to Tanganyika. The Tanganyika Government replied on the 31st of March to the effect that they were unable to agree to the inclusion of the safeguarding clauses on the ground that they were foreign to the Tanganyika Territory Customs Tariff Ordinance, and not an essential part of the proposed agreement. With the concurrence of Uganda, an alternative proposal has now been made to the Tanganyika Government that the agreement should be executed in the form prepared by Tanganyika provided that Tanganyika is willing to agree to submit the question of the safeguarding clauses to the next Governors' Conference, and that in the meantime confidential and prior notification of any intention to effect independent tariff alterations shall be given by the Government concerned to the other parties to the agreement. It is hoped that Tanganyika will accept this proposal, in which case the agreement can be executed at an early date. It is believed that the removal of customs barriers which is proposed should further strengthen the close bonds between the territories.

It is the desire of this Government to work in the closest accord with our neighbours, and to co-ordinate legislation as far as possible; the Stamp (Amendment) Ordinance now before Council at this session is also a case in point.

It is a matter for gratification that at the first Colonial Conference held in England, which commences to-day, three of the East African territories—Kenya, Tanganyika and Northern Rhodesia—are represented by their Governors. I have telegraphed on behalf of the Colony our good wishes for the success of this Conference.

I trust that the proceedings of this Council may also be conducive to the further prosperity and progress of Kenya. (Applause.)

MINUTES.

The Minutes of the meeting of March the 12th, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

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

Additional Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Kenya in regard to the Constitution of the Legislative Council thereof.

Rules passed under the Legislative Council Ordinance.

Annual Report of the Judicial Department for 1925.

By THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES):
Report on the Kenya Road Problem, by Mr. R. S. MOONE.

By THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH):
Annual Trade Report of Kenya and Uganda for the year ended 31st December, 1926.

THE HON. THE COMMISSIONER OF CUSTOMS: This Report is in the hands of the printer and copies will be circulated in due course.

By THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM):—
Proceedings of the South and East African combined Agricultural, Cotton, Entomological and Mycological Conference held at Nairobi in August, 1926.

Report of the Proceedings of the Stockowners' Conference held in Nairobi in January, 1927.

Report of the Labour Commission appointed by His Excellency this year.

By THE HON. THE CHIEF NATIVE COMMISSIONER
(MR. MAXWELL):—

Statement of the Local Native Council Funds for the year 1926.

ORAL ANSWERS TO QUESTIONS.

SHOP HOURS ORDINANCE.

CAPT. THE HON. H. E. SCHWARTZ asked:—

When does Government intend to apply the Shop Hours Act to Nairobi?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE: Recommendations in regard to applying the Shop Hours Ordinance to Nairobi have been made by the Municipal

Council and the Chamber of Commerce. Government desires to see this Ordinance applied to Nairobi at an early date and is at the moment in correspondence with the Municipality on certain points of detail.

LAND EXCHANGE WITH MAJOR TOTTENHAM.

THE HON. CONWAY HARVEY asked :—

Will Government be pleased to furnish a detailed statement of all the facts in connection with a proposed land exchange with Major Tottenham?

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKEN) : The details are as follows :—

The Laikipia Land Extension Board recommended the grant of 1,000 acres of Forest Reserve in Laikipia containing three springs to Melwa Syndicate.

The Acting Conservator of Forests was prepared to give up these springs if accommodated by an exchange of land that would give his department the water on farm 2462.

Farms 2462 and 2464 (approximately 9,000 acres) had been allotted under the Soldier Settlement Scheme to Major and Mrs. Tottenham; these farms were undeveloped, as Major Tottenham was still on the active list, but the allottees agreed to surrender in exchange for land elsewhere.

Subsequently Major and Mrs. Tottenham sold their interests to Mr. Bear, who has been informed that Government agrees to offer him in exchange land on the slopes of the Mau on the Kericho side on a basis of value for value, and that a final offer will be made to him so soon as the land values in the areas in question have been ascertained.

THE HON. CONWAY HARVEY : Your Excellency, may I ask whether this matter was referred to the Kericho District Committee, in accordance with the pledge made in December last by the Commissioner of Lands?

THE HON. THE ACTING COMMISSIONER OF LANDS : The reply is in the affirmative.

MOMBASA FERRY SERVICE.

THE HON. G. G. ATKINSON : I beg leave to ask that the question which stands in my name be postponed.

HIS EXCELLENCY : The question is withdrawn from the day's proceedings.

FISHING LICENCES.

CAPT. THE HON. E. M. V. KENYALY asked :—

Since many residents find it impossible to spend more than a day every year fishing, and since there is a general desire for a daily fishing licence, will Government authorise the issue of daily fishing licences forthwith?

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOUM) : Government proposes to introduce one-day fishing licences at an early date. (Hear, hear).

RAILWAY OFFICES.

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

How many Europeans have been engaged in connection with the building of the new Railway offices?

What is the nationality of these Europeans?

What is the individual rate of salary of each of such Europeans?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BRIG.-GENERAL RHODES) :—

1. Three Europeans are employed on the construction of the new Railway Headquarters Offices, in the preliminary organization that has been improvised pending final decisions as regards plans and materials.

- | | |
|----------------|-------------------|
| 2. One British | Mr. G. V. Noble. |
| One Danish | Mr. S. Jorgensen. |
| One Norwegian | Mr. T. Tebbason. |

3. £378 per annum with permanent staff privileges.
 £420 per annum without any privileges.
 £150 per annum without any privileges.

HIGHLANDS AND LOWLANDS.

THE HON. A. H. MALIK asked :—

(a) What part of the country is "Highlands"?

(b) What part of the country is "Lowlands"?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE) : The delimitation of these areas presents certain difficulties. The question is receiving further consideration.

HIS EXCELLENCY : The next six or seven questions are, I believe, in the Hon. Member's name. I think it will be best that answers be given to your questions consecutively.

THE HON. A. H. MALIK : As Your Excellency pleases.

INDIAN AGRICULTURE.

THE HON. A. H. MALIK asked :—

(a) Will the Hon. Director of Agriculture please state why statistical information is not available regarding the Indian agricultural activities?

(b) What steps the Department of Agriculture has taken to get the necessary information?

(c) In the above referred to census it is stated ' but it is believed that there is no marked change in the development of their (Indians') holdings.' Is it so because the Indians have developed their holdings to their fullest capacity and no change can possibly be effected?

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

(a) It is regretted that, owing to the illiterate character of the Indian farming population as a whole, the census schedules cannot be properly completed.

(b) In 1920, the late Manager of the Kibos Experiment Farm was requested to act as enumerator and he succeeded in collecting useful information, which was published in the report of that year. In the following year administrative officers assisted in the collection of information, which was published in the 1921 Report. In the two succeeding years the Indian Association was asked to assist and some data was thus obtained, but the results fell short of previous figures. It became clear that the information furnished was not sufficiently reliable for statistical purposes, and from that date it was therefore decided not to publish detailed figures.

The Department of Agriculture will be glad if the hon. Member can suggest any satisfactory means, whereby a reliable census of Indian agriculture can, in the circumstances, be obtained.

(c) The reply is in the negative.

GRAZING LAND.

THE HON. A. H. MALIK asked :—

(a) What area is required for grazing per head of cattle?

(b) What area of grazing land is available in Kisumu-Londiani District and what portion of such land is availed of by farmers of the district?

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

(a) The area varies between different districts. It may be as low as two acres and as high as twenty acres.

(b) In the Kisumu-Londiani District the total area available for non-native occupation is about 360,000 acres. Of this it is estimated that about 38,000 acres are under crop-cultivation by non-natives. Most of the remainder is available at present for grazing purposes. It is not possible to give figures regarding the area actually so used but the number of cattle in the possession of non-natives in the area referred to is approximately 20,000, in addition to which there are approximately 14,000 head of cattle and about 28,000 sheep and goats, the property of natives resident on European holdings.

AGRICULTURAL CENSUS.

THE HON. A. H. MALIK asked :—

In 34 pages of the Agricultural Census for 1926, Indian agriculture has been reported in only 60 words. Does the Government consider it a fair treatment of the subject?

THE HON. THE DIRECTOR OF AGRICULTURE : The Report of 1926 should be read in conjunction with that of previous years. Allusion has already been made to the paucity of information available in regard to Indian agriculture. The reply to the hon. Member is in the affirmative.

RESERVATION OF LAND—LOWLANDS.

THE HON. A. H. MALIK asked :—

(1) Has any area of land in the lowlands been reserved for Indians as stated in the last paragraph, clause 8 of the White Paper? If so :

(a) When and how such reservation was made to the Indians of the country;

(b) How many Indians did avail of such land;

(c) What experience has thus been gained so far;

(d) When the ' limited period ' is to expire?

(2) If, however, the above reservation has not so far been made, when the Government propose doing so?

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

Effect was given to the policy laid down by clause 8 of the White Paper on the Indian Question by the provisional reservation for Indian occupation of :—

(1) 1,000,000 acres north of the Voi-Taveta Railway; and

(2) 100,000 acres on the banks of the Tana River. The reservation was to remain open for one year; if at the end of this time a reasonable number of applications was received the offer was to be kept open for a further year.

This proposal was communicated to the Indian National Congress on the 8th January, 1924, for acceptance and an expression of their views. On the 16th May, 1924, the Hon. Secretary of the Congress intimated that arrangements were being made to make a reconnaissance survey of the land. So far as Government is aware the Indian National Congress has taken no further action.

No applications from Indians for any portion of the land thus provisionally reserved were received until October, 1926, when some forty Indians applied for portions of the Taveta block.

The "limited period" for which the original proposal was made has already expired.

RAILWAY SUBORDINATE STAFF.

THE HON. A. H. MALIK asked :—

Has the attention of the Government been called to the great dissatisfaction prevailing among the Asiatic Railway Subordinate Staff owing to one-sixth cut in their salaries and is it not now possible to restore the cut? If the answer is in the negative will Government state reasons for inflicting this hardship upon the Asiatic Staff?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BRIG.-GENERAL RHODES) : The matter is now one for reference to the High Commissioner in the first instance but I may add that representations regarding the one-sixth cut in the salaries of the Asian Railway employees have been received and have been fully considered both by Government and by the Secretary of State.

JUNIOR ASIATIC STAFF—RAILWAY.

THE HON. A. H. MALIK asked :—

Has the attention of the Government been called to the serious hardship to which the Junior Asiatic members of the Railway clerical staff are put by travelling in 3rd class on the Kenya and Uganda Railway when on leave of transfer?

An Asiatic clerk is placed on the same footing in this respect as a native sweeper or a pointsman. When do the Government propose to remove this disability? Does not the Government feel that this should be done at once?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BRIG.-GENERAL RHODES) : Representations on this subject have been received from time to time, but it is not considered that any serious hardship is involved, as Asians in similar circumstances paying their own fares regularly travel 3rd class.

It is not intended to make any alteration in the existing rules at the present time.

ATTACKS ON INDIAN DUKAS.

THE HON. A. H. MALIK asked :—

(1) Has the attention of the Government been called to the repeated "hold-ups" of Indian dukas in the country by armed natives and what steps the Government have taken to stop such occurrences?

(2) Does not the Government consider it necessary to grant licences to possess effective arms of protection such as rifles and revolvers in desiring cases and reverse the present policy of refusing applications to possess these arms in almost 99 per cent. cases?

THE HON. THE ACTING COLONIAL SECRETARY :—

(1) During the last sixteen months there have been seven of these crimes. Of the last three, two have led to convictions and the third is under investigation.

Police action to prevent re-occurrence of this class of crime has been extra night patrols and increased surveillance over undesirable characters. Special attention is being paid to this class of crime by the Criminal Investigation Department.

(2) During the last sixteen months 225 applications for firearms have been made by Asiatics. Of these 100 out of 108 have been granted for shotguns, 40 out of 61 for rifles and 23 out of 56 for revolvers.

DEFENCE FORCE BILL.

THE HON. A. H. MALIK asked :—

Will the Government make provision in the proposed Defence Force Bill to enable His Britannic Majesty's Indian subjects resident in the Colony, promptly and effectively to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law, side by side with their fellow subjects of European origin?

In case the answer being in negative, will the Government state reasons for same?

THE HON. THE ACTING COLONIAL SECRETARY : As stated in reply to a question on this point in Legislative Council on October 23rd, 1923, Government prefers in the initial stages of this organization to confine it to Europeans. The extension to include Indians will be considered when the Defence Force has come into existence. If a desire is manifested by the Indian community as a whole for such a step to be taken.

RESIDENTIAL PLOTS—ELDOROT TOWNSHIP.

THE HON. A. H. MALIK asked :—

Will Government please put to auction the residential plots in Eldoret Township in order to relieve the serious congestion in the present Bazaar area?

THE HON. THE ACTING COMMISSIONER OF LANDS : It is proposed to hold an auction of Class " B " residential plots in the near future.

BILLS.**FIRST READINGS.****THE DEFENCE FORCE BILL.**

On motion of the Hon. the Acting Colonial Secretary the Defence Force Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE BILLS OF EXCHANGE BILL.

On motion of the Hon. the Attorney General the Bills of Exchange Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE STAMP (AMENDMENT) BILL.

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

Notice was given to move the second reading at a later stage of the Session.

**THE SUPPLEMENTARY APPROPRIATION (RAILWAY)
(AMENDMENT) BILL.**

On motion of the Hon. the Acting General Manager, Kenya and Uganda Railway, the Supplementary Appropriation (Railway) (Amendment) Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE CUSTOMS TARIFF BILL.

On motion of the Hon. the Commissioner of Customs the Customs Tariff Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE CUSTOMS REVENUE ALLOCATION BILL.

On motion of the Hon. the Commissioner of Customs the Customs Revenue Allocation Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE EUROPEAN OFFICERS' PENSIONS BILL.

On motion of the Hon. the Treasurer the European Officers' Pensions Bill was read a first time.

Notice was given to move the second reading at a later stage of the Session.

THE TOWN PLANNING (AMENDMENT) BILL.*Suspension of Standing Orders.*

THE HON. THE ATTORNEY GENERAL : I beg leave to move the suspension of Standing Orders to enable a Bill to amend the Town Planning Ordinance to be read a first time. Hon. Members are aware, Sir, that Standing Orders require that a Bill should be published not less than 28 days before its first reading. The present Bill has been published for 27 days; therefore it is a day short. I think hon. Members will agree that it is convenient to read the Bill a first time to-day so as to enable all the second readings of Bills to be taken on Thursday.

THE HON. THE ACTING COMMISSIONER OF LANDS seconded.

HIS EXCELLENCY : It is moved that Standing Orders be suspended in order to take the first reading of the Town Planning (Amendment) Bill.

The question was put and carried.

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

Notice was given to move the second reading at a later stage of the Session.

(Council adjourned to 10 a.m. on Thursday,
12th May, 1927.)

WRITTEN ANSWERS TO QUESTIONS.

KENYA AND UGANDA RAILWAY : ASIATIC PASSENGERS.

THE HON. A. H. MALIK :

(a) Is it a fact that a telegram was received by the Hon. the General Manager of Railways from Muhoroni on or about the 14th April, reporting the inconvenience caused to about 26 second-class Asiatic passengers, including ladies and children, who were accommodated in third class, and requesting him to make suitable arrangements from Nakuru?

(b) If it is so, what action did the Hon. the General Manager take?

Reply :

(a) It is a fact that a telegram was received from Muboroni at 18.15 hours on April 14th, to the effect that about twenty second-class Asian passengers, mostly with families, were given third-class accommodation, and asking that suitable arrangements be made at Nakuru.

(b) It was impossible to take any effective action to comply with the request, as there was no spare second- or first-class rolling stock at Nakuru.

On this occasion a large number of passengers from both Uganda and Kenya were travelling to the Coast to join outward bound steamers. In addition a large number of passengers arrived at the Coast by an inward steamer, and the rolling stock used for these passengers only arrived at Nairobi an hour before leaving again with Coast passengers. It is obvious, therefore, that this rolling stock could not have been worked to Nakuru in time for the down mail train. It is regretted that inconvenience should have been caused to these passengers, but under the circumstances it was unavoidable.

The General Manager, Kenya and Uganda Railway, has frequently informed the Council that there is a shortage of passenger rolling stock, which would have been overcome had the new rolling stock which was due to arrive last September been received. He has recently been notified that these coaches are now being delivered, and the first is expected to arrive in the Colony early next month, so that there is every prospect of an early improvement in this respect.

KENYA AND UGANDA RAILWAY : SPARE PASSENGER CARRIAGES.

THE HON. A. H. MALIK :

(a) Is it a fact that no stock of spare passenger carriages is kept at any station other than Nairobi (including Mombasa and Kisumu, the two termini of the main Railway)?

(b) If it is so, what is the reason for it?

Reply :

(a) There is no spare stock on the system. Coaches do, however, stand over for brief periods, when not actually in use, at such centres as Mombasa, Nairobi, Nakuru, Eldoret, and Kisumu, while fumigation or minor repairs are effected.

(b) The reason for the shortage of stock is that coaches for new branch lines have had to be provided, and this has reduced those available for main line services. Orders were placed two years ago for additional coaches, but owing to industrial

troubles in England these orders have been delayed. Advice has been received that these coaches are now being shipped, and it is anticipated they will be in service before the end of this year.

In addition to dining cars, the new coaches will provide accommodation for 240 first-class, 210 second-class, and 800 third-class passengers.

Further orders have been placed this year for coaches to provide accommodation for 80 first-class, 168 second-class, and 816 third-class passengers.

KENYA AND UGANDA RAILWAY : RESERVED ACCOMMODATION.

THE HON. A. H. MALIK :

How the reservation of accommodation on trains or steamers is regulated?

Reply :

The allocation of accommodation on trains and steamers is regulated generally in order of priority of booking, but on occasion when bookings are excessive this procedure has to be departed from, in order that the best use may be made of all the accommodation available. Preference is then given to ladies and invalids.

In such cases, passengers are warned that accommodation cannot be guaranteed, but every effort is made to provide the best accommodation possible for all passengers desiring to travel.

THE HON. A. H. MALIK :

When a passenger's name is booked for a particular train or ship, and a ticket issued by the Railway Administration, can the passenger holding such ticket safely expect the accommodation for which he is booked?

Reply :

Under normal conditions this would be so, but circumstances arise from time to time when the number of passengers wishing to travel at the same time exceeds the accommodation available, as, for instance, when several steamers arrive and depart from the Coast within two or three days of each other. Modifications in original bookings are then unavoidable.

Should no accommodation be available, the passenger is entitled to a refund, as laid down in section 67 of the Railways Ordinance, 1910.

KENYA AND UGANDA RAILWAY : ASIATIC PASSENGERS.

THE HON. A. H. MALIK :

Is it a fact that Asiatic passengers are intentionally accommodated in old carriages (first and second class) whenever such are available?

Reply :

The answer is in the negative.

NATIVE AGRICULTURE.

THE HON. A. H. MALIK :

On page 22 of the Agricultural Census for 1926 estimates of the value of agricultural exports of 'native origin' are given. How are these arrived at?

Reply :

These estimates have been arrived at by the Agricultural Department after closely studying the source of origin of the various products. The knowledge possessed enables estimates to be framed with a considerable degree of accuracy.

ROAD TO EASTLEIGH.

THE HON. A. H. MALIK :

Will the Hon. the Director of Public Works please state when he proposes to start construction of the road to Eastleigh, for which a sum of £1,000 was set apart by this hon. House?

Reply :

The construction of the Eastleigh Road will be carried out after decision has been arrived at regarding the alignment.

NAIROBI SHAMBA PLOTS.

THE HON. A. H. MALIK :

Will the Government consider to grant immediately long leases to holders of shamba plots in Nairobi as recommended by the Nairobi Town Council some time ago?

Reply :

Government considers it inadvisable to make any commitments in this respect until the Town Plan has been finally approved.

KILINDINI PIER.

THE HON. A. H. MALIK :

Will the Government, please state whether it is a fact that steamers only from and to Europe set down or take passengers from the new Kilindini Pier, and not those from or to India?

If so, who is responsible for this discrimination, and why?

Reply :

Ships are berthed alongside the deep-water wharf at Kilindini subject to application being made by the shipping companies. All applications received are listed, and berths are allotted, if not already occupied, in strict rotation of arrival of the steamers.

None of the vessels carrying passengers to and from India have been berthed up to date as no application has been received to berth the vessels from the shipping company concerned.

RAILWAY AND PORT BOARDS.

THE HON. A. H. MALIK :

Has the attention of the Government been called to the fact that the Indian community of Kenya, which contributes a large share to the Railway and Port revenue, has no representation either on the Railway Board or Port Control Board?

Will the Government appoint an Indian member to each of these bodies?

Reply :

Government is aware that there is no Indian member on the Inter-Colonial Railway Council nor on the Port Advisory Board. It is not the intention of Government to provide for the representation on such bodies of racial interests as such. The present representation, as laid down in the Order in Council, is considered satisfactory. There is no such body as the Port Control Board.

BOARD OF HEALTH.

THE HON. A. H. MALIK :

Has the attention of the Government been called to the fact that the Indian community has no representation on the Board of Health of the country?

Will the Government appoint an Indian member to the Board of Health?

Reply :

Government is aware that there is no Indian member on the Central Board of Health. Members of the Central Board of Health are appointed on account of the possession of special knowledge of medical or sanitary science, or of special experience in local or central public health administration. Should it appear to Government that the expert view with regard to any of the above matters might best be presented by an Indian, there is no reason why such Indian should not be appointed, but it is not the intention of Government to make provision for the appointment of members to represent communities as such, and apart from the possession of special qualifications to advise Government on professional or technical matters connected with public health administration.

THURSDAY, 12th MAY, 1927.

The Council assembled at 10 a.m., on the 12th May, 1927, His Excellency the Acting Governor (THE HON. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: Hon. Members, before proceeding to the business of the day I desire to express on behalf of you all our gratitude to Lady McMillan for letting this Council have this excellent portrait of Sir Northrup McMillan. (Hear, hear.) It has been my pleasant lot at this Session to welcome to this Council new Members who have joined us. It is a source of pleasure to us all to have this picture of one of the oldest Members with us—one whose name will always be remembered, not only in this Council but throughout this country, with grateful admiration as one who was devoted to the true interests of Kenya and its people—a generous warm-hearted friend of this Colony.

MINUTES.

The Minutes of the meeting of the 10th of May, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to lay on the table Rules made under the Civil Procedure Ordinance, 1924.

In doing so may I draw the attention of hon. Members to the section of the Ordinance under which these Rules are made, which reads as follows:—

(3) Section 83:—"Rules made under this section shall be laid as soon as conveniently may be before the Legislative Council; and if a resolution is passed within forty days of their being so laid before the Legislative Council praying that any such rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder."

MOTIONS.

COMPASSIONATE GRATUITY: WIDOW OF LATE MR. AHMED HUSSEIN.

THE HON. THE TREASURER (MR. GRANNUM):

"In consideration of the destitution of the widow of the late Mr. Ahmed Hussein who, after rendering 13 years 7 months and 25 days' satisfactory service in the Government Printing Press of this Colony, died at Nairobi on the 11th of November, 1926, this Honourable

Council is pleased to award her a Compassionate Gratiuity of Shs. 2,100—which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him at the time of death."

THE HON. THE ACTING COLONIAL SECRETARY (MR. NOUNICORE): I Leg leave to second the motion.

THE HON. T. J. O'SHEA: Your Excellency, in view of the statement made by the Hon. the Treasurer, on the occasion of moving the last motion of this nature, I should have thought he would have given this hon. Council an explanation as to why another such motion should come forward so soon. I should also have thought he would have repeated his assurance that such motions would soon cease to come before the Council.

THE HON. THE TREASURER: I do not think it is necessary to repeat the assurance that I gave before. When I give an assurance it is an assurance. The reason why the necessity has arisen for this motion is because it takes time to prepare a scheme such as a Widows' and Orphans' Pension Fund. That scheme is in course of preparation now, but it may be necessary even at the next meeting to bring forward a similar motion. Everything possible is being done to complete that scheme.

MEALIE BUG AND STALK-BORER.

CAPT. THE HON. H. E. SCHWARTZ:—

"That while fully appreciating the efforts already made by the Department of Agriculture in this respect, this hon. Council is of opinion that it is of the greatest importance that Government take further immediate steps to deal with the grave menace which is threatening coffee in the form of mealie bug, and maize in the form of stalk-borer."

Your Excellency, I would wish to preface my remarks by making it perfectly clear that this motion is not meant or intended in any way to throw discredit on the Department of Agriculture or in any way to criticise the excellent work that has been and is being done by that Department to fight the disease which is attacking coffee and the disease which is attacking maize. I think that the opening words of the motion will clearly corroborate what I have just said. So far as concerns the stalk-borer which is attacking maize, although I am given to understand on all hands that a very serious menace has to be met, this is a matter the details of which are better known to my hon. Friend the Member for the Lake, who is seconding this motion and he will deal more particularly with that part of the motion.

I would wish now to confine myself to the remarks that I have to make to the question of coffee and mealie bug. Now, Your Excellency, I do not think it can be seriously gainsaid that when the Estimates were being prepared last year it was not thought possible that mealie bug would increase so much by May of this year. What the cause of that is is a matter possibly of disagreement and conjecture. It has been suggested that the spread of mealie bug is to a very large extent due to the unfortunate episode of the preparation of cresoto which, so far from acting as a prophylactic to mealie bug, destroyed a large number of trees and caused a great deal of loss to the coffee planters of this country. No doubt, with regard to those farmers who were unfortunate enough to use this cresoto the spread of mealie bug was increased by the failure of that preparation to do its duty, but the fact remains that those farmers who did not use this preparation, but who kept using the old cresoto, have also had a very large increase in mealie bug in the past few months. Enquiries show that the gross financial loss to this Colony to date within six months owing to mealie bug has been estimated at a minimum of £150,000, which I think all hon. Members will agree is a very serious state of affairs; and one that requires every possible step being taken to counter.

I am indebted to my hon. friend the Member for the Lake for certain figures of which I was not aware and which surprised me. It appears that 39 per cent. of the European population of this Colony are coffee planters and 34 per cent. of the agricultural exports of this Colony is coffee. That shows not only what everyone knew—that coffee is one of the most important industries of the country but that it is a vital industry of the country and that any serious loss to the coffee production of this country must affect the whole country and everyone in the country, that the loss of export and the consequent loss, with corresponding loss to the financial revenue of the Colony, must affect everybody in the Colony.

I would like, Your Excellency, if I may, to say—I have been particularly asked to do so—that all the coffee planters in this country who come into contact with him, have nothing but admiration for the extraordinarily good work which has been done by Mr. Kirkpatrick, but everyone feels, and I am speaking for the coffee planters of this Colony, that that excellent work can be doubled and trebled for the good of the Colony, if more scope is given.

I have put the motion in this form because it will be against the Rules of this House to move any resolution suggesting an increase of financial provision, but what I am asking Government to do is to appoint immediately either a Select Committee of this House or a Committee consisting of Members of this House and persons outside it who are interested in the coffee industry to take evidence without delay

and to report to Government as to whether it is necessary to have further financial provision immediately, and if so, what financial provision should be made and for what purpose.

I understand that it is at least possible that this Committee will find that the financial provision necessary for this year will not be a large one.

I understand that it is possible that a tremendous lot of good can be done and a great check effected by the addition probably of a travelling laboratory, by an increase in the travelling vote, and possibly the addition of one inspector to save Mr. Kirkpatrick having to do all the inspecting himself.

I understand also—I speak subject to the technical knowledge of the Hon. the Director of Agriculture, Mr. Kirkpatrick's chief—that he has carried out experiments and that he is engaged on the breeding of parasites which will destroy the mealic bug.

I understand his idea is to prepare a preparation of food by which parasites can feed and multiply and that those parasites can at the right moment be taken away and let loose where the mealic bug is, and I understand that those experiments will be very much benefited and can be done much more effectively and much more quickly if certain extra provision such as I have suggested is made.

It may seem that the appointment of such a Committee is unnecessary or redundant in view of the fact that the Coffee Conference is sitting in the last week of June. Your Excellency, I suggest that that is not so. I suggest that the two things will, so far from being opposed to each other, be complementary, more especially as the Director of Agriculture will not be able to attend the Coffee Conference and will be essentially the person to be appointed Chairman of a Committee such as I suggest, and I am quite certain that the Coffee Conference will be enormously helped if this hon. Council—this Government—lays the report of such Select Committee before them. By acting in this way, as I hope they will, and by placing facts before the Coffee Conference, it will show the country its determination to destroy this pest.

I do not wish at this stage to enter into what may be a controversial matter in view of certain remarks which Your Excellency made on Tuesday last, in which you rather foreshadowed a coffee cess, but I do say that as far as the coffee experimental work in this country is concerned, and so far as the life and health of coffee plants in this country are concerned—and I think I am speaking for every Elected Member in this hon. House—it is not a matter for the industry but for the whole Colony, just as much as the health and life of the human beings in this country are the concern of the whole Colony so is the health and life of the coffee plants a matter for the whole Colony.

I trust Government will see its way to accept this motion by agreeing to the appointment of one of the two Committees I have suggested, and I also trust that the Committee when appointed will get down to matters with the least possible delay, and if possible report back to this hon. Council before we adjourn at the end of this Session.

THE HON. CONWAY HARRYE : Your Excellency, in seconding this motion I should like to say that in my humble opinion it is of vital importance in a country solely dependent on agriculture as is Kenya Colony, that Government should do everything possible to keep the industry in a healthy state. By this I do not mean that public funds should be disbursed in feeding individual plantations and farms, but Government alone, Your Excellency, is in a position to carry out systematic experimental and research work which would enable them to put individuals wise as to what remedial measures should be taken in order to combat pests and disease. It is hard, Sir, to define where the duty of Government in this matter begins and ends, and what is the duty of the industry itself, but as the learned Mover of the motion has suggested, Sir, I would emphasize the fact that it is the bounden duty of Government to concern itself with what the Noble Lord has described as "the public health" of coffee, maize, and anything else.

The individual, or a combination of individuals, should always be responsible for what I may describe as the technology of the industry. The Agricultural Department of Kenya has performed a very great deal of very useful work. It fairly sparkles with what may be termed "illuminating statistics." But I have always held the view that insufficient attention has been afforded to original research work. My hon. friend the Director of Agriculture will no doubt quite clearly indicate exactly what his Department has done in connection with the two subjects before the House at the moment. I do not wish to make any invidious comparisons, Your Excellency, but last year, in spite of the opposition of elected Members, a new appointment was made in the Agricultural Department, under the title of "Livestock Officer." I do respectfully suggest, Your Excellency, that that office might very well have been substituted by an additional assistant entomologist, and I do consider that the Colony would be getting far better value for its money if it were spent in that way. I have no doubt my hon. friend will fully explain the attitude of his Department in this connection.

Now, Sir, in my humble opinion, coffee, the premier industry of Kenya, has never received its fair share of Government recognition. The total agricultural exports, Your Excellency, for the year 1919 amounted to £726,000, of which coffee contributed no less than £241,000. In 1926, Your

Excellency, coffee slightly gained in comparison. The total exports of domestic agricultural produce amounted to £2,000,000, to which coffee contributed no less than £772,000. Now, Sir, the total vote for the Agricultural Department in the year 1923 amounted to £81,000, of which only £1,000 was devoted directly to coffee. In 1926, the total Agricultural Department vote had increased to £116,000, but only £1,500 were devoted to coffee purposes. Taking everything into consideration, it is just possible, by a generous system of calculation, that coffee receives as much as between £3,500 and £4,000 per annum—and this, Your Excellency, for an industry which provides over 33 per cent. of the total exports of the Colony, and an industry, Your Excellency, which has been very directly responsible for white settlement in Kenya, and the possibility of far closer European settlement in the future.

As the industry makes a direct contribution to revenue of £1,000 per annum through the Registration Tax, the net contribution by Government to the coffee industry amounts to the enormous sum of £200 a year.

Now, Sir, to turn to maize and the stalk-borer. Thanks very largely to the statesmanlike action of Government in carrying into effect the recommendations of the Economic and Financial Committee seven or eight years ago, maize cultivation and the maize industry have increased by leaps and bounds. I suggest, Sir, that it is now of importance to Kenya possibly second only to coffee, and it is pregnant with future possibilities so long as efforts are taken by Government to nip in the bud such diseases and pests as can be so dealt with in the very early stages, before they become, Sir, such a serious menace as they have become in many other maize-growing countries. In this connection, Your Excellency, I would point out that in South Africa the maize stalk-borer is regarded as by far the most serious maize pest with which they have to contend, and it is responsible for a loss, so it is estimated by people in the best position to know, at not less than ten per cent. spread over a period of years, of the total maize production of the Union of South Africa.

Now, Sir, the stalk-borer appeared to any extent for the first time last year. A few farms in the Njoro District became infested. What steps were taken to prevent its spread I do not know, but I am quite sure we shall hear, Your Excellency. In any case, Your Excellency, the measures proved ineffective, inasmuch as the disease has manifested itself in other districts; the pest has appeared on far more farms this year than last, and it is rapidly spreading at the present moment. I have a telegram here, Sir, from Nakuru, in which it states that no less than six additional very large maize-growing estates have become infested during the last few days, and I do suggest, most

seriously Your Excellency, that it is up to everyone concerned with the welfare of the Colony in any shape or form, to be up and doing, and to take some action in order that this serious menace to industry may at least be combated, if not successfully defeated.

HIS EXCELLENCY: Does any hon. Member desire to speak on the motion before I call upon the Director of Agriculture to reply?

THE RIGHT HON. LORD DELAMERE: Your Excellency, with the greatest respect I should like to say that I hope to speak after the Director of Agriculture. (Laughter.)

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): May I be allowed to begin with a note of personal explanation? If I fail in dealing adequately with this most important motion, I hope the House will forgive me, as I am not in a fit state to deal with this motion to its fullest extent. I think, Sir, there are certain points of general interest in connection with this motion as worded. In the first place, I am very glad to see that it has been moved by a Member representing an urban constituency. (Hear, hear.) I think the more we find people living in towns and interested in town and commercial life taking a part in the welfare of the country as a whole, the better. Then again, the motion has been seconded by a Member in whose area, I am glad to say, neither of these pests has yet been reported. (Hear, hear.) That again shows an interest in the affairs of other parts of the country. Indeed, Sir, when viewed broadly, the motion may, I hope, be regarded as a greater recognition on the part of hon. Members of the value of research work, and research services, for that I take it to be, and I am sure the Government will not oppose such a view. So far as the Department of Agriculture is concerned, I welcome the gesture, even if somewhat tardily given.

But there is an aspect of the motion, Sir, which I regret to see introduced into this House, and that is one which I think is calculated to do this Colony some harm. I think it a pity that motions dealing with important matters of this nature should be so framed. Doubtless this will cause suspicion in the minds of people who might be disposed to spend money upon either of these industries in this Colony, as they will hesitate to spend considerable sums of money in the Colony in future unless this question is settled.

I saw my hon. friend the General Manager looking at me a moment ago. I wonder what he will think in 1929 when he has to face very heavy interest and sinking fund charges if there is this very grave menace which is shown in this motion? It will mean a very serious state of affairs, a state of affairs which he could not contemplate with equanimity.

Now, Sir, I gladly respond to the request that I should give information to the House with regard to the steps which have been taken by the Department of Agriculture in connection with these pests, and before doing so I should like to say, Sir, on behalf of the staff of the Department of Agriculture, that I appreciate very highly the references which have been made to their work.

Taking the case of the mealie bug first. It is now about two years since indications pointed to this pest taking an epidemic form, and the Department viewed the matter so seriously that weekly conferences took place in the Department of Agriculture, and a team of four officers, who were associated in the investigations and research work, every Saturday morning—the Entomologist, the Coffee Officer, the Inspector of Plantations and the Agricultural Chemist—met me in order to discuss the result of the previous week's work, and to plan out experimental work in the near future. A great deal of work was so done. We entered into communication with other countries who were likely to throw any light on the subject. We telegraphed for supplies of substances and materials of various kinds, and we cleared the air a great deal. Then two or three months afterwards the services of an assistant entomologist were obtained—Mr. Kirkpatrick—the member of the staff referred to by the hon. Member, and since that date—it was in July or August, 1925—that officer has, with the exception of a few days during the period, devoted his sole attention to investigation and research work in connection with this mealie bug. As a consequence, he found a substance which was given the name of cresoto, which is believed to this day to be a reasonably efficient means for controlling this pest. Now I do believe this, Sir, from what I have seen, and as advised by my scientific officers, that if it had not been for the manufacturers' failure to comply with orders and the mishaps which have taken place during the last few months with regard to the quality of the cresoto, I do not think this motion would have been before this House—at least so far as mealie bug is concerned. We do believe that provided the substance is properly manufactured it places in the hands of coffee planters the means for bringing the loss through the pest down to a reasonable amount. This is one of the difficulties one has to contend with in any Colony so far removed from the centre of manufacture. Once having got to the stage of knowing what is required for a particular purpose, it is sometimes a real difficulty to get that sort of thing manufactured and delivered, and I should like to take this opportunity of saying that I am quite satisfied that no blame should be attached to the agents of the manufacturers in this country with regard to the failure to supply the material in proper condition. Allow me to say further with regard to that, Sir, that it may be said "Why doesn't the Department arrange for some other firm to manufacture cresoto?" The

fact is that the Entomologist has some other substance under test which is expected to give far better results than cresoto. It is a substance which can be manufactured locally, and at this stage it is not desired to place large orders with a new firm for cresoto. That substance, I may tell this House, consists of mercurial chloride, prepared in a weatherproof varnish. I hope that in the circumstances I have said sufficient with regard to the work done by the Department in connection with mealie bug. It is a very complicated matter and one of the most complicated insect pests that any entomologist could set his hand to.

Now, Sir, with regard to the maize stalk-borer. Again I shall be as brief as possible in my remarks. The maize stalk-borer is for all practical purposes a world-wide pest. There are two species of insects which fall under this head, and one of them is common to the whole African continent, and the one which is causing us damage in this Colony is indigenous to this Colony. It has been traced throughout the length and breadth of the country. Now, in no country have effective measures been found to control this pest. At the beginning of last year, when it appeared to me that there were indications that this pest was taking an epidemic form, I gave definite instructions to the Senior Entomologist to concentrate his work on this pest, and since that date, except for the ordinary routine work connected with the laboratory, he has made this pest his main line of investigation.

It is necessary to work out the life history of the pest in this Colony in order to ascertain whether that life history can be broken at a weak point, but I regret very much to say that according to present information, and having regard to the climatic conditions existing in this Colony, we are at the present time unable to suggest any means of breaking that life cycle. There are means of control, I will not say of eradication, which can be used by maize growers themselves. (Hear, hear.) For example there is the planting of trap crops, which must of necessity be destroyed, and not left on the ground afterwards, or more harm than good would be caused; the destruction of all volunteer maize in the fields; the planting of rotation crops; and the cleaning up and burning of all maize crop remnants.

Now, Sir, it may be in the minds of some hon. Members that the next step should be that Government should pass legislation calling upon farmers to do all these things. In my judgment, the position will have to be very much more serious than it is to-day before the farmers of this country will tolerate such legislation, and before the Government or the country in some way or another would be justified in incurring the very heavy expenditure which would be required to administer such legislation.

Then again, Sir, there are practical difficulties in the way, in this country in particular, of dealing with this pest. In countries where the planting season is confined to comparatively short periods of the year and where there are winter conditions during which the pupae of the insect hibernate and are even destroyed, the pest itself is controlled much more easily, but in this country, with our different climatic conditions, with the sowing period extending over a comparatively long period of time and with no winter conditions, it is going to be a particularly difficult problem to deal satisfactorily with this pest.

Your Excellency, I think I have indicated that so far as the Department of Agriculture is concerned and with the resources at its disposal it has not neglected these two pests during the last year or two. In fact, the two entomologists on the establishment of the Department have made these pests their main investigation and work.

May I conclude on this note. I realise very fully and I sympathise very fully with the individuals who have suffered very heavy losses through the onset of these pests.

I do not take as serious a view with regard to the state of these industries themselves as is indicated in the motion. There is no evidence before me that as coffee and as maize industries they are threatened with extinction or even with a serious menace to the industry as a whole. I hope the hon. Mover will find the suggestion that I think you, Sir, will make, that a small Committee of this hon. House should be appointed and that this motion should be referred to it for discussion, will meet the case.

THE RT. HON. LORD DELAMERE: I said that I would say something after the hon. the Director of Agriculture had spoken.

I find it rather difficult to do so in certain ways, because he has not dealt with the principle as put forward by the hon. Mover and Seconder at all, that principle being that it is the duty of Government to undertake the safeguarding of the public health of not only people and animals—of the cattle or sheep—but also of the economic crops of the country. And I am very sorry indeed to hear that he has been ill. I hope that that is the reason why he did not deal with this particular subject, because as everybody knows, as far as the coffee industry is concerned, there has been a great deal of difference of opinion among the coffee people themselves as to what should be done for combating diseases—whether they themselves should put up a cess—and also as to the best methods of employing money when that money has been found—as to whether it should be entomologists or coffee officers. Does Government or does my hon. friend the hon. the Director of Agriculture seriously propose that the most important industry

in this country should be put in a position of possible destruction? I think that is an exaggeration, but people who are interested in that industry are unable to shake up their minds as to the best methods of dealing with it. It is Government's duty to do it. It is not only a matter for the coffee people, but it is a most important thing for the country. All of us depend upon it to an enormous extent, certainly the towns of this Colony undoubtedly depend upon it to an enormous extent, and it does seem to me a matter of argument that it is the business of Government to take up the safeguarding of that crop against specific diseases which are liable to decrease the output from the coffee plantations of the country, if no more. My hon. friend has not dealt with that, although it was dealt with by the hon. Mover and Seconder in what they said. As far as I am personally concerned, I have no doubt whatever that it is the duty of Government to do that and that the line can be drawn. I think the line can be drawn between research and the finding out of methods for dealing with these things and the application of measures between the research and the actual application of methods on the plantations, as is done in the case of the cattle industry. Government has a very large staff dealing with the cattle industry, who are engaged in inspecting all cattle. If anything has got a disease it is their business to find out about it and to guard the farmer against it. If on the other hand those cattle have a disease and so an expensive method for dealing with the disease has got to be put in hand, that is paid for by the individual and it does seem to me that in that way a line can be drawn in these and other industries between research work, which must I think be the business of Government, and the application of the particular methods suggested, which I think to a very large extent must always be a matter for the planter.

I am very sorry indeed that my hon. friend has taken up a defensive attitude in this matter. I can see nothing at all derogatory to his Department in this particular resolution. It says:—

"That while fully appreciating the efforts already made by the Department of Agriculture in this respect, this hon. Council is of opinion that it is of the greatest importance that Government take further immediate steps to deal with the grave menace which is threatening coffee in the form of mealie bug and maize in the form of stalk-borer."

Now, surely, that is nothing derogatory to the Department of Agriculture. Surely that simply means that the Agricultural Department have been doing a great deal, but that in the opinion of this hon. House some action is required to put this thing into proper effect, and further that this hon. House asks the Government to back up the Department of Agriculture by applying certain sums of money for that purpose. I cannot see any other meaning in it. If my hon. friend the Director of

Agriculture had dealt with the question of the principle, as to whether he was still expecting a cess to deal with this. I would know where I am and possibly be able to say more from that point of view. I quite agree that resolutions of this sort must be inclined to frighten people investing money, but I think it will frighten them a great deal more if no effort is made or step taken at all in this hon. House to emphasise to the Government the great importance of dealing with these pests. As far as I personally am concerned it does not appear that these pests are actually going to ruin these industries. Everybody knows that the stalk-borer is found in all countries in different forms, and it does depend enormously on clean farming and other things to keep it in check. It has further been kept in check in other countries, and it is a grave menace to lose ten per cent. of the crop, which is the worst apparently that is likely to happen under these circumstances. I do feel in this country that we have come to the time when we must deal with diseases of this sort which are perfectly well known, in the same way as we deal with the mosquito in this country; that it is up to the Government to see that a few people who do not take the trouble to live a social life and so help others in this regard by keeping their farms clean should be brought into line by some method or law. I am sure farmers in this country would not object to any rule which would improve matters for the farmers in the country and enable them to deal with a pest like the stalk-borer.

As I say, the whole ground has been cut from under my feet. I waited to speak after the hon. Gentleman, as I thought he was going to deal with the question of a cess. He has not, and I think he ought to have, and I repeat that I certainly understand, as the hon. Mover and Seconder are also doing, and speaking on behalf of the Elected Members in this matter, that they believe the public health of an economic plant is as much the business of Government and Government alone as the public health of the human inhabitants of this country and of the cattle and sheep and so on.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): I feel sorry that the helping hand which I feel sure the hon. Director of Agriculture intended to extend to this industry was not more easily discerned. I assume that the reason why he did not enter into the principles as to whether Government is concerned with the health of plant and ordinary human life is that the whole of Government's record and particularly the record of the Director of Agriculture for many years assert that through the estimates of the Colony, and through what has been said on this side of the House in regard to the Colony.

Your Excellency, I think that the principle is accepted by every Member of the House on both sides of it that it is the duty of Government to have close and careful regard to the health of plant, animal and human life. I would point out on

his behalf that that principle was not challenged in any way. I feel certain that he would be the first to uphold the principle were any challenge forthcoming. I do not think his speech was intended in any way to be defensive. I think that all the hon. Member intended was to explain what measures had been taken. As for his not having discussed certain points, I would urge that he was certainly wise to defer bringing up those points until the coffee planters have discussed these matters in June; I think it is better that it be debated by those connected with the industry before it is debated in this Council. The proposal of the hon. the Director of Agriculture that a small Committee of Members of this House should be formed to consider this matter was intended as I know to expedite consideration and assistance to this industry. It will be in the minds of hon. Members that the whole Council has taken a stand against supplementary provision of money where it can be avoided. It is also on record that His Excellency the Governor has stated at times that supplementary provision cannot be avoided where there is an emergency. It is obviously the duty of this Council to restrict that expenditure as far as possible—(Hear, hear)—and the hon. the Director of Agriculture's proposal is merely to suggest that hon. Members of this House should consider their responsibility, and that a further motion should be brought before this House before the close of the Session.

THE HON. LORD DELAMERE: On a point of explanation. I did not object to the Committee being formed. In fact, I did not know he suggested it should be formed. I thought that the hon. Director was going to say something about the principle.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, in view of the remarks of the Colonial Secretary, I will either withdraw this motion on the understanding that the Committee is formed or move to report progress or whatever you do on these occasions.

THE HON. THE ACTING COLONIAL SECRETARY: I might suggest, Sir, that it be moved that this motion be referred to a Select Committee for consideration—that a Select Committee be appointed and go into the question.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that this motion be referred to a Select Committee consisting of the Director of Agriculture as Chairman, the hon. Member for the Lake, the hon. Member for Kikuyu and the hon. Member for Plateau North.

HIS EXCELLENCY: Does your seconder second the motion as now amended?

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

HIS EXCELLENCY: The motion before the House is that the motion originally moved by the hon. Member for Nairobi South should be referred to a Select Committee to be composed of:—

The Director of Agriculture as Chairman.

The Hon. Members for the Lake, Kikuyu and Plateau North.

The question was put and carried.

EASTER SATURDAY.

HIS EXCELLENCY: The next motion stands in the name of the hon. Member for Nairobi South.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to move:—

"That in the opinion of this hon. Council the schedule to the Public Holidays Ordinance should be so amended as to include the day between Good Friday and Easter Sunday."

I do not wish to waste the time of this hon. Council on this motion, more particularly as I understand Government is going to accept it, and at a meeting of Elected Members support was accorded to the motion, the object of which is perfectly clear.

At the present moment, Good Friday is a holiday and Easter Saturday is not, so that people who wish to get away for a holiday cannot get away until one o'clock on Saturday, and have to be back on Tuesday morning. If this extra day is put in the schedule it will mean that employees and others can leave on Thursday evening after working hours and come back on Tuesday morning, giving them four full days' holiday. It is only half a day extra, and I would emphasise this point that the fact of declaring it a public holiday does not mean that shops and business offices have to close, it merely means that the banks have to close. This year, at the request of the Nairobi Chamber of Commerce, supported by the Mombasa Chamber of Commerce, it was declared a public holiday. It seems to me that instead of waiting year by year to see whether it is going to be a public holiday it is better to provide at once for it by including it in the schedule to the Public Holidays Ordinance so that people know where they are, and I do not think, as some do, that the whole country is going to rack and ruin because they cannot work on Easter Saturday morning.

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

THE HON. THE ACTING COLONIAL SECRETARY: In view of the support which has been received to the principle of this motion for more than one year, I have Your Excellency's authority to say that Government accepts the motion.

The question was put and carried.

BILLS.

THE DEFENCE FORCE BILL.

SECOND READING.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, any lengthy description of the history of the Defence Force Bill is rendered unnecessary on my part by the full account that was given by His Excellency the Governor to the Legislative Council in his speech on the 17th of December.

As you stated in your opening address to this Council, Sir, the measure has now been before the country for six years, and this Bill was introduced in 1923.

Since then it has been the subject of the criticisms of the Committee of Imperial Defence, a Select Committee of Legislative Council, which redrafted it in the light of the first-mentioned criticisms, and of Executive Council, which made a few further emendations.

Throughout this lengthy period the framework of the Bill has remained unchanged, that is to say, the underlying principle is that of a Force composed of all the able-bodied citizens of this Colony who at an emergency would be available for its safekeeping.

The Bill contains a preamble which sets out in a few words its single and simple purpose. It states that the aim is to enable the European inhabitants of this Colony to perform, when called upon, the duty of maintaining law and order incumbent upon them under the common law, and it recognises the responsibility resting upon those citizens for the defence of the Colony and the protection of life and property therein.

The Bill proceeds in the first part to state that the scope of the Defence Force is to be liability for general military service in any part of the Colony.

The organisation laid down is that of a permanent headquarters, the staff of which will be the Commandant, a Staff Officer and such other ranks as the Governor may deem expedient.

The Colony will be divided into Defence Force districts, for each of which a local Defence Committee will be appointed on the recommendations of the members of the Force and to which a District Commandant and Section Commanders will be appointed by the Governor after consultation with the local Defence Committee.

There is further to be a Central Defence Committee, consisting of the Commandant and one delegate from each Defence Force District, and that Committee will have a sub-committee, known as the Central Sub-Committee, to carry out its more ordinary routine functions.

One of the main duties of the local Defence Committees will be to draw up schemes of district defence which from time to time will be improved as topographical and other details of intelligence are recorded.

The second part deals with the constitution and enrolment of the Force. There are to be four classes:—

Class I, between the ages of 18 and 30,

Class II, between 30 and 40,

Class III, between 40 and 50, and

Class IV, for persons over 50.

Compulsory enrolment applies to the first three of these, but service in the fourth class, which has no age maximum, is optional to those who are of the appropriate age. The age limits are high as compared with those in other legislation of the kind. But these limits have been set not so much to compel such citizens against their will as to meet the very general wish of the older men that they be given the opportunity to serve in the Force.

There is, moreover, provision for enabling persons to elect to serve in a class younger, so to speak, than that into which they naturally fall under the Bill.

Further, there is provision for non-British subjects in certain circumstances and with the permission of the Governor, to be accepted as volunteers in the Force.

With regard to compulsory enrolment, the terms are presumably familiar to all hon. Members. They are that every competent male European British subject between the ages of 18 and 50 years and resident ordinarily in the Colony shall enrol himself in the Force, and if he fails to do so within one month, he shall be deemed to have been so enrolled.

The exemption clause is non-specific, those unfit by reason of any infirmity naturally being exempted and general power of exemption resting with the Governor in Council.

Lists of all those liable to serve are to be prepared immediately upon the commencement of the Ordinance by the District Commissioners, each for his own district, and opportunity is given for correction of such lists in case of error or omission.

The third part deals with equipment and the fourth with training. The maximum periods of training are 100 hours in the case of the first class and 12 hours in the case of the second and third, any musketry course that may be required being included within those maxima.

The power lies in the hands of the District Commandant to exempt at his discretion any member of his unit from the performance of his compulsory training. The big number of Service men in Kenya should allow this power to be widely and generally used.

The fifth part dealing with mobilisation may be said to be on a "strictly business" basis; indeed, there is specific inhibition upon the calling out of the Defence Force for ceremonial parades or for any purpose other than those specified in the Ordinance.

Those occasions will arise only when the Governor considers it necessary for the defence of the Colony or any part of the Colony or for protection of life and property therein to mobilise the Defence Force or if, in the case of sudden and imminent danger arising in an administrative district and the Governor's authority not being obtainable without undue delay, the Civil Officer calls out the members of the Defence Force resident in his district for the same ends, reporting forthwith to the Governor that and any subsequent step taken by him.

Power is also given to the Governor, when he deems it necessary, without actually calling out the Defence Force, to proclaim that the Force or any part of the Force shall hold itself in readiness for immediate mobilisation.

Under this part it is laid down that members of the Defence Force, when on active service or so called out as I have described, shall be subject to the provisions of the Army Act, and the liability is imposed upon every resident in the country to assist in such matters as transport and supplies when called upon.

The last part of the Bill contains various miscellaneous provisions, chiefly concerned with gratuities or pensions in certain events and with the power to make regulations for certain specified purposes.

It is axiomatic, Your Excellency, that a measure of a compulsory nature such as this requires the general consent of the governed, and Government was fortunate in finding an opportunity in the recent election to put the full issue before the electors. And this point His Excellency the Governor emphasised in his speech to Legislative Council on December 17th, when he explained at very considerable length and detail the underlying principles of the Bill: Government, moreover, published in the early stages of the election a full memorandum explanatory of the Bill's provisions.

The Elected Members' organisation placed the Bill in their manifesto.

Facts show that in one constituency only was there found a candidate with views opposed to the measure, and that in a constituency where such opposition as there is is largely

centred. Nevertheless that candidate failed by a considerable minority. Elsewhere than in Nairobi, criticism of the Bill was practically non-existent.

The only possible deduction is that those whose names appear on the Electors' Roll—those who may be said to have the civic sense most highly developed—are overwhelmingly in favour of this Bill, and in such circumstances general consent may be confidently asserted. (Hear, hear.)

That there should be some opposition is only natural, and conveniently it has been crystallised in a single document—a petition published some weeks ago in the newspaper and now forwarded to Your Excellency for submission to His Majesty the King.

Although for the reasons already stated, little or no opposition is to be anticipated within this Council the views of the opponents to the measure deserve examination and call for evaluation.

The underlying idea as I understand it after close consideration not only of the petition but also of other publications on the point is opposition to any military organization on a compulsory basis in a time of peace.

While the upholders of this view do not deny the necessity of some defence measure and are not prepared to oppose some compulsory registration of all able-bodied citizens to that end, they regard enrolment on that basis and still more any shadow of training the Force so enrolled, at any rate until hostilities necessitate such a process, as essentially wrong.

I hope that I have put a true construction upon their argument.

Now, the whole core of the argument is that any such procedure is essentially un-British, and here, as in the alternative proposal which is adumbrated, that is to say an increase in highly trained Military Police Force, stands revealed the fundamental misconception which underlies their whole case.

It has been said of loyal emigrants "*Coelem non animum mutant*" but it is possible to overdo this admirable attitude.

The objectors to this measure take their stand upon a principle which in a highly organised densely populated country such as England a very large number of citizens would profess, even though some of Britain's greatest men have spent their lives in the cause of National Service.

But while they fix their gaze firmly on Kenya's Motherland they pay no attention to other countries which bear the relation to Kenya of elder sister.

The whole course of their argument shows a complete disregard not only of colonial history but also of contemporary colonial institutions.

They appear unable to perceive the fact that Australia, New Zealand, South Africa, Southern Rhodesia and other thinly inhabited outposts of the Empire have found it necessary and right to create organizations recruited on a basis similar to that proposed in this Bill.

I am prepared to believe that this myopia is inherent and not wilful. I do not call into question the sincerity of the chief participants in this movement.

The records of many of them show that certainly they hold no brief for the "slacker" and that they are in no way opposed to service on behalf of their country.

But the fact stands out that their view is utterly out of touch with reality, founding on little experience and less understanding of the circumstances in which its authors find themselves; and out of all relation to the general colonial system of administration displayed throughout the Empire.

I think that it is a true and just criticism of the opposing view to say that it reveals inadequate study of the nature and real effect of this Bill; that the Bill aims at the minimum of militarization is ignored as is the fact that the essence of the Bill is to create not a military body but a scheme for the defence of the Colony. The essence of such a scheme is that it shall be universal; to ensure universality all, not merely some, must be brought within its scope.

I cannot leave the views of the Bill's opponents without reference to two points which occupy a very large space in the Petition and I come back to this Petition because, as I have said, it crystallises these views.

The first of those points is the "alleged plea" falsely attributed to the Bill's supporters in respect of our loyal African fellow citizens.

It is amazing—almost confounding—that a statement so malicious and so mischievous, so utterly untrue, should come from any responsible person with any profession of patriotism, more especially as it is uttered in conscious disregard of Sir Edward Grigg's statement to the exact contrary in his speech of December 17th.

Government has refuted that part of this publication in the Press and I am content now to emphasize that the Bill is aimed against no particular class or race of persons but at the interests of each and all. With that I leave the issue to the judgment of the Colony.

The second point is the unworthy insinuation—publicly made in the Petition—in respect to the omission of the Oath of Allegiance.

This also is best answered by a statement of the actual facts.

The 1924 Bill contained provision for an Oath. As I have stated before, the Committee on Imperial Defence criticised this Bill in certain respects and one point of criticism was directed towards the inclusion in the Bill of a compulsory Oath, the Committee regarding it as questionable whether that should be required of persons "deemed to be enrolled." (Hear, hear.)

Examination of similar statutes showed that those of South Africa and Southern Rhodesia, which are most analogous to Kenya in this connection, provided no Oath save for the Permanent Forces.

In South Africa those Permanent Forces consist of the Headquarters Staff and certain regular troops and are not inclusive of the Citizen Force or such other second line troops.

In Southern Rhodesia there are four Forces:—

- The Permanent Force,
- The Territorial Force,
- The Reserve of Officers and
- The Field and Police Reserves.

Only for the first of these is the compulsory Administration of the Oath provided by law.

It is for this reason and no other that provision for the Oath was not included by the Select Committee that redrafted the Defence Force Bill.

With this introduction and this endeavour to meet the arguments that have been raised outside the Council I leave this Bill for the consideration of hon. Members.

My contention is that this is a measure proper to the circumstances of this Colony and of a nature desired by an overwhelming majority of those to whom it would apply. (Hear, hear.) It is a high expression of loyalty not only towards the Crown and the Empire but as well towards Kenya and our duty. And lastly I assert once more that it is entirely impartial, having as its sole objective the interest of Kenya's citizens one and all.

Your Excellency, I beg to move. (Applause.)

LECT. COL. THE HON. C. S. DAVIES (Officer Commanding Troops): I beg to second.

THE RT. HON. LORD DELAMERE: I think I should say something first. All I want to say is that I believe that it is our duty under the circumstances to pass this Bill. I believe that once the consideration of questions in this country is taken outside this country it is the duty and business of this hon. Council to put before His Majesty's advisers in England definite information as to whether they agree to the Bill or not. I personally had hoped that this Bill would go into Special Committee under the ordinary methods of this hon. Council when an important Bill is under discussion and that time would be given in the ordinary way for everybody to go through all the details of the Bill. But I think that as the consideration of this Bill has now been taken outside this Colony it is up to us in this hon. Council to give our views of the Bill. For that reason I am going to vote for this Bill that it should go through in this particular instance. I suppose it will be said outside—although I personally do not feel that I have anything to answer to anybody, except to my constituents, outside this hon. Council—that I did say to my constituents that I would go back to that constituency before this Bill was passed. I did say that certainly in two places. In fact, the whole question was taken out of my hands afterwards by unanimous resolutions which were passed at every single meeting in my constituency except one, and Nakuru itself before that did pass a resolution that whatever happened they wished a compulsory Act. This is simply a personal explanation. I do not think it is proper that I should make it to this Council, but so many things have been said that I think it is right I should explain matters here. I am quite willing to meet my constituents and put forward my reasons for having done what I have done. I think that is the chief reason why the opponents of this Bill have taken it outside the consideration of this Colony, and sent home a petition. The fact remains that it does take it outside the consideration of this country. Further, I think all the responsible members of the community should also be quite fair to His Majesty's Government at home in considering this matter as to whether the Secretary of State can see his way to consenting to the Bill, to which there is a good deal of opposition in this Colony.

For that reason chiefly I am going to vote that this Bill should go in the ordinary way into Committee of the whole House and should be proceeded with now. I have very little to say on the subject because it not in my line particularly, except that I must say, when it is stated that it is un-British that a Bill of this sort should be brought in. I must entirely agree with my hon. friend the Acting Colonial Secretary in what he says. Before, however, I say any more on the subject I really must compliment the Hon. the Acting Colonial Secretary on the speech he made in support of this Bill. (Hear, hear.) I am sure all my hon. friends in the House will agree that we have never heard a better speech on a subject of this sort, if he will allow me to say so.

It is said that this Bill is un-British. Now, I think the Hon. the Acting Colonial Secretary has put the whole case on that matter very clearly. After all a thing can hardly be called un-British when it refers to a method which has been carried out by British Colonies such as Canada, South Africa, New Zealand and Australia. Everyone knows that it has been published lately that Southern Rhodesia found that the ordinary voluntary Act was not sufficient for the needs of the Colony and that they passed a compulsory Act. I have been given to understand that Northern Rhodesia is bringing in a similar Bill. I do not know whether it is true. I say that I have only been told that it is so.

That settles to my mind the principle.

Now it is put forward that even if that principle is acknowledged—it is I think applied in those other Colonies to the younger members of the community—that it does not of course affect the thing at all. It is perfectly clear that in a small Colony like this with very large areas scattered with only a few people here and there, it is much more necessary that the older people should also help, and as the Hon. the Acting Colonial Secretary has said, it does not in the least mean necessarily that they are going into the firing line or going to do anything of that sort if trouble arises. It may quite well mean that they are simply joining an organization where their services can be used in the best way for the defence of the Colony.

I have nothing more to say. I am in a way a little sorry that a Bill of this sort, which has been put forward in such a very mild form, should have created any feeling at all in this Colony. It is a thing I do not understand, and now that the Bill has been amended, as I said before, our duty is to do what is only right should be done. To my mind the only thing to do is to put this Bill through. (Hear, hear).

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, so much has been said inside this hon. House and outside with regard to this measure that I think it hardly necessary to adduce any further arguments in support of this measure.

I would only say and remind this hon. House that this Bill in 1923 passed through its three readings and its Committee stage without a protest being heard from any part of the country. On the contrary, at meetings held all over the country by the then Officer Commanding Troops it was resolved by overwhelming majorities, in most cases unanimously, to support that Bill. That was a very much stricter Bill—a Bill to which possible objection could have been taken in some of the details, and yet, as I say, no voice was heard at that time. We have here a Bill, as the Noble Lord has said, mild, unobjectionable in any shape or form, and speaking as one of the members representing the constituency where most

of the opposition is found, I say—and I say it in all sincerity—that, however much those persons who head the opposition may believe in their case, however genuine and sincere they may be, yet the vast majority of the opposition—the rank and file—have shown that it is an engineered opposition. (Interruption from the public benches.) At a meeting held some two months ago at the Theatre Royal during a debate between the hon. Gentleman on my right (the Hon. T. J. O'Shea) and the late Mayor of Nairobi, the Mayor of Nairobi said in public that if it was the wish of the majority of the country that this Bill should go through he, the leading citizen of Nairobi and one of the most prominent opponents of the measure, would bow to the will of the majority, and I have no doubt whatsoever—and I deny that any fair-minded man in this country can have any doubt—that the vast majority of the citizens of this Colony support and favour this Bill. But I should not support this Bill were I not genuinely convinced—and just as I have credited the leading supporters of the opposition with sincerity I trust that they will credit me with sincerity—I am absolutely certain that the majority of the citizens of Nairobi are in favour of this Bill, not only the registered voters but the majority of the adult population. It is common knowledge that I took a referendum of the registered voters, in accordance with the pledge I gave during the election campaign. The returns show a majority of three to one in favour of this measure. I understand—I speak subject to correction—that the signatures to the petition amount to roughly 600 obtained in Nairobi. During the election I was twitted with the fact that the Voters' Roll was so small, while it was stated that there were between 1,800 and 1,900 who were eligible to vote in Nairobi. If that is so, considering the house to house canvass which has been going on by the opponents to the measure, considering the indefatigable steps they have taken to obtain signatures to this petition, there are not very many signatures to that petition. Out of between 1,800 and 1,900, only 600 have signed the petition. Does not that prove that the majority in Nairobi is in favour of this measure? Because I believe that the majority in Nairobi is in favour of this measure, that the majority of the country is in favour of this measure, and lastly and mostly because I am absolutely convinced that this measure is vital and beneficial to the country, I am going to support it to the best of my ability. (Hear, hear).

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: I propose to support this Bill as much as I possibly can, as I believe it is a sound and necessary measure. I object to the word "conscription" being used in connection with this Bill by some people. A conscript to my mind is one who is called out to train himself to be a soldier. You cannot make a soldier in a hundred hours. I can see no mention of any such intention in this Bill. They say that compulsory service

is un-British and has never been in force previous to the Great War. It is well known, however, that some of our most famous naval victories were those in which sailors took part who were forced to join by the press gangs. It is a curious fact that a local newspaper published a short time ago—this paper has not been over-enthusiastic over this Bill—an article on quite another matter, quoting the well-known Latin quotation *salus populi suprema lex*—"The Public Safety is the Supreme Law of Laws."

"All else in any well-organised state of society is subservient, and when public safety is taken in conjunction with convenience—when the one is made corollary of the other, the ideal condition is reached."

That applies very aptly to this Bill. There are some men who say that there is no reason for a Defence Force here—that there is no likelihood of any danger arising. I would, however, ask those people to carefully read the paper and judge by the actions of certain parties both in this country and at home. I think they will see that if no steps are taken there will be danger.

I hope Your Excellency will allow this vote to be an open vote. There are many on the other side of the House here who are Government officials who will some day follow my example. It would be far better—if they are inclined to disagree with the Bill—that they should say so now rather than they should say that they were forced to vote for it.

THE RT. HON. LORD DELAMERE: May I just say one word in explanation. I have just had a paper passed on to me to say that the gentleman who told me that Northern Rhodesia was also intending to go in for this sort of thing had made a mistake in the matter.

THE HON. T. J. O'SHEA: Having identified myself with the measure in its earlier stages I think it only right that I should voice my opinion in its final stage, more especially in view of the position which has arisen to-day, at the last hour. I approved the measure from the beginning, and I am more strongly than ever in favour of it to-day, and that after hearing every opinion that could be expressed against it. I have studied the arguments against it and I have not found one of them worthy of my serious consideration. I support the measure because the principles of it are genuinely sound. Believing as I do in giving every adult—man and woman—a voice in the government of the country I also think it is a logical corollary that every adult, man and woman, should share in the defence of it. I take it as my responsibility in return for that privilege, and I cannot for the life of me see how anyone can argue that he or she should have a voice in the government of the country unless he or she is prepared to share in the responsibility for its defence. At a very important

Imperial Conference held in October and November last it was agreed among the heads of all self-governing Dominions of the Empire that each and every portion of the Empire should endeavour as far as possible to be responsible for its own defence. As a citizen of Kenya, and one proud to be a citizen of Kenya, I do not think that I could hold my head up as one of the public representatives of this country if I were not prepared on behalf of Kenya to say that we would endeavour to the limit of our ability to do at least as much as every other section of the Empire was doing, for our own defence. I think it is only right and proper we should do that to the limit of our abilities and I think it is only by some such measure as this that we can properly equip this country for our successors.

In recent years the methods of warfare are changing. They have changed to an extent that makes it, I think, impossible to contemplate the defence of this country in future by uncivilised native troops. The methods of defence in this country in years to come are, I think, certain to be of an entirely different nature from what would have been sufficient in the past, and I think that to efficiently and economically at low cost equip this country for defence in the near future it is necessary to have some such body as is contemplated by this measure.

The Bill has been studied and re-studied from every point of view, and, as now printed, I believe it is the best possible measure that can be framed under present circumstances. It is one that puts the onus on the individual, and is not likely to inflict any hardship on the community. It is on sound lines from beginning to end and, I think that I can say it, it defies criticism except possibly in one important respect. Possibly in that respect it is due to an oversight at the last moment. I have discovered that it includes no provision for the possible enrolment of women. (Laughter.) I am surprised that we should not have had a stronger protest from the leaders of the other sex in this country. I should have thought that they would have been very indignant that they were entirely left out of this measure. I hope that that will be remedied.

CAPT. THE HON. H. F. WARD: It is with a feeling of keenest relief that I rise to support this measure because when this matter was last before this hon. House, whilst I personally have always been in favour of it as the only logical method of providing communal defence, I had, owing to a certain amount of opposition, to register my vote against it.

It is I think necessary to examine the position of my constituency a little bit further. Personally, when this matter became a matter of public comment and debate and correspondence in the paper and so on, I felt, apart from Government's intentions or any political issue, that it was abundantly necessary to get a full consensus of the opinion of those who

were likely to be affected by the measure and also to bring out in every possible way what opposition could be found to it. In regard to that I should like to say how astonished I am at the smallness of the minority vote against this measure especially in view of the steps that have been taken to organise it, which, I think everyone will admit, were efficient. At the preliminary meeting which I held and which—I should like to draw attention to the fact—was held before the Bill had been reported on by the Committee appointed by Your Excellency, and before the redraft of the present Act, my hon. friend the Member for Nairobi South and myself held a joint meeting of both constituencies. We held the meeting on constitutional lines, or rather equal to constitutional lines, for registered voters in both areas. When it came to the vote, there was no machinery available for taking a proper vote of the registered voters, and these present voted by show of hands, or rather by standing up.

To be perfectly frank, my hon. friend and I discounted that opinion because non-registered voters were present in considerable numbers, and even a considerable number of people who did not belong to the town at all were present. But in view of the need for getting a real sense of the feeling of the country, and in order to encourage the opposition in every possible way, my hon. friend and myself took the majority opinion of that meeting, and I feel that by so doing no fairer way could have been chosen of giving the opposition a chance. As the Hon. Colonial Secretary has mentioned, I was opposed in the recent elections by a gentleman who was opposed to what he called "conscription". He opposed this Bill, which is founded on a compulsory basis, and yet the constituency which I have the honour to represent returned me with a substantial majority. One might have thought that the opportunity afforded to the opposition had been carried far enough, but in order to be quite sure, I took a census of registered voters through a referendum and I am happy to say that the result of the referendum was a fifty per cent. majority in favour of the Bill.

I think, having done all that, that the Government of this country and the Government overseas must feel sure that public opinion has not been rushed, that public opinion has been given every chance to express its views and that the opposition has been given full say.

Now, Sir, quite briefly I would like to deal with the opposition. It is a little difficult. One has to depend upon figures which I trust are more or less accurate. My remarks are based on figures which I have been given, and given I believe with authority.

There is, I understand, first of all the percentage of the opposition to the total population of this country as reported

by the last census. That is at the utmost fifteen per cent. But if you take into consideration that other people have come here since the census was taken I think you will find that that figure is a high one. Even if you take that figure of fifteen per cent., I think it will be agreed that the opposition to other measures introduced into this Colony has been far in excess of that and still they have been agreed to by the Government here and by the Government at home. That is another aspect of the question that I should like to put before you, that measures that are now on the Statute Book of Kenya have had a far greater degree of opposition than fifteen per cent., and I further agree with my hon. friend that there are many issues on which we could get better and fuller petitions than that which has been obtained on the Defence Force Bill. I do not think I have anything further to say except that I support this measure.

REV. CANON THE HON. J. BRITTON: Your Excellency, I support this measure and in doing so do hope and trust that the African community, which I have the honour to represent here, will realise how wholly and entirely I am satisfied that this defence measure is brought about in order to defend the African community just as much as any other part of the community in Kenya—(Hear, hear.)—and that the African community are going to benefit by this Defence Force Bill. It is rather difficult for anyone not living in Africa in these days quite to realise what particular point Africa has reached. Not so very long ago there was the contrast of David Livingstone going into villages and throwing his shirt open to show that he was totally disarmed, and numbers of Africans engaged in raiding. At subsequent periods there were controversies at home and possibly here contrasting the missionary enterprise and commercial and political enterprise which were then taking place throughout the continent. We are living in a different age. We are living in an age where vast territories are fully organised and administered, and we live in Kenya Colony in a time when the rights and progress of the natives are of interest not only to Government but also to the European community generally. (Hear, hear.) It is a platitude now to say that in no country in Africa can there be progress unless there is hearty co-operation between European and African, and unless the Africans themselves are progressing the Europeans themselves cannot go forward.

In that atmosphere we can come to a Defence Force Bill such as this and we can see it embodies a general scheme of defence which aims at protecting lives and property and we can visualize the time coming when there will be the possibility of natives being seriously threatened and the Europeans of this Defence Force being called out to take part in their defence.

In the defence of this country the Africans and Europeans have marched together before, and in any great crisis that might occur in this country you will find the Europeans and Africans marching together again.

The Baganda have a very interesting saying in their language which they sing when they are pushing a rickshaw. Translated it means that iron is not much good without wood. An axe or a knife is not very much good without a handle. What is meant is that the *bi-mba* in the rickshaw, as a white man, is a very important person, but he is not much good without the African pushing his rickshaw, and they say that the white man can only progress when he knows how to make use of the humbler forms of nature, and I am certain that to organise the best force of Europeans—which is not the first line of defence, as the natives themselves occupy that line—but to organise a Defence Force necessitates co-operation in a great measure between the natives and Europeans.

Again, we have trained African forces such as the King's African Rifles and the East African Police, and they are not going to be moved; they still occupy that very fine position they have occupied. It has been pointed out that Europeans are not at present taking their share in the general scheme of defence, and the time has come when they must take their share, and I must say that I support the principle. I also very strongly support what His Excellency has said in regard to the morale of young white settlers out here.

I have to confess that the Church has looked towards military organisation for inspiration time and again. I have had a great deal to do with the Church Lads' Brigade and the Boys' Brigade, and we have found that a certain amount of discipline and getting a little inspiration into the force is one of the finest ways and in fact the only way of getting hold of difficult boys and lads who otherwise would waste their time in the streets and getting them to form themselves into a club or an organisation which has vastly improved them. I am perfectly certain that if the young men of this Colony are to be taught their vital responsibilities in regard to the welfare of this Colony, including the native population, one of the finest ways of doing so is to bring them into such a Defence Force as this.

I do not want to enter into a controversy, and speak on the point of conscription or volunteering. That is not part of my business at all. But to myself and my friends and colleagues in this country—I have been here many years—the Defence Force appeals as it is for the good of the whole of the Colony, for the African as well as the European, and it is only by the co-operation of the Europeans here and the forces already existing, like the King's African Rifles and the East

African Police, that it will be attained. The Bill should go through and be sent home to the Secretary of State at once. (Hear, hear.)

THE HON. CONWAY HARVEY: Your Excellency, although I rather deprecate the way in which the provisions of this Bill have been whittled down, yet now, as on previous occasions, I intend to support a measure clearly designed in the best interests of the Colony as a whole, and which is deemed by those in the best position to judge to be absolutely vital to the peace of mind and security of those living in the very large area which I have the honour to represent.

It has been stated that when the Bill was first introduced in 1921, Elected Members opposed the principle. Such is not the case, Your Excellency. The eight hon. Gentlemen who spoke on that occasion one and all heartily approved the principle of compulsory service for the defence of the Colony, but every one of them urged that the moment was inopportune, and urged Government to reintroduce the measure at a later date. If I am in order, Your Excellency, I should like to take this opportunity of refuting the statement which has been made that supporters of this measure are actuated by some ulterior motive. That baseless and libellous charge, Your Excellency, is to my mind a gross abuse of the privilege of free speech, and were I myself guilty of such an outrageously provocative inexactitude I consider that Government would be fully justified in taking action under the Deportation Ordinance. (Laughter.) I support most cordially all the principles contained in this Bill, which I trust at no distant date will occupy a worthy place in the legislation of this Colony; and finally, Your Excellency, I should like to support the appeal which has been made for a free vote, that every hon. Member of this Council shall be entitled to express his opinion on this vital matter. (Hear, hear.)

LIEUT.-COLONEL THE HON. C. G. DURHAM: Your Excellency, it is rather hard to follow after all the brilliant speakers that have gone so far. In rising to support the Bill I should like to state that I have only one fault to find with it, and that is that I do not think the measure is stern enough. To my mind the hours set down for training are utterly inadequate. Your Excellency, in dealing with this matter I would rather approach it from the point of view of the opposition—of those people who favour a volunteer force. I would like to point out, Sir, that I am absolutely convinced that if a volunteer measure were brought into this Colony you would not get thirty per cent. of the inhabitants of the Colony to enrol, and I put it to the opposition, Sir, that a skeleton volunteer force is worse than useless. I would like to put it this way. A lot of them may be prepared to put the ten-year-old bright looking lad across his knee and spank him, but they would think a long time before they took

the pants off the nineteen-year-old ugly youth. (Laughter.) I would like to put it this way, Sir. A skeleton volunteer force is no use to anybody, but on the other hand you might take a unit such as the railway; you could have your railway corps in which every man would have to join. You could then run your railways, and you would not have to draw on any other unit for defence. The railway corps could be self-contained, and any other picked unit could be self-contained under the compulsory system. You could never have that under a volunteer system.

Then, Sir, there is this question that every man has a free right to do as he likes. I say with the greatest reverence, Sir, that it could be in no man's mind to batten on the blood and energy of his brother, and I believe that it is up to every man in this country to do his share for the defence of his country.

THE HON. P. O'B. WILSON: Your Excellency, in view of the complete lack of opposition to the Bill which has been shown either in Council or in the constituencies of the country, it does seem rather unnecessary in some ways that one should take the trouble to get up and support it in this House, but I think the position has to a certain extent been taken out of our hands—not taken out of our hands, but complicated, by the extraordinarily unconstitutional methods by which a very small minority—on its own showing a very small minority—tried to go behind the will of the large majority and appeal to the Government at home. It brings in a most extraordinary state of affairs. If every small minority is to think it can be allowed to appeal to the authorities at home, what is the good of working for any shadow of responsible government at all? We might as well do away with the whole thing, and I do think, Sir, from that point of view it is advisable for all of us Elected Members—or these representing Elected Members—to make their position quite clear, as to how they stand with that Bill, and as to how they know their constituents stand. The Noble Lord whose place I am taking in this Council went round his constituency, I kamba, and he made a particular point of the Compulsory Service Bill at every meeting he held. I believe that at those meetings not only voters but non-voters were able to attend—everybody who was interested—and I believe that only two people voted against it in the whole constituency.

The only criticism I have heard against the Bill is on the lines of that of Colonel Durham—that the Bill is not strong enough, and with that I am inclined to agree. It has been said we should try volunteering. We tried it. It was tried before the war. In fact only last week I picked up an old minute paper of the first public meeting ever held at Machakos and on that paper—1907 I think it was—there was a proposal for organising a local defence force. Probably similar things happened in many parts of the country. We went on to a

Volunteer Defence Bill somewhere about 1910 or 1911, and most people who have been in this country for some time will agree that the voluntary system has had a fair chance and we do not consider it a fair way of dealing with the question. It is not fair that some should go out and bear the burden of the day while other people do not. It is not fair again on the person whose duty may easily call him in two directions. He has a very unfair position forced on him, and it is much fairer that there should be a local committee which would take the onus of responsibility off his shoulders. Many cases I knew of during the war—hard cases—where people did not know whether they should go out or stop at home and look after wife and family or the employers who they were indebted to for a living. There were many difficult cases, and I claim that compulsory service is the fairest way of dealing with those cases. (Hear, hear.)

I do not think that any arguments have been brought up in this House, nor are there likely to be, against the Bill, but I hope Government will push this Bill through so that there will be no doubt in the minds of people at home as to what the considered opinion of the representatives of the country is on the subject.

CAPTAIN THE HON. E. M. VAUGHAN KENEALY: Your Excellency, it is not in my opinion necessary to demonstrate that there is a need for the Defence Force. The only question is, how can that need be met? Is there any other alternative? An alternative suggests itself as a volunteer system. Now what is a volunteer? A volunteer is a man who does his duty willingly, and because he does his duty willingly he is admirable. It is suggested that because a man does his duty unwillingly he is more admirable and that he is entitled to more consideration than a man who does his duty willingly? Surely not. It has been suggested that a compulsory force is an insult to a certain section or to certain sections of the community. It could be suggested with equal parallelism that the existence of a police force is unwelcome to all law-abiding citizens. Surely that is untenable. The police force is there for the protection of all citizens, but its existence does not postulate that every citizen is a scoundrel and needs some person to control him.

For a moment let us drop sentiment and descend to common sense. A wealthy country with a large population can consent to pay for people to defend it. It can afford to employ people to do the job they cannot or will not do themselves. In this country we cannot afford to employ people to defend us. It is cheaper and probably more efficient to do it for ourselves. The only way in which we could find an alternative is to employ white troops here and to pay them, and we know that the finances of this country could not stand it. Are those persons opposed to this measure prepared to stand a vast increase in taxation to give effect to a sentimental theory such as this? Because it is a sentimental theory. It may have

been suggested that if a Defence Force was necessary it would demonstrate that the civil authority of this country had failed. Well, since it is the civil authority in this country which supports this measure I do not think the contention has any weight. There are outside factors which attack the civil authority. You cannot say that because there is trouble in any form the civil authority is necessarily to blame and that it has provoked that trouble. The trouble may have come from outside the control of the civil authority. Therefore, I support this measure.

LIEUT. COLONEL THE HON. J. G. KIRKWOOD: Your Excellency, in rising to support this Bill I do not propose to introduce any new matter, or anything fresh on the subject. In listening to the speeches that have been made I realise that there is nothing to be said on the subject. For myself I am a volunteer—I shall certainly volunteer under this Act as the age limit prohibits my enrolment.

Secondly, I should like to point out that I see nothing in the Bill which prevents any Member of this Council joining the Defence Force, but I should like to suggest that the matter should be taken into consideration later on and a definite ruling be given as to whether a Member of this House can serve his country in the Defence Force, and also do his duty to his constituency should the House be sitting. I call for a free vote for all members of this House, for reasons into which I do not propose to go in detail. We have been asked repeatedly—"Why is this force being raised? Who is the enemy? Who is he going to be?" So far as I understand it the Bill has been brought in for the purpose of attacking no known enemy, but for the purpose of being prepared against possible aggression in the future. (Hear, hear.) There is one more point, and that is, I claim, and I have claimed repeatedly together with everybody present in this Council, to be a member of the British Empire, which I believe to be the greatest civilizing influence the world has ever seen. We have accepted the trusteeship of the native; accepted it in principle, and I think it has been a standing reproach in the past that this Colony has relied for its defence on the native troops of this country. In saying this I do not intend it as a depreciation in any shape or form of those troops. I bow to nobody in my admiration of the services rendered from time to time by the K.A.R. I also hold the view that a country worth holding to is worth fighting for, and as I believe that Kenya is the finest Colony in the greatest Empire in the world, I believe it is up to every citizen of this Colony to do his best in its defence.

THE HON. G. G. ATKINSON: Your Excellency, I propose to vote for this Bill not only because I am a whole-hearted supporter of the Bill in principle, and almost entirely in detail, but because in so doing I believe I

shall be representing the wishes of the majority of the electors of Mombasa. I find that the views of Mombasa in this connection have been regarded as somewhat of an unknown quantity and I have seen statements in the public Press that Mombasa has not made any pronouncement on this Bill either one way or another. That is true only in so far as that Mombasa was fortunately, or unfortunately, spared a contested election, and there was no opportunity for the electors to make any pronouncement on this particular question as a clear-cut issue between two candidates. But so far as I am concerned I believe that I am representing Mombasa for these reasons: On the 12th of January last the Official Gazette which was published on that date contained the Report of the Select Committee which was appointed by the last Council to go into this question and recommend the general details of this Bill. I held a meeting in Mombasa on the 13th January, the following day, but the Gazette containing the Report of that Committee had not been received in Mombasa and at that meeting it was impossible to argue or put forward for discussion the proposals of the Select Committee. The question, however, of the Defence Force was one on which I expatiated at great length. I put before the meeting, which contained a large percentage of the electors of Mombasa, my views in the most uncompromising manner in this connection. I told them what I thought would be the reasons for such a Bill, the best way of carrying out the objects of such a measure and I left them in no doubt if I were elected what my views would be on the subject, and what my action would be in the Council. As far as I could ascertain everything I said received the approval of the meeting and at the end, when the meeting was drawn open for questions, not a single question was addressed to me on the subject. (Hear, hear.)

Therefore from all the indications which are available to me, both positive and negative, I have no hesitation in saying that the majority of electors in Mombasa have ranged themselves alongside the electors of the rest of the country in support of the Bill.

As regards the Bill itself I have little to say. The question of principle has been thrashed out in detail both in this hon. Council and outside and on that principle I think everyone here is agreed. As regards the details, there are one or two minor questions of detail on which I think the Bill could be improved, but at the same time I suggest that this Bill be passed as it stands.

All legislation is a matter of experiment. Even in the domain of science and scientific investigation the desired result is frequently only attained by experiment or by the method known as "trial and error." This Bill, very largely, does not deal to any extent with details. The details will be dealt with by Rules. I suggest that the Bill go through as it stands

and that any alteration which may be required be introduced in future Councils as the results of the accumulated experience acquired from the working of the Bill over a few years.

I therefore wish to say that as regards Mombasa, Mombasa is at one with the rest of the country in supporting this Bill and I shall have great pleasure in voting for it.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL): Your Excellency, a measure such as this is one on which normally I should have nothing to say, but in view of the reference which has been made by the opponents of the Bill to His Majesty's African subjects, I think it my duty to make a protest. The Bill is not introduced in any way in connection with any apprehension as to anything that may be done by His Majesty's African subjects in this Colony. It has been suggested that it is directed against peaceable natives, living on farms and in the native reserves. That, Sir, is absurd. There is no question of the existence, either among the native labourers on farms or in the reserves from which those labourers have come, of any conditions which are likely to give rise to a situation in which it would be necessary to call out the proposed Defence Force. The Defence Force Bill is merely a defence measure—a precautionary measure such as would be adopted by any sensible Government. The only situation in which Africans would be concerned in connection with the Defence Force would be if this Colony were threatened with external aggression, and then the Colony would rise to a man—African and European alike—to defend the country against such aggression. I should like to compare this scheme of defence with a spare part. It is merely a spare part to have ready to hand to fit into the Empire's existing machinery for defence, but in order that the spare part may be efficient, it is essential that every component should be tested and sound. It can only be made efficient if every man is called out compulsorily, and made to take his share. In no other circumstances can that spare part be efficient when called upon for fitting into the machine. The state of the native reserves, and of the native population of those reserves, has never been so happy and tranquil as at the present time. I wish to give that assurance to everybody here in this House, and to our friends at home, and I do repudiate any suggestion that this measure is in any way designed against the African subjects of His Majesty. (Hear, hear.)

THE HON. A. H. MALIK: Your Excellency, I have great pleasure in supporting the Defence Force Bill so far as it goes, that a defence force be organised in this country. (Hear, hear.) I want to make my principles clear before laying down my views before this hon. House. It is my desire and has always been, that all sorts of sectional and racial matters should be set aside so far as the various races of this country are concerned. I am very sorry to find it my lot to speak on a

measure which is introduced apparently by the Government. That I say in view of the opposition which has been published and put forward by the European inhabitants of the Colony. As I have said, I would have been most backward in introducing any racial and sectional matter in this hon. Council, but it appears to me that Government has, in introducing this Bill, made of the Bill a sectional matter by totally excluding all the Indian community of this country.

I submit, Sir, that it is common law under which it is found necessary for the European subjects of His Majesty to be organised to meet and protect lives and property in the Colony. I submit that the same common law should be applied and it does apply to all citizens, irrespective of their race or section. It is most peculiar; it sounded very strange to me when I read the Bill where provision is made for non-British European subjects, subject to the approval of His Excellency the Governor. I cannot understand why this privilege at least was not extended to the Indian subjects in connection with this Bill. Why was a clause not inserted in the Bill similar to one I have just referred to? It would not have been so bad if His Majesty's Indian subjects were considered and provided for as the alien races of Europe. It has been said that the Indian community have shown no desire to join the Defence Force. It has also been said that Government will consider the inclusion of the Indian community in the Defence Force when a general desire is shown by the Indian community to join. I cannot understand what is meant by saying "a desire on the part of the Indian community." I understand that the Indian Association—I take it the Government does accept them as the representatives of the Indian community—did make representations to the Government asking to be included in this scheme, and in addition to that the previous members in this hon. Council—the Indian Members—did bring up the matter whenever there was an opportunity of doing so in this House on the question of this Defence Force. To-day I can only add the wish of the whole of the community to the expression given by the representatives of the Indian Association when they made their request. They stated they were quite willing, and as a matter of fact were anxious, to be organised as members of the Defence Force. In any case I can safely say without fear of any criticism from the Indian community that they are quite willing and prepared, as a matter of fact, anxious, to share the responsibility side by side with their fellow European subjects. I cannot see any other way by which the Government can be convinced that the Indian community is willing to enlist. In spite of the representations made by the representatives of the community in this hon. House, it is amazing to find the Government waiting for and requiring the Indian community to express their desire for inclusion in the system. It is a well-known fact that the European community have not been required by the Government to show their readiness as a whole for the measure. Not

only the European community as a whole have not accepted the measure, but have on the contrary rejected and opposed it. A clear proof of their unwillingness is that the Bill provides for compulsory system and gives them no choice. What argument is there in requiring the Indians to express their desire as a whole, I fail to see. The hon. Members have suggested that the opposition to the Bill is negligible. It may be so. Granted for argument that the opposition is in a great minority. All the same it goes to prove that the European community as a whole have not accepted it; why then is the Indian community required to do so?

It will be remembered that the day before yesterday I put a question. The reply given by the Hon. the Colonial Secretary was that at present it is not the desire or intention of the Government to organise Indians in a Defence Force, or it is the desire of the Government to confine the Bill to the European inhabitants only, and that Government will consider the Indians when a general desire is shown by them as a whole. Your Excellency, I submit that I can trace as far back, I think, as 1923 when an Indian Member put a question in this hon. House asking for the organisation of an Indian Defence Force in the country. The reply given to that question was that as no such measure was then before the Government the Government was not in a position to consider the representation made by the Indian organisation on behalf of the Indian community. At the moment when this answer was given apparently the Government was justified in saying that. Now, in view of that answer, Sir, I submit this is the opportune moment to consider the Indian side of it, and a provision made for the inclusion of the Indians in the Bill that is now before this hon. House. I cannot find any reason for introducing this Bill except that the responsibility rests on the European inhabitants of the Colony for the protection of life and property in the Colony and for meeting under emergency.

I thoroughly agree that such an organization is necessary for every country. Happily to-day there is no great differentiation between the Indian community and the European community of the Colony. I hope that this tranquillity will last as long as this Colony will last.

It has been said by the hon. the Chief Native Commissioner that there is no possibility at present of any trouble from the native population. But there is no doubt certain things do happen. There are no racial differences, there are no racial controversies these days between the Indians and the Europeans, but in case something does happen, as did happen a few years ago, I think in 1922, when His Majesty's Indian subjects were threatened by the European inhabitants of the country.

HIS EXCELLENCY: Order, order.

THE HON. A. H. MALIK: I hope this will never occur again, but in view of a letter which is published in the Press this morning, reviewing the attitude of the European inhabitants in 1922, I say that if that did arise at any future date the European population properly organised and in a much better position would be able to do what they liked against the Indian community.

The Indian community as a whole is defenceless. Arms of protection possessed by the members of my community are few and far between. Indians have penetrated far into the country and are open to dangers of every description. On the other hand the European community is well armed with arms of protection and least open to danger. If there is a community which needs a force of defence most it is the Indian community.

The introduction of this Bill, particularly the elimination of the Oath of Allegiance to His Majesty the King, and a certain anxiety on the part of certain portions of the European community and the Government, with the peculiar preamble which simply states the responsibility incumbent upon the European inhabitants of the Colony, has given rise to dissatisfaction amongst the Indian community. The fact that a number of the European inhabitants of the Colony have signed against the Bill in its present form shows that it is not the great desire of the European community to have the Bill as it stands at present. It has been said that this Bill is un-British. I do not think it is un-British so far as it provides for the defence of the country, but I do say, perhaps, it is un-British in this way, that it disables certain sections of His Majesty's subjects from joining this Force. The Indian community wants to take equal responsibility and their burden of the defence of the country and of life and property in this Colony. In the end, Your Excellency, I beg to add that it is suggested that by passing this Bill peace of mind will be restored to European inhabitants, but I say that at least the peace of mind of the Indian community will be disturbed if this partial measure is enforced.

In conclusion, Your Excellency, I would request that the hon. Members on the other side of the House be allowed a free vote.

THE HONOURABLE THE ACTING COLONIAL SECRETARY: Your Excellency, as might be expected there is no case really for me to answer in this hon. Council. I would like to take this opportunity of gratefully acknowledging the generous terms in which the Noble Lord referred to my opening remarks.

With regard to what the last speaker said I am afraid I was unable to follow his mathematical calculations. I had a general impression that they were capable of being easily disproved, and I may say that somewhat the same impression prevailed with regard to his logic. I was glad, however, to

note that it was his belief, and I believe that his belief is truly expressed on behalf of the Indian community, that they themselves would be willing to form some such body as this in future. In my opening remarks I connected up this responsibility with the true sense of civic responsibility. I am further glad to think and believe that the Indian community is on the eve now of showing that sense of civic responsibility by organizing itself politically and so enabling itself truly to show its general desire in a matter such as this. Your Excellency, there is only one issue and one principle at stake in this Bill, and that is the issue of the compulsory enrolment. I would urge that it be recognised that this Bill is framed, primarily upon the principle of voluntary enrolment, and only on second resort to compulsory enrolment.

Your Excellency, I beg to move.

HIS EXCELLENCY: I am unable to accede to the request that there should be an open vote on this Bill. I have no reason to suppose that Government Members are not as whole-hearted in their support of the measure as the unofficial Members. In fact, I have every reason to believe that they are. I feel, however, this measure is one from which Government cannot, and does not desire to relieve itself of any of its responsibility. It is believed by Government to represent the general views of the country as to the necessity of a defence scheme based on a definite organization. I believe the accord between Government and the Elected European Members to be complete in this matter and I consider the Government should support the Bill as such and that the responsibility should be taken by Government as a whole. I may remind the House that it is always open to a Government Member if he has conscientious objections to supporting any measure to ask that he may be allowed to abstain from voting.

I take the opportunity to express the fervent hope in the interests of the Colony that any differences in respect of this Bill may be sunk and even those who may feel that they would have preferred a defence organization on other lines will be among the first to come forward voluntarily and show their desire to play their part in the organization when formed and to make it as complete and successful as possible. (Hear, hear.)

I will now put the motion to the House:

That a Bill to provide for the organization of the European inhabitants of the Colony of Kenya for the defence thereof be read a second time.

The question was put and carried by 33 votes to 1.

Yeas—Messrs. Atkinson, Baker, Canon Britton, Mr. Campbell, Colonel Davies, Lord Delamere, Mr. Dobbs, Colonel Doherty, Colonel Durham, Mr. Fitzgerald, Dr. Gilks, Messrs. Grannum, Harvey, Hamed Mohamed,

Hemsted, Holm, Huggard, Capt. Kencahy, Colonel Kirkwood, Messrs. Maxwell, McElwaine, Montgomery, Northcote, O'Shea, Orr, Brigadier-General Rhodes, Major Robertson-Eustace, Captain Schwartz, Sheikh Ali bin Salim, Messrs. Sikes, Walsh, Captain Ward, Mr. Wilson.

No.—Mr. Malik.

THE RT. HON. LORD DELAMERE: Your Excellency, before we adjourn I should just like, under the Rules of this hon. House, to ask what steps Government feel inclined to take in the future with regard to people who interrupt the debates of this hon. House. In all countries it is considered undignified to throw out anybody—it is considered undignified on the part of Members to do that sort of thing, but, Sir, surely there is some method by which the Members who speak on the important affairs of the country can do so without interruption. I would like to know if Government feel as I feel that some steps should be taken in this connection. People do these things at political meetings, but not in a Legislative Council where serious debates take place. It might become a great nuisance if interruptions from the audience take place. I feel very strongly that Government should take some steps to stop this sort of thing. I hope hon. Members on this side of the House will agree with me that some method should be devised by which people who interrupt in this hon. House can be removed in the ordinary way such as is the case in other Legislative Councils in the world. It so happens in the instance that occurred this morning that the gentleman removed himself, but it would be very bad if somebody kept on interrupting. I do say that the privileges of this hon. House and of the Members are violated by such actions and steps should be taken to see that it is not possible to do so.

HIS EXCELLENCY: I should like to say that if anybody interrupts the proceedings of this Council it is always possible under Standing Orders to take steps to request all strangers immediately to withdraw from the House. In this case the offender withdrew from the House, otherwise it would have been necessary for me to take that course and inflict a hardship on other people who desire to hear the debates while behaving in an orderly manner.

(Council adjourned to 2.15 p.m.)

(Council re-assembled at 2.15 p.m.)

THE HON. THE ACTING COLONIAL SECRETARY: (MR. NORTHCOTE): Your Excellency, I beg to move that this hon. Council resolve itself into a Committee of the whole Council to consider the clauses of this Bill one by one.

HON. THE ATTORNEY GENERAL: I beg to second.

In Committee.

Clause 10.—Division of Defence Force into Classes.

THE HON. THE ATTORNEY GENERAL (MR. HEGGARD): Your Excellency, I should like to move a small verbal amendment in this clause. After the words "Class I", I suggest Class I should read: "Persons who have attained the age of eighteen years and have not attained the age of thirty years." I think the omission of these words, "have not attained the age of thirty years", is probably due to a typographical or printer's error. The question was put and carried.

Clause 11 (4).

CAPT. THE HON. E. M. V. KENYALY: Your Excellency, I suggest that the word "practising" should be put in before "members", "Practising members of the Medical and Veterinary professions", line 43.

THE HON. THE ATTORNEY GENERAL: Might I suggest to my hon. friend that his object might equally well be attained by an insertion after the word "professions" of the words "in actual practice".

THE HON. THE ACTING COLONIAL SECRETARY: I am not sure how that will affect certain Medical Officers.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS): There are certain members of the medical profession who do not practice and who have no intention of practising. I understand one has recently arrived who does not intend to practise.

THE RT. HON. LORD DELAMERE: He would be safer with a gun than a lance!

Clause 11 (1).

THE HON. T. J. O'SHEA: I beg to move the deletion of the word "male" in the second line of this clause. I do so, Sir, more for the bill for the enrolment of women, but I think they are a very necessary part of any military organisation. That every female subject should be enrolled in military service is not my intention. My intention is the enrolment of such women as are required to complete the military organisation.

THE HON. THE ACTING COLONIAL SECRETARY: I would suggest that an exemption be made in the first place with the Bill as it stands. The question was put and lost.

THE RT. HON. LORD DELAMERE: What is the actual amendment?

HIS EXCELLENCY: The words "in actual practice" in clause 11 (4). The question was put and carried.

Clause 15.—Exemptions.

CAPT. THE HON. E. M. V. KENYALY: May I have some information on this point, "under the hand of a Medical Officer"? I think that should be more definite. The standard of fitness should be laid down in some way, and whether the Medical Officer should be a practising physician and Medical Officer could grant an exemption whether he is recognised by the medical fraternity in this country or not.

THE HON. THE ATTORNEY GENERAL: I understand it is only intended to apply to Government doctors. A "doctor practising" would not be a medical officer, he would be a medical practitioner. If my hon. friend would desire it, I suggest the insertion of the word "Government" before "Medical Officer".

CAPT. THE HON. E. M. V. KENYALY: Does this imply that the examination of fitness would be a free one to anybody who wished so to be examined?

THE HON. THE ATTORNEY GENERAL: I think the answer to that, Sir, is in the affirmative.

It would be open to any person to submit himself for medical examination if he had any doubt as to whether he was fit.

CAPT. THE HON. E. M. V. KENYALY: Further to that, would there be any appeal from the opinion of a Government Medical Officer?

THE HON. THE ATTORNEY GENERAL: No appeal is provided for in the Bill, Sir.

CAPT. THE HON. E. M. V. KENYALY: Is it not essential to provide some board of appeal in the event of opinions differing?

THE HON. THE ATTORNEY GENERAL: I cannot see why the man should not be referred to a Medical Board.

THE RT. HON. LORD DELAMERE: I imagine that all these examinations will be made without charge to the person concerned?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Would a man who suggested he was unfit go on his own account to a Medical Officer, or would he go because he does not want to enrol because he says he is unfit? Perhaps it would be a good idea if an insertion were put in that a certificate would be given without charge.

THE HON. THE ACTING COLONIAL SECRETARY: Could not that be done in Regulations?

THE HON. THE ATTORNEY GENERAL: I think a provision of that sort might be left to regulation. It seems to me that paragraph (v) of clause 31 would cover a matter of that kind.

Clause 14.—Preparation of lists of persons liable to service.

THE HON. G. G. ATKINSON: I beg leave to move an amendment in sub-section 3, line 33. The amendment is that the word "final" be deleted and instead of that that these words should be inserted: "subject to an appeal to a First Class Magistrate's Court". In England during the Great War when it was more urgent and imperative to obtain recruits than it ever will be under this Bill, such matters were not left to the uncontrolled discretion of the authorities, but there was an appeal to the Courts, and the reports are full of cases on such points.

THE HON. THE ATTORNEY GENERAL: So far as I am concerned, I have no objection to the amendment. As regards the exact phrasing of the amendment, I should like to see it in another form. I do not know if my hon. friend intends to exclude the Supreme Court?

THE HON. G. G. ATKINSON: No; but from the Magistrate's Court an appeal would lie to the Supreme Court, as was the case in England.

THE HON. THE ATTORNEY GENERAL: Well, that might be. I am not prepared to express an opinion on that. I suggest the words, "subject to appeal to the Court of a First Class Magistrate". It is the same thing.

THE HON. G. G. ATKINSON: I am prepared to accept the Supreme Court. I am quite prepared to agree to that.

THE HON. THE ATTORNEY GENERAL: I think it would probably be more convenient to have it to a First Class Magistrate's Court than to the Supreme Court. I prefer the words "subject to appeal to the Court of a First Class Magistrate".

HIS EXCELLENCY: Does that meet the hon. Member?

THE HON. G. G. ATKINSON: Yes.

The question was put and carried.

Clause 17.—Duties of members in regard to Government rifles.

CAPT. THE HON. E. M. V. KENYALY: Does this embrace the possible loss of any rifle? The penultimate line, "damage to such rifle".

THE HON. THE ATTORNEY GENERAL: Perhaps the clause is not quite clear and I should be perfectly ready to agree to the insertion of the words "loss of or" after "any", "Any loss of or damage to such rifle". The question was put and carried.

Clause 22.—Calling out and mobilisation of Defence Force.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, the second part of the first paragraph of clause 23: does this allow of units such as the transport being called up first before the actual combatant forces, because if not I think it is wrong?

THE HON. THE ATTORNEY GENERAL: No; it is open to the Governor to call out any part or parts of the Defence Force. I take it that that covers the transport section.

CAPT. THE HON. E. M. V. KENEALY: But it says "that the members enrolled in any class shall not be called out until the members enrolled in every preceding class have been called out". Doesn't that rather conflict with the previous one?

THE HON. THE ATTORNEY GENERAL: I do not think it does, because the clause merely refers to the age of the persons enrolled therein. Classes have no relation to the duties attached to the various individuals.

THE RT. HON. LORD DELAMERE: Isn't that rather a point? If you want to call out, let us say, the transport, you will have to include all those in that certain district, and they could not be called out under this section—the older ones—until all the previous classes had been called out.

THE HON. THE ATTORNEY GENERAL: To put a concrete case. Suppose the Governor wanted to call out the transport service, he could, without calling out the other forces, call out all the classes of the transport service.

THE RT. HON. LORD DELAMERE: He could?

THE HON. THE ATTORNEY GENERAL: Yes.

THE RT. HON. LORD DELAMERE: That is good.

Clause 25.—Liability of population to provide transport, etc.

THE HON. T. J. O'SHEA: May I ask under this section whether any provision has been made in the Bill for payment of compensation for commandeering of transport or supplies?

THE HON. THE ATTORNEY GENERAL: This point was raised before, and the view I took was that regulations could provide for this. If my hon. friend will refer to paragraph (k) of clause 31 he will find that the Governor is empowered to make regulations for the requisitioning of means of conveyance and for transport for service, and under paragraph (m) for the requisitioning of goods, provisions, supplies and accommodation. Such regulations could provide for payment of compensation or whatever may be awarded in the case of transport being acquired.

Clause 31.

THE HON. THE ATTORNEY GENERAL: Your Excellency, there is a very small amendment in this clause. In paragraph (j) the figure "31" should be "30".

The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that the Bill as amended be reported to Council.

The question was put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that a Bill intitled "A Bill to provide for the organisation of the European inhabitants of the Colony of Kenya for the defence thereof" has been referred to a Committee of this Council and has been sent back to Council with various amendments.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to give notice that I shall move the third reading of this Bill at a later stage of this Session.

THE BILLS OF EXCHANGE BILL.

SECOND READING.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg leave to move the second reading of a Bill relating to Bills of Exchange, Cheques and Promissory Notes.

The present law in force in the Colony relating to this subject is contained in the Bills of Exchange Act, 1882. That Act applies in Kenya by virtue of the East Africa Order in Council which applied to the Colony all statutes of general application in force on the 12th day of August, 1897. The Imperial Act has been amended on two occasions since its enactment, but these amendments do not apply in Kenya because they were passed subsequent to August, 1897. These two amendments, Sir, relate to crossed cheques and the time for noting of bills of exchange.

One reason, Sir, for the introduction of this Bill is to bring the law in Kenya relating to bills of exchange and promissory notes into line with that in force in the United Kingdom by the introduction of these two amendments to which I have referred.

It may well be asked, Sir, whether these two small amendments—because they are only small amendments—could not have been introduced separately without inflicting on this House a Bill containing 96 sections. My answer is that that could quite easily have been done, but the reason I have not adopted that course is because I feel strongly that applied Acts—whether English or Indian—which are in daily use in the Colony should, as opportunity arises, be made the subject of local enactments. (Hear, hear.) That course has the obvious advantage of convenience for the purpose of reference and for the purpose of construction and I may add that the adoption of that course has been urged upon us on more than one occasion by the Secretary of State.

It is in these circumstances that I have prepared this rather lengthy Bill and I submit it to the House.

Apart from the two amendments to which I have referred, the Bill is practically a copy of the English Act which is at present in force in the Colony, and therefore apart from these two amendments it is not intended to make any material alteration in the present law.

The Bill has been submitted to the banks and to the Law Society and has their approval.

I beg leave to move the second reading of the Bill.

THE HON. P. A. McELWAIN (ACTING SOLICITOR GENERAL): I beg to second.

The question was put and carried.

THE STAMP (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 Stamp Ordinance.

This Bill is rather a difficult Bill to deal with in a second reading because it consists entirely of a number of independent amendments to the present Stamp Law.

The Bill has an object which I am sure my hon. friends will agree is a desirable one, namely, the co-ordination of the law on this subject with that of Uganda and Tanganyika Territory. As stated in the Objects and Reasons, if the amendments proposed in this Bill are accepted there will be few differences between the Ordinances of the respective territories and these differences will be so small as to be practically negligible.

In these circumstances I intend to ask the House to approve of the principle of the Bill and to leave the details to be dealt with by a small Select Committee.

As regards the details, it will be found that they are dealt with in the comparative table of clauses attached to the Objects and Reasons, and this being so I do not feel justified in taking up the time of Council in detailing the amendments one by one. If any hon. Member wishes to raise any point in regard to any clause I shall do the best I can to answer him, but in view of the technical nature of the amendments and the general character of the Bill I suggest to the House that the most appropriate and convenient way of dealing with the Bill is to refer it to a Select Committee.

In these circumstances I beg to move the second reading of the Stamp (Amendment) Bill.

THE HON. THE TREASURER: I beg to second.

THE HON. T. J. O'SHEA: Your Excellency, I am very relieved indeed to find that it is the intention of Government to refer this Bill to a Select Committee because I believe the majority of my colleagues on this side of the House have

realised only now that this Bill involves the raising of taxation, and one of the items it is proposed to tax is our overdrafts. (Laughter.) That suggestion will be met with horror by the country and I think it is a suggestion that should certainly receive very careful consideration before it proceeds much further.

Consequently, Your Excellency, I am very much relieved and thankful that Government is going to refer it to a Select Committee and I hope it will be a very select committee.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Bill be referred to a Select Committee of Council.

HIS EXCELLENCY: It has been suggested that the Bill should be referred to a Select Committee of Council composed of—

The Hon. the Attorney General.

The Hon. the Treasurer.

The Hon. Member for Nairobi South.

The Hon. Member for Mombasa.

The Hon. Member for Plateau South.

Are there any further names suggested?

That committee is appointed accordingly.

THE TOWN PLANNING (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 Town Planning Ordinance.

This Bill is of a highly technical character and, subject to the acceptance of the principle involved in the Bill, I propose to suggest that it be referred, as in the last case, to a Select Committee of this House.

The Bill is designed to meet a difficulty which has already arisen in connection with the Mombasa Town Planning Scheme and which will similarly arise in connection with all future town planning schemes.

As hon. Members are aware, an essential feature of all town planning schemes under our Ordinance is that all land in the area covered by the scheme is pooled and redistributed. This involves considerable alteration in the shape and size of plots and a consequent re-adjustment of boundaries. It follows from this, Sir, that an individual who has a plot of a certain shape and size and in a certain position before the scheme may, as the result of the carrying out of the scheme,

find himself with a plot of a different shape and size, and even in a different position, and in such cases it is obvious that the document of title relating to the old plot ceases to be of any value as regards the new plot, and it is therefore necessary to make provision for the issue of new and correct documents of title.

There are, no doubt, Sir, many methods of achieving the desired result but subject possibly to amendment of the present Bill, the method proposed is considered by those concerned to be the most convenient, the cheapest and the most expeditious of all the methods that have been considered. It is, I may add, the method adopted in the Federated Malay States where they have a Town Planning Ordinance similar to ours.

Now, Sir, what the Bill briefly provides for is that on the final approval of a town planning scheme which involves the adjustment of boundaries of plots or holdings, the following provisions shall take effect:—

- (1) The existing title to every plot affected by the scheme is automatically extinguished and the plots are deemed to be Crown land. All documents of title relating to such plots are required to be forthwith delivered up to the Commissioner of Lands or to such officer as he may appoint in order that they may be cancelled;
- (2) The Commissioner of Lands is then required to issue or cause to be issued to each of the several persons amongst whom the plots are to be redistributed a certificate of ownership in the prescribed form in order that they may hold the sites assigned to them upon the same terms and conditions and for the same interests and subject to the same encumbrances (if any) as applied in the case of the original sites;

As I have said, Sir, the Bill deals with a highly technical and difficult subject and personally I should be most grateful for any suggestions, either with the object of improving the present Bill, or with the object of suggesting a procedure different to what is now proposed. I am sure, Sir, that the House will agree that the difficulty which I have tried to indicate does exist and has got to be met, and has got to be met by legislation, and it is only a question of finding the most convenient way of dealing with the difficulty. I therefore ask the House to approve of the principle dealt with in the Bill, and leave the details to be dealt with by a Select Committee which will have the advantage of those officers of Government who are directly concerned with the titles of land. I beg to move the second reading of the Bill.

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKER): I beg to second.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the Bill be referred to a Select Committee.

HIS EXCELLENCY: It has been suggested that the Bill be referred to the following Select Committee of Council:

The Hon. the Attorney General.

The Hon. the Acting Commissioner of Lands.

The Hon. Member for Nairobi South.

The Hon. Member for Mombasa.

Those in favour?

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I would ask to be excused from this Committee. There is such a thing as overworking a willing horse. You can have my young and budding colleague behind (the Hon. G. G. Atkinson) on this Committee. Anything I would say he will say with greater effect and I beg to be excused.

THE HON. THE ATTORNEY GENERAL: As I said, the Bill is highly technical and I do not know if it is a matter that would interest my non-legal friends on the other side, but I would welcome a suggestion from the other side in that regard.

CAPT. THE HON. H. E. SCHWARTZ: I do not gather that any hon. Member on this side of the House wishes to be involved in technicalities?

HIS EXCELLENCY: The Committee as suggested with the omission of the name of the Hon. Member for Nairobi South is approved by Council.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) BILL.

SECOND READING.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BIG. GEN. RHODES): Your Excellency, before moving the second reading of the Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, it may be of interest to this House if I were to give a few details of the Railway working and finances.

It will be remembered that when Mr. Felling introduced his estimates in October of last year he said that he thought the earnings over the estimate for 1926 would probably be £75,000, and that the expenditure would correspondingly rise to £55,000 over the estimate, leaving a net sum of £20,000 for transfer to Betterment Fund. The final figure it will be seen from reference to this Bill is very close, the figure being some £16,700.

I would like to draw attention to the cause of the decreased earnings. Traffic dropped very considerably during November of last year, being £6,700 less than for the same month of the previous year, and in December it dropped to no less a sum than £16,000 below the figure for December the year before. A drop of that sort could not, of course, be anticipated by the General Manager. On the other hand, certain miscellaneous receipts have been higher than expected while loan charges have been somewhat lower, bringing the result pretty close to what has been estimated.

In view of the drop in earnings it was necessary to take immediate action to cut down expenditure and this was done. Mr. Felling dealt rather fully with the causes of increased expenditure in introducing his estimates. The only one I wish to draw attention to now is the extra cost of working new branch lines. In opening a new railway such a railway is not able to earn the amount of money an old and established line can possibly earn and therefore working expenditure must go up slightly to that extent. Just at the moment we have taken over rather a large number of lines and that has affected our finances to some extent and points to the necessity for easing up our programme of new construction until our finances are somewhat better established.

The results for the present year up to date are fairly satisfactory. To start with, in January there was a drop, but February, March and April have shown satisfactory increases, so that the position at the moment is not altogether unsatisfactory. There are one or two disturbing factors however which necessitate the situation being very carefully watched.

As you are aware the price of cotton dropped and also the quantity of cotton likely to be grown is less than we anticipated, and that may have a very material effect upon the whole revenue towards the end of this year.

Further factors have entered into the situation since Mr. Felling made his original estimates. These were very excellently reviewed in the *East African Standard* of January 22nd this year and I will briefly refer to them here.

The first is the reduction in the cotton rate. It will be remembered that when it was found that the price for cotton was not likely to be as high as it has previously been, the Railway was obliged to drop its rates to prevent that very important trade from suffering. The Railway Council recommended a drop of 25 per cent. this year provided the shipping companies were prepared to make a similar reduction in their freight rates. This was agreed to by the shipping companies and the 25 per cent. reduction came in. This involved a loss to the railway of some £37,500 for the year.

In addition to that the Railway Council agreed to a reduction in rates on corrugated iron and cement especially in view of the very heavy building programme in front of both Colonies. That involved a loss of £28,000 in the case of iron and £25,000 in the case of cement. The total rate reductions outlined above amount to over £80,000 drop in revenue, which is rather an important reduction. In addition to that we had a further factor—the Port loss, which had not been budgetted for in the estimates for this year. We were called upon by the Secretary of State to carry the Port loss, a sum of £120,000. This brings the loss for the year up to a figure of £210,000. As our original balance which we had estimated for only amounted to £189,000, that immediately involved us in an estimated loss of £22,000. That had to be dealt with at once. A special meeting of the Railway Council was called and the Betterment programme was reduced by a sum of approximately £216,000 in order to re-establish the budget position.

The need for such action is very much to be regretted, as it will inevitably react on the future, when development which is undoubtedly required is not carried out according to programme. However, under the circumstances no other course was open to the Railway Council.

Expenditure in other directions is also being watched, and cut down wherever possible. Heads of departments have received very definite instructions to see that all work that can possibly be postponed to a more appropriate occasion is eliminated for the present.

It is especially necessary to establish a sound financial position in view of the fact that towards the end of this year we may anticipate competition from the Mwanza-Tabora line. The effect of this cannot at present be foreseen. As explained by Mr. Felling, rates negotiations with the Tanganyika Government are in progress, but at the present date it would be premature to attempt to forecast exactly what results will accrue from these negotiations.

In dealing with the financial position the Railway Council expressed its concern at the lack of a decision regarding the Port. It also earnestly requested the Governments concerned not to impose undue burdens on the Railway in regard to police, medical, Government transport, labour, etc., requirements. I would like to take this opportunity of saying that I think both the Kenya and Uganda Governments fully appreciate this position and are doing everything in their power to assist us to deal with the financial situation in an adequate manner.

The position regarding rates reductions is now, I hope, well known to the public. As everyone is aware, it is the policy of the Railway Administration to return to the public all surplus earnings that may accrue after meeting working and

lean charges. The return to the public may take the form either of rates reductions or of improvements to existing services and plant. It is essential that future needs should be foreseen in plenty of time and allowed for, so that the Administration may be in a position to deal adequately with all calls made upon it by the public. Subject to this proviso, all further surplus revenues are returned to the public in the form of rates reductions. A considerable number of reductions, as this Council is aware, have already been carried out since Mr. Felling took over the management of the Administration, and I have indicated earlier the very considerable assistance to industry that has already been given for the present financial year, amounting to £90,500.

It will be realised by hon. Members that, in view of the financial position as already explained, and in view of the recent settlement regarding the Port, further rates reductions must be dealt with in a very conservative manner. As explained by Mr. Felling, it is impossible for him to recommend rates reductions which may involve the Administration in a net loss; but the public may confidently rely on the Administration to introduce rates reductions whenever the financial situation would appear to justify it.

It should, however, be remembered that by the end of 1927 our interest and loan charges will have risen from the present figure of over £100,000 to over £800,000. To cover this, our net revenue must increase by a similar amount, and we are not at all sure yet whether this sum will be realised in time. This cloud on the horizon is being closely watched, and it will be readily realised that its growth will affect our whole financial policy. It is a very difficult matter for young Colonies to finance development from the start, and it is a matter for regret, therefore, that the Imperial Government has not been able to maintain a policy of loans with a "free of interest" period.

Turning now to the question of new works, I will briefly review the present situation:

As you are aware, the Thika-Nyeri line has been opened to Nyeri for the carriage of public goods under construction arrangements for some considerable time. This line is now completed and has been handed over to open line. The extension from Nyeri to Narro Moru is well started, and will, I hope, progress in a satisfactory manner.

The Solai and Kitale branches are now operating fully under open line conditions, and are carrying a very heavy maize traffic. None of these branch lines are, however, yet showing a profit.

The extension to Uganda is making steady progress and I have every hope that it will be opened under open line conditions before the close of the present year. As you are

aware, we have been taking traffic from Tororo under construction arrangements for some time, and a considerable quantity of cotton has already been conveyed from that station.

On the far side of the Mpologoma the line has also been opened under construction arrangements to carry cotton and other goods towards Jinja.

It will be seen, therefore, that, except for the short gap between Tororo and Mpologoma, this extension to Uganda is already affording considerable assistance to the shipping public.

The work on the Mpologoma Causeway and Bridge is progressing smoothly and satisfactorily. The bridge cylinders have now reached their final level, and we hope very shortly to have the bridge and causeway completed.

Platelaying should recommence from Tororo towards Mpologoma at an early date, and through connection with the Mbulamuti section (which was completed some time ago) should be made by July or August of the present year.

Progress, therefore, has been very satisfactory, in spite of considerable difficulties, especially as regards ill-health of the staff. The section between Broderick Falls and the Uganda border has been particularly difficult for the latter reason.

I would like to express my admiration of all the staff concerned in this and other areas, who have given of their best under all circumstances, and in spite of a considerable amount of sickness.

With regard to surveys, it will be remembered that the Thomson's Falls survey has been completed, and the report was placed on the table last year for the information of Legislative Council. Funds have not yet been placed at the disposal of the Administration for the construction of this branch.

A survey and report for the Kavirondo branch has been completed, and was laid on the table during the last session.

A survey of the Sotik-Kericho branch has been completed and it is hoped that the report and estimates will be laid on the table in two or three months' time.

With regard to Uganda, surveys and estimates have been prepared for the lines from Tororo to Soroti, from Dusaubania to Jinja, from Mbulamuti to Kampala, and from Jinja to Kampala.

The question of the route to Kampala is one that is receiving very close consideration by the High Commissioner. There are considerable claims for both routes, and strong pressure is being exerted by interested parties in favour of the Jinja route.

With regard to the Makupa Causeway, I am now in a position to state that all preliminary inquiries and investigations have been completed. The plans for the final design are now in course of preparation and we propose to start work on this causeway immediately. The question of whether a solid causeway, completely blocking the channel and thereby saving the country an expenditure of £35,000, should be constructed is receiving the consideration of Government.

As hon. Members of Council will have seen, work has already commenced on the foundations for the Railway Head-quarter Offices. It has been found necessary to carry out this work departmentally, under the supervision of the architect responsible for the design. Various details have been, under investigation, and experiments have been made in connection with the facing that is to be adopted for this building. A decision has been arrived at, and it is anticipated that work will now go ahead without any further delay.

At the Port, it is satisfactory to be able to report that Messrs. Paulings have made a start on the construction of two more deep-water berths. These two berths cannot be completed too soon, in view of the very rapid growth of the trade of the Colony.

It may also interest Members of this Council if I review briefly the position regarding the present traffic that is being carried by the Administration.

From January to April, inclusive, of this year, we have railed to the Coast a total of 115,922 tons of various commodities (coffee, cotton, maize, soda, etc.), as against 67,500 tons during the corresponding period last year, an increase of no less than 50,413 tons, i.e., nearly double the amount carried last year. Maize was responsible for the largest increase, the tonnage carried being 68,303 tons this year as against 20,918 tons last year, or over three times the amount carried last year and 28,000 tons more than we undertook to carry this year.

In spite of the largely increased tonnage handled, fuel costs for January were £12,310, as against £13,549 for January, 1926, a decrease of £1,209. This result has been obtained largely by increasing the amount of wood fuel used and decreasing the amount of coal.

The cargo landed at Kilindini Pier for the sixteen weeks ending 23rd April, 1927, amounted to 76,150 tons, as against 51,180 tons for the corresponding period of the previous year, an increase of 24,970 tons, i.e., 48.79 per cent.

Imports railed up-country during January, February and March amounted to 55,407 tons, as against 28,837 tons for the corresponding period of 1926, an increase of 16,570 tons, or 42.66 per cent.

The above figures are, I think, striking ones in many ways, and show that the Administration is adequately dealing with the traffic that is being offered.

In connection with maize, we endeavoured to rail to the Coast as large a tonnage as possible before the cotton crop was available for transport. In pursuance of this policy a total of 68,303 tons of maize has been carried to the Coast by the end of April. This, I think it will be admitted, is very satisfactory, and has only been possible through the full co-operation of the maize producing organisations and the shipping companies. As an example, it was at one time obvious from the information supplied to the Administration that the shipping space booked for maize for the month of February was inadequate, and on representations being made to this effect, it was gradually increased from 6,800 tons to 20,000 tons. The tonnage actually shipped during the month was 21,178 tons.

Cotton is now coming forward, and is being dealt with without difficulty in Uganda and at Kisumu. 81,174 bales have passed through Kisumu from the 15th January to the end of April. Cotton seed was allowed to come forward from April 1st, as was done last year.

In connection with our efforts to move rapidly the big bulk traffics of maize and cotton we have naturally received complaints that other traffic has been neglected in consequence.

This, of course, has not been the case. The fact is that during peak periods we can never quite satisfy everybody. We get just as many complaints from shippers of bulk traffics as from smaller shippers, and we endeavour to hold an even balance in all cases.

I think the figures I have quoted above show that, taking all things into consideration, the traffic offering has been adequately dealt with, in spite of the very heavy increases in some commodities.

Attention has been drawn recently in the Press to the functions of the Railway Advisory Council. The High Commissioner looks to this Council to advise him on all major problems concerning the administration of the transportation services, in the best interests of all the territories served by the services.

In this capacity the Railway Administration welcomes their advice and assistance, and also looks to the members of the Railway Council to explain and elucidate to the general public at every opportunity the principles underlying decisions taken.

The Railway Council in the past has already done a great deal in this direction, with the result that the general understanding that now exists between the Administration and its customers is good.

As, however, the functions of the Council are advisory only, it will be realised that in some cases it would be quite improper for the Council to make public the advice given to the High Commissioner, especially in such matters as rates or questions involving action or decision by either Government.

In some cases, too, confidential information is placed before it to assist it in its judgment, which, if full publicity were to be given, would have to be withheld.

The Council in these respects is in exactly the same position as many boards of directors.

Except, however, where information or facts are definitely advised by the Chairman as being confidential, the Railway Council is, by its Standing Orders, allowed the fullest liberty in discussing matters of principle brought before the Council.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOPE) : I beg leave to second the motion.

HIS EXCELLENCY : The question before Council is that a Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, be read a second time.

THE HON. T. J. O'SHEA : Your Excellency, whatever other complaints hon. Members on this side of the House have against the hon. Representative of the Railway department, they certainly cannot complain of lack of frankness on his part with regard to matters concerning his department. I think I can safely say that we are all grateful to him for the lucid statements he has made from time to time in recent months, keeping us *au fait* with conditions in that very important department, and also to his predecessor. One of the drawbacks of course is that it gives people on this side of the House an opportunity of being a little more critical than they might otherwise be.

I was very interested to hear the hon. Member say that the whole of the branch lines are working at a loss. I am sure it will be a surprise to a good many people who deal with those branch lines to find that they are working at a loss. I should very much like the hon. Member to give us a little more information on that score in connection with the Uasin Gishu and Kitale lines. I think it is advisable for this reason, that the people in those areas are labouring under the delusion that the lines are working at a profit and that they feel they are entitled to more consideration from the Railway than they are at present getting. If on the other hand they knew from

an authoritative source that these lines are working at a loss they might possibly be more chary of bringing forward the demands they do.

Another matter—the question of Railway rate reduction. I should very much like to know whether the anticipations of a loss arising out of reductions in freights on galvanised iron and cement are being realised, or whether there is any justification for my belief that these rate reductions have encouraged a greater importation and a greater use of these articles, and that consequently the Railway will not in the end lose as a result of these reductions. I should very much like to know, because if that is so, I am greatly concerned that there should be a further rate reduction. I have from time to time in the past urged upon Government and the Railway authorities the advisability of conceding the demand for a considerable rate reduction on fuel oils. I mention it again at this stage because the hon. the Acting General Manager has said that he himself and his colleagues are greatly worried about the position in 1929, when a further charge of something like £400,000 has to be met in respect of interest and sinking fund, and also because he is greatly worried as to whether his expectations for this year will be realised. May I take the liberty of giving him a piece of advice? Having listened to so many of his statements and those of his predecessors I feel I am beginning to know something about railway matters in this country, and that I may be so bold as to tender advice. I believe that a rate reduction on fuel oils would do more to put up the Railway revenue in this country and the general revenue of the country within a period of two years than any other single step it is in the power of the Government to take. I have studied the question very closely. I am saying something that may appear absurd to people, and one never likes to appear absurd; yet I feel sure that however absurd I may appear to-day, what I predict will be realised within the next couple of years. I know for a fact that during the past eighteen months very considerable development has taken place—agricultural development in various parts of this country, purely because people have taken up tractors. I am also aware that because of the high cost of the fuel for these tractors people have had to allow them to remain idle and lie up before their programme has been half completed. I also know, looking at the statistics published of the Railway traffic, that there has been a very considerable increase in the amount of fuel oil which has passed over the Railway, and I think there must have been a very considerable revenue from that source.

I should like the hon. the Acting General Manager to say whether that is not the case. I know that the House is rather tired of hearing me repeat these statements so frequently, but I feel that I am only doing my duty in urging this case, and I feel certain that if the matter is seriously investigated, there will be found a considerable amount of common sense in what I say.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: Your Excellency, if I may be allowed to reply to the last speaker, I may say that the information we are trying to give to the public is given with the object of trying to persuade them that we realise all their troubles and difficulties, and that we are doing our best for them.

The first question was whether the branch lines are working at a loss. To begin with I referred to the Thika, Solai and Kitale lines—the Gasin Gishu is considered a main line. The other three lines are undoubtedly, according to the figures presented to me by the Railway Chief Accountant, working at a loss at present, and that is, too, after giving those branch lines every credit for all traffic introduced by these branch lines to the main line. These lines are at present working at a loss and probably towards the end of the year the loss will grow, but I anticipate each year that loss will decrease.

With regard to the other point, whether we are incurring any loss on corrugated iron and cement owing to the rate reductions, it is impossible at present to state whether that will be so or not. At present the importation of these commodities is higher than it was last year. Those imports were largely due to orders placed before any rate reductions were thought of. It is impossible to say of course whether the actual rate reduction that was brought in will mean a definitely increased import tonnage at the end of the year. It is probable that the import tonnage will increase to some extent, but on the other hand it will probably not make up for the losses we assume.

With regard to fuel oils: it is correct, as the hon. Member has said, that the tonnage of fuel oils has increased enormously during the last three months, in spite of there being no rate reduction. (Laughter.) I may say that the importance of this fuel oil reduction is fully realised by the Railway Council; it has been up before them frequently and it is only with the greatest reluctance that they have had to turn it down, and that they have done from the point of view that they must make things meet generally. I think the Railway Council fully appreciates the requirements of the country with regard to fuel oils, and this question will no doubt come up again before the Railway Council at subsequent meetings until something can be done.

I think that answers all the points, Your Excellency, raised by the hon. Member.

HIS EXCELLENCY: It is moved that a Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, be read a second time.

The question was put and carried.

THE CUSTOMS TARIFF BILL.

SECOND READING.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH): Your Excellency, I beg to move the second reading of a Bill to amend the Customs Tariff Ordinance.

As the provisions of this Bill are so clearly and fully explained in the printed objects and reasons it seems scarcely necessary for me to elaborate them further.

Clause 2 makes the operation of the Ordinance contingent on the signing of any agreement, under section 263 of the Customs Amendment Ordinance, 1926, with a neighbouring territory under British administration, the three sub-sections of Clause 2 specifying the conditions governing the interchange of imported goods when the rates of duty chargeable in the territories are identical and when they vary.

When forming a Customs Union or entering into an arrangement of the nature indicated in this Bill, it is obviously necessary that the Customs Management and Tariff Laws of the subscribing territories shall be as nearly identical as possible. The spade work of co-ordination is now virtually completed so far as Kenya, Uganda and Tanganyika are concerned, and Zanzibar has recently enacted a Customs Management Decree, similar in all its main provisions to the Management Ordinances of the mainland Territories.

The following are the steps which have been taken with regard to co-ordination of Customs laws and procedure in Kenya, Uganda and Tanganyika.

1. The tariffs have been virtually identical for some considerable time.
2. The free interchange of local produce and manufacture is allowed.
3. The Customs Management Laws and Regulations have been co-ordinated.
4. The Bill now before this hon. House is an agreed measure, similar legislation being enacted in each of the three territories.

The only real difficulty now outstanding is the settlement of the precise terms of an agreement acceptable to each territory and even in this direction some progress has been made and an agreement has been reached on accounting procedure and the method of allocation of Customs revenue to the consuming territory.

Your Excellency in your speech at the opening of Council explained the position of the Kenya and Uganda Governments with regard to the "safeguarding clauses," which were designed solely with the object of maintaining in the future

the large measure of uniformity which has already been attained and if this difficulty can be disposed of, there is no reason why the system of single payment of duty on imported goods passing between the three territories should not be brought into active operation at an early date.

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

HIS EXCELLENCY: The question before the House is that a Bill to amend the Customs Tariff Ordinance be read a second time.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, when this Bill was discussed yesterday at a meeting of elected Members a decision was reached to ask Government to send it to a Select Committee, but I am rather under the impression that at the time that decision was reached hon. Members were of opinion that this Bill in some way affected the question of the agreement between the Territories, in other words, it affected the Customs Union. But after a re-perusal of this Bill and listening to the remarks of the hon. the Commissioner of Customs, it appears to me to be more or less a *pro forma* Bill to make the machinery of the Bill capable of easy working, and that it does not affect the agreement. If I am right in that, and if my hon. friend will tell me that it is purely a Bill as I say to make easy the working of an agreement which may be reached, I think hon. Members on this side of the House will agree that it should go through in the ordinary way, and that there is no necessity for it to go to a Select Committee.

THE HON. THE COMMISSIONER OF CUSTOMS: The hon. Member is right in thinking that this Bill will not affect in any way the agreement. It appears to be quite unnecessary for the Bill to go to a Select Committee.

HIS EXCELLENCY: The motion before the House is that a Bill to amend the Customs Tariff Ordinance be read a second time.

The question was put and carried.

THE CUSTOMS REVENUE ALLOCATION BILL. SECOND READING.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH): Your Excellency, I beg to move the second reading of a Bill to provide for the Allocation of Customs Revenue between the Governments of Kenya and Uganda.

As stated in the printed objects and reasons this Bill is identical in its provisions with the Customs Amendment Ordinance, 1922, and lays down the precise method of allocation of Customs Revenue between Kenya and Uganda, the percentage payments being governed by the actual amount of duty chargeable on goods consumed in each territory.

This method of allocation has operated smoothly for the past four years, and no change is at present contemplated, but it is necessary to re-enact the provisions of the Customs Amendment Ordinance, 1922, as the Customs Management Ordinance which was passed last year repeals the Customs Ordinance of 1910 and its various amendments, and when the new Principal Ordinance is brought into force by Proclamation the Customs Amendment Ordinance, 1922, will naturally lapse, the Bill now before this hon. House taking its place.

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

HIS EXCELLENCY: The question before the House is that a Bill to provide for the Allocation of Customs Revenue between the Governments of Kenya and Uganda be read a second time. The question was put and carried.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to move that this hon. Council resolve itself into a Committee of the whole House to consider in Committee the following Bills:—

- Bills of Exchange Bill;
- Supplementary Appropriation (Railway) Amendment Bill;
- Customs Tariff Bill;
- Customs Revenue Allocation Bill.

THE HON. THE ATTORNEY GENERAL: I beg leave to second the motion.

The question was put and carried.

In Committee.

BILLS OF EXCHANGE BILL.

Clause 14.—*Computation of Time of Payment.*

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I am very sorry to bring this up, but my attention has just been drawn to the fact that clause 14, in view of the motion to-day to make Easter Saturday a public holiday, will have to be altered. Easter Saturday is now an annual holiday, and comes between a Sunday and a public holiday, and so far as I see, according to clause 14 of the Bill, the last day of grace has either to be the day preceding or the day succeeding.

THE HON. THE ATTORNEY GENERAL: I do not think it affects it, Sir. The same point occurred to me. I do not think it matters because 14 (1) (6) provides:—

“When the last day of grace is a public holiday (other than Christmas Day or Good Friday) under the Public Holidays Ordinance, or when the last day of grace is a Sunday and the second day of grace is a public holiday, the bill is due and payable on the succeeding business day.”

That clause will apply.

CAPT. THE HON. H. E. SCHWARTZ: It is therefore payable on 1st Christmas Day or Good Friday? On the succeeding business day.

THE HON. THE ATTORNEY GENERAL: I am sorry if I drew a red herring across the trail. The point was brought to my notice by the Solicitor General. (Laughter.)

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) AMENDMENT BILL.

The Bill was considered clause by clause.

THE CUSTOMS TARIFF BILL.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest in line 36, "may" be changed to the word "shall".

THE HON. THE ATTORNEY GENERAL: So far as I am concerned, the only objection I have to put forward to the suggestion is that the Bill which is before Committee at the moment is a copy of the Bill which has already been passed in Tanganyika, and I did not want to depart from it unless it is necessary. The effect is practically the same, Sir. I take it the Commissioner would pay the refund in every case.

THE CUSTOMS REVENUE ALLOCATION BILL.

The Bill was considered clause by clause.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOATE): Your Excellency, I beg to move that the following Bills be reported to Council without amendment:—

The Bills of Exchange Bill.

The Supplementary Appropriation (Railway) Amendment Bill.

The Customs Tariff Bill.

The Customs Revenue Allocation Bill.

Council resumed its Sitting.

HIS EXCELLENCY: I have to inform Council that the Bills of Exchange Bill, the Supplementary Appropriation (Railway) (Amendment) Bill; the Customs Tariff Bill and the Customs Revenue Allocation Bill, after reference to a full Committee of this Council, have been referred back without amendment.

THE BILLS OF EXCHANGE BILL.

THE HON. THE ATTORNEY GENERAL: I beg leave to give notice that at a later stage of the Session I shall move the third reading of a Bill relating to Bills of Exchange, Cheques and Promissory Notes.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) AMENDMENT BILL.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: I beg to give notice that at a later stage of the Session I shall move the third reading of the Supplementary Appropriation (Railway) Amendment Bill.

THE CUSTOMS TARIFF BILL.

THE CUSTOMS REVENUE ALLOCATION BILL.

THE HON. THE COMMISSIONER OF CUSTOMS: I beg leave to give notice that at a later stage in the Session I shall move the third reading of the Customs Tariff Bill and the Customs Revenue Allocation Bill.

THE EUROPEAN OFFICERS' PENSIONS BILL.

HIS EXCELLENCY: The European Officers' Pensions Bill will be taken to-morrow.

Council adjourned until 10 o'clock on Friday the 13th. May, 1927.

FRIDAY, 13th MAY, 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 12th May, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

THE HON. THE TREASURER (MR. GRANNUM): I beg leave to lay on the table the Loan Statement and in doing so would draw attention to the fact that the following alterations have been made in the statement as it appeared at the last Session of Council:—

On page 10 an additional amount of £3,200 was approved by the Works Committee on the 21st March, 1927, for the sewerage at the Mixed School in Nairobi. The Eldoret School and Kitale School plans are now in course of preparation, and sums of £10,000 and £20,000 have been inserted, respectively.

North Kavirondo (Kakamega Station): That work is being begun and will cost £7,080.

Further down on the page it will be seen that a new item has been added under "Housing"—Meru (Headquarters Northern Frontier Province)—£4,300. This was approved by the Works Committee on the 21st of March, 1927.

On page 11 there is another new item—Office, Kwale Station, £600.

THE HON. T. J. O'SHEA: May I ask whether an opportunity will be given to hon. Members to discuss these matters at a later stage of the Session?

HIS EXCELLENCY: No discussion can take place on a paper being laid on the table, but the hon. Member for Plateau South may ask if an opportunity will be given to consider this statement later.

THE HON. THE TREASURER: I am under the impression that the way it is done is that if any hon. Member wishes to discuss an item he moves a motion to this effect.

HIS EXCELLENCY: I think that is the best way of dealing with it, or by asking a question.

ORAL ANSWERS TO QUESTIONS.

ALLOWANCES FOR MOTOR VEHICLES.

THE HON. T. J. O'SHEA asked :—

Will Government kindly state :

- (1) What was the total amount advanced to Civil Servants free of interest for the purchase of motor cars during the year (a) 1925 and (b) 1926?
- (2) What was the amount outstanding due to Government on the 31st December, 1926?
- (3) What was the approximate cost to Government in loss of interest on the amounts advanced during 1925 and 1926?

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

- (1) (a) Advance during 1925—£27,204.
(b) Advance during 1926—£40,403.
- (2) Amount outstanding on the 31st December, 1926—£32,025.
- (3) £2,800.

ANNUAL REPORTS : PUBLIC WORKS DEPARTMENT.

THE HON. T. J. O'SHEA asked :—

Arising out of the written answer to question 143/26—

In view of the very large sums of public money expended by the Public Works Department in 1926, and the large sums that have been entrusted to that Department for expenditure during the current year, will Government favourably consider publication of annual reports of that department for these two years?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NOUTH-COTT) : Government has nothing to add to the terms of the answer given to the previous question, which was as follows :—

"The Annual Reports of the Public Works Department for 1924 and 1925 have not been printed for reasons of economy. Copies may be seen at the Secretariat or the Head Office of the Public Works Department and will be made available to the Press if so desired."

THE HON. T. J. O'SHEA : Arising out of that answer, may I ask why Government considers that the reports of the Public Works Department are not at least equally as interesting to the general public as some of the other departments from which reports are issued?

THE HON. THE ACTING COLONIAL SECRETARY : No such inference should be drawn from the reply. All the Government feels unable to do now is to undertake the expense of publishing two reports of previous years. I do not think that that would be done in respect of any department.

BRITISH MADE MOTOR VEHICLES.

THE HON. T. J. O'SHEA asked :—

In Secretariat Circular No. 12 of the 3rd February, 1927, does the term "British made motor vehicles" in para. 3 include motor vehicles made in parts of the British Empire other than Great Britain?

THE HON. THE ACTING COLONIAL SECRETARY : Government is of opinion that cars of American origin which now claim to be manufactured in British or Dominion territory are not sufficiently British to be regarded as such, and so are not included in the term "British made motor vehicles."

THE HON. T. J. O'SHEA : Arising out of that answer may I ask who decides whether a car is of American origin or not produced in another part of the British Empire?

THE HON. THE ACTING COLONIAL SECRETARY : Your Excellency, I take it that responsibility devolves on my hon. friend the Commissioner of Customs. (Laughter.)

THE HON. T. J. O'SHEA : May I ask the hon. Member in that case what steps are taken to carry out his responsibilities in this respect?

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH) : Your Excellency, the invoices are examined in respect of all importations.

THE HON. T. J. O'SHEA : May I ask, arising out of that answer, whether it is not an unfair discrimination against the manufacturers in other parts of the British Empire, and likely to lead to ill-feeling?

HIS EXCELLENCY : The question is not in order. It asks for an expression of opinion. If the hon. Member wishes to discuss this point he must move a motion.

WIVES OF CIVIL SERVANTS.

THE HON. T. J. O'SHEA asked :—

(1) Will Government state the number of wives of Civil Servants at present employed by Government who are also in Government employ in one or another of the following departments :—

- (a) Treasury ;
- (b) Secretariat ;
- (c) Agricultural Department ;
- (d) Medical Department.

(2) What are the total salaries including house and other allowances being drawn by the respective husbands and wives?

THE HON. THE ACTING COLONIAL SECRETARY :—

(1) The number of wives of Civil Servants at present employed by Government who are also in Government employ, in the departments mentioned, is as follows :—

Treasury	None.
Secretariat	None.
Agricultural Department	One.
Medical Department	Three.

(2) The total salaries including house and other allowances being drawn by the husband and wife in these cases is as follows :—

In the Agricultural Department :

£687 per annum.

In the Medical Department :

(1) £573 per annum.

(2) £754 per annum.

(3) £600 per annum.

In two cases in the Medical Department, (2) and (3), the husband and wife are employed in the Mathari Mental Hospital, in the one case as Superintendent and Matron, and in the other case as Mental Hospital Warder and Assistant Matron.

Certain ladies are employed from time to time as occasion arises at the Treasury by the East African Currency Board, to count coin and notes received from the banks and from the Treasurer of Uganda before being placed in the strong room and taken into the currency books. The ladies concerned receive Sh. 15 per diem when so employed from Currency Board funds. Thirteen ladies were so employed during 1926, the average amount drawn by each being £43 4s. 23c. Seven of these ladies are wives of Civil Servants.

INDIAN EMPLOYEES.

THE HON. A. H. MALIK asked :—

Is it a fact that the Government have embarked upon the policy of gradually eliminating His Britannic Majesty's Indian subjects from the Services and replacing them by the subjects of a foreign Government?

If the answer is in negative, will the Government please state reasons for not engaging a larger number of Indians in the various departments of the Administration?

Is it not also a fact that the present percentage of Indian clerks in the Government departments hardly exceeds 5 per cent.?

THE HON. THE ACTING COLONIAL SECRETARY : The reply to the first portion of the question is in the negative.

Posts in the Service are open to Indians in the same way as other applicants; the most suitable candidates are selected. The percentage of Indians in the clerical service, exclusive of the Kenya and Uganda Railway Administration, is 40.08.

EASTLEIGH WATER SUPPLY.

THE HON. A. H. MALIK asked :—

What steps the Government have taken or propose taking for supply of water to Eastleigh Township, which apparently can easily be done, especially in view of the fact that the Nairobi Corporation have laid down a main water pipe as far as Punwani Village, a distance of only a few hundred yards from Eastleigh.

THE HON. THE ACTING COLONIAL SECRETARY : A scheme has been prepared for the extension of the Corporation mains so as to supply water to Eastleigh Township at an estimated cost of £3,000.

2. The matter awaits the further report of the Nairobi Town Planning Authority, when that Authority has had an opportunity of considering the planning of Eastleigh Township.

EXCURSION TICKETS TO THE COAST.

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

Will the General Manager of the Kenya and Uganda Railway consider the issue of cheap excursion tickets to Mombasa to school children during the months of April and May in order to facilitate such children having a holiday by the seaside?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY (BRIG.-GEN. RUODRS) : Excursion tickets to the coast at half single fare for the return journey are granted to children under 12 years of age during the months of June, July and August, available for one month. Tickets at this rate are also issued at Easter and on Empire Day, available for shorter periods. No application has been received for the introduction of cheap travelling facilities for school children during the months of April and May.

CAPT. THE HON. H. E. SCHWARTZ : Arising out of that answer, if application in this connection is made will it be favourably considered, in view of the fact that the holidays are very near?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAY: It will be favourably considered. The reason why the other months were selected was because they were considered the best from the point of view of temperature and climatic conditions.

FARM SCHOOLS.

THE HON. T. J. O'SHEA asked:—

(a) What are the scales of salary being paid to teachers in the farm schools in the Uasin Gishu district?

(b) Is house allowance paid in addition thereto?

(c) Do these teachers also enjoy overseas leave, free medical attendance, and the numerous other privileges enjoyed by the Civil Service?

(d) Does Government consider that properly qualified and efficient teachers can be obtained and retained on the present salaries and conditions?

THE HON. THE DIRECTOR OF EDUCATION (MR. ORIO):—

(a) There are at present no definite scales of salary being paid to teachers in the farm schools. Salaries vary from £90 for a pupil teacher to £200 per annum for trained teachers.

(b) No house allowance is provided by Government, but teachers receive free board and lodging from the farmers.

(c) Overseas leave has been awarded as a privilege to certain teachers, but so far such teachers are not regarded as being on the strength of the department and are therefore not entitled to the privileges of the service.

(d) Government does not consider the present salaries adequate to obtain properly qualified and efficient teachers, and provision has been made on the current estimates for an improved scale of salary to be introduced from 1st January last.

BOYS' HIGH SCHOOL, KABETE.

THE HON. T. J. O'SHEA asked:—

(a) Has building of the Boys' High School at Kabete yet started?

(b) If not, when will a start be made, and when are the buildings likely to be ready for occupation?

(c) What steps have been taken to secure the necessary staff?

(d) When is the school likely to start functioning?

THE HON. THE DIRECTOR OF EDUCATION: The building of the Boys' High School at Kabete has not yet started and it is not possible at the present time to estimate when building will begin. Occasion has therefore not yet arisen for making arrangements to obtain the necessary staff.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask whether the building of the Kabete High School was not one of the first items on the Colonial Loan Building Programme?

THE HON. THE ACTING COLONIAL SECRETARY: No, it is not the case that the Kabete School had any particular priority in the Loan Programme.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask whether Government will consider the advisability of making a statement regarding the Kabete High School, with a view to allaying the great fears of the people that the programme has been dropped.

THE HON. THE ACTING COLONIAL SECRETARY: Perhaps it would be of interest to the hon. Member to know that the matter of the Kabete High School is down for discussion at the next meeting of the Central Advisory Committee on Education. I think it would be as well to wait for the report and recommendations of that Committee.

ELDORET WATER SUPPLY.

THE HON. T. J. O'SHEA asked:—

When does Government expect the Eldoret water supply scheme to be completed?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): The whole of the material for Eldoret water supply scheme is on order and is expected to arrive in the Colony by about the 2nd of July, 1927. Unless the material is unduly delayed, the water supply should be available at Eldoret by April or May, 1928.

GOVERNMENT HOUSE, MOMBASA.

THE HON. T. J. O'SHEA asked:—

(a) What is the total cost to date of the improvements to Government House, Mombasa?

(b) If the work is not yet completed, what does Government estimate will be the total cost?

THE HON. THE DIRECTOR OF PUBLIC WORKS:—

(a) The total expenditure on the improvements to Government House, Mombasa, to 30th April, 1927, amounts to £16,000.

(b) The total estimated cost of the completion of the work amounts to £19,400.

THE HON. CONWAY HARVEY: Arising out of that answer, may I ask when this vote was approved and passed in this hon. Council?

THE HON. THE ACTING COLONIAL SECRETARY: When the expenditure on the two Government Houses was last discussed in this Council it was agreed that the sum of £80,000 should be approved to cover the total expenditure on these two houses.

ANNUAL TRADE REPORTS.

CAPT. THE HON. H. E. SCHWARTZ: asked—

(1) Were the Kenya Colony Trade Reports for 1924 and 1925 printed by the *East African Standard* and completed 18 days after being handed to them?

(2) Is the Trade Report for 1926 being printed by the Government Press and not expected to be ready until the middle of June?

(3) Is Government of the opinion that it is important that these Trade Reports should be available at the earliest possible moment?

(4) If so, why was the procedure adopted in connection with the Reports for 1924 and 1925 departed from?

THE HON. THE ACTING COLONIAL SECRETARY:—

(1) The Kenya and Uganda Trade Reports for 1924 and 1925 were printed by the *East African Standard*. The printing of the report for 1924 was completed in 18 days, and of that for 1925 in 30 days.

(2) and (3). The answers are in the affirmative.

(4) It is more economical to print such reports in the Government Press.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of that answer, does Government consider that the saving of money is balanced by the loss of time or not, in view of the fact that the issue of this report is of very great importance.

THE HON. THE ACTING COLONIAL SECRETARY: That is a difficult question to answer. I can only say now that the report is being printed and will be expedited as much as possible.

BILLS.

THE EUROPEAN OFFICERS' PENSIONS BILL.

SECOND READING.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, I beg to move the second reading of a Bill for regulating pensions, gratuities and other allowances to be granted in respect of the service of European officers in the Colony and Protectorate of Kenya.

Hon. Members here are probably aware that the pensions of Civil Servants in Kenya are not, as in other Colonies, regulated by a local Pensions Ordinance, but are dealt with under the Imperial Superannuation Acts, and everyone will, I think, Sir, agree with the statement in the preamble of the Bill that it is expedient to make provision by law for the granting of pensions, gratuities and other similar allowances in this, as in other parts of the Empire. In 1922 the then Secretary of State appointed a committee consisting of:—

Sir James Stevenson—I think he was later Lord Stevenson—Hon. Commercial Adviser to the Secretary of State;

Sir Alfred W. Watson, President of the Society of Actuaries;

Sir Walter Egerton, at one time Governor of Nigeria;

Sir Gilbert Grindle, Mr. W. C. Bottomley, and Mr. A. J. Harding, of the Colonial Office; and

Mr. H. J. Thornton, one of the Crown Agents for the Colonies;

to consider generally the laws and regulations applicable to Colonial pensions and to advise, amongst other things, whether steps could usefully be taken towards securing uniformity in this direction in various Colonies and Protectorates.

The Bill which is now before Council is in a great measure the outcome of that committee's report, and Bills in exactly similar terms have either been, or will be, placed before the Legislatures of most of the other Dependencies of the Crown.

As explained, Sir, in the printed statement of Objects and Reasons attached to the Bill, the Bill differs from the Superannuation Acts as applied in Kenya, in four main particulars.

First it provides for a gratuity in the case of an officer who dies in the Service.

Next, computation of pensions is on the basis of service calculated in months instead of years.

Then there is provision for the granting of a gratuity and reduced pension at the option of the officer concerned, and lastly, the calculation and apportionment of pensions in cases of service in more than one Colony is so provided for that an officer will not suffer undue hardship in regard to his pension by reason of the fact that the whole of his service may not have been under one administration.

As regards the first of these four differences, section 18 of the Bill provides that "where a European officer holding a pensionable office who is not on probation or agreement, dies while in the service of Kenya and during the five years preceding his death has continually held pensionable office in Kenya or offices in other public services which were, when he held them, pensionable under the pensions regulations applicable to such service, it shall be lawful for the Governor in Council to grant to his legal personal representative a gratuity of an amount not exceeding one year's pensionable emoluments."

The second and third are self-explanatory, that is the question of gratuity and computation of pensions based on service calculated on months instead of years.

With regard to the fourth, the method of computing the pension of an officer with mixed service who has served in more than one Colony: this is the question which mainly exercised the minds of the Committee to which reference has been made as explained by them in the opening paragraph of their report, and a perusal of the report will show that the question how this could be done with fairness to the officers themselves on the one hand, and to the various Governments concerned on the other, has been the subject of consideration and discussion for a very great many years. Briefly put, the method of dealing with mixed service, under the provisions of the Bill, is to calculate the pension as though the officer's whole service had been in the Colony in which he is serving at the date of his retirement, and the pension so calculated is then apportioned between the scheduled Colonies in which he has served according to the aggregate pensionable emoluments drawn by the officer in each such Colony.

I think, Sir, that perhaps if I gave an example of this statement it would make the position clearer to hon. Members.

Suppose for instance an officer has served ten years in a Government, which is scheduled in our Bill, with pensionable emoluments of £750, and retires after a further service of ten years in Kenya with pensionable emoluments of £1,000 a year, his pension would be calculated as though his whole service had been in Kenya and would be 20/40ths of £1,000, or £500 per annum.

He would have drawn during his 20 years of service £17,500, of which £7,500 would have been drawn in the other Colony, and £10,000 in Kenya.

The other Colony's share of the pension would be 7,500/17,500ths of £500, or £211/6/0, and Kenya's share would be 10,000/17,500ths of £500, or £285/11/0.

Calculated under present conditions and assuming that the scales of pension in both Colonies were the same, his Kenya pension would be 15/60ths of £1,000 or £250, and his pension from the other Colony 15/60ths of £750 or £187/10/0, a total of £437/10/0. He would thus lose £62/10/0 a year merely because of the fact that the whole of his service was not under one administration. Of course had he served his whole time in Kenya, his pension would have been £500.

There is one other change from present practice which must be noted, and that is that no provision is made for the continuance of voluntary or compulsory retirement after twenty years' East African service. This provision must have cost this Government a considerable sum of money in permitting the retirement of efficient officers in their early prime; and I think everyone will agree that it is a privilege which is not in harmony with the conditions which exist in Kenya to-day. The interests in this respect of officers now in the service are of course safeguarded.

The note at the end of the schedule to the regulations printed with the Bill, states that the Secretary of State is at present considering the question as to what Governments, other than those listed, shall be included in the schedule. Your Excellency has expressed to the Secretary of State the hope that the schedule will be made as wide as possible in order to encourage transfer between Colonies, and to avoid distinction between individual cases and the penalization of officers who have accepted transfer from a Colony which may not be in the same geographical group.

These are, I think, the main points which it seems desirable to refer to at this stage, and the other changes and new provisions can best be dealt with, I think, when the Bill is being considered in Committee.

I now beg to move the second reading of the Bill.

THE HON. THE ATTORNEY GENERAL (MR. HEGGARD): Your Excellency, I beg to second the motion and in doing so I should perhaps inform Council that Ordinances on exactly similar lines have already become law in Uganda, Tanganyika, and Zanzibar.

CAPT. THE HON. H. B. SCHWARTZ: Your Excellency, in view of the fact that this Bill is, as we understand it, in what may be called common form, in that similar legislation

has been passed in the adjoining territories and presumably has been passed, or will be passed in many of the other Colonies. I gather that any suggestion of amendment of detail to this Bill would not be considered possible by Government at this stage, but there are various things in this Bill which are not only a matter of detail but which, I think can be said, go towards the principles of the Bill which, with Your Excellency's permission, I should like to point out, and I trust that representations will be made on these points to the Secretary of State so that alterations can in due course be made.

Your Excellency, first of all touching on the schedule to the Bill, the really main provision to this Bill, the real object of the Bill and by far the most important part of the Bill in my opinion, is the alteration delayed for so long whereby Civil Servants all over the world who transfer from one Colony to another will not be affected financially and the whole thing is to be considered as continuous service. The Colonial Office to my knowledge has said that this matter has been under consideration and they have over and over again admitted the injustice of the present system, and I believe they have said that their only excuse was that the actuarial difficulties were so great. Apparently they have at last got over the actuarial difficulties and are now prepared to put into force what they admitted long ago and have not yet put into force. But I very much regret to see that when the Bill was introduced here the schedule, the most important part of the Bill, only contains those territories which are practically contiguous to Kenya.

Obviously this schedule has to be increased or the main provisions of the Bill are a dead letter and I put forward the suggestion that this Colony at all events should schedule all other Colonies whether they are Colonies reciprocating or not.

It is true that though we schedule a Colony and that Colony does not reciprocate, it amounts to this: that we are giving something which the other Colony is not prepared to give, but I think, and I speak subject to the correction of my hon. Friend the Treasurer, that the effect of another Colony not reciprocating will not in effect cost this Colony any more than if it did reciprocate. It is difficult to explain myself. What I mean is if Ceylon reciprocated and Ceylon put us in the schedule it would, in the case of one individual who had been transferred, cost this Colony £ pounds. If we put Ceylon in the schedule and they did not put us in their schedule it would cost Ceylon less, but it would not cost us any more for that officer, so I think we should make representations, and I think that this Colony should schedule every Colony. I do not wish to act the dog in the manger. If other Colonies like to stand out let them, but let us set an example and let us do what we consider to be the proper thing.

Your Excellency, the hon. Treasurer has mentioned doing away with compulsory and voluntary retirement after twenty years' service and in the Bill provision is included for this. Now, I think I am right in saying it is to be compulsory or voluntary retirement at the age of fifty years. Hon. Members are probably aware that a committee appointed by Your Excellency is at present sitting to consider certain questions affecting pensions, and that committee is considering the possibility of instituting a sinking fund whereby after a period of years the whole pension commitments of this Colony can be met for ever. That is to say, that you should put aside so much out of revenue in a special fund at compound interest over a period, I think, of thirty-five years. The position then would be that the pension commitments are paid by the accumulated compound interest after that period. Figures are being got out in connection with this scheme which, if it is a feasible scheme, is one which I think everyone will support. It is found that if the present age of compulsory or voluntary retirement is left at fifty, the financial aspect of the scheme is one which makes it quite impossible of adoption. It is quite hopeless to attempt the scheme because the amount that would have to be put aside out of revenue is more than this Colony could bear, and that committee has therefore suggested—they think that the age of compulsory or voluntary retirement should necessarily, in fairness to all parties, be the same—the figure at which it should stand is after thirty years' service, or the age of fifty-five, whichever comes earlier. They feel that if a man has joined the service at the age of twenty-one and has served thirty years he should have the right to retire and he should not be made to stay on until he is fifty-five, because he has borne the burden and the heat of the day and done the work of the Colony for thirty years, and nobody should be asked to do more; but the basic principle is the age of fifty-five. The difference between a man being retired or retiring at fifty, or being retired or retiring at fifty-five, makes a difference of something in the neighbourhood of £25,000 a year to this Colony. If this sinking fund system is to be indulged in it makes the difference as to whether the fund is the possible one or not, and I would point out that fifty is not the universal age throughout the service, it varies throughout the different parts of the Empire. In some parts it is fifty-five, some fifty and in some even more, and I think there is no reason why this Colony should not have it at fifty-five and also give the man the right to retire after thirty years' service, even if he has not reached the age of fifty-five. This recommendation will be put before the Secretary of State when the report of the Pensions Committee has been before Your Excellency, and unless it is agreed to, it is impossible to go in for a sinking fund scheme.

I would like to refer to one very peculiar provision in this Bill which I think is also a matter of principle, and that is

clause II whereby if a man goes on pension before reaching the age of retirement he can be asked to serve in any part of the Empire until he has reached the age of retirement on pension. In effect it means that if a man of forty-six has his post abolished and goes on to the pension list and that man has been all his life in Kenya and has children in Kenya, he can be asked to spend four years in Fiji or Nigeria or any other part of the Empire until he is pensioned. If that were done it is a most iniquitous thing that he should be driven away from the country in which he wants to live, for four years. I understand it is stated that no such thing will ever be done, but I prefer to have something whereby it cannot be done legally and not to trust to anyone's promise which in most cases I think, has been shown to be never more than the proverbial pie-crust.

Now, Sir, there are two more points, two only. The first is a small point, that is that under the present Bill, I understand that upon a Civil Servant retiring his pension is to be based on the average emoluments of the past three years. The present position, I understand, is that the average is based on two years only. No explanation has been given as to why this alteration is made and it seems to me a little pin-prick which might very easily be avoided.

Finally, Sir, we come to the very important principle whereby a Civil Servant can commute his pension on a basis of ten years' purchase. That is a most excellent scheme and is presumably done for the purpose of allowing a man to buy land and settle down in a country like this which is fit for white people to live in and make their homes. But the whole benefit of that innovation is, in my opinion, emasculated almost entirely by the fact that the Civil Servant has to exercise his option within six months of the Bill coming into force. I think that is absolutely ridiculous. (Hear, hear.) It is suggested that if you make the option within six months of the date of retiring, which I think is the fairest, the Government will lose, because if after thirty years' service he retires and finds himself a sick man he will naturally commute his pension so that his widow and children after his death can gain the benefit and will not be left with nothing. My answer to that is: "Why shouldn't he?" He has worked, he has done his day's work and he has gained his pension, or if he likes to commute it he has earned his gratuity. Why if he is sick or ill, probably through service in the country in which he has served, why should he not be allowed to commute, why must he decide at the age of twenty-two what he wants to do at fifty-five? I trust the Government will make representation to this effect to the Secretary of State, and if he will not agree to make the option six months after retirement, let him make the option two years before he retires, but for the man in the early ages of his youth to decide whether he is going to commute his

pension for a gratuity thirty years hence has emasculated that innovation, which but for that emasculation would be a real advantage to Civil Servants.

I support this Bill most wholeheartedly, and I do trust we are going to have a pronouncement that the points I have raised will be brought to the notice of the Secretary of State.

These are points which we discussed two days' ago and met with the approval of elected Members. (Hear, hear.)

THE HON. CONWAY HARVEY: Your Excellency, naturally we all intend to support this very necessary measure but there is yet one other principle which calls, I think, for some public explanation. I refer to section 17 which renders it necessary for a Civil Servant retiring on pension to obtain the Governor's permission before he is at liberty to take service in any shape or form in the country in which he has previously served. There is just the possibility however that the reason for that is to obviate the temptation of a serving officer to occupy his time during his service in paving a path to a haven of pecuniary advantage on his retirement, but we should welcome some public explanation of the reason for that particular restriction, Your Excellency.

THE HON. THE ACTING COLONIAL SECRETARY (Mr. NORTHCOTE): Your Excellency, just before my hon. friend the Treasurer replies to the points raised, I would like to say that I am authorised by Your Excellency to undertake that the points which have been put forward by the Hon. and Gallant Member for Nairobi South, will be forwarded to the Secretary of State as the hon. Member has requested, and I would like to take this opportunity of expressing, on behalf of the Civil Service, the appreciation which we feel for the attitude adopted by elected Members in regard to this Bill and so sympathetically and ably expressed by the hon. Members who have spoken on the other side. (Hear, hear.)

THE HON. THE TREASURER: Your Excellency, with reference to the remarks of the Hon. Member for Nairobi South. The first is regarding the schedule. I would like to say that this matter has already been placed before the Secretary of State and only last week a reminder was sent by telegram on the subject. The hon. Member is perfectly correct. I think, Sir, that in dealing with this matter it may perhaps be somewhat explained if hon. Members will refer to paragraph 7 of the committee's report to which I referred. That paragraph reads as follows:—

"Another consideration which is relevant to the subject is that a pension from a Colony in respect of service therein ought normally to bear some relation to the general level of salaries in that Colony. It does so automatically if all the officer's service is in that Colony. But

if an officer with service in a Colony with low salary scales is transferred to a Colony with high salary scales and ultimately retires therefrom, he will, if pensioned in respect of his whole service on the basis of his salary on retirement from the high salary Colony, be granted a pension in respect of his earlier period of service of an amount which would be greater than the Colony to which that service was rendered could reasonably be asked to pay, and certainly much greater than he would probably have received in respect of that period of service if he had remained in that Colony. This is an argument, not without weight, for restricting the continuous service pension principle to groups of colonies in each of which the salary scales are not markedly dissimilar."

The hon. Member was perfectly correct in his remarks about the cost being no greater to this Colony if we scheduled any Colony which did not schedule us.

With regard to his remarks about section 11. Of course that section is usually found in Pensions Ordinances of all Colonies.

With regard to averaging I would like, Sir, to read what the Secretary of State has said on that point:—

"The question has been raised whether the period over which emoluments should be averaged in the case of promotion should be kept at two years as at present or not; if not, whether the existing right of officers in East Africa to have their emoluments averaged over two years should be preserved; and whether this right is preserved by section 20 of the Ordinance. On the first point I would observe that three years is the period generally adopted in Colonial legislation, and I see no reason for having a shorter period in East Africa. The present concession is due to the application to the East African Dependencies of the Superannuation Act of 1876, an incidental effect of which is to substitute two years for three in the relative provision of the Act of 1831. As regards the preservation of existing rights I agree that an officer appointed under the old regulations (which applied the Act of 1876) is entitled to claim that he has received an undertaking that he could be granted a pension in accordance with those regulations based on a two years' average only. If, therefore, such an officer can show that owing to the operation of this regulation his pension under the new Ordinance is lower than it would have been if calculated under the old regulations, he may be granted the higher pension under section 20 of the Ordinance, but he would be ineligible for any of the benefits conferred by the Ordinance, including the privilege of opting for gratuity and reduced pension."

With regard to the point as to when an officer should be allowed to exercise the option of taking a reduced pension and a gratuity. This is also fully dealt with in the despatch from the Secretary of State and this is what is stated in that despatch:—

"It has been suggested that the option for reduced pension and gratuity should be revocable, or should be exercisable up to the time of retirement or even up to six months after retirement. Such alterations of the scheme would no doubt be to the advantage of the officer, but they would, in my opinion, unduly "weight" the scheme against the Government. In drafting this regulation the Committee on Passage Expenses and Pensions were influenced by two considerations: (1) the difficulty which an officer might experience in being called upon to decide which of the alternatives it would be to his advantage to adopt if he had to do so shortly after he was first appointed to the public service; and (2) the disadvantage which would ensue to the Government if the option were allowed to be exercised on final retirement. In the latter case an officer in an impaired state of health would naturally elect for superannuation consisting partly of a lump sum; while if the option were revocable the tendency would be for an officer to elect for gratuity and reduced pension, and secure, while exposed to tropical risks, the benefit for his family of the gratuity; and then if he completed his service without serious impairment of health, he could revoke his election shortly before retirement so as to secure full pension. It should be borne in mind that in ordinary cases the system of reduced pension and gratuity is a better system for the officer and his family than the full pension; and when an officer has elected for the former, it is not desirable that he should be allowed to change, and so possibly deprive his family of the benefit of the gratuity. It would in many cases be preferable—as was done in the Home Civil Service—to substitute gratuity and reduced pension for full pension in the case of all future entrants; but at present, as Colonies generally have not yet given up the full pension system, mixed service problems rendered it almost essential to retain that system as the basis and to graft the reduced pension and gratuity system on to that system as an optional arrangement. In these circumstances I consider that the regulation should stand as drafted."

I think, Sir, these are the only points referred to by my hon. friend.

With regard to the remarks of the hon. Member for the Lake with regard to section 17 which prohibits European officers from becoming directors of companies without the sanction of the Governor, this has also been dealt with in this despatch, and this is what the Secretary of State writes:—

"With reference to your observation that this section is not required so far as Kenya is concerned in view of the desire of the Government to encourage pensioners to settle in the Colony, I would point out that the section does not affect pensioners who take up land or undertake other business on their own account, and that it contains nothing to prevent the Governor giving permission in all suitable cases in which the pensioner desires to become a director or employee of any company. A clause of this kind is common form in Colonial pension legislation and its object is not only to provide a safeguard against officers being improperly influenced in the performance of their official duties, but, what is probably more important, to prevent any suspicion gaining ground in the mind of the public that an officer has been so influenced. In the interests of officers themselves, therefore, as well as in those of the Government, I consider that the clause should be retained."

I think, Sir, those are the only points which have been raised.

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

THE HON. THE TREASURER: Your Excellency, I beg to move that the House resolve itself into a Committee of the whole Council to consider the European Officers' Pensions Bill.

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

The question was put and carried.

In Committee.

THE EUROPEAN OFFICERS' PENSIONS BILL.

Clause 10.

MAJOR THE HON. B. W. B. ROBERTSON-ESTACE: May I ask if clause 10 applies at present, or is it a new clause?

THE HON. THE TREASURER: It applies now.

THE HON. THE ATTORNEY GENERAL: I desire to move a very small amendment to this Bill. In the 24th line on the page "the" should be "be".

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the Bill be reported to Council with amendment.

Council resumed its Sitting.

HIS EXCELLENCY: I have to report to Council that a Bill intitled "a Bill for regulating Pensions, Gratitudes and other Allowances to be granted in respect of service of European officers in the Colony and Protectorate of Kenya," has been considered in full Committee of this House and has been referred back to Council with our amendment.

THE HON. THE TREASURER: I beg to give notice that at a later stage of this Session I shall move the third reading and passing of this Bill.

THE KING'S AFRICAN RIFLES RESERVE OF OFFICERS BILL.

SECOND READING.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHGATE): I beg leave to move that this hon. Council resolve itself into a Committee of the whole House to consider in committee, clause by clause, the Bill to make provision for a reserve of officers for the King's African Rifles.

Hon. Members will remember that final consideration of this Bill was deferred until the Defence Force Bill had at least reached a stage equal to that which this Bill had arrived at. The Defence Force Bill now having passed through the committee stage and Government is free—I take it, with the consent of hon. Members—to consider this other Bill in Committee.

LIEUT. COL. THE HON. C. S. DAVIES (OFFICER COMMANDING TROOPS): In seconding this motion, I should like, for the information of this Council, to give some idea as to the cost of this reserve of officers for the King's African Rifles to the Colony.

What I propose to do, Your Excellency, is to ask Your Excellency to call out every year either two captains and two subalterns, or one major and three subalterns, to go into training for the Reserve. We shall thus gradually work up a reserve of officers who can be available to join the King's African Rifles in case of emergency.

The total cost to the Colony will be £243 per annum.

The question was put and carried.

In Committee.

The Bill was considered clause by clause.

Clause 5.

THE HON. CONWAY HARVEY: Your Excellency, may we know why it was considered desirable for the Secretary of State for the Colonies to appoint officers to this particular Reserve? I should have thought, Your Excellency, that the Governor of the Colony, with the Senior Officer Commanding Troops, was quite capable of doing this. It does seem a waste of time and energy for a matter such as this to be referred to the Secretary of State. Unless there is some good reason forthcoming I propose to move the deletion of the reference to the Secretary of State in this matter. I have the profoundest respect for the Secretary of State but I think His Excellency the Governor and our local people are best able to judge in matters of this nature.

MAJOR THE HON. B. W. B. ROBERTSON-ESTACE: Is it not a fact that His Majesty the King does this through the Secretary of State?

LIEUT. COL. THE HON. C. S. DAVIES: I think, Your Excellency, that the Commissions are not made by the Secretary of State but by His Majesty the King.

THE HON. THE ATTORNEY GENERAL (MR. HUDGARD): A possible reason for inserting "the Secretary of State" is because it is not proposed that this Reserve should be limited to Kenya. I think I am right in saying that similar Ordinances have been passed by other Territories, and as hon. Members will see, an officer in the Reserve is liable to be called up for duty either in the Colony with the Battalion to which he is attached or with any other Battalion to which he is posted in the Colony.

His Excellency Clause 5 stands as part of the Bill.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that the King's African Rifles Reserve of Officers Bill be reported to Council.

Council resumed its Sitting.

HIS EXCELLENCY: I have to report that a Bill to make provision for a reserve of officers for the King's African Rifles 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 leave to give notice that I shall move the third reading of this Bill at a later stage of the Session.

PROCEDURE.

CAPT. THE HON. H. F. SCHWARTZ: With regard to the business of this hon. Council I understand we are sitting to-morrow in order to pass certain Bills. Would it not be possible, Your Excellency, for Council to meet and if possible adjourn on Wednesday next, not only for the benefit of the Members who live up-country but also for those hon. Members who live in Nairobi and who have fixed appointments for next week. If the business of the House is extended beyond Wednesday next it will be extremely inconvenient for many Members on this side of the House.

THE HON. THE ACTING COLONIAL SECRETARY: I understand from hon. Members on this side of the House who are chairmen of various committees that reports of such committees will be ready by Wednesday next. I can see no real reason, therefore, why we should not be able to finish the committee stages of the Bills on that day. That being so, there only remain the third readings, which can be taken, of course, in a quorum of Council. I hope to take two motions to-morrow which stand in my name with regard to Press estimates. There is very little other business which will remain over. There is also, I understand from the hon. Treasurer, the Supplementary Estimates to consider. (Laughter.) I will try to arrange that those are also taken next Wednesday. I hope to finish the main business of the Council on Wednesday next.

HIS EXCELLENCY: As far as the Government is able to say, and from what I understand from the Hon. the Acting Colonial Secretary, the business of this hon. Council is likely to terminate on Wednesday next.

Council adjourned to 10 a.m. on Saturday, 14th May, 1927.

SATURDAY, 14th MAY, 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 13th May, 1927, were confirmed.

ORAL ANSWERS TO QUESTIONS.

COMBINED GENERAL HOSPITAL, NAIROBI.

CAPT. THE HON. H. F. WARD asked:—

Will the Government please state:—

(1) Whether a committee has been appointed to consider a site for the proposed combined General Hospital in Nairobi?

(2) If so, has that Committee yet reported?

(3) In the event of the answer to (1) and (2) being in the affirmative, will Government please state:—

(a) The site suggested, and

(b) The intentions of Government in regard to the committee's recommendations as to site?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOLE): The site suggested by the committee for the proposed combined hospital is the present racecourse. The proposed combined hospital is the present racecourse. The report has been forwarded to the Nairobi Municipal Council for early consideration. The Council after discussion have deferred final reply for a month in order to enable further consideration and consultation with the ratepayers, so far as is possible.

CAPT. THE HON. H. F. SCHWARTZ: Arising out of that answer, may I ask whether we can have an undertaking from Government that no decision will be taken without a chance being given to debate this matter in this hon. Council?

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I beg to point out that in the first place the money for this combined hospital has not yet been voted; so it is not possible to take any definite action in this connection until a vote has been taken in this hon. Council for this money.

CAPT. THE HON. H. E. SCHWARTZ: The point is not the starting of the building, which of course cannot be done until the money is voted, but I want to know whether the question of the site will be considered in this hon. Council, because of the very strong feeling there is in Nairobi in this connection.

THE HON. THE ACTING COLONIAL SECRETARY: I will give an undertaking that there will be no final commitment with regard to this site until this hon. Council has had an opportunity of discussing the matter.

DEFENCE FORCE BILL.

THE HON. CONWAY HARVEY asked:—

Has Government received a petition on the subject of the Defence Force Bill?

If the answer is in the affirmative, will Government be pleased to lay a copy of such petition on the table of this hon. Council?

THE HON. THE ACTING COLONIAL SECRETARY:—

(1) The answer is in the affirmative.

(2) The petition is addressed to His Majesty the King and the persons responsible for its presentation have expressed their desire that a copy should not be laid on this table. They add that they desire that it should be treated as a "private official document," and consider that they should not expose the names of the signatories in public. They further state that they wish it to be distinctly understood that the petition is not being officially transmitted with any reference to the Legislative Assembly.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of that answer, is Government in a position to state why the promoters of this petition are anxious that the signatories should not be known to the public?

THE HON. THE ACTING COLONIAL SECRETARY: No, Sir.

THE HON. F. O'B. WILSON: Arising out of that answer, may I ask whether Government is aware that the people responsible for the petition have said that it has been signed by a certain number of private subjects and has Government any reason to believe that the petition has been signed by any people who are not private subjects?

THE HON. THE ACTING COLONIAL SECRETARY: No, Sir.

NAIROBI-MOMBASA ROAD.

THE HON. F. O'B. WILSON asked:—

What expenditure has been authorised:—

- (a) On the survey of the Nairobi-Mombasa road;
- (b) On the construction of this road.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SKELLS): No fixed sums were allotted out of the general votes for the survey and construction of a road from Mombasa to Nairobi.

Government's authority for survey of the Mombasa-Nairobi road is the provision of the sum of £25,000 for the road survey of the Colony in the Loan Schedule as approved by resolution of Legislative Council; also the undertaking given by the late Sir Robert Coryndon to Legislative Council on September 18th, 1924, that a survey for this road would be made.

Authority for such "construction" as has taken place—although the term is applicable—is the provision by the Legislature of a sum for maintenance and improvement of roads and bridges in the annual estimates. The opening up of the alignment finally selected was charged to the "miscellaneous tracks" item in the appendix to the estimates which shows the distribution of the sum provided for maintenance and improvement of roads and bridges.

The alignment for the road had to be opened up as a ten-foot track because:—

(1) It was necessary for a lorry to be employed transporting water and food to the bush-cutting gangs and survey parties.

(2) In order to preserve the alignment from being overgrown and lost it was necessary to remove stumps and clear it thoroughly.

(3) The old Selater Road had been declared a public road in 1906, and had not been disestablished as such. The new alignment was in lieu of that road, which had become overgrown.

THE HON. CONWAY HARVEY: Arising out of that answer, may I ask whether the expenditure of large sums of public money on this road is based on economic considerations?

THE HON. THE DIRECTOR OF PUBLIC WORKS: It will be impossible, in reply to a question, to give all the economic reasons for the construction of this road, although those reasons are very cogent.

THE HON. T. J. O'SHEA: Arising out of the original answer, is it permissible to spend on a new public highway funds out of the monies provided for the maintenance of miscellaneous tracks?

HIS EXCELLENCY: The question cannot be put now; it is raising a question of policy. If the hon. Member wishes to move a motion in this connection he can do so.

NAIROBI-MOMBASA ROAD.

THE HON. F. O'B. WILSON asked:—

What expenditure has been incurred:—

- (a) On the survey of the Nairobi-Mombasa road;
 (b) On the construction of this road?

THE HON. THE DIRECTOR OF PUBLIC WORKS: The reply is as follows:—

Survey	£1,839/4/34
Construction ...	£2,895/18/75

CAPTAIN THE HON. F. O'B. WILSON: Does that include any overhead charges, such as the employment of an executive engineer eight or nine months on this road?

THE HON. THE DIRECTOR OF PUBLIC WORKS: It includes some of the overhead charges. I cannot say whether it includes the particular item which the hon. Member has mentioned or not.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: May I ask if there are no funds available to construct the Tsavo bridge? The road is absolutely useless without this bridge.

THE HON. THE DIRECTOR OF PUBLIC WORKS: No funds are available at the moment for the construction of the Tsavo bridge in a permanent manner and it would not be advisable to construct it temporarily.

COAST FERRIES.

THE HON. G. G. ATKINSON asked:—

Does Government still regard the reduction of charges for the use of coast ferries as an urgent matter as declared by the Hon. Acting Colonial Secretary on the 12th March last, and if so why has there been a delay of two months in bringing into operation the reduced scale of charges which the Government, on the 12th of March last, had already decided to adopt?

THE HON. THE ACTING COLONIAL SECRETARY: The revised scale of charges has been under further correspondence since March. A final decision was reached early this month, and the new scale will be published in the next Gazette.

MOMBASA FERRY SERVICE.

THE HON. G. G. ATKINSON asked:—

Whether complaints are general from travellers by motor car from Tanga and Nairobi to Mombasa of the inconvenience caused by the closing of the Mombasa ferry service at 6 p.m., and whether Government is prepared to extend the service to all hours?

THE HON. THE ACTING COLONIAL SECRETARY: Complaints have been received of inconvenience caused by the closing of the Mombasa ferry service at 6 p.m. It is found, however, that the receipts during the first two months of the year showed a daily average of only slightly over seven cars per diem crossing the Likoni ferry, and in view of this it is not considered that the extra cost involved by extending the service to all hours is warranted.

The native staff at present work from 6 a.m. to 6 p.m., and at least double the present staff would be necessary if the service was extended to all hours.

Another objection to extending the service to all hours is that in all probability the crossing after dark at spring tides would not be safe with the present ferry boats, even if the ramp at both sides of the ferry was lighted.

The only safe alternative would be to run the ferry service between 6.30 a.m. and 6.30 p.m. The district committee is being consulted on this matter.

MOTIONS.

HIS EXCELLENCY: The first motion stands in the name of the Hon. the Colonial Secretary.

AMALGAMATION OF THE GOVERNMENT AND RAILWAY PRESSES.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE): Your Excellency, since the two motions were drafted and notice given of them, the sums for which they were to have been included in a supplementary estimate which will be moved next week, and I would therefore ask Your Excellency's permission to withdraw these two motions, the effect of which will come before this hon. Council in a few days' time.

HIS EXCELLENCY: With the permission of Council the motions are withdrawn.

BILLS.**THIRD READINGS.****THE DEFENCE FORCE BILL.**

THE HON. THE ACTING COLONIAL SECRETARY : Your Excellency, I beg leave to move that a Bill to provide for the organisation of the European inhabitants of the Colony of Kenya for the defence thereof be read a third time and passed.

LIBERT.-COL. THE HON. C. S. DAVIES (OFFICER COMMANDING TROOPS) : I beg leave to second.

The question was put.

THE HON. A. H. MALIK : Your Excellency, I wish to speak a few words in regard to this Bill.

HIS EXCELLENCY : Order. The hon. Member cannot speak on the third reading unless he wishes the Bill put back into Committee on some question which has not been dealt with on the Second Reading.

THE HON. A. H. MALIK : May I put a question that in order to make the Defence Force Bill most effective . . .

HIS EXCELLENCY : The hon. Member is out of order. If he will refer to the Standing Orders he will see that the only action that can be taken is for a resolution to be moved that the Bill be put back to committee to consider some point which has not been raised on the second reading in regard to the Bill. The principle of the Bill has been already discussed.

The question before the House is that the Bill be read a third time and passed.

The question was put and carried.

The Bill was read a third time and passed.

THE BILLS OF EXCHANGE BILL.

On motion of the hon. the Attorney General a Bill relating to Bills of Exchange, Cheques, and Promissory Notes, was read a third time and passed.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) BILL.

On motion of the hon. the Acting General Manager, Kenya and Uganda Railway, a Bill to amend the Supplementary Appropriation (Railway) Ordinance, 1925, was read a third time and passed.

THE CUSTOMS TARIFF BILL.

On motion of the hon. the Commissioner of Customs a Bill to amend the Customs Tariff Ordinance was read a third time and passed.

THE CUSTOMS REVENUE ALLOCATION BILL.

On motion of the hon. the Commissioner of Customs a Bill to provide for the allocation of Customs revenue between the Governments of Kenya and Uganda was read a third time and passed.

Council adjourned until 10 a.m. on Wednesday, 18th May, 1927.

WEDNESDAY, 18th MAY, 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 14th May, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE) : I beg leave to lay on the table a copy of the First Supplementary Estimates, 1927.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) : I beg leave to lay on the table the report of the Select Committee on the Stamp (Amendment) Bill, 1927, and report of the Select Committee on the Town Planning (Amendment) Bill, 1927.

THE HON. THE TREASURER (MR. GRANNUM) : I beg leave to lay on the table the statement of loan commitments of the Colony up to the year 1929.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOEM) : I beg leave to lay on the table the report of the Select Committee appointed by this hon. House to consider and enquire into the position with regard to the mealee bug and stalk-borer pests in the Colony.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES) : I beg leave to lay on the table the report of the Select Committee to consider the taxation of heavy motor vehicles.

ORAL ANSWERS TO QUESTIONS.

OFFICIAL RESIDENCES.

THE HON. CONWAY HARVEY asked :—

Will Government be pleased to lay on the table a statement showing :—

(a) The exact position regarding work which has been approved in connection with loan fund expenditure on official residences.

(b) What is the estimated cost of Government House alterations and additions?

(c) What expenditure has been incurred up to April 30th, in connection with the Government House Building Programme?

(d) Is the Government House Building Programme in accordance with the recommendations of the committee appointed for the purpose of investigating the matter?

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

(a) The position in regard to the expenditure of loan funds on official residences in Nairobi and Mombasa was given in His Excellency's address to the Council on the 10th of May.

The position in respect of such buildings in out-stations is that house building is progressing at Kitui and Ngong. Building operations are in hand at Kwale and will be started shortly at Kakamega, Rumuruti and Meru.

In the case of all other out-stations, an expenditure of £85,500 has been approved by the Loan Works (Buildings) Committee for building fifty-one European houses of various classes.

It is also proposed that £15,000 shall be expended on Asiatic quarters for out-stations.

(b) The estimated cost of Government House alterations and additions is :—

Nairobi	£60,600
Mombasa	19,400
Total cost	£80,000

(c) The expenditure incurred up to April 30th in connection with the Government House Building Programme is :—

Nairobi	£11,201
Mombasa	16,000
Total	£27,201

(d) The recommendations of the committee appointed for the purpose of investigating the Government House Building Programme are being carried out with certain modifications, which will not involve additional expenditure beyond the amount already approved.

2. A full report of progress being made will be prepared and laid on the table at the next Session.

THE HON. CONWAY HARVEY : Your Excellency, arising out of that answer, may I ask whether the buildings at Kwale were approved by the Works Committee, and in reply to section (c), whether the cost of prison labour and overhead charges have been included in the figure given?

THE HON. THE DIRECTOR OF PUBLIC WORKS : The reply to the first part of the question is in the affirmative.

The reply to the second part is : The estimate of the cost of these buildings was based on ordinary Indian labour being employed, but we anticipate a reduction when prison labour is employed.

SOMALIS IN NORTH LAIKIPIA.

CAPT. THE HON. E. M. V. KENNELLY asked :—

As funds have been voted for re-opening the N.F.D. for trading while trade stock which is in the hands of traders in Kenya has remained unsold for years, will Government state when the Somali stock in North Laikipia is to be sold, and its owners returned to their normal activities instead of being allowed to farm on Crown lands?

At the same time, Your Excellency, I am told that Government is prepared to make a statement on this subject. If I am in order I should like to ask for a statement to be made at the same time as a reply is given.

HIS EXCELLENCY : I am afraid the hon. Member would be entirely out of order in doing so.

No debate can arise on the question, but the hon. the Acting Colonial Secretary will reply to the question as it stands.

THE HON. THE ACTING COLONIAL SECRETARY (MR. SOUTH-COTE) : Government has no information to give on these points.

With regard to the supplementary point which the hon. Member for West Kenya has put, I would state that on the 9th May a report was received in Nairobi that there had been firing between police and a party of Somalis on the 3rd May, between the Usao Nyiro and Usao Narok Rivers. Two Somalis were mortally wounded. Twenty-five police were sent out at once, under a European sergeant, to take charge of the situation and subsequently, before that party arrived, the Somalis were reported to have gone across the Usao Nyiro. It appears that they built a bridge across the Usao Nyiro and that bridge was subsequently destroyed by the police. I would point out, however, that there is no definite information with regard to that point, but it is reported that the bridge built by the Somalis has been destroyed. I have yet to receive a full report on this matter from the officers concerned; the

latest information to hand is from the District Commissioner, Rumuruti, who states that all the Somalis are on the Nyeri side of the Usao Nyiro River and I think there is every reason to believe that the situation is well in hand now.

If there is any further information I can give the hon. Member, I shall be pleased to do so.

CAPT. THE HON. E. M. V. KENEMY: Arising out of the lack of an answer to the question I have asked . . .

HIS EXCELLENCY: Order, order.

K.A.R. TRANSPORT SERVICE.

LIEUT. COL. THE HON. C. G. DURHAM asked:—

Whether, in the interests of economy, Government will consider the advisability of transferring the headquarters of the K.A.R. Transport Service to railhead (Port Hall—Nyeri line)?

LIEUT. COL. THE HON. C. S. DAVIES (OFFICER COMMANDING TROOPS): Government has under present consideration a step of this nature, but this must depend to some extent upon necessary road improvements between railhead and Meru.

Government considers that the Administrative Headquarters of the King's African Rifles Transport Department should remain in Nairobi as at present.

LEASES OF CROWN LAND.

THE HON. T. J. O'SHEA asked:—

Whether Government will favourably consider in all future leases of Crown land for agricultural purposes the inclusion of a clause providing for a defined small proportion of the land being permanently maintained under timber?

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKER): This suggestion will receive Government's careful consideration.

NATIVE HOSPITAL AT ELDORET.

THE HON. T. J. O'SHEA asked:—

What steps, if any, is Government taking to meet the urgent need of a native hospital at Eldoret?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS): Government is considering undertaking this work at once.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask what exactly is the meaning? (Laughter.)

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: I am afraid I do not know. (Renewed laughter.)

THE HON. THE ACTING COLONIAL SECRETARY: In order to enlighten the hon. the Director of Medical and Sanitary Services, and the hon. Member who asked the supplementary question, I would say that Government recognises the real urgency of the need for improving the native hospital at Eldoret but the matter has yet to be brought before the Works Committee and will be brought before that Committee at its next meeting for their consideration—as a proposal from Government.

THE HON. T. J. O'SHEA: Arising out of that more explicit answer, may I ask whether Government is really aware of the conditions that exist in the native hospital at Eldoret? Also whether the Government is aware that the natives are accommodated in grass rondavels into which as many as forty natives are placed from time to time?

THE HON. THE ACTING COLONIAL SECRETARY: Government is fully aware of the position. I may say that Your Excellency yourself has drawn attention to the necessity of this work as a result of Your Excellency's recent visit to Eldoret and I can only reiterate that immediate attention will be given to this matter in the Works Committee; that course will accord with procedure as pledged in this hon. House.

MOTOR ALLOWANCES.

LIEUT. COL. THE HON. C. G. DURHAM asked:—

1. Will Government state if the recommendations of the Committee on motor allowances have been disallowed?

2. Is it the policy of the Government that officials are now expected to use their own motor vehicles on Government service, at their own, or partly their own, expense?

3. Is Government aware of the grave discontent existing amongst its officials, due to recent ruling in regard to motor allowances?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE):

1. The recommendations of the Committee on motor allowances were accepted with certain exceptions with regard to the mileage rates to be paid.

2. The mileage allowances now granted are in the opinion of Government adequate to reimburse officers their out of pocket expenses, depreciation, etc., incurred in the use of their cars on Government service.

3. Government has received representations in respect of the mileage rates laid down but is not satisfied that any grounds have been made out for their alteration at present. No representations received by Government have been supported by any conclusive proof that the allowance now payable is inadequate to reimburse an officer for expenses incurred in using such vehicle on Government service.

LIET.-COL. THE HON. C. G. DURHAM: Arising out of the answer, may I have a reply to my third question, item 3, question No. 2?

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, the reply has been given.

LAND EXCHANGE: MAJOR TOTTENHAM.

LIET.-COL. THE HON. C. G. DURHAM asked:—

1. Can the Commissioner of Lands state: who are the Melwa Syndicate?

2. What is Major Tottenham's address?

3. Did Major Tottenham agree to the surrender personally or by power of Attorney; if by power of attorney, in whose favour was the power, and what is the date of the agreement to surrender?

4. Has Mr. Sear taken transfer of the two farms in Laikipia, and what did he pay for them to the allottees?

5. What, in the view of the Land Office, is the approximate value of the two Laikipia farms in question?

6. Was Major Tottenham aware when he surrendered, that he was to get in exchange land in the Kericho District?

7. What was the tenor of the report of the Kericho District Committee?

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

1. The Melwa Syndicate members are: Messrs. J. W. Stirling, G. Scott, W. Jaffray, A. Dykes and J. Scott, original allottees who amalgamated their interests.

2. Major Tottenham's present address is not known to Government.

3. and 4. These two farms were allotted to Major and Mrs. Tottenham, who in fact never took out their grants. Grants in respect of these farms were made direct to Mr. Sear, on September 30th, 1926, on application by him and exhibition of his power of attorney from the allottees. The consideration between the allottees and Mr. Sear is not known to Government. The date of agreement to exchange was September 11th, 1926.

5. Under the Soldier Settlement Scheme the farms are valued at Sh. 101,780.

6. This is not within the information of Government.

7. The Kericho District Committee opposed alienation of land in this locality on the assumption that deforestation would be the result. It has been pointed out to the Committee that the land in question is not within any of the forest reserves.

REGISTRATION OF DOMESTIC SERVANTS.

LIET.-COL. THE HON. C. G. DURHAM asked:—

Will Government state what progress has been made towards introducing a Bill for the compulsory registration of domestic servants, and will it treat the matter as one of urgency?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE): A Bill providing for the compulsory registration of domestic servants has been drafted and is now being finally reviewed. It is regretted that it was not found possible to introduce it at this Session. It will be brought up at the next Session of Council.

KITALA SCHOOL.

LIET.-COL. THE HON. J. G. KIRKWOOD asked:—

What is the position as regards the Kitala school?

(a) Are plans completed?

(b) When is it proposed to start building?

(c) Has supply of bricks been arranged?

THE HON. THE DIRECTOR OF EDUCATION (MR. OMM):—

(a) Plans are in the course of preparation but are not yet completed.

(b) It is proposed to start building towards the end of the year.

(c) Tenders for bricks will be called for when the plans have been prepared.

KITALE WATER SUPPLY.

LIEUT. COL. THE HON. J. G. KIRKWOOD asked:—

Kitale Water Supply: What is the position? Has a re-survey been made, and have estimates at present-day prices been completed?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): The Hydraulic Engineer is at present in the Trans-Nzoia investigating this matter.

FUEL FOR AGRICULTURAL INTERNAL COMBUSTION ENGINES.

LIEUT. COL. THE HON. J. G. KIRKWOOD asked:—

Will Government agree to appoint a committee to investigate the price of fuel used by agricultural internal combustion engines, and the economic relationship between such prices and cost of production, and make recommendations?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE): This matter was closely investigated last year by the Economic and Financial Committee. Evidence was taken in the attempt to assess the relationship between the price of fuel and the cost of production, but it was found impracticable to arrive at any conclusion which could be expressed in figures, as costs vary greatly in different districts. The Economic and Financial Committee put forward recommendations aimed at a reduction in the price of oils for use with tractors, advocated investigation into the possibility of introducing better methods of hauling and distribution, and urged the importance of maintaining close touch with those likely to furnish useful information in regard to the manufacture of industrial alcohol and the development of such oil-fields as exist in East Africa.

Government has, therefore, in its possession information on the subject of fuel oils and is prosecuting enquiries as to the various suggestions made. As stated by the Acting General Manager, Kenya and Uganda Railway, in this Council on the 12th of May, the matter has also engaged the attention of the Inter-Colonial Railway Council. Government considers, in these circumstances, that further reference to a Committee would serve no useful purpose at the present stage.

AERODROMES.

THE HON. CONWAY HARVEY asked:—

What steps are being taken by Government to reserve sites at suitable centres for the establishment of aerodromes?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTH-COTE): Steps have already been taken to reserve sites at Nairobi and Kisumu. Enquiries are being made as to the reservation of sites at other suitable and convenient centres.

TSAVO BRIDGE.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE asked:—

Whether a sum of money may be allotted from the balance of the £30,000 Loan Schedule for roads and bridges to rebuild the bridge over the Tsavo River and two bridges near Makindu?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): The question of utilising loan funds for the three bridges mentioned will be referred to the Central Roads Committee for consideration.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Arising out of that answer may I ask if enquiries could be made as to whether it is not possible to purchase the Railway bridges?

THE HON. THE DIRECTOR OF PUBLIC WORKS: This matter is at present under discussion with the Hon. the Acting General Manager, Kenya and Uganda Railway.

CAPT. THE HON. F. O'B. WILSON: Arising out of that answer, will this hon. Council have a chance of reviewing and considering any expenditure that may be recommended for this purpose, in view of the decision of the Council some years ago with regard to the Nairobi-Mombasa Road?

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I am authorised by Your Excellency to state that a statement will be laid on the table of this hon. Council at the next Session which will indicate the expenditure on this road. There is no intention on the part of Government to execute this road as a major work.

REGISTRATION OF DOMESTIC SERVANTS.

CAPT. THE HON. H. E. SCHWARTZ: In view of the answer which has already been given this morning to the Hon. Member for Kikuyu (Colonel Durham), I would ask leave to withdraw this question.

HIS EXCELLENCY: The question standing in the name of the Hon. Member for Nairobi South is withdrawn.

MOTION.

MEALIE BUG AND STALK-BORER.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, may I ask whether an opportunity will be given during this Session for the report of the Select Committee in connection with my resolution with regard to mealie bug and stalk-borer to be approved, otherwise it would appear that the recommendations of the Committee will not be given effect to until next August.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, in application of anything further that might be said on this motion, I would inform the hon. and gallant Member that the Government proposes now to accept the motion that was moved in regard to this matter and which was referred to a Select Committee. Government will accept that motion and will deal with it most sympathetically. The motion is on the Supplementary Order of the Day and an opportunity will arise for the motion to come before Council this morning.

SUSPENSION OF STANDING ORDERS.

SOMALIS IN LAUKIPIA.

CAPT. THE HON. E. M. V. KENEMLY: I hope your Excellency will allow me to move the Suspension of Standing Orders in order to discuss the seriousness of the Somali situation.

HIS EXCELLENCY: What is the position? Is the hon. Member moving the suspension of Standing Orders?

CAPT. THE HON. E. M. V. KENEMLY: I am asking Your Excellency's permission to do so.

I beg to move the suspension of Standing Orders in order to discuss this very serious question of the Somali situation in Laikipia and North Nyeri at the moment.

There has been an accumulation of evidence as to the treachery and insubordination of these Somalis and the lack of control over them . . .

HIS EXCELLENCY: I call the hon. Member to order. The point before the House now is whether Standing Orders should be suspended in order that this matter may be discussed. That is the question before this House. Does anybody second the motion?

THE HON. COSWAY HARVEY: I will second the motion, but it will help us very much in recording our votes if we are given some indication of the urgency of the matter.

HIS EXCELLENCY: On the urgency of the matter but without going into details the hon. Member may explain his reason for moving the suspension of Standing Orders.

CAPT. THE HON. E. M. V. KENEMLY: It is difficult to avoid giving a certain amount of detail in bringing the urgency of this matter to notice. I shall attempt to avoid detail as far as possible and concentrate on the principle of the matter.

Now, Sir, there have been in the past shootings by Somalis of Europeans or natives, police or civilians; one occurred at Moyale and one occurred between Ravine and

Rumuruti. Questions on this subject were asked before and Government gave then all, or part, of the information in its possession and promised that subsequent information would be afforded this House. Such subsequent information has not so far been forthcoming and since then a further shooting has occurred.

Now, Sir, if a certain number of persons in this country is collected in a certain area and attempts to resist the lawful orders of this Government and those persons are armed, I feel, Sir, that the population of this country is entitled to an explanation why these persons are armed, and why they are allowed to possess and use arms against the police of this country. The situation is an abnormal one and calls for an explanation and a reassurance from Government.

It is suggested, Sir, that this is not a matter of detail, it is a matter of principle! It is suggested that the Somalis who are resisting the law are to be moved from one point to another and I ask if Government imagines for a moment that that solution is expected to be a permanent one—the moving of the Somalis from one point to another. I ask whether it is proposed that the whole problem of the status of these Somalis should be honestly and candidly tackled by Government or whether the matter will not be further postponed as it has been postponed since the adoption of the Majority Report on the Somali situation in Laikipia. If the Minority Report had been adopted this situation would never have arisen.

The people not only in that neighbourhood but the people throughout this country require reassurance on this subject. I trust that Government will be induced to accept this motion for the Suspension of Standing Orders. It is a serious matter and the only way to allay the anxiety is to tell the truth. I can give more information but it is detailed information and I cannot give it at this moment, but if Government will accept this motion I hope to give that information.

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

CAPT. THE HON. E. M. V. KENEMLY: Your Excellency, I shall have to review shortly the position from the time that these traders, because that is nominally what they are, became a problem for the Government of this country. A certain number of these Somalis have rendered quite good service to the Government during the war as askaris; a certain number of them are legitimate traders who before the war did trade. They were allowed to come down from the north with stock. Their numbers were added to by certain time-expired K.A.R. askaris who, thereupon, instead of becoming traders, became farmers because these Somalis were

allowed by Government and by certain settlers in that neighbourhood to live on their farms and Crown land as squatters. I know that an attempt has been made to blame the settler in that neighbourhood for allowing them on his farm and allowing them to farm on his farm instead of trading.

We are not concerned with who is to blame for this matter but with the situation as it exists to-day; and as it exists to-day it is an exceedingly uncomfortable one.

Government has on occasions ordered the Somalis on Government land, Crown lands, and also ordered the Somalis on private farms where the owners of those private farms had asked for their removal, to move and the Somalis in many instances have refused to move. Ultimately the Somali stock was infected with East Coast Fever. How that infection occurred we are not concerned with, but it complicated the question. All the Somalis were then removed to Rumuruti and Rumuruti was put into quarantine, and East Coast Fever which started among Somali stock spread through the district and has caused the district, and the adjacent district, a loss of thousands, even tens of thousands of pounds, and a great deal of inconvenience as well.

Measures were taken to deal with their infected stock by dipping. The veterinary authority ordered the number-branding of Somali stock, better to control their movements and to see that the dipping regulations were carried out. The Somalis refused to allow such number-branding and adopted a truculent and insubordinate attitude.

After the stock had been dealt with under the veterinary regulations an attempt was made to move the Somali northwards, and he was told that he could move northward with his stock until the problem was further elucidated and a market could be found where he could dispose of his stock. The beginning of this occurred years and years ago and many opportunities have occurred where the Somali, if he had wished, could have disposed of his stock as a trader. Instead of disposing of his stock as a trader he bought dairy implements and became a stock farmer, farming rent free and free of taxation other than the Poll Tax, in competition with the actual inhabitants of this country. In many instances the Somali was an alien to this country, had no status even as a trader, and I believe that many of these traders had no trading licences although they were farming in this country. These stock were moved with their owners to an area which was given them while the problem was being considered by Government. It had then been considered by Government for four or five years. Further consideration was asked for and was given. Instead of remaining in the place they were allotted with their stock, they again moved over the country outside the control of either the veterinary authority, the

police or the administrative officers, and they became a very serious menace. They had pleuro-pneumonia, and have infected the country before with rinderpest and East Coast Fever, they then moved some of their stock to the north and they were seen returning with some of the stock from the north. Whether they were the same stock they had tried to sell in the north, in the Samburu country, or whether it was stock they bought from the Samburu—I think it was the former—they were returning from that area without any permission or authority. The stock was taken from them by the police, and they called up reinforcements. The police put up a very good show. The stock were recovered and the persons who were infringing the quarantine regulations were arrested, but they were liberated by their fellows who fired upon the uniformed members of the police of this country.

It is now suggested, Your Excellency, that the Somali situation should be dealt with by moving them in some instances three or four miles northward of where they are, to get them out of a white area. I submit that this will not solve this problem. This problem has to be honestly faced and honestly dealt with and on a permanent basis. It is no use postponing the issue, it has been postponed for years. I hope Government will take hold of this problem and deal with it and finish it. It will only encourage these people to further action and incite them to further disorders if this is not done.

The Somalis are a very serious menace to stock-breeding in that neighbourhood because the European obeys quarantine regulations and the Somali does not. The quarantine regulations apply equally to all elements of the community but it is very, very difficult to prove that a man has broken but it is very, very difficult to prove that a man has broken quarantine regulations. The European recognises that it is jeopardising the safety of the whole industry, the Somali is not concerned with that.

It has been suggested, Sir, that the women and children—as there are women and children—should be dealt with by being transported northward.

HIS EXCELLENCY: I would like to warn the hon. Member that Standing Orders have been suspended in order to give him a chance of bringing before Council a matter of an incident of Somalis firing on the police, but we are not dealing with any motion before this House on this question.

The Standing Orders have been suspended with the approval of the House in order that the hon. Member may state what has taken place and if any motion is to be moved in regard to the removal of Somalis notice should be given. The hon. Member must restrict his remarks to the question which has been brought to the notice of the House and not on a point which should be dealt with in a motion.

CAPT. THE HON. E. M. V. KENEALY: I shall endeavour to avoid the question of general policy. On the urgency of this motion . . .

HIS EXCELLENCY: There is no motion before Council . . .

CAPT. THE HON. E. M. V. KENEALY: The urgency of this matter is due to the present lack of policy in regard to the Somali. It is a little difficult to refer to. Apparently further consideration is to be given to the Somali who has consistently flouted the law. If his streak is to be moved now it will need further inoculation. Who is to pay for that inoculation? Is it the country or is it the Somali who has consistently flouted the quarantine regulations and administrative activities? I think, Sir, the situation is a serious one and should be dealt with, and should be dealt with permanently by Government. I do hope that Government will do more than they have done. This statement is made with the idea of solving the problem and not with the idea of embarrassing the Government.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOPE): Your Excellency has pointed out that there is no question before the House, but I believe in view of the urgency, the hon. and gallant Member has been allowed to make a statement of his views. With regard to the situation on the Case Nyiro, in so far as the attack upon the police is concerned, I have no further information than what I have already stated this morning but I will undertake that such information as comes to hand is made public as soon as possible.

With regard to the general question of how the Somalis have been disposed of which the hon. and gallant Member has really spoken on, I can only say that two days ago, I think it was, I was discussing the matter with my hon. friend the Chief Native Commissioner and the Senior Commissioner of that Province, and the matter is under the immediate consideration of Government and I will undertake, on behalf of Government, that the matter will be dealt with on a permanent basis by Government as soon as it possibly can be.

HIS EXCELLENCY: Council will resume the ordinary business of the day.

THIRD READINGS.

THE EUROPEAN OFFICERS' PENSIONS BILL.

On motion of the hon. the Treasurer a Bill for regulating pensions, gratuities and other allowances to be granted in respect of the service of European Officers in the Colony and Protectorate of Kenya, was read a third time and passed.

HIS EXCELLENCY: I may take this opportunity of informing Council that a telegram has been received from the Secretary of State in which he desires me to explain to Legislative Council that it is intended to make further additions to the schedule after a committee of the Colonial Conference, which has been appointed, has reported to the Secretary of State.

THE KING'S AFRICAN RIFLES RESERVE OF OFFICERS BILL.

On motion of the Hon. the Acting Colonial Secretary, the King's African Rifles Reserve of Officers Bill was read a third time.

THE HON. THE ACTING COLONIAL SECRETARY: I must apologise profoundly to this hon. Council. There is a small verbal amendment which I should have moved in the first section of the Bill, i.e., to alter the figure "1926" to "1927."

I understand that the proper course, Your Excellency, is that Your Excellency should refer this Bill back for amendment in this particular.

HIS EXCELLENCY: The only course left now is that this Bill should be re-committed in relation to the amendment which the Hon. the Acting Colonial Secretary has called attention to. With the permission of this House I will re-commit this Bill to the House.

The Bill is re-committed.

THE HON. THE ATTORNEY GENERAL: I think, Your Excellency, that the particular Standing Order which deals with this matter does not mean that Council must go into Committee for this purpose. It says "re-committal of the Bill" but I do not interpret that as meaning re-committal to a committee.

THE HON. THE ACTING COLONIAL SECRETARY: I beg leave to move that in clause 1 the figure "1927" be substituted for the figure "1926," the figure "1926" being deleted.

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

The question was put and carried.

HIS EXCELLENCY: The question before Council is that this Bill be read a third time with the amendment which has been made.

On motion of the Hon. the Acting Colonial Secretary a Bill to make provision for a reserve of officers for the King's African Rifles, as amended, was read a third time and passed.

THE STAMP (AMENDMENT) BILL,
THE TOWN PLANNING (AMENDMENT) BILL,
COMMITTEE STAGE.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move that the House resolve itself into a Committee of the whole House to deal with the reports of the Select Committees dealing with the Stamp (Amendment) Bill and Town Planning (Amendment) Bill.

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

The question was put and carried.

In Committee.

THE STAMP (AMENDMENT) BILL,
Clause 8.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to move that the first clause recommended by the Select Committee be inserted as clause 8 of the Bill.

The object of the amendment, Sir, is to supply an omission. As hon. Members are aware, the Stamp Duty Ordinance is based on the Indian Stamp Act, but in following that Act a proviso was omitted from this particular section of our Ordinance, which it is now proposed to insert. The section, Sir, deals with the duty payable on sales of property which are subject to a mortgage, and provides that in such a case the mortgage money shall be deemed to be part of the consideration of the sale. For instance, if property is sold for £50, and is subject to a mortgage of £100, the stamp duty is assessed on a total of £150.

Now, Sir, the proviso it is proposed to insert is that where property, subject to a mortgage, is sold by the mortgagee, the ultimate object is to enable any stamp duty which has already been paid on a mortgage to be deducted from the stamp duty payable by the mortgagee.

The point, I think, can best be understood by looking at the illustration, which reads as follows:—

"A mortgages a house of the value of one thousand pounds to B for five hundred pounds. B afterwards buys the house from A. Stamp duty is payable on one thousand pounds less the amount of stamp duty already paid for mortgage."

It appeared to the Committee that this is a perfectly reasonable proviso and that it ought to be inserted in our law.

May I point out that the word "the" has been omitted in the last line of the illustration before "mortgage"?

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the subsequent clauses be re-numbered.

The question was put and carried.

Clause 15.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move that the first clause recommended in the second paragraph of the Select Committee's Report be inserted as clause 15 of the Bill. This suggested clause deals with the admissibility as evidence of documents which are not properly stamped. The present law provides that except in certain specific cases a document which is not properly stamped cannot be admitted in evidence in any circumstances. The law, however, goes on to provide that where such a document has been admitted in evidence its

admissibility shall not subsequently be called in question. In other words, where a subordinate court admits in evidence a document which the law provides shall not be admitted without being properly stamped, the Court of Appeal has no power subsequently to exclude that document from the evidence of that case, and the Committee feels that that state of affairs should not be permitted, and that the Court of Appeal should have the same power as the first court in regard to the exclusion of documents in any particular case. Accordingly the new clause is suggested by the Committee.

Sub-clause 2 (a) contains the necessary provision giving the Court of Appeal full power to exclude such a document from the evidence.

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: I have not had an opportunity of reading the Report, although I agreed to a fixed rate, but I understood it was intended to repeal clause 33 of the old law. If that is so, I only mention it because I think it ought to come after clause 9.

THE HON. THE ATTORNEY GENERAL: Perhaps I should have referred to the clause suggested being divided into two parts; the first part of the clause deals with the matter I have just referred to and the second part deals with the repeal of section 23, which, in view of the amendment just suggested, becomes inoperative.

Clause 17, Sub-clause (9).

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move that sub-clause (9) of this clause be amended so as to read in accordance with the recommendations of the Select Committee.

This particular sub-clause, Sir, deals with what my hon. friend the Member for Platenon referred to as "taxing our overdrafts". I think that was rather a wrong way of putting it because what the sub-clause is designed to do is to impose a stamp duty on equitable mortgages and that of course is a principle universally adopted in stamp law.

In the Bill, Sir, it was proposed that the duty should be Sh. 2 per cent., and when the Committee now recommended a fixed duty of £1 regardless of the amount of *colorem* duty we should have a fixed duty of £1 that is no trouble at all. The chief advantage of the collection of fluctuating overdrafts, and as an interest in connection with that, Sir, I think that the House may be assured that regards the final result, Sir, I think that the House may be assured that the Government will because the Committee was given to understand that the average amount of overdrafts does not exceed £1,000, which, assuming an overdraft of £1,000, when the *colorem* was Sh. 2 per cent., would come to exactly the same thing as proposed.

It will be seen that in imposing a fixed duty of £1 the Committee suggested that where the memorandum of an equitable mortgage is accompanied by a properly stamped mortgage deed, then the duty paid on the memorandum of mortgage should be reduced by the amount of duty already paid on the mortgage deed.

THE HON. T. J. O'SHEA: Your Excellency, as one of the signatories to that Report and as one of those who were greatly concerned at the idea of the necessity for stamp duty on equitable mortgages, may I explain that I am very sorry indeed that Government has found it necessary to have this stamp duty introduced. I think it is deeply to be regretted that Government should get away from the idea involved in the Equitable Mortgages Act, which was to make as cheap as possible the raising of temporary credits.

However, looking at it from the public point of view, I think I may say that the largest possible concession has been got from Government in fixing the stamp duty at a flat figure of £1. Undoubtedly the amount that would have been of a small sum this is in excess of the amount that would have been payable under the original duty of Sh. 2 per £100, but against that it has

been pointed out by the banks that it would be very much better for the public and the banks to have a fixed figure rather than to have a re-arrangement on every re-arrangement of securities. In the circumstances, Sir, I hope I have secured for the public the largest possible concession from Government.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to say one word on this because there appears to be a want of clarity in people's minds as to what the stamp duty on an equitable mortgage is. On the introduction of the Stamp Ordinance in 1923 the duty on an equitable mortgage, if it was expressed in writing, or in the form of a written agreement, the duty on that equitable mortgage was payable at the same rate as on a legal mortgage, namely, one-quarter per cent. If, however, title deeds are deposited with the bank for a fluctuating overdraft, and that arrangement is merely an oral one, there is at present no duty payable, and the bank, in order to protect itself, registers a memorandum of equitable mortgage against the title with the Registration Department, which memorandum is only signed by the bank and nobody else. Anybody can register an equitable mortgage against anybody's property the same as he can register a caveat.

The only alteration proposed now is that there shall be a charge on this memorandum if unaccompanied by a mortgage deed and if it has not hitherto paid the tax, and Government presumably felt in introducing this Bill that that principle which the Attorney General has stated is common throughout most parts of the Empire should be introduced here.

It has been introduced by the amendment proposed, and by making it a flat rate it will not do any harm to anyone. It is a small matter, and it will at the same time bring the law in this country into conformity with the law in other parts of the Empire. It will bring in about £200 a year, and will not do any harm to anyone.

The question was put and carried.

THE TOWN PLANNING (AMENDMENT) BILL.

Clause 2.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to move that clause 2 be amended so as to read in accordance with the recommendation of the Select Committee.

The alteration is merely formal and consequential on the alterations of the Bill suggested later in the Report.

The question was put and carried.

Clause 4.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that clause 4 as appearing in the report of the Select Committee be substituted for clause 4 of the Bill.

This clause has rather an alarming appearance. It takes up a number of pages of the Report, but the alteration suggested as compared with the provisions of the Bill are not very great.

As I explained the other day in moving the second reading, the procedure provided for in the Bill itself is shortly that on the gazetting of a notice of final approval of a Town Planning Scheme all existing titles to plots affected by the scheme should be automatically extinguished, and that at some subsequent date the Commissioner of Lands or the appropriate officer should issue new titles, completely new titles, in respect of all new plots. But the difficulty arising out of that suggested procedure was that a considerable period of time might elapse between the extinguishing of the old title and the issue of the new, and that would obviously create difficulties therefore directed itself to providing an altered procedure. The Committee therefore directed itself to providing an altered procedure so as to avoid any lapse of time between the extinguishing of the old title and the issue of the new, so that the owner of the land could, right up to the moment at which he got his new title, carry on his dealings with regard to the

Now the procedure proposed by the Select Committee shortly is that on the publication of this notice of final approval the responsible Authority—the Town Planning Authority—shall furnish to the Registrar particulars of each plot or holding comprised in the scheme, the boundaries, area, shape or position of which are to be readjusted, and on receipt of these particulars the Registrar is required to make the necessary entry in the Register against the title to each such plot or holding. He then proceeds to prepare new documents of title to be drawn up in substitution for any particular plot as he has prepared a new document of title dealing with him to bring in has he serves a notice on the owner of that plot requiring him to bring in his old documents of title for cancellation. On production by the owner of old documents of title for cancellation, the title is automatically cancelled by the Registrar and the owner is handed his new document of title.

That is briefly the procedure proposed by the Select Committee. The remaining sub-sections of this clause are set out practically as they appear in the Bill, with just a few consequential alterations.

I may say, Sir, that the matter dealt with in this Bill has been very carefully considered not only by the Select Committee but it also had the great advantage of the assistance of two prominent members of the profession in Nairobi—Mr. Hamilton and Mr. Phadke, and I am sure the Select Committee would desire me to express our obligation to these gentlemen for the help they gave us.

I may say that the hon. Member for Mombasa was a Member of the Select Committee, but unfortunately he left Nairobi before the Report was ready to be signed. However, I discussed the rough draft of the report with Mr. Atkinson and the proposals had his entire agreement. I think I can state that Mr. Atkinson would have been quite prepared to sign this report had he been here.

CAPT. THE HON. E. M. V. KENYALU: In dealing with town planning generally, will Government give an assurance that the future aviation requirements of Kenya will be adequately dealt with in the town planning legislation?

THE HON. THE ATTORNEY GENERAL: I think I am right in understanding that the hon. Member used the word "aviation". Well, Sir, with great respect, I do not know that this is a matter which is dealt with in town planning legislation. Surely it is dealt with in legislation dealing with aviation. We have such an Ordinance on the Statute Book.

The question was put and carried.

Clause 6.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that a new clause 6 as appearing in the Select Committee's Report be inserted as clause 6 of the Bill. That deals with the apportionment by a Town Planning Authority of the compensation which is payable as between an owner and any person who is entitled to a registered interest in the land, such as a mortgagee or a lease of the parties interested, and the clause merely enables the Authority, with the consent of the owner and the registered holder of the interest, to apportion the amount of compensation payable between those persons in the absence of agreement. The clause further provides that in the absence of agreement between those persons the Authority shall pay the amount of compensation to the Supreme Court and shall institute interpleader proceedings in order to have the amount apportioned.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the schedule in the Bill be deleted. It is not required in view of the preceding provisions of the Bill.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg leave to move that the Ordinance and the Bill to Amend the Town Planning Ordinance and the Bill to Amend the Stamp Ordinance be reported to Council with amendments.

(Council resumed its Sitting.)

HIS EXCELLENCY: I have to report that a Bill to amend the Stamp Ordinance and a Bill to amend the Town Planning Ordinance, after a reference to the full Committee of this hon. Council, have been referred back to Council with amendments.

THE HON. THE ATTORNEY GENERAL: I beg leave to give notice that at a later stage of the Session I shall move the third reading of a Bill to amend the Stamp Ordinance and a Bill to amend the Town Planning Ordinance.

SUSPENSION OF STANDING ORDERS.

CAPT. THE HON. H. E. SCHWARTZ: May I suggest that these two Bills should be dealt with by a suspension of Standing Orders?

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I propose, in view of the nearing conclusion of business in this hon. Council to move shortly that Standing Orders be suspended to enable business to be taken which will provide for the conclusion of the Session to-day. *Inter alia*, that will entail the discussion of the Supplementary Estimates. I hope that that motion will receive approval when it is put. If that is so, the third readings will be taken under the same suspension of Standing Orders. It seems scarcely necessary to move it more than once.

MOTION.

HIS EXCELLENCY: Council will now proceed to the Supplementary Order of the Day.

The motion before the House is the motion standing in the name of the Hon. Member for Nairobi South.

MEALIE BUG AND STALK-BORER.

CAPT. THE HON. H. E. SCHWARTZ: In view of what has happened since I introduced this motion, and of what the Hon. the Acting Colonial Secretary has said—that Government is prepared to accept this motion and that they will, I take it, give sympathetic consideration to the recommendations of the Select Committee—I would ask leave that this question be now put without further discussion.

I merely wish to say, with regard to the recommendations made for the 1928 estimates, that I hope Government will give sympathetic consideration to the question of appointing travelling laboratories, which I consider of vital importance.

HIS EXCELLENCY: The motion before the House is:—

That while fully appreciating the efforts already made by the Department of Agriculture in this respect, this hon. Council is of opinion that it is of the greatest importance that Government take further immediate steps to deal with the grave menace which is threatening coffee in the form of mealie bug and maize in the form of stalk-borer.

The question was put and carried.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING COLONIAL SECRETARY: The business of the Council as laid down in the Order of the Day having come to an end, and for the reasons just given, I beg leave to move that Standing Orders be suspended to enable in the first place the third readings to be taken of the two Bills which were this morning reported to this hon. Council, and secondly that the First Supplementary Estimates for 1927, which I laid on the table this morning, be taken, if Your Excellency so approves, after the interval.

CAPT. THE HON. H. E. SCHWARTZ: There is a motion by the hon. Member for Ukamba which ought to be included in the business to be taken after the interval and which is on the Supplementary Order of the Day.

THE HON. THE ACTING COLONIAL SECRETARY: I think, Your Excellency, it would be right, in view of the close of the Session, to give the hon. Member for Ukamba the opportunity of speaking to his motion. I will leave it to hon. Members, having regard to the wording of the motion, to consider what the attitude of Government must be in certain contingencies.

I hope the point is clear that that motion will be taken.

HIS EXCELLENCY: The question is that Standing Orders be suspended in order to take the third reading of the two Bills, to consider First Supplementary Estimates, 1927, and to take the motion standing in the name of the hon. Member for Ukamba.

The question was put and carried.

(Council adjourned for fifteen minutes.)

THIRD READINGS.

THE STAMP (AMENDMENT) BILL.
On motion of the Hon. the Attorney General a Bill to amend the Stamp Ordinance was read a third time and passed.

THE TOWN PLANNING (AMENDMENT) BILL.
On motion of the Hon. the Attorney General a Bill to amend the Town Planning Ordinance was read a third time and passed.

MOTIONS.

FIRST SUPPLEMENTARY ESTIMATES, 1927.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): Your Excellency, under the suspension of Standing Orders I beg leave to move that the Supplementary Estimates laid this morning on the table of this hon. Council, be considered in committee of the whole House and that Council resolve itself into a committee accordingly.

I regret very much that it has not been possible to lay these estimates earlier but in matters of detail considerable difficulty was found and although I mentioned in the course of proceedings, I think, on Saturday, that Supplementary Estimates would be taken, it was not possible to frame the estimates completely at an earlier date.

However, I hope that the nature of these estimates is such that hon. Members will be able to consider and approve them without having had the estimates before them for the usual and normal length of time.

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

THE HON. CONWAY HARVEY: Your Excellency, in the past we have expressed definite distaste for Supplementary Estimates being introduced at the eleventh hour, but in view of the peculiar circumstances at the moment and the explanation of the hon. Mover of the motion that it is made solely for the convenience of Members, especially those on this side of the House, I sincerely trust that there will be no objection to adopting the course proposed, more especially as we can take it for granted that individual items will not be unduly rushed and any point brought up by any individual Member will be given full and complete consideration.

The question was put and carried.

In Committee.

Amalgamation of the Government and Railway Presses.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, it will be convenient I think to hon. Members if I confine the few remarks I propose to make to the sums asked for in the Heads VII, VIII, and XXX.

These three heads translate into actual practice that amalgamation of the Government and Railway Presses, the principle of which has already been approved by the late Council.

Since Mr. Knightly, the Government Printer, arrived in January he has been working at a practical scheme for that amalgamation, and subsequently the Government formed a small Committee consisting of the Government Printer, the Chief Accountant of the Kenya and Uganda Railway, and the Acting Treasurer, and they translated that practical scheme into the concrete state that that amalgamation is now complete. The machinery for the same has been laid for light and when the new staff which has already been approved in the Estimates for this year has been appointed, the Government

will be able to compete with all the current work, and I believe undertake a great deal more work than has hitherto been undertaken in the sum total of the Government and Railway Press programmes.

Turning to Head VII, this represents the recurrent charges in so far as personal emoluments go. A single vote is shown of £4,550, but very full details were laid before Members on the first day of this Session. The main effect is that two new posts are inserted for the Assistant Government Printer and a Composing Foreman, and one important post is deleted, that of the former Press Superintendent. Otherwise the new personnel of the amalgamated Press will represent a combination of the present staff of the Government and Railway Presses as approved in the Estimates for this year.

The figure of £14,607 for recurrent charges is apt to be slightly misleading perhaps. For example, the item £9,000 for printing paper and leading includes not merely that amount of stores which would printer's sundries, includes not merely that amount of stock which is necessarily held in reserve in any Press. Similarly the item of £935 contains £260 worth of type which is stock and not new material, and there is a third item, "Contract Printing, £560," which is not concerned with the amalgamation, but deals with the printing of the Medical Department's report for the year 1925, an unpaid bill which has recently come to hand.

Taking out these three figures of £5,000 for paper stocks, £200 for type stocks and £300 for printing, the net, a total of £5,500, there is left £8,200, representing the increased recurrent charges due to the amalgamation. These increased recurrent charges will be more than equalised, I have every reason to believe, by the revenue earned by the amalgamated Press.

I would explain that the new Press will be run as a Government Press, and will charge the Railway for all work done. That is according to the recommendation of the Committee I referred to just now, and will I trust be accepted by Members as being the most businesslike way of dealing with it.

I would say that the figures of £5,750 for the purchase of plant, and £3,660 for the purchase of the Railway Press buildings, are figures agreed to between Government and the Railway, and I can assure hon. Members that they represent very reasonable figures for the purchase.

THE HON. CONWAY HARVEY: Perhaps I may be allowed to congratulate Government on what appears to be a very businesslike arrangement in settling this complicated matter. I should like the hon. Mover, Sir, to give some further information of the item of £550. It is not quite clear from the hon. Member at the moment as to whether it is a related report recently printed, or whether it is a related account. In the latter case, Your Excellency, I suggest it is quite improper that it should appear in Supplementary Estimates, because with an appropriate system of accountability it is obvious that this item could have been foreseen and provided for. What I find particularly gratifying about the hon. Gentleman's remarks, Your Excellency, is his reference to the fact that the Railway will make payment for work done (laughter), which clearly indicates that at least a proper system of costing is likely to be made in this very important department, which will give us an opportunity of comparing the relative advantages of doing this work departmentally or having it printed in England or elsewhere.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, on that point I am afraid that I must plead that I am not entirely familiar with what has occurred, but I assume, and if I am wrong, that the money voted for this report lapses, and the Bill has now come in. If I am wrong perhaps the hon. Treasurer will correct me?

THE HON. THE TREASURER: I am not in a position to say. I do not know the circumstances.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS): I am afraid I have no information at all. I do know that the printed report was in England somewhere about October last year.

I should perhaps make it quite clear that this £11,000 refers only to the Nairobi Exchange aerial wiring outside; it was nothing to do with the reasonable time.

With regard to the observation by my Hon. Friend the Member for Nairobi South, I quite agree that in consequence of this temporary work we have had to do that the Nairobi Exchange is not at present up to its usual high standard. (Laughter.) I hope that when this money is made available this scheme goes through, we will have taken a step towards that former stage, that very efficient stage, in a comparatively short time.

THE HON. CONWAY HARVEY: Naturally, I intend to vote for this item, but I would like to observe that the Hon. Treasurer's explanation is not in harmony with the last paragraph of the explanatory note.

HEAD XXV.—Land Department.

CAPT. THE HON. H. F. SCHWARTZ: Your Excellency, I wish to move the addition of £100 in this vote with Your Excellency's permission, for the purpose of carrying into effect the recommendations of the Town Planning Authority with regard to the Secretary of that Board. Your Excellency will allow me, at all events, to give an explanation of this case; I do feel the point very much.

As Your Excellency knows, the Nairobi Town Planning Authority met and sat for over a year. The Secretary, who was a Government official, was not ordered to take that work on. He was asked to do so often worked, I understand, up to late hours of the night, but very pressure from the Authority, and without any suggestion or he should be given a bonus. That recommendation has been turned down by Government, and speaking solely as a member of the Town Planning Authority, I do feel that to turn down a unanimous recommendation of that sort to give a bonus to an officer who was asked if would like to take over that work, which was not part of his duties, and to work overtime, as I as a must mean action on the part of Government in refusing to grant what the unanimous recommendation of the Town Planning Authority had asked for.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, the hon. Member has the permission of Your Excellency to move, but I would reply that this matter received very careful consideration on the part of Government. That the officer's work was good work is recognized, but it is not in accordance with Government's practice and policy to give such honours except in exceptional circumstances, and policy to give such honours, but the circumstances in this case were such as would fall within those special circumstances in which such honours are given. I am sorry that it is necessary once more to turn this proposal accept the amendment moved by the Government that it is not possible to do so.

The question was put and lost by 7 votes to 21.

Mrs. O'Shea, Lieut.-Col. Durland, Mr. Conway Harvey, Lieut.-Col. Kirkwood, Mr. O'Shea, Major Robertson-Eustace, Capt. Schwartz, Capt. Ward,

Voices: Mr. Baker, Rev. Canon Britton, Mr. Campbell, Lieut.-Col. Davies, Col. Doherty, Mr. Fitzgerald, Dr. Gilks, Messrs. Granum, Hamsted, Holm, Higgard, Capt. Kenaley, Messrs. Malik, Maxwell, McElwaine, Northcote, Orr, Brig.-Gen. Rhodes, Messrs. Sikes, Walsh, Wilson.

CAPT. THE HON. F. M. V. KENYAL: Your Excellency, with regard to Land Advisory Board. That Board was appointed some time ago. I have not seen a report.

HIS EXCELLENCY: I do not think the hon. Member is in order.

HEAD XXVII.—Miscellaneous Services.

THE HON. T. J. O'SHEA: Your Excellency, the third item of £500 for playing fields for the school at Eldoret. While I heartily approve of this expenditure, I think it only right to point out that this expenditure would not have been necessary had the Government

HIS EXCELLENCY: I do not want to interrupt the hon. Member, but I believe a motion was moved in this hon. House approving this expenditure. It has already been passed by this hon. Council, and the hon. Member spoke on the motion.

THE HON. T. J. O'SHEA: On a point of order, Your Excellency, as we have already approved the expenditure I trust I am in order in speaking on the principle?

HIS EXCELLENCY: You are in order, but I merely wished to draw your attention to the fact that the matter had already been before Council previously.

THE HON. T. J. O'SHEA: I was merely making use of this vote to say that, but for the lack of activity in the matter of town planning in the past, Government would not have found it necessary now to spend £500 on acquiring a small piece of land for playing fields. If it had done its duty in the past in town planning there would not have been this expenditure. This is what was done with, but I would point out to Government that if the efforts which have been made by residents of Eldoret and other towns to make Government recognise its duty in regard to town planning have no permanent effect, it may be necessary in future for this hon. House to pass further sums and much larger sums for the acquisition of private land for public purposes. There is in the township of Eldoret Crown land more than sufficient for public needs, but as we are carrying on with this policy of picking out pieces here and there for our immediate needs the town has developed without any considered town plan the same as every other town in this country.

CAPT. THE HON. H. F. WARD: Might I ask if that has been referred to the Council concerned?

THE HON. CONWAY HARVEY: Your Excellency, might we be told under item 4 what price per acre was paid for acquiring the land for inclusion in the Masai Reserve, and what was the value of the land per acre near Kinangop relinquished by the Masai; and, thirdly, Your Excellency, was this matter, which was of vital concern to all interested in that area, referred to the opinion of the Naivasha District Committee?

CAPT. THE HON. F. M. V. KENYAL: Further to these questions, I should like to add more. If the land on Kinangop was in private ownership—I would like some information as to whether it was or not in private ownership—if it was not what it is proposed to do with that land? This refers back to the previous question XXV, where I was ruled out of order and where it was considered inadvisable to ask a question dealing with proper legislation. Whether this matter was referred to the Land Advisory Board, and if so what the recommendations of the Land Advisory Board were? Why these recommendations were not made public to this House, because the Land Advisory Board was I presume appointed by Government? If the land was in private ownership did the private owners contribute any sum of money towards the cessation of the rights of the Masai to perform certain ceremonies and to assemble on their land after certain periods of time? In fact, I should like a full statement of the reasons which led to the spending of this £10,000.

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. BAKER): In reply to the question asked by the hon. Member for the Lake, the figure paid for this land was at the rate of £1 per acre. The estimated value of the land acquired by the Government was £3 per acre. Therefore, the value of the two properties is practically the same.

With regard to the question asked by the hon. Member for Keioia, I do not quite know what he refers to. There is a Kenya Advisory Committee which was considering the question of closer settlement and the report of that Committee I believe has gone to His Excellency the Governor.

I think I would refer the question of policy to my friend, the hon. Chief Native Commissioner.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL): My recollection is that this matter was discussed in this hon. House on a previous occasion. The position that Government was faced with was that

land had been reserved in the Kinangop area under an old Treaty with the Masai by which they were granted a right of access and could perform certain ceremonies in ceremonies in that area. It would be extremely difficult at this stage to allow the Masai to carry out these ceremonies on the Kinangop because it necessitates the movement of hundreds of head of cattle and undoubtedly the European settlers in the Naivasha area would get great opposition to that, because it would be almost impossible for us to get the cattle there without taking them through the pastoral areas which are now occupied by European settlers. It was considered by everybody concerned and I believe that I would have the permission of everybody. Lord the Member for the Rift Valley to say that he was also of the opinion, that Government should do everything possible to acquire the Kinangop area and persuade the Masai to relinquish their rights over it in the arrangement was made by which the Government acquired certain lands from Mr. Grosvenor Williams, to be added to the Masai Reserve, in the Kinangop.

THE HON. CONWAY DARVEY: At the risk of incurring the odium of those who resent any form of co-operation with Government from this side of the House (laughter), I consider that Government did do the right thing was referred to the District Committee before action was taken.

THE HON. THE ACTING COLONIAL SECRETARY: I was on the point of rising to answer that question and to inform the hon. Member that the matter was referred to the Naivasha District Committee, who passed two definite resolutions approving strongly of the action taken by Government.

THE HON. T. J. O'SHEA: Before passing this vote, can we be given any assurance that the matter of town planning at Eldoret will have Government's consideration?

THE HON. THE ACTING COLONIAL SECRETARY: The question of town planning in this area is the subject of a recommendation by the Local Government Commission, on which that score alone it will receive Government's very close consideration. I think I can inform hon. Members, Your Excellency, that it will be considered in connection with the Estimates for 1928.

THE HON. T. J. O'SHEA: In view of that explanation, may I ask that in the meantime Government will cease worrying the Township and asking them to allocate land for various purposes.

Item XXV.—Public Works Extraordinary.

CAPT. THE HON. E. M. V. KENNELLY: With regard to item (4), Roads and Bridges, may we know when the building of the bridge over the Uaso Nyiro, between Nanyuki and Remuruti, is to be commenced.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): The Assistant Engineer at Nyeri has been making a survey for that bridge, and is preparing plans. The plans have not yet come before me, but I anticipate they will be in my hands soon, when the bridge will be taken in hand.

CAPT. THE HON. H. E. SCHWARTZ: Is any of this sum being spent on the Mombasa Road?

THE HON. THE DIRECTOR OF PUBLIC WORKS: No, Your Excellency.

MR. COL. THE HON. J. G. KIRKWOOD: Under the head of "Medical Buildings," £1,231, may I be informed whether the Kitale Hospital will be given some of that amount?

HIS EXCELLENCY: The hon. and gallant Member is not in order. He might meet the hon. the Director of Medical and Sanitary Services, who would be prepared to give him any information.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that Council now resume.

Council resumed its Sitting.

HIS EXCELLENCY: I would inform Council that a full Committee of this House has considered the Supplementary Estimates and has reported to Council without any amendments.

THE HON. THE ACTING COLONIAL SECRETARY: I beg to move that this hon. Council approve the First Supplementary Estimates for 1927, amounting in all to £59,417.

The question was put and carried.

MOTION.

NAIROBI-MOMBASA ROAD.

THE HON. F. O'B. WILSON:—

Whereas on September 17th, 1924, in Committee on Estimates the question of the Nairobi-Mombasa Road was fully discussed and it was then decided not to incur expenditure thereon, this hon. Council regrets that notwithstanding this decision a sum of £4,700 has now been spent on this road without any further reference to or approval by this hon. Council.

Your Excellency, in moving the resolution standing in my name on the Order of the Day, perhaps I may be allowed in the first place to review the debate referred to in this resolution. I think it has some bearing on the matter. This resolution was brought up—I refer to the previous one on the Mombasa-Nairobi Road—in September, 1924; it was brought up on the lines that Government should be asked to contribute a sum of money for the construction of this road and certain individuals were prepared—should Government do so—to contribute on a £1 for £1 basis. The resolution was brought up, it was discussed, the Hon. the Director of Public Works took some time in explaining the difficulties of the high cost of this road, the Hon. the Chief Native Commissioner explained that it would be an entirely unnecessary road from the point of view of the natives, and nearly all the unofficial Members took part in the debate and pointed out their various points of view to the effect that the road was quite unnecessary. It was annulled up by His Excellency, who said that Government appreciated the principle of the £1 for £1 basis but that they could not spend any money on the road this year. He went on to say he was prepared to put on a surveyor and a member of the Public Works Department to make enquiries. Well, the matter was dropped, the motion I think was never put, and as far as the outside public was concerned, it seemed as if the question of that road had dropped altogether.

During this year we heard a certain amount of talk about this Mombasa-Nairobi Road. It suddenly appeared—where it had come from nobody knew, why it had cropped up nobody knew—but it suddenly appeared and we heard that lots of cars were going down to Mombasa, and what a valuable asset this road would be to this country, and it did make some of us wonder what had happened.

In answer to a question of mine the other day it appeared that a sum of £1,700 had found its way towards this Mombasa Road; some of it had come out of loan funds, some out of unallocated roads and bridges, and I do submit that that is not the right way in which such a thing should be done. The question of the principle of the Nairobi-Mombasa Road has been very thoroughly discussed in Council, and it has been turned down. It is rather peculiar that after a motion has been turned down in this hon. Council after a long discussion that Government should negate the opinion of this hon. Council by pinching a bit of money here and a bit there.

It is a wrong principle. This motion has nothing to do with the merits or demerits of the Mombasa-Nairobi Road, as such. It is entirely a question of a head of a department of the Government going against the opinion of this hon. House and constructing any work, the principle of which has been turned down by the House, out of other funds not voted for that purpose.

I should like to feel that Government, even if they cannot accept this motion, will be able to give us some assurance on that point and that they agree with the principle which we are debating now.

Your Excellency, I have pleasure in submitting the motion standing in my name on the Order Paper.

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

HIS EXCELLENCY: The motion before the Council is—

Whereas on September 17th, 1924, in Committee on Estimates the question of the Nairobi-Mombasa Road was fully discussed, and it was then decided not to incur expenditure thereon, this hon. Council regrets that notwithstanding this decision a sum of £1,700 has now been spent on this road without any further reference to or approval by this hon. Council.

THE HON. T. J. O'SHEA: Your Excellency, I have much pleasure in supporting this motion. I do so for many reasons, but in view of the general desire of the House to get through this business as speedily as possible, I will cut my remarks as short as possible.

In the first place, I would like to re-emphasise the statement made by the hon. Mover that we are not particularly concerned with the merits or demerits of the Mombasa-Nairobi Road project; what we are concerned with is this practice, now all too common on the part of Government, of paying insufficient attention to decisions in this hon. Council. (Hear, hear.) I have in recent months come across several activities on the part of Government which, according to my interpretation of Government promises, are not in keeping with such promises. There have been a case where a decision made in this hon. Council has been flagrantly flouted.

There is no question whatever about it that this hon. House did register this decision against any expenditure on this road. Nevertheless the road has been proceeded with, and if it were any private concern it would be open to question whether the head of department should not be run for misappropriation of funds. (Laughter.) So far as the question under debate is concerned, he certainly has misappropriated funds; he has devoted to one purpose funds voted to an altogether different purpose. I think that is a very bad practice on the part of Government. Then again it brings up a question as to whether had we known that this £1,000 odd was available we would not have decided to devote the money to some other purpose.

Many hon. Members on this side of the House are acutely conscious of the requirements of the country in the matter of roads, and had we known that this money was available for road construction, I think it is almost certain we would have voted for its appropriation to a more economic proposition than this Nairobi-Mombasa Road scheme.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): Your Excellency: I am very glad of this opportunity, if Your Excellency will permit me to do so, to give the reason for the economic importance of a track from here to Mombasa. When the hon. Member . . .

HIS EXCELLENCY: I would ask the hon. Member to confine his remarks shortly to the point. As the hon. Member who moved the motion pointed out, he has not dealt with the merits of the proposition, but merely with the question of the expenditure of the money on this road.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I think one has to make a differentiation between a "track" and a "road." The hon. Mover has referred to this track as a road. It distinctly offends my engineering sense to have it called a road, as it is only a widening of a permanent alignment for the future road. The authority for the alignment of this road was in my opinion given in the

debate to which the hon. Mover of this motion has referred. It was distinctly pointed out by the late Sir Robert Coryndon that investigations would be made for the alignment of this road. An investigation of over 300 miles of country cannot possibly be done without a proper survey. Most of this country is under thick bush. Large portions of it are black cotton soil. It is necessary before preparing an estimate for a road through such country to select the alignment for the road very, very carefully indeed. The work also involved the cutting of tracks which were subsequently abandoned.

Looking at this sum of £1,700 and considering the length of track which is involved, the actual cost of that track extending to about 250 miles is only about £20 per mile. That is a very small sum even for a road survey. In America the average amount spent for road survey is 250 dollars per mile, or say £50. For this sum of £20 per mile we have secured a track which at any rate is passable between here and the coast. The reasons for the opening out of that track are that it was necessary to secure the alignment which was selected as the permanent alignment for the future Mombasa-Nairobi Road so as to ensure that it would not be overgrown by bush and so lost. An estimate was prepared for the construction of the road along the selected track. As I said before, I do not regard it as a road. The estimate prepared for the cost of making a road is £75,000. It was necessary to ascertain that figure because there were proposals which were put before Government for the construction of this trunk road from loan, and it had to be considered by them. The Parliamentary Commission and the Schuster Committee also considered utilising these loan funds for the construction of such roads out of the £10,000,000 loan. The Commission was more or less in favour of it, but the Schuster Committee was entirely against constructing this trunk road from that loan.

I would like to say something further about the economic necessity of this track because the economic arguments are extremely cogent, but Your Excellency has ruled that I am out of order in doing this.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, when appearing for the defence there are two methods of procedure: one is to fight the case and the other is to plead guilty. Experience has taught me that if one has a bad case it is better to plead guilty and ask for a light sentence, and I should recommend the Hon. the Director of Public Works to follow this procedure in respect of the present case, and I would also recommend that the witnesses he calls for the defence should at least be relevant witnesses. (Laughter.)

CAPT. THE HON. H. F. WARD: With regard to the Hon. the Director of Public Works' remarks, it illustrates the loyal spirit, frequently shown on this side of the House in agreeing

with Government on matters of principle. (Hear, hear.) In the first place as to whether this is a road or not, I think that is a quibble, because it has been said by a competent authority that as many as 100 cars a month pass over that road. Still, I think it is very bad luck on the hon. Member that he has to play both the part of Dr. Jekyll and Mr. Hyde in one morning. He has my utmost sympathy, (Laughter.) When the hon. Member for the Coast asked whether he was going to make a road by putting a bridge over the Tsavo River, he at once said that he was in communication with the Hon. the Acting General Manager of the Kenya and Uganda Railway with regard to the taking over of this bridge. When he was tackled by the hon. Member for Ukamba he at once said "it is not a road—it is a track." To my mind the defence put up is a weak one. The only principle that we have accepted in agreement with Government is that £25,000 should be spent on surveying roads and here is a very clear cut example of spending money on a road which is directly opposed to the wishes of this hon. House.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE): Your Excellency, I think it will be admitted that the Hon. the Director of Public Works has given a thoroughly sound defence for the survey of this road. In the first place, I understand from him that there was an undertaking given in this hon. Council that the road would be investigated. It is also the case that this being an arterial connection, it figured in connection with the ten million loan under the head of road connections, and a promise was made that such a road would be investigated and that surveys or reconstructions would be made. I think the course adopted was therefore entirely right and entirely justifiable on the part of Government, in order to be in a position to know what that road would cost.

It appears further from what the Hon. the Director of Public Works has told us that the track which has been cut has been put to such use that it has enabled cars to pass along this route to Mombasa.

Well, it is a matter for consideration whether that was a right and proper thing to do or not. Personally, I think it was a very reasonable thing to do. In the first place, it preserves the survey line, and in the second place it did enable, at a very, very small expenditure, some passage to be cut along a route which would otherwise have been impassable.

I would urge hon. Members not to describe that perfectly reasonable course of action as a quibble. It is not a quibble; it was a reasonable policy on the part of the Hon. the Director of Public Works and I may say he has the support of Government in his action, in so far as the survey and the small expenditure for the track cutting is involved, for the reasons stated by him.

With regard, Sir, to the principle to which the hon. Member has referred, I take it that the principle is that Government will adhere to its undertakings. I am quite unaware of the broken promises to which the hon. Member for Plateau South has referred, and as he is no longer in his place, I am afraid I shall be unable to obtain this information this morning. I shall, however, be very glad to have that information. It is not an imputation that Government can rest under—that it is in the habit of breaking its promises, and I can assure hon. Members in this Council a case has only to be put up to enable it to be answered by Government satisfactorily.

To come back to the principle about which the hon. Member spoke—it is of course one which every Government not merely conforms to but believes in and acts upon, and I would ask him not merely to accept that statement but further to accept the statement of the Hon. the Director of Public Works, with regard to the question as to why this sum of money has been spent upon this road—(laughter)—I mean track.

HIS EXCELLENCY: I should like to say one word with regard to what has been said by the Hon. the Acting Colonial Secretary who represents the views of the Government in this matter. As I took part in the debate with regard to this question of the Nairobi-Mombasa Road, I may say that in the course of the debate at the time views were expressed that a survey should be made of the road to see what sum was likely to be involved in the cost of constructing such a road between Nairobi and Mombasa. This matter was openly and fully discussed in public and brought before Government on representation from a number of private people. It was discussed by various important public bodies who were dealing with the question of transport in this country, and I think Government was fully justified in wishing to explore the matter further, at a cost which I feel sure the House will not regard as excessive or unfair.

THE HON. F. O'B. WILSON: Your Excellency, I wish merely to refer to the remarks of the Hon. the Director of Public Works, when he talks about whether it is a road or not; I think that has been more or less disposed of and fully admitted by the Hon. the Acting Colonial Secretary. (Laughter.)

As to the undertaking given by Government that nothing more may be done to it, I did not quite catch what the Hon. the Acting Colonial Secretary said, but do we understand that all the negotiations between the Uganda Railway and the Public Works Department, as to the buying of these bridges, are going to be broken off or are they going to continue? And with regard to the sum of £4,700, this was quoted as a

very small sum, and the Hon. the Director of Public Works has been some time explaining what a very trifling thing it is. Well, I submit, in this country it is not the case. £4,700 is a good deal for our road system and a good deal therefore has been spent on a road, the principle of which has been turned down in Council. Sir Robert Coryndon in his summing up said no money was going to be spent on the road but he did say that he was prepared to put a surveyor on to make enquiries. The figure mentioned in the debate was £2,000. So I submit Sir Robert Coryndon when he made his promise and made a suggestion of a surveyor had no idea, nor did anybody else in the Council have any idea, that the amount expended would be £4,700.

LIEUT. COL. THE HON. J. G. KIRKWOOD rose to speak.

HIS EXCELLENCY: The hon. and gallant Member is out of order. I will now put the question.

The question was put and lost.

(Council adjourned *sine die*.)

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