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COLONY AND PROTECTORATE OF KENYA.



LEGISLATIVE COUNCIL
DEBATES, 1928

VOLUME I.

NAIROBI:
PRINTED BY THE GOVERNMENT PRINTER,
1928.

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List of Members as at 8th May, 1928.

President:

HIS EXCELLENCY SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G.,
K.C.V.O., D.S.O., M.C.

Ex-Officio Members:

COLONIAL SECRETARY (THE HON. SIR EDWARD BRANDIS DENHAM, K.B.E.,
C.M.G.).
ACTING ATTORNEY GENERAL (THE HON. T. D. H. BRUCE).
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).
ACTING DIRECTOR OF AGRICULTURE (THE HON. E. HARRISON).
ACTING DIRECTOR OF EDUCATION (THE HON. E. E. BISS).
GENERAL MANAGER KENTA AND UGANDA RAILWAYS AND HARBOURS
(THE HON. O. L. N. FELLING, C.M.G.).
COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (THE
HON. H. T. MARTIN).
DIRECTOR OF PUBLIC WORKS (THE HON. H. L. SIKES).
COMMISSIONER OF CUSTOMS (THE HON. G. WALSH).

Nominated Official Members:

THE HON. T. FITZGERALD, C.B.E. (Postmaster-General).
THE HON. SHEIKH ALI DIN SALIM, C.M.G., C.B.E. (Liwali for the
Coast).
THE HON. A. G. BAKER (Surveyor General).
MAJOR THE HON. H. H. BRASSETT EDWARDS (Acting Chief Veterinary
Officer).
THE HON. R. W. HEMSTED (Senior Commissioner, Kikuyu).
LIEUT.-COLONEL THE HON. R. WILKINSON, D.S.O. (Officer Commanding
Troops).
LIEUT.-COLONEL THE HON. O. F. WATKINS, C.B.E., D.S.O. (Senior
Commissioner, Coast).
CAPT. THE HON. A. J. MCCARTHY, M.B.E. (Acting Solicitor General).
THE HON. S. F. DECK (Acting Senior Commissioner, Masai).

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).
MAJOR THE HON. R. W. B. ROBERTSON EUSTACE, D.S.O. (Coast).
LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT, D.S.O. (Ukamba).
CAPT. THE HON. E. M. V. KENEALY (Kenya).
LIEUT.-COLONEL THE HON. J. G. KIRKWOOD, C.M.G., D.S.O. (Plateau
North).
LIEUT.-COLONEL THE HON. C. G. DURHAM, D.S.O. (Kikuyu).
THE HON. J. CUMMING, (Acting) (Mombasa).
THE HON. W. C. MITCHELL, (Acting) (Nairobi North).

Indian Elected Member:

THE HON. A. H. MALIK.

*Nominated Unofficial Member representing the interests of the African
Community:*

THE REV. CANON THE HON. H. LEAKEY.

MEMBERS ABSENT.

8th May, 1928.

THE HON. R. W. HEMSTED.
THE RIGHT HON. LORD DELAMERE.
CAPTAIN THE HON. H. E. SCHWARTZ.

9th May, 1928.

THE HON. R. W. HEMSTED.
THE HON. A. H. MALIK.

10th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE RIGHT HON. LORD DELAMERE.

11th May, 1928.

THE HON. H. L. SIKES.
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.

14th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE HON. G. G. ATKINSON (European Elected Member for the Coast).

15th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
LIEUT.-COLONEL THE HON. O. F. WATKINS, C.B.E., D.S.O.
THE HON. S. F. DECK.
THE HON. G. G. ATKINSON.
THE HON. A. H. MALIK.

16th May, 1928.

THE REV. CANON THE HON. H. LEAKEY.
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
CAPTAIN THE HON. H. E. SCHWARTZ.
THE HON. G. G. ATKINSON.
THE HON. A. H. MALIK.

17th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE RIGHT HON. LORD DELAMERE.
THE HON. W. C. MITCHELL.
THE HON. G. G. ATKINSON.
THE HON. A. H. MALIK.

18th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE HON. G. G. ATKINSON.

19th May, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE RIGHT HON. LORD DELAMERE.
LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT.
THE HON. G. G. ATKINSON.
THE HON. A. H. MALIK.
THE REV. CANON THE HON. H. LEAKEY.

MEMBERS ABSENT—(Contd.).

12th June, 1928.

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
LIEUT.-COL. THE HON. O. F. WATKINS, C.B.E., D.S.O.
THE HON. T. J. O'SHEA.
THE HON. G. G. ATKINSON.
THE HON. A. H. MALIK.

15th June, 1928.

CAPT. THE HON. H. E. SCHWARTZ.
THE HON. A. J. MCCARTHY.
THE HON. A. H. MALIK.

18th June, 1928.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. G. WALSH).
THE HON. A. G. BAKER (Surveyor General).
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT.
THE HON. A. H. MALIK.

20th June, 1928.

LIEUT.-COLONEL THE HON. R. WILKINSON, D.S.O. (Officer Commanding Troops).
THE HON. R. W. HEMSTED (Senior Commissioner, Kikuyu).
THE HON. A. H. MALIK.

21st June, 1928.

THE HON. R. W. HEMSTED (Senior Commissioner, Kikuyu).
LIEUT.-COLONEL THE HON. R. WILKINSON, D.S.O. (Officer Commanding Troops).
THE HON. G. DE P. COLVILLE.
THE HON. A. H. MALIK.
THE REV. CANON THE HON. H. LEAKEY.



COLONY AND PROTECTORATE OF KENYA.

LEGISLATIVE COUNCIL DEBATES,
1928

FIRST SESSION

TUESDAY 8th MAY, 1928.

The Council assembled at 10 a.m. on the 8th May, 1928, the Hon. the Colonial Secretary (SIR EDWARD BRANDIS DENHAM, K.B.E., C.M.G.) presiding, in the absence of His Excellency the Governor.

The President 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 MEMBER.

EVAN EBENEZER BISS (Acting Director of Education).

NOMINATED OFFICIAL MEMBERS.

ARTHUR GEORGE BAKER (Surveyor General).

LIEUT.-COL. ROGER WILKINSON, D.S.O. (Officer Commanding Troops).

LIEUT.-COL. OSCAR FERRIS WATKINS, C.B.E., D.S.O. (Senior Commissioner, Coast).

ANDREW JOSEPH MCCARTHY, M.B.E. (Acting Solicitor General).

SAMUEL FREDERICK DECK (Acting Senior Commissioner, Ngong, Masai Province).

EUROPEAN ELECTED MEMBER.

WILLIAM CHARLES MITCHELL (Nairobi North).

THE PRESIDENT: Honourable Members, I am sure you will all regret the absence of His Excellency to-day in the opening of this Council. He is very sorry not to be with us, but we hope that he will soon be well, and he hopes to be here on Thursday, when he will deliver his address from the Chair.

MINUTES.

The Minutes of the meeting of November the 29th, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH):

The Trade Report of Kenya and Uganda for 1927.

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

Memorandum and Details of a Scheme for encouraging the settlement in Kenya on retirement of East African Civil Servants and Servants of the Kenya and Uganda Railways and Harbours Administration and of the Tanganyika Railways.

BY THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (MR. FELLING):—

Report of the Commission of Inquiry into the Fire, etc., in the S.S. "Rusinga" on 30th September, 1927.

THE HON. CONWAY HARVEY: Your Excellency, on a point of order, may I ask whether hon. Members will each be furnished with a copy of these documents, more particularly the one laid by the Hon. the Treasurer?

THE PRESIDENT: Certainly, it is the rule of this House that copies of all documents are furnished to every Member, and I will see that the Clerk of the Council does so.

The Clerk tells me that the papers will be ready at 11.30, when they will be handed to Members.

BY THE HON. THE ACTING DIRECTOR OF EDUCATION (MR. BISS):—

Education Department Annual Report for 1927.

HON. T. J. O'SHEA: There is an error in the date.

THE HON. THE ACTING DIRECTOR OF EDUCATION: I am sorry I did not catch that question?

THE HON. T. J. O'SHEA: There is an error in the date. It should be 1926.

THE HON. THE ACTING DIRECTOR OF EDUCATION: I beg your pardon; it should be 1926.

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

The Native Affairs Department Annual Report for 1926.
Summaries of Local Native Funds Accounts for 1927.

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

The Annual Medical Report for 1926.

BY THE HON. THE ACTING DIRECTOR OF AGRICULTURE:—
The Agricultural Census, 1927.

ADMINISTRATION OF THE OATH.

THE PRESIDENT: With the permission of Council, I will vary the business of Council in order to enable Lord Francis Scott to take the oath at this meeting. With the permission of this House, the hon. Member for Ukamba will take the oath so that he may take part in the proceedings of this Council.

EUROPEAN ELECTED MEMBER.

LIEUT.-COL. LORD FRANCIS GEORGE MONTAGU DOUGLAS SCOTT, D.S.O. (Ukamba).

BILLS.

FIRST READINGS.

THE GENERAL LOAN AND INSCRIBED STOCK (AMENDMENT) BILL.

On motion of the Hon. the Acting Attorney General the General Loan and Inscribed Stock (Amendment) Bill was read a first time.

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

THE STOCK AND PRODUCE THEFT (AMENDMENT) BILL.

On motion of the Hon. the Acting Director of Agriculture the Stock and Produce Theft (Amendment) Bill was read a first time.

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

THE APPROPRIATION BILL, 1927.

On motion of the Hon. the Acting Attorney General the Appropriation Bill was read a first time.

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

THE SHOP HOURS (AMENDMENT) BILL.

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

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

THE SURVEYOR-GENERAL'S BILL.

On motion of the Hon. the Commissioner for Local Government, Lands and Settlement, the Surveyor-General's Bill was read a first time.

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

THE KEROSENE OIL (REPAYMENT OF DUTY) BILL.

On motion of the Hon. the Treasurer, the Kerosene Oil (Repayment of Duty) Bill was read a first time.

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

THE CRIMINAL LAW (AMENDMENT) BILL.

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

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

THE GAME (AMENDMENT) BILL.

On motion of the Hon. the Commissioner for Local Government, Lands and Settlement, the Game (Amendment) Bill was read a first time.

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

THE TROUT PROTECTION BILL.

On motion of the Hon. the Commissioner for Local Government, Lands and Settlement, the Trout Protection Bill was read a first time.

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

THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) BILL.

On motion of the Hon. the Acting Attorney General the Fugitive Criminals Surrender (Amendment) Bill was read a first time.

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

THE EXTRADITION BILL.

On motion of the Hon. the Acting Attorney General the Extradition Bill was read a first time.

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

THE REVISED EDITION OF THE LAWS (AMENDMENT) BILL.

On motion of the Hon. the Acting Attorney General the Revised Edition of the Laws (Amendment) Bill was read a first time.

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

THE PRESIDENT: I believe hon. Members on the other side of the House have been asked whether it would be convenient to have a meeting to-morrow. In view of the fact that according to the Standing Rules and Orders two days must elapse between the notice of a motion being given and the taking thereof and similarly with the first and second readings of a Bill, there would ordinarily be no business on the second day of Council, but with general agreement of Members on both sides of the House it is proposed to take certain motions to-morrow, and also second readings of certain Bills. I believe all hon. Members have been consulted with regard to the business to be discussed to-morrow. Council will therefore adjourn to 10 a.m. to-morrow (9th May).

Council adjourned to 10 a.m. on the 9th May, 1928.

WRITTEN ANSWERS TO QUESTIONS.

NATIVE HUT AND POLL TAX.

By THE HON. A. H. MALIK:

"What is the yearly amount of native hut or poll tax collected during the last five years?"

" 2. How much of this was spent every year for the exclusive benefit of natives and in what manner?"

Reply:

1. The collections of Hut and Poll Tax during the past five years amounted to £2,803,023, made up as follows:—

	£
1923	575,080
1924	561,629
1925	537,478
1926	558,044
1927	570,783

£2,803,023

2. It is not at present possible accurately to determine the exact proportion in which expenditure benefits the various classes and races in this Colony. A considerable proportion of the expenditure may be taken as benefiting the community as a whole. An appendix will appear in the 1928 Estimates allocating expenditure as far as possible to the various Provinces, which will assist in elucidating the matter.

IMPORT AND EXPORT OF BUTTER.

By THE HON. A. H. MALIK:

" What quantity of butter was imported in and exported from the Colony during the first quarter ending March 31st, 1928?"

Reply:

The particulars asked for by the hon. Member are as follows:—

(a) Imports for Home Consumption (Butter imported in tins):

Countries of Origin.	Quantity. Cwts.	Value. Shs.
India	36-3-16	8,083
Other British Possessions	0-0-6	21
Denmark	1-1-10	367
Total	38-1-4	8,470

(b) Re-Exports (Butter Imported in tins):

Countries of Destination.	Quantity. Cwts.	Value. Shs.
Tanganyika Territory	2½	556

(c) Exports of Domestic Produce (Fresh Butter):

Countries of Destination.	Quantity. Cwts.	Value. Shs.
Tanganyika Territory	53	11,329
Other British Possessions	4½	915
Ships' Stores	10½	2,410
Total	67½	14,654

" RUSINGA " ENQUIRY REPORT.

By THE HON. CONWAY HARVEY:

" Will Government be pleased to lay on the Table the Report of the Departmental Committee of Enquiry and the Commission of Enquiry respectively into the loss of the ' Rusinga ' on September 30th, 1927?"

Reply:

With reference to the first part of the question, it is not considered that any useful purpose would be served by publishing the Report of the Departmental Committee of Enquiry into the loss of the " Rusinga " on September 30th, 1927, since that Committee was held prematurely, and none of the members of the Committee had examined the vessel; as regards the second part of the question, the Report of the Commission of Enquiry has already been published and copies have been circulated to all hon. Members of Legislative Council and the Press.

DEFENCE FORCE ORDINANCE.

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

" When is it the intension of Government to apply the Defence Force Ordinance to the Colony?"

Reply:

The date of the application of this Ordinance to the Colony has been provisionally fixed for the 1st July next.

WEDNESDAY, 9th MAY, 1928.

The Council assembled at 10 a.m., on the 9th May, 1928, the Hon. the Colonial Secretary (SIR EDWARD BRANDIS DENHAM, K.B.E., C.M.G.), presiding, in the absence of His Excellency the Governor.

The President opened the Council with prayer.

MINUTES.

The Minutes of the meeting of 8th May, 1928, were confirmed.

PAPERS LAID ON THE TABLE.

By THE HON. THE TREASURER : (MR. R. C. GRANNUM) :—
Blue Book of Kenya for the year ended December 31st, 1926.

By THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (MR. C. L. N. FELLING) :—

Report of the General Manager on the administration of the Railways and Harbours for the year 1927.

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

Statement as at the 31st October, 1927, showing the Public Works Department Establishment in detail, together with the Allocation between Revenue and Loan Expenditure.

ORAL ANSWERS TO QUESTIONS.

COST OF P.W.D. ESTABLISHMENT.

THE HON. W. C. MITCHELL (In the absence of Capt. the Hon. H. F. Ward) : As the paper referred to in the question put forward by Capt. H. F. Ward has just been laid on the table by the Hon. the Director of Public Works, I do not think there is any need to put the question.

THE PRESIDENT : The question is withdrawn.

MOMBASA-TANGA TELEPHONE SERVICE.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

“The approximate date of the opening of the Mombasa-Tanga Telephone Service.”

THE HON. THE POSTMASTER GENERAL (MR. T. FITZGERALD):

It is not anticipated that the service in question will be available until about the end of the current year or shortly afterwards.

MOMBASA-MWANZA AND MOMBASA-BUKOKA TELEGRAPH SERVICES.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked:

"1. To ask the Postmaster General if he is aware that the telegraph service between Mombasa-Mwanza and Mombasa-Bukoba and *vice versa* is very unsatisfactory: that actual records kept by a firm in Mombasa for the year 1927 show that the proportion of telegrams received mutilated from Bukoba was 29 per cent. and from Mwanza 23 per cent. and that only .6 of the telegrams received from Bukoba arrived on the day of despatch and .4 of those received from Mwanza, the remainder requiring from two to eight days to reach their destination: and what measures the Postmaster General is prepared to institute to improve this service."

THE HON. THE POSTMASTER GENERAL:

As both Mwanza and Bukoba are situated in Tanganyika, two separate administrations are concerned in this matter. Telegrams from Mwanza to Mombasa circulate entirely through the Tanganyika Service until finally transmitted direct from Tanga to Mombasa. Telegrams from Bukoba are transmitted to Masaka in Uganda and thence to Mombasa through this Service.

Although the record on which the hon. Member's question is based is not supported by an examination of the messages handed during the month of March last—this being the latest month for which records are to hand—it is admitted that the service in question does leave something to be desired. The trouble in regard to delays, which is the most serious matter, is entirely due to line interruptions in remote districts where, of necessity, restoration is somewhat slow.

The Tanganyika Service is, however, building a telegraph line from Mwanza to Bukoba, and it is anticipated that this will be completed shortly. Two outlets to the Coast for both Mwanza and Bukoba traffic will then be available and should result in a needed improvement in the present service.

THE HON. CONWAY HARVEY: Sir, will the hon. the Postmaster General endeavour to transmit the telegrams between Nairobi and Koru and Kericho at a speed in excess of that of the average motor-car?

THE PRESIDENT: That question scarcely arises out of this—I do not know whether the Hon. the Postmaster General requires notice of this question?

THE HON. THE POSTMASTER GENERAL: I should prefer to have notice of the question.

THE HON. CONWAY HARVEY: Can this be taken as notice? May I have a written reply?

THE HON. THE POSTMASTER GENERAL: If the hon. Member will tell me the type of motor-car he has in view.

THE PRESIDENT: Perhaps the hon. Member will frame his question.

THE HON. CONWAY HARVEY: I will, Sir.

POWERS TO SUPPRESS OR DELAY TELEGRAMS AND MAIL MATTER.

THE HON. T. J. O'SHEA: In the absence of the hon. Member for Kikuyu (Lieut.-Col. the Hon. C. G. Durham), may I have permission to put the question:

"What powers, if any, does the Postmaster General or any other authority in Kenya possess to-day to suppress or delay telegrams or to open, suppress or delay mail matter passing through the post?"

THE HON. THE POSTMASTER GENERAL:

In addition to powers for dealing with anything which may be scurrilous, indecent or obscene or contrary to Departmental regulations, powers can be exercised by the Governor in Council on the occasion of any public emergency or in the interests of public safety. Those powers are defined, in regard to mail matter, in section 26 of the applied Indian Post Office Act, and, in regard to telegrams, in section 5 of the applied Indian Telegraph Act.

SUPPLY OF TELEPHONES TO THE PUBLIC.

THE HON. T. J. O'SHEA: I beg leave to ask the second question standing in the name of Lieut.-Col. the Hon. C. G. Durham:

"What is the reason for which the Telephone Department has been unable for the past seven months to supply either telephone instruments or to make connections for applicants?"

THE HON. THE POSTMASTER GENERAL :

It is assumed that the hon. Member's question refers to the Nairobi Telephone Exchange.

The reconstruction of that exchange on the underground system has been contemplated for some time past and the work is now actually in progress. A certain number of applications for telephone service are being deliberately held over pending the laying of the cables, as to grant a service in those cases would mean the dismantling in a few months' time of the aerial wires which it would now be necessary to erect in order to grant the service required. Such a procedure would obviously be wasteful and uneconomic. Arrears are consequently heavier than normal at the moment.

Service is, however, being given when that can be done economically, and no fewer than 53 exchange connections and extensions have been granted during the past 7 months.

BORING PLANTS—QUARTERLY REPORTS.

THE HON. T. J. O'SHEA asked :

"Whether in view of the widespread interest being taken in the operations of the several boring plants imported and operated by Government, the Hon. the Director of Public Works will favourably consider the issue through the Press of quarterly reports on the results achieved, starting with a report on the results obtained up to the 30th April, 1928."

THE HON. THE DIRECTOR OF PUBLIC WORKS :

A report on boring operations is being tabled and arrangements will be made to send quarterly returns of the results of boring to the Press.

EXCHANGE OF LAND—GOVERNMENT AND MAJOR AND MRS. TOTTENHAM.

THE HON. T. J. O'SHEA: I beg leave to ask the third question standing in the name of Lieut.-Col. the Hon. C. G. Durham :

"Will the Government hold a full inquiry into the circumstances of the proposed exchange of land between the Land Department and the Forest Department, which involved farms belonging to Major and Mrs. Tottenham, and the further proposed exchange of their farms for land at Kericho, in view of the facts and documents published in the "Times of East Africa" on February 12th, 1928?"

0th May, 1928

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS, AND SETTLEMENT (MR. MARTIN) :

Government proposes to lay on the table during the present Session a full statement in regard to this matter.

MOTIONS.

SUSPENSION OF STANDING ORDERS.

THE HON. THE TREASURER: I beg leave to move the Suspension of Standing Orders to enable the five motions standing in my name on the order paper to be taken without full notice being required.

THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE) : I beg to second.

THE HON. CONWAY HARVEY : Sir, I am quite in support of the proposal that Standing Orders should be suspended on this occasion, but I do think it is high time that this Council was given an opportunity of discussing the report of the Special Committee appointed to revise Standing Orders. It is a long time ago since this Committee was appointed and I trust that it has not been lost in the mists of antiquity. There is no reason to my mind why we should not have proper, definite Standing Orders which everybody understands and which will provide for any emergency which cannot reasonably be foreseen.

THE PRESIDENT: I may tell the hon. Member that the new Standing Orders would have been put before the Council to-day, and it is only because of the absence of His Excellency that it has been decided not to do so. They will be put before the Council to-morrow or the day after. It was thought advisable to consider these new Standing Orders when His Excellency, with his experience of parliamentary procedure, could be here, as I am sure we all realise that His Excellency will be of great help to this Council in connection with these new Standing Orders.

I will now put the motion for the suspension of Standing Orders:

The question was put and carried.

LATE MR. J. CARDOZA.

THE HON. THE TREASURER: I beg to move the first motion standing in my name on the Order Paper:—

"In consideration of the destitution of the widow of the late Mr. J. Cardoza who after rendering 13 years, 5 months and 23 days' satisfactory service in the Audit Department of this Colony, died at Nairobi on the 23rd

of August, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,160, which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him immediately prior to his death."

I do not think there is any necessity for me to say anything on this motion as the wording is self-explanatory. I only wish to say that this officer had not an opportunity of joining the Asian Widows' and Orphans' Fund which is now in full operation.

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

THE HON. CONWAY HARVEY: I intend to support this motion. We have always supported similar motions, but at the same time I for one am not satisfied with the position. There is no evidence whatever before the House that the hon. Treasurer has satisfied himself that the dependents of this old servant of the Colony are really in bad circumstances. It appears to be quite a habit now—in fact a regular thing—the moment any Asian ex-officer of the Service dies his dependents immediately plead destitution and rely on the benevolence of the Government—at the expense of the Kenya ratepayers, and I feel that every case should be gone into very carefully indeed. We should have definite evidence to justify the expenditure of this money. Moreover, what type of servant is it who in the course of eighteen years is so hopelessly imprudent that he has made no provision whatever for his dependents? I do consider that this benevolence on the part of the Government is a direct encouragement to extravagance—a thing we should all deplore in the subordinate ranks of the Service.

THE HON. T. J. O'SHEA: I should like to support my colleague in the attitude he has taken up in this connection. Looking back the last three or four years it seems to me of late there has been a great increase in the number of these allowances and it does seem as if it were now becoming part and parcel of Government's policy to grant a compassionate allowance to every Asian officer who dies in the Service, and I should very much like a statement from the Hon. Treasurer as to whether there has or has not been a substantial increase in the number of these allowances in the last year or two.

CAPT. THE HON. E. M. V. KENEAL: In support of what has already been said and in amplification of the suggestion that adequate enquiries are not made into these cases, I should like to refer to a case which occurred in the past when the sum of £500 was voted for a Transport Agent employed by the K.A.R. We were told then that the man was disabled and that he was unable to continue his work. I have since found out that the man was at the time the money was granted attending

to his work. I found out also that the money voted for him—the £500—has not been paid to him. If, Sir, that money has not been paid to this man I think this Council is entitled to an explanation, and also as to why the information that was furnished to this House at that time was not correct.

THE HON. THE TREASURER: As regards this particular case and as regards all the cases which come before the Council, most careful enquiries are made before any suggestion is put before the Council regarding a gratuity. In the case of Mrs. Cardoza I have before me a statement showing that she is absolutely destitute. That statement is signed and verified by a priest of her church and the evidence—so far as this Government was in a position to obtain evidence, is absolutely satisfactory as to her destitution.

I may explain of course that these cases will be very few and far between in the future because the Asian Widows' and Orphans' Fund is now in existence and all members of the Asian Service who do not take advantage of the fund will certainly have to put up an extremely good case before they can expect to receive gratuities. These people, however, have been quite unable to join the Widows' and Orphans' Fund simply because it did not exist at the time.

As regards the case referred to by the Hon. Member for West Kenya, I am not in a position to give any information to-day. If the hon. Member likes to submit a question the information can be obtained for him.

THE PRESIDENT: The question is:

"In consideration of the destitution of the widow of the late Mr. J. Cardoza who after rendering 13 years, 5 months and 23 days' satisfactory service in the Audit Department of this Colony, died at Nairobi on the 23rd of August, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,160, which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him immediately prior to his death." The question was put and carried.

No. 9873 CORPORAL BABALA REHAMA.

THE HON. THE TREASURER: I beg to move the second motion standing in my name on the Order of the Day:—

"In consideration of the destitution of the widow and two children of the late No. 9873 Corporal Babala Rehama who, after 14 years and one month satisfactory service in the King's African Rifles, the Northern Frontier District Armed Constabulary and the Police, respectively, was

murdered by a comrade on the 14th February, 1927, this Council is pleased to award them a compassionate gratuity of Sh. 140, which amount represents the gratuity payable to a corporal after 12 years' continuous service in the Police."

Had this man served the whole of his time in the Police it would have been unnecessary to ask this Council to vote any sum of money because he would have been entitled to the amount as a matter of course, but his service was broken and he cannot claim the whole amount under the Police regulations. Therefore, this Council is asked to vote this sum.

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

The question was put and carried.

LATE MR. J. V. FERNANDES.

THE HON. THE TREASURER: I beg to move the third motion standing in my name on the Order of the Day:

"In consideration of the destitution of the widow of the late Mr. J. V. Fernandes, who after rendering 31 years 5 months and 25 days' satisfactory service in the Administration of this Colony, died in Goa on the 25th of September, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 3,384, which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him immediately prior to his death."

This widow's means amount to a capital sum of £516— and she has no further assistance. She is solely dependent on this money.

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

The question was put and carried.

SCHEME FOR ENCOURAGING THE SETTLEMENT IN KENYA ON RETIREMENT OF EAST AFRICAN CIVIL SERVANTS AND SERVANTS OF THE KENYA AND UGANDA RAILWAYS AND HARBOURS ADMINISTRATION AND OF THE TANGANYIKA RAILWAYS.

THE HON. CONWAY HARVEY: On a point of order, Sir, before this motion is put, as we have had no opportunity of reading the report and as it is a very brief one, and as it embodies a principle in which Elected Members especially take a very real and deep interest, may I ask whether the hon. Member in moving the motion would be good enough to read the Report clause by clause, so that we can clearly understand the thing we are discussing.

THE HON. THE TREASURER: Perhaps when I have made my remarks the hon. Member may not wish to hear the Report in detail, but if he does, I suggest the Clerk may be asked to read it.

I beg to move the motion standing in my name:

"Be it resolved that this Council approves the Scheme for encouraging the settlement in Kenya on retirement of East African Civil Servants and Servants of the Kenya and Uganda Railway and Harbours Administration and of the Tanganyika Railways, as set out in the Memorandum laid on the table."

This resolution is the outcome of the Report of a Committee which was appointed by you, Sir, to consider the question of encouraging officials of the various East African Dependencies who are nearing the time of retirement to acquire land in Kenya and to settle in the Colony when they do retire. The hon. Members for Kikuyu and West Kenya (Lieut.-Col. the Hon. C. G. Durham and Capt. the Hon. E. M. V. Kenenly) were members of that Committee and I had the honour to be its Chairman.

The scheme to which hon. Members are now asked to give their approval is the one put forward to Government by the Committee referred to, but modified in one or two particulars by the Kenya Advisory Committee after consultation with the original Committee in order to bring some of the proposals into conformity with other contemplated schemes of settlement and modified also by His Excellency in Council to bring clearly within its scope East African Civil Servants who are not on the permanent and pensionable establishment and also officers of the Kenya and Uganda Railways and Harbours and of the Tanganyika Railways.

The original Committee expressed in its Report the opinion that it would be of immense benefit to the Colony to secure as settlers men of the type referred to and that it would also be sound policy to encourage the spending in the Colony of pensions provided out of East African funds. With this opinion I think hon. Members will probably concur.

The scheme is intended to embrace not only agricultural land of all classes but also suburban plots suitable for residential purposes and small holdings, such as in the Killeshwa area near Nairobi, and in Tigon Township near Limuru.

The principal advantages which will accrue to anyone who comes under the scheme are that the land will be directly alienated to him instead of his having to purchase it at auction, and that in the case of farm lands, instead of having to pay down one-tenth of the purchase price at the date of allotment

and the balance in nine yearly instalments, no part of the purchase price will be demanded for three years from the date of allotment, and the balance will be payable thereafter in seventeen annual instalments. In the case of township plots, the same terms of payment will apply instead of 25 per cent. of the price being demanded when the allotment is made and the balance as soon as the title is issued.

In addition to the proposals which deal generally with the settlement of officials from all the East African Dependencies special provision is made in the scheme for assisting by means of advances, pensionable officers of this Government who are nearing the time of their retirement, to acquire land in the Colony other than Crown Land, in cases where the individual, for one reason or another, may desire to settle in some part of the Colony where Crown land to suit his purpose is not available, or to develop any allotment of Crown land that may be made to them under the scheme. Briefly these recommendations are that in the case of officers who express their intention of retiring on pension within five years and are eligible to do so and who express the further intention of remaining in the Kenya Civil Service until they do retire, and of accepting a reduced pension and gratuity under Section 14 of the Schedule to the European Officers Pension Ordinance, the Government shall, if requested to do so, advance to them at a reasonable rate of interest, and on the conditions mentioned in the scheme, sums not exceeding the amount which in the event of their dying while still in the Government service, the Governor in Council would be empowered by the section of the Ordinance quoted to pay to their estates, or not exceeding the amount which will be payable to them, on retirement, as the commuted portion of their pension whichever is the lesser amount, to enable them to purchase and develop prior to retirement, land other than Crown land, or where they have been granted an allotment under the scheme to develop the grant, in order that their land may be ready for their beneficial occupation immediately after their retirement. Ample provision is made in the scheme for securing the repayment of any advances made, and for securing reasonable occupation by the allottees of their allotments.

A very important recommendation embodied in the scheme is that Rule 155 of the existing Code of Regulations, which requires that an officer who is not returning to duty must go on overseas leave within six months from the cessation of duty or forfeit his claim to a free passage to England, and which further debars him from counting as additional leave the time spent on the voyage unless he avails himself of the passage within two months of the day on which he ceases to do duty, shall be amended by extending the period in each case to two

years. The adoption of this recommendation will permit an officer who intends to settle in Kenya to defer his final overseas leave until any local undertaking on which he may be engaged has had an opportunity of becoming firmly established and proving a success.

I do not know whether the hon. Member still wishes each detail of the scheme to be read out, but if he does, I suggest that the Clerk be asked to read it. I now beg to move the adoption of the report.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. H. T. MARTIN) : I beg to second.

THE PRESIDENT : The question is :

" Be it resolved that this Council approves the Scheme for encouraging the settlement in Kenya on retirement of East African Civil Servants and Servants of the Kenya and Uganda Railways and Harbours Administration and of the Tanganyika Railways, as set out in the Memorandum laid on the table."

CAPT. THE HON. H. E. SCHWARTZ : May I ask two questions to clear up two points? The first is : I understand that titles will be allotted on payment of the schedule price—that appears on page 1. The schedule price need not be paid for twenty years but it says that titles must be completed within twelve months of the date of allotment. I should like that explained. It seems to me a little difficult to understand.

Secondly, on the last page it says that Civil Servants who have given notice of their intention to accept a reduced pension and gratuity under section 14 of the Schedule of the Ordinance, the Government should, if requested to do so, advance sums of money to them not exceeding . . . and the Hon. the Treasurer in his speech repeated that and it appeared to be mandatory on Government to do so, but in another paragraph of the Report it says that Government should be safeguarded. I should like to know if it is mandatory on Government to advance sums of money or whether it is discretionary.

THE HON. THE TREASURER : As regards the question of advances, it is not intended to be mandatory on the Government, but the idea is that the Committee appointed to consider these applications shall consider them on their merits and also in doing that make careful enquiry into the purposes for which the advances are required. If they recommend them then it is the suggestion that Government make the advances.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: On a point of explanation to the first question raised by the hon. Member for Nairobi South, I think the answer is—that is if I understood his question rightly—that titles can be completed before the final payments on the land are made. As an example I think I would instance the ordinary terms of auction, in which the money is spread over a period of ten years and the titles are allowed to be completed.

THE RT. HON. LORD DELAMERE: I think first of all I should like to support most warmly this particular opportunity of encouraging Civil Servants to settle in this country. With the hon. Mover of this motion I entirely agree that it is of the greatest possible advantage to this country to get people with many years experience of this country to settle in Kenya.

With regard to this particular motion, I think it would be a good thing if Council went into Committee to consider the terms of the Report clause by clause, and that it should be debated. (Hear, hear). I think we might possibly pass something that we did not quite mean to pass. I am ashamed to say I did not read the resolution. I was under the impression it was on general lines, or perhaps I should have informed the Government before that I think that was desirable.

May I add just one word. I want to say that it is owing to the difficulties in our present Rules of Procedure that we have to move this in such a hurry. We had to make business for to-day, and under the circumstances I feel that as hon. Members have not had a chance of reading this paper, we should have it read clause by clause in Committee. I hope hon. Members on the other side of the House will accept that.

THE HON. T. J. O'SHEA: I beg leave to second.

THE PRESIDENT: It is moved and seconded that Council go into Committee to consider this motion. I am sure we all agree that this is the best course to take. I must apologise that this report was circulated so late, but as the Rt. Hon. Member has said, this motion was brought up to-day in order to allow business to be taken at to-day's meeting.

The question was put and carried.

In Committee:

Paragraph 2.
THE HON. T. J. O'SHEA: I should like to ask the reasons for the inclusion of suburban land. Also how it is intended that the schedule should be drawn up. Will publicity be given to it, will the areas included in the schedule be available for alienation to other than

Civil Servants, or will it be a closed schedule and will it be drawn up behind closed doors? It seems to me that with the scheme contemplated in this clause it is quite possible that the retiring members of the Civil Service would get the plums of what agricultural and suburban land are available for alienation, and even if efforts were made by the Land Department to safeguard the public from anything of that nature, that arrangement would certainly be open to the gravest suspicion, and I suggest that some further details might be given so as to show exactly how it is intended to confine the areas available to this class of applicant as distinct from the public.

THE HON. CONWAY HARVEY: I trust that this clause does not necessarily imply undue segregation of this very desirable class of settler. I think it would be well that they should spread their leaves throughout the length and breadth of the Colony—one here and one there, exercising a civilizing influence over the district in which they reside. I think, on the question of suburban allotments, it is highly desirable that we should provide for the requirements of those people who only want five or six acres. There are many things that appeal to the retiring members of the Civil Service—the comparatively low cost of living (laughter) and other amenities peculiar to this country and which appeal to all discriminating settlers.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I should, perhaps, in seconding the motion, have supplemented the hon. Mover's explanation, particularly in regard to this paragraph. The proposal is that this particular scheme should form part of the general scheme contemplated and I hope to lay it on the table in a few days' time, with the permission of Government—I refer to the general settlement scheme of the country. This scheme, which has now been completed by the authority advising the Government in this matter, is known as the "Retiring Gents' Scheme"—the object of it is not to limit its application to retiring Civil Servants of the Colony entirely but to extend it to persons in the same sort of circumstances whether they be in the Civil Service or not; that there are a number of such gentlemen in the Colony we all know quite well.

I think I may suggest that there is no question of having a particular scheme for a particular class.

As regards the question of the allocation of land—the reservation to particular persons—I should explain, I think, that the proposal which is to be shortly submitted to Council will not entail that. A statement will be made of the lands which each class of allotment is suggested to be served, and it will be recommended that every sort of provision in regard to publicity and safeguard in respect of the selection for them shall be provided for.

It is a little difficult at this stage to put all these schemes before hon. Members, but perhaps it would be well to set certain fears at rest and the apprehension felt by the Hon. Member for Plateau South.

THE RT. HON. LORD DELAMERE: Your Excellency, I agree with my Hon. Friend for Plateau South that under No. 2 of this Memorandum we are not accepting any particular thing. The scheme will presumably have to be put up to this hon. Council from what the Hon. Commissioner of Lands and Settlement said just now. Is that so? And if that is so I think we are simply passing something which is only general in this particular section No. 2. It simply says:

"A schedule of farm and suburban land available for application will be prepared by the Land Department, arranged in suitable units for individual settlement, and not more than one unit will be allotted to any applicant."

I suggest that we can go into that when this comes up and move it as required.

I am afraid I do not always agree with my hon. Friend that everything in this world can be done under the old Anglo-Saxon method by sitting under a tree under the Witanagemot or some

other method which has been adopted in other countries for a year or two, but on this particular subject I do agree we have to go carefully into it to see that it does not create difficulties in futuro . . .

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENTS: I am very glad to give the assurance. It was not the intention to have the land available for retiring civil servants, but when this memorandum was drawn up that was the only conclusion to come to after reading the heading and paragraphs 2 and 3. The memorandum simply says that it applies to retiring East African Civil Servants. Paragraph 2 says that a schedule of farm and suburban land available for application will be drawn up, presumably for application to the people referred to in this scheme and I must confess, Sir, that I can only give it one interpretation and I think that it does apply to a specific scheme for retiring Civil Servants.

THE HON. T. J. O'SHEA: If I am correct in interpreting the Land Officer's intentions then that memorandum is in contradiction to the scheme which is shortly being laid on the table. I am satisfied . . .

THE HON. THE TREASURER: I may perhaps be able to clear up the position if I read the paragraph from the original report which dealt with the matter:

"Whilst it is felt to be undesirable to make special reservations of land for the purpose of the scheme, it is recommended, particularly with reference to suburban areas, that Government, when considering general proposals of land alienation, keep in view the possible requirements of Civil Servants retiring in the future, and not exhaust all the available land during the early period."

THE RT. HON. LOUIS DELAMERE: Sir, I am sorry to press the point after the assurance given to this side of the House. I think I am right in saying that the land is made available for application by members of the Civil Service. There is nothing made available for the public. There is the particular question of land in connection with the late Mr. Hope.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENTS: I think that is rather a broad case which I should be very sorry to see brought forward as a principle. I think that there are special circumstances as regards that deceased officer which are held by a great many of his friends not in the service.

Might I suggest to the hon. Member that there is a certain difficulty in putting forward this scheme under present circumstances because part of the explanation must necessarily refer to schemes which are not yet before members, but at the same time it is necessary to label this, particularly this memorandum, which is his financial scheme in view of the fact that the Government generally has financial arrangements as regards pension and so on which do not exist. I will say, with other members of the public, I think what it really comes to is this, that this is a statement of the proposals which Government suggests it should make with regard to pensions and so on, and its arrangements should make with regard to and at the same time it gives a statement of the terms under which allotments can be made. The terms however are not applying to Civil Servants only but will be common to other applicants under the scheme proposed. It is a little difficult possibly—I think I may admit in recording this motion not having made this clear—part of this scheme really refers to a common scheme, it is not peculiar to Civil Servants only, though necessarily it is the case that there are certain relationships with Civil Servants which are peculiar to them.

THE PRESIDENT: Will the hon. Member accept this assurance of Government, that it is not the intention to make a special reference to Civil Servants as such without having reference to the country as a whole.

THE HON. T. J. O'SHEA: Thank you.

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Clause (d), Purchase Price.

THE HON. T. J. O'SHEA rose to speak.

THE PRESIDENT: I would ask the hon. Member to allow the Clerk to finish reading this Clause.

THE HON. T. J. O'SHEA: I should like to ask the Commissioner of Lands to give reasons for recommending that such very easy terms of payment be granted in connection with this scheme. It seems to me that to leave payments outstanding for three years and then spread them over seventeen years are very easy terms indeed. I can hardly see the necessity for them in the case of the people contemplated under the scheme. They will be retiring Civil Servants having served for twenty or twenty-five years who presumably will have some accumulated capital and I think it would be really unnecessary to give such easy terms of payment. An additional reason for cutting down the period is that if they are retiring at the age of forty or forty-five years the payments will carry on after their deaths unless they live to be very old people. I wonder why such terms should be allowed, compared with the terms given to other intending settlers, which I believe are ten years. That has always appealed to me as entirely reasonable.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENTS: If I may answer that particular point. As the hon. Member has just said, there are considerations which suggest a longer period. Now the reason that this period of seventeen years plus three years was decided upon was briefly this, that as regards development under the Soldier Settlement Scheme, and they will take effect quicker than these proposals. The Land for Civil Servants Committee then thought that we ought to square the whole thing up—to have all these conditions in common. By that I mean that under the new settlement proposals this period first of three years followed by a period of seventeen years instalments is the period recommended for the lessees under these schemes. In other words "what is sauce for the goose is sauce for the gander." I do recognise and we all recognise in view of the fact that the Civil Servant may at the same time retire earlier than his original period and it was thought that so long as there was this obligation attached to the land . . .

THE HON. CONWAY HARVEY: I hope, Sir, that all Members support this extended period of payment. The diversion of capital from the development of land to its purchase is one of the greatest curses of modern rural economy (hear, hear) and I suggest, Sir, in all seriousness that any Government would be very well advised to provide the most stringent development conditions were imposed and insisted on.

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

THE HON. CONWAY HARVEY: It is very important indeed. I do know from a pretty long experience of the subject that all the money one can possibly raise is wanted when one starts developing an agricultural holding. If they are given three years free of interest or an extended period in which to pay they will invest their capital with the advantage of themselves and the Colony and they will then be producing revenue from their work which will enable them to meet their financial obligations in the matter of capital payments and interest. (Hear, hear.)

(Clause (d), Transfer.)

CAPT. THE HON. H. E. SCHWARTZ: I am not certain that the transfer clauses are very advisable. The whole object of this scheme, I understand, is to get the retiring Civil Servant himself to live in this Colony, now if he can after three years' residence after his retirement, sell his farm to anyone he likes, the only obligation being

that before transfer is permitted the whole of the purchase price should be paid, that may have the result of defeating the whole scheme. Under the present scheme the Civil Servant will get the advantage of having a price fixed on his land, in all probability less than he would be paying if he went into the open market to an auction. If therefore it is conceded that he will probably get his land at less than if he went to auction—with which principle I agree as a good scheme—he will be able to sell that land to any person not a Civil Servant—to any person already living in the Colony—at a profit; the person purchasing, buying the land probably himself at less than he would if that land went into the auction. Surely in a scheme which is put forward for the purpose of trying to persuade people after they have retired to live in the Colony and give them advantages, it is not intended that they should be free after three years to sell the farm for cash and clear out of the Colony with the profit. I think, therefore, that the period is too short.

THE RT. HON. LORD DELAMERE: I think the hon. Member has lost sight of the other side of the picture. That if a man—after all many people make very good Civil Servants and not first-rate farmers, and the other way about of course. Now in the case of the Civil Servant who takes up land, if he finds that it is a failure—he finds he does not like the life, I think it is better that he should sell and I think to make this clause too strong is a responsibility. I think you are going to rather discourage people from doing it because it is an experiment on their part. A man who is living in a certain environment takes to another one. It may not suit him and I think you ought to give him the chance of getting out.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: There is this additional point, I think, and that is that where a Civil Servant has commuted a portion of his pension—and most Civil Servants will do that—where he takes up land that commutation will be put into his holding. I think it will also be reasonable to suppose that at the end of three years that a very large sum of money will be completely sunk in the holding, the time will come when further capital is required and the prohibition of transfer would mean that that title is not negotiable and I think it reasonable to suppose that it should not prevent him raising further capital to his land that it should not prevent him raising further capital to make a good job of the position.

CAPT. THE HON. H. E. SCHWARTZ: It is not a question of raising capital on a further mortgage; it is the question of selling the farm holus-bolus. I do not think that anybody would suggest he should not raise money on a further mortgage. (Laughter.)

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: If he cannot transfer, he cannot raise the money. Surely if people cannot take over the farm they will not lend money?

THE HON. THE ACTING ATTORNEY GENERAL: May I invite attention to the fact that a slight technical error has crept into Clause 5 (a). The Crown Lands Ordinance, 1915, should be "Chapter 140 of the Revised Edition of the Law."

THE PRESIDENT: The Hon. the Attorney General has pointed out that "1915" in Clause 5 (a) should be "Chapter 140 of the Revised Edition of the Law."

CAPT. THE HON. E. M. V. KENZALT: I think, Sir, that the development conditions should be the development conditions laid down generally at the time and should not be merely those laid down in 1915 or 1914. The development conditions that apply to a Civil Servant should be the same as apply to the general public.

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

THE HON. THE ACTING ATTORNEY GENERAL: I see no objection at all to substituting for the "Crown Lands Ordinance, 1915," "the Crown Lands Ordinance for the time being in force in the Colony."

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THE HON. THE TREASURER: I might put it that the words "the Crown Lands Ordinance, 1915," in sub-section (a) should be substituted by "the Ordinance in force for the time being," which of course includes the obligation.

THE PRESIDENT: Do you accept that?

THE HON. THE ACTING ATTORNEY GENERAL: Yes.

THE PRESIDENT: Any other points arising in regard to Clause 5? The question that Clause 5 be accepted was put and carried.

Clause 6.

THE HON. THE ACTING ATTORNEY GENERAL: The same alteration will be required: "The Crown Lands Ordinance, 1915," should be "Chapter 140 of the Revised Laws of Kenya." The question was put and carried.

THE PRESIDENT: I do not know whether Council wishes these additional proposals to be considered one by one?

THE HON. THE TREASURER: If they wish it I have no objection.

THE PRESIDENT: Do Members on the other side desire that the final portion of the memorandum be read?

CAPT. THE HON. E. M. V. KENZALT: Yes, Sir.

THE HON. THE TREASURER: I have given my remarks more or less in detail.

THE HON. CONWAY HARVEY: I take it that these have been formulated by a representative committee who have gone very carefully into the matter. It is not just the effort, I take it, of an individual. If they have been carefully examined by a representative committee I am perfectly satisfied.

THE HON. THE TREASURER: These recommendations were made by the original Committee, consisting of the Member for Kikuyu, the Member for West Kenya, the Senior Commissioner, Nairobi, and myself. They were then submitted to the Kenya Advisory Committee and with that Committee's advice to His Excellency in Council.

CAPTAIN THE HON. H. E. SCHWARTZ: I should like the word "should" in the sixth line altered to "may," to make it quite clear.

THE PRESIDENT: Would you just read the paragraph so as to make it clear?

The question is that the word "should" in line six be deleted and the word "may" be substituted.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: I would like to suggest—I do not know if this is the final scheme or not—but I would like to suggest that it should be made to cover railwaymen. Railwaymen as a whole do not contribute to a pension fund...

THE PRESIDENT: You are dealing with the question of pensions in this clause. Guaranteeing the pension of the officer?

THE HON. GENERAL MANAGER: I am dealing with the question of advances. Ordinary Government officers contribute to a pension fund and when they retire they have the right to commute a portion of their pension. A large body of Railway officials do not contribute to a pension fund. Therefore there is no question of a commuted pension for a fall back upon, but they do contribute to a provident fund. I would like to suggest that this clause be extended to cover these. There is just as much security with the contributions in the provident fund—probably more so as the cash is there—the same as the Government official who has the right to commute a portion of his pension.

THE HON. CONWAY HARVEY: Hear, hear.

THE HON. THE GENERAL MANAGER: I cannot at the moment suggest wording to cover this. I do not know if this is the final scheme, but in the final scheme this should be provided for.

THE RT. HON. LORD DELAMERE: I suggest, Sir, that at the end of the original resolution when it is passed—it should be passed—the Governor be asked, or something of that sort, to alter the wording so as to include Railway servants or members of the Railway service. Wouldn't that be possible, Mr. Treasurer? Provided that this Council is agreed on this subject if we vote on that.

THE HON. THE TREASURER: Provided there is security I do not see any reason whatsoever why it should not be done. But these proposals of course refer exclusively to pensionable officers because the security required to cover these advances is a sum of money. It is provided by section 18 of the European Officers' Pensions Ordinance that where an 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 continuously held pensionable office in Kenya or offices in other public service 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 representatives a gratuity of an amount not exceeding one year's pensionable emoluments. That is the security held against the advance, because the advance will not exceed that in any case, and therefore if the man dies before he is able to pay back the advance we have the security for the advance which the Governor in Council is empowered to make to his estate, or at the date of retirement will be available. I do not know enough about the terms of the Railway provident fund to know whether the security is as good in the one case as in the other. If the Hon. General Manager is satisfied that that is the case I see no reason why an amendment should not be made to include the Railway service.

THE HON. THE GENERAL MANAGER: I do not know if I made it quite clear. In Clause 1 the scheme is extended to pensionable officers and officers on the permanent and pensionable establishments of certain administrations. The great majority of the Railway staff are not pensionable officers but they pay every month one-twelfth of their wages into a provident fund. The Railway administration pays, I think, six per cent. into this provident fund per annum. This sum of money is accumulated at interest in a big fund, so that there is no question about security. The money is there—actually in existence. It is not a future date payment or a payment which becomes due at death. It would be an advance against cash which exists.

THE HON. THE TREASURER: No one is more anxious than I am to see the question of these advances extended to officers of the Kenya and Uganda Railways, but the only thing is: "What are the conditions governing the Provident Fund?" I believe, speaking entirely that Provident Fund on the authority, I think it is, of the General Manager, I am not sure. It would certainly have to be enquired but if it is found that the security is equal to the security which is paid by pensionable officers then of course there is no objection to it at all. But I do not want to mix up the two parts of this scheme. It must be recognised that the additional proposals at the end are in regard to advances and they are made to apply only to pensionable officers because in their case the security is absolutely pensionable. The first part of the scheme applies only to the Kenya and Uganda Railways—it applies to officers of any administration who are on the permanent and pensionable establishment . . .

MAJOR THE HON. R. W. D. ROBERTSON-EUSTACE: May I enquire if the term "officer" includes all nationalities?

THE HON. THE TREASURER: European officers . . .

THE HON. W. C. MITCHELL: I am a little in doubt as to what is an "officer." We have just been told that it is confined to Europeans, but does this scheme apply to all Government employees? I do not know where the line is drawn between officers and non-officers.

THE HON. THE GENERAL MANAGER: That is my point. But if this Hon. Council passes the scheme, if it is not proposed to assist Railwaymen then we must make such provision to cover these men whatever wording may be used.

I would much prefer to see non-pensionable people excluded. Are then the Railwaymen being misled?

THE HON. THE TREASURER: There can be no possible doubt whatever. Any reasonable man who reads the scheme is aware whether it applies to a pensionable officer or not. It states it applies to non-pensionable officers who have served under the Crown for a period of at least ten years. Then we have a further heading: "Additional Proposals for assisting retiring Pensionable Officials of the Kenya Government" . . . No non-pensionable officer can imagine he comes under that scheme. If advances are to be made to Railway officials I think, Sir, it is very doubtful whether advances should be made out of Government funds or Railway funds and I think it is a proposal which should be separately dealt with.

THE RT. HON. LORD DELAMERE: I must class myself with the General Manager, who I do not think is unreasonable, as I am not clear in my own head whether it applies to pensionable or non-pensionable officers . . .

THE HON. THE TREASURER: I merely say that on reading the scheme in the first part it will be seen that it refers to non-pensionable officers—that is in regard to land. The additional proposals for making advances to officers apply only to pensionable officers. The whole question being that if advances are to be made to an individual you must have this necessary security against that advance.

THE HON. T. FITZGERALD (PORTMASTER GENERAL): The point mentioned by the Hon. Member for Nairobi North is of some importance. As regards the general section of the scheme it says "officers on the pensionable establishment." If I may go a step further—in reference to what the Hon. General Manager said—I would say that it is just possible that the pensions conditions in this Colony may be revised shortly and we may have probably introduced a contributory pension scheme. There is no reason why officers who come under that scheme should not be included in this scheme for the purpose of advances.

THE HON. THE TREASURER: Obviously an officer who is on a contributory pension scheme would come under this scheme of advances.

CAPT. THE HON. H. E. SCHWARTZ: On this occasion I agree with the Treasurer. If you read the scheme it is clear except that it does not specify that it applies to Europeans only and that must be put in.

A quarter-of-an-hour ago a little amendment was put forward by me in my humble way . . .

THE PRESIDENT: I have not lost sight of the amendment.

THE HON. THE TREASURER: I regret the omission of the word "European." It was certainly intended for European officers and if it is not clear that word should be inserted.

THE HON. THE GENERAL MANAGER: The scheme is quite clear. It applies (a) to officers on the permanent pensionable establishment, and (b) officers not on the permanent and pensionable establishment who have served the Crown for at least ten years, which includes Railway officials. Then at the end of the scheme there are certain proposals to assist pensionable officers to get advances. What I am

suggesting is that that should be extended to permit in some way of advances to Railwaymen, but whether that is within the discretion of the Provident Fund Regulations I do not know. But I would like it to be made clear to all Railway servants that if a Civil Servant can get an advance on the right to commute he can also get an advance against actual cash standing to his credit.

THE HON. THE TREASURER: As the mover of this motion, as I said before, I should like to see this scheme extended to advances to Railwaymen, but not only out of Government funds but out of Railway funds, so that advances may be made to members of the Railway staff as well as to Government staff. I should like to see that extended. The only question in my mind is that the security of the Government officer. The advance would have to be up to the amount of the contributions standing to the credit of the officer in the Provident Fund. In this case it is necessary they should be equal to the amount which the Government can pay to the officer's estate if he dies. I think that would be a solution but I think that it might form the question of a separate scheme because we have to deal with the question of where the funds for advances to the Railway staff are to come from. They should not come from Government. The Railway funds would seem to be the proper place for these funds to come from.

THE RT. HON. LORD DELAMERE: I do feel that it would be very much better to pass this as it is. If Government cannot give us an undertaking perhaps during the course of this session or the next session, we should get the opinion of Government as to whether it will be possible to include officers of the Kenya and Uganda Railways or not. I think that should be the case. I think it is difficult in a detail. I am sure my hon. Friend the General Manager of security and that probably it is better to pass this as it stands and perhaps Government will give us an undertaking that, at any rate not later than June, the opinion of Government will be given as to whether it is possible—if it is the wish of this Council—to include Railway servants in the second scheme.

THE PRESIDENT: I would suggest for the consideration of Council that we should deal with this as a pension scheme in view of the fact that it is a scheme for Europeans only, and it is the European officers who can commute their pensions. That is a ground why we later any scheme which brings in European or Indian Officers who are not on the same pensionable basis. Government is quite prepared to consider the scheme as now placed before us.

THE HON. THE GENERAL MANAGER: Am I in order in rising at this stage to speak on the application of the scheme to pensions?

THE PRESIDENT: Yes.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: I would also like to suggest for consideration to extend this scheme in some form to officers who have gone on pension quite recently. I had an application only the other day from an officer who has served this country for twenty-five years, and he was certainly one of the most valuable officers the country has ever had. He complained to me that he would not be able to benefit under this scheme, and I would suggest that we make some endeavour to give such officers opportunities to take advantage of the scheme.

THE PRESIDENT: I think that point can be considered when an additional scheme is put up.

THE HON. THE TREASURER: May I suggest that the word "European" be inserted after the word "African" in the heading?

THE RT. HON. LORD DELAMERE: Is it desirable to put in that? I am only asking for information on the subject. Is it desirable to

put in that thing when it is perfectly clear that nobody else but European Civil Servants can take land under the White Paper or anything else?

THE HON. THE TREASURER: Yes, in Townships they can.

THE RT. HON. LORD DELAMERE: Well then, I withdraw.

THE HON. THE TREASURER: I may say, Sir, that this scheme as drafted was intended as a scheme for the settlement of European Civil Servants and it seems to me that the whole question of the pensions of officers is dealt with in the European Officers' Pensions Ordinance and the Asiatic Pensions Ordinance, but if there is any intention at any subsequent time of having a scheme of settling Asians in the country, I think that that scheme should be circulated forthwith.

THE PRESIDENT: Are there any other points arising out of this memorandum?

LIUT.-COLONEL THE HON. J. G. KIRKWOOD: Might I ask how it would be proposed to allocate land to the selected people under this memorandum where there is more than one applicant desiring the same suburban section or where there is more than one applicant for a particular farm? Would it be by ballot?

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: That allocation of land will, it is suggested, take place under the proposals of the settlement scheme. In this connection it is proposed that some such methods of ballot should settle claims for the same piece of land.

THE PRESIDENT: I will put the amendment of the Hon. Member for Nairobi South—that the word "may" should be substituted for the word "should" on page 3, line 6.

The question was put and carried.

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

Council resumed its sitting.

THE PRESIDENT: I have to report that the memorandum referred to in the motion by the hon. the Treasurer has now been considered in Committee of the whole Council, and with slight verbal alterations has been passed.

THE HON. THE TREASURER: I beg leave to move the adoption of the resolution in my name, with the amendments made in the Memorandum by the Committee.

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

The question was put and carried.

THE PRESIDENT: I may add that Government undertakes to put up a further scheme dealing with non-pensionable officers, referred to in the debate on this motion.

Council adjourned for fifteen minutes.

COMPASSIONATE GRATUITY: WIDOW OF LATE MR. C. P. PATEL.

THE HON. THE TREASURER: I beg to move the last motion standing in my name. This motion is self-explanatory and I will confine myself to reading it out:

" In consideration of the destitution of the widow of the late Mr. C. P. Patel who, after rendering 7 years and 11 months' satisfactory service in the Judicial Department of this Colony, died in India on the 1st September, 1927, this Council is pleased to award her a gratuity of Sh. 2,100, which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him immediately prior to his death."

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

The question was put and carried.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move:

" That the Standing Orders of the Council be suspended in order to enable the following Bills to be read a second time:—

The General Loan and Inscribed Stock (Amendment) Bill.

The Shop Hours (Amendment) Bill.

The Surveyor-General's Bill.

The Kerosene Oil (Repayment of Duty) Bill.

The Fugitive Criminals Surrender (Amendment) Bill.

The Extradition Bill.

The Revised Edition of the Laws (Amendment) Bill.

The Game (Amendment) Bill.

The Trout Protection Bill."

THE HON. THE TREASURER: I beg to second.

The question was put and carried.

BILLS.

SECOND READINGS.

THE GENERAL LOAN AND INSCRIBED STOCK (AMENDMENT) BILL.

THE HON. THE TREASURER: I beg to move, Sir, the second reading of a Bill to Amend the General Loan and Inscribed Stock Ordinance. As is stated in the printed Statement of Objects and Reasons, this Bill is introduced at the instance of the Secretary of State. Its object is to make it unnecessary to continue contributions to a sinking fund when the contributions make it perfectly obvious that it has fulfilled

its purpose. Without the amendment the contributions must continue because Section 14, Chapter 46 of the Revised Edition of the Laws of Kenya makes such contributions necessary at present. The Secretary of State points out that the question naturally arises as to the circumstances in which the power of discontinuance provided by the Ordinance can advantageously be exercised, and on this point Colonel Amery writes as follows in his despatch:

" Where a loan is redeemable on a fixed date without option of earlier repayment, it is clearly advantageous to discontinue contributions as soon as the fund is 'potentially full.' Where, however, as more usually happens, the Government has the option of earlier repayment, the question turns mainly upon a comparison between the rate of interest borne by the loan and the rate of interest currently obtainable on the class of investments composing the sinking fund. If the former is higher, it will be better to let the fund accumulate and pay off the loan as soon as possible; if, on the other hand, it is lower, the more profitable course is to discontinue the contributions as soon as the fund is 'potentially full.' Thus, at the present time the yield on Colonial and other stocks purchased for sinking funds is approximately from 4½ to 5 per cent. per annum; consequently, a 6 per cent. loan should be paid off as soon as possible, while in the case of a 3 per cent. loan repayment should be deferred and the contributions to the sinking fund discontinued as soon as the conditions admit of it."

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

The question was put and carried.

THE HON. THE TREASURER: Going into Committee, Sir.

THE PRESIDENT: I think we will go into Committee after taking all the Bills.

THE SHOP HOURS (AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move the second reading of a Bill to Amend the Shop Hours Ordinance, 1925. As hon. Members of this Council are aware, the Shop Hours Ordinance at present in force was passed in 1925 but was not brought into force and then only as far as Nairobi was concerned in September last year. Since that time, Sir, we have had practical working of the Ordinance and as was expected certain hardships have revealed themselves and a good many applications have been made mainly

to the Municipal Council to have various alterations made to alleviate these hardships and so, Sir, this Bill has been introduced into this Council.

I may say that the object of the Bill is to provide for the exemptions of certain trades and businesses from the Shop Hours Ordinance. The Bill, Sir, I may say, has been drafted after consultation with the Municipal Council of Nairobi and it is proposed by the Bill in the interest of public convenience, to exempt from the operation of the Ordinance all premises where intoxicating liquor is sold for consumption on the premises and also the trades and businesses of a restaurant, cafe, or eating house, wood fuel seller, motor fuel seller—that is important—motor oil seller, and a seller of motor, cycle, or aircraft supplies and accessories. I think it will be agreed that all these trades are those which should be exempted from the operation of the Ordinance. It has been found necessary that they should not come within the purview of the Ordinance and be closed at certain hours. Provision has also been inserted in the Bill, Sir, to empower the Governor in Council from time to time at the request of a local authority, to declare or exempt any trade from the Ordinance. It was thought that while we were making this Ordinance we should include this power so that we should not have to come before this Council with this type of amendment. It is also provided that if the Governor in Council exercises this power it may be of general application or may apply to only a certain area of the Municipality or township, or some other township area or it may apply generally throughout the area in which the Shop Hours Ordinance is in force.

By Clause 3, Sir, the third item in the Second Schedule to the Principal Ordinance is deleted. That is a consequential and necessary amendment. The third item in the Second Schedule reads:—

“The sale of motor, cycle and aircraft accessories to travellers”

and by it being included in this schedule such businesses are not excluded from the provisions of the Shop Hours Ordinance relating to weekly half holidays, but it is thought that such businesses should be entirely exempt. It is very awkward for people who may be in urgent need of a motor tyre or a spare of some sort to find that the shop is closed and therefore it is not good enough in the interests of the public generally.

There is just one thing, I should like to give notice that when this Bill is in Committee I propose to move that a clause

be added that is in accordance with the notice of motion which appeared in the paper yesterday—I do not think it appears to-day—I shall move the following:—

“That the following clause be added to the Bill to amend the Shop Hours' Ordinance, 1925:—

4. Section 9 of the Principal Ordinance is hereby amended by the addition thereto of the following subsection:—

Addition to section 9 of the Principal Ordinance.

(7) Notwithstanding anything contained in this section any shop situated in any area which is now or may hereafter be set aside as a Native Location by the Municipal Council of Nairobi may remain open until 7 o'clock in the afternoon on every day in each week.”

We have had various complaints from the locations. There are in the town two native locations, the village of Pangani, and the village of Pumwani, and we have received several complaints from there that the people, the natives, there, who come home do not arrive home until much before 6 o'clock at night and therefore they are unable to do any shopping as the Ordinance provides that in any declared area the shops shall not be open after 6 o'clock and therefore the administration has given their opinion that this is a real hardship on these natives in these locations and therefore it is proposed to add this clause allowing shops in these areas to remain open until 7 o'clock instead of 6. It will give a clear hour for them to make purchases they desire to make. With that statement I beg to move the second reading of the Bill.

—THE HON. THE ACTING SOLICITOR GENERAL: I beg to second.

THE HON. T. J. O'SHEA: Your Excellency, I am in general agreement with the proposal but I suggest, Sir, that it would not be fair to Members on this side of the House to pass it through without giving us further opportunity for enquiring into the possible results of the proposed amendments and also without giving us an opportunity of enquiring more closely into the working of the Principal Ordinance. I think the present is an opportunity that should be sought to enquire into the working of the Principal Ordinance. I would therefore suggest, Sir, and submit for your consideration, that the Bill be referred to a Select Committee as by so doing the time of this House will be considerably saved.

Weaknesses, Sir, remain in the Principal Ordinance to a very considerable extent and I am very doubtful whether the trades included here for exemption should be so included. Also I am inclined to think that under the Principal Ordinance

the provisions are not sufficiently strict to give the police an opportunity of controlling the administration of the Principal Bill. There are also, I believe, various anomalies which might be enquired into. I understand it to be the case here in Nairobi where the Shop Hours Ordinance is in force that on a Sunday morning you can go into a shop and buy a bottle of whisky where you cannot buy a bottle of mineral water and that is an anomaly which makes me think it necessary to refer this Bill to a Select Committee. Then under Clause 1 of Section 20 there is provision that the Governor in Council may from time to time, at the request of the local authority, by proclamation exempt any trade or business from all or any of the provisions. There is no machinery to enable a case to be put up to the Governor for such exemption and nothing has been said about the machinery equally necessary to protect the interests of the general public against the wish of a trade to be exempted. For these reasons I hope Government will see its way to refer the Bill to a Select Committee.

THE PRESIDENT: Government has no objection to referring this Bill to a Select Committee and is prepared to do so. I will put the motion to Council "that the Bill be read a second time and referred to a Select Committee."

The question was put and carried.

THE PRESIDENT: I suggest the following names for consideration:—

The Acting Attorney General.

The Chief Native Commissioner.

The Member for Plateau South.

The Member for Nairobi South.

CAPT. THE HON. H. E. SCHWARTZ: I shall be glad if I can be excused. I was on the original Select Committee which took about two years and I have been on an enormous number of Committees lately and I have not the time.

THE PRESIDENT: There should be a member for Nairobi.

CAPT. THE HON. H. E. SCHWARTZ: I think Mr. Mitchell would be delighted, if I can speak for him.

THE PRESIDENT: The Select Committee is appointed accordingly with the substitution of the name of the Honourable Member for Nairobi North for the Honourable Member for Nairobi South.

THE SURVEYOR GENERAL'S BILL.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS, AND SETTLEMENT: I think hon. Members will recollect that during the last session, the Budget Session, certain re-arrangements were made in the departmental organisation dealing with land and survey matters. They will also recollect that in passing the Budget there was included a provision for a Surveyor General and of course it is necessary that as the name of the Director of Lands Surveys appears in various ordinances, the matter should be regularised by specific legislation. This Bill is entirely formal and necessary and I beg to move that it be read a second time.

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

The question was put and carried.

THE KEROSENE OIL (REPAYMENT OF DUTY) BILL.

THE HON. THE TREASURER: Sir, I beg to move the second reading of a Bill to Provide for the Repayment to Users of Imported Kerosene Oil for Agricultural Purposes of an amount equivalent to the Customs Duty paid upon such Oil. The object of this Bill, Sir, is to give effect to the views which were expressed in a motion which was moved in this Council on the 3rd of November, 1927—and which was subsequently withdrawn on an assurance being given by the Government that steps would be taken to examine how the objects of the resolution could be given effect to. The Bill provides for the repayment of amounts equal to the Customs duty paid in respect of any kerosene oil that may be used solely for the purpose of supplying motive power to farm tractors used for agricultural purposes and sets out, Sir, the procedure to be adopted for achieving that object and the penalties that may be imposed for offences under the Bill.

I beg to move the second reading.

THE HON. THE COMMISSIONER OF CUSTOMS: I beg to second.

THE HON. T. J. O'SHEA: I have much pleasure in supporting this long-deferred measure and in doing so I would like to ask whether I am right in saying that it will be made retrospective as from the beginning of this year.

I should also like to ask whether Government has satisfied itself that the arrangements made or the arrangements contemplated in the Bill for the administration of it are the simplest that can be worked upon. I have heard criticisms,

Sir, as to the methods to be employed and it occurs to some of us on this side of the House that possibly a small Select Committee would in a very short space of time examine these proposals without delaying the time of the House than if it went through the Committee in the ordinary way.

THE PRESIDENT: The question is that this Bill be referred to a Select Committee.

THE HON. THE TREASURER: I see no objection, Sir, to that being done.

The question was put and carried.

THE PRESIDENT: I would suggest to Council that the Select Committee consist of:—

The Treasurer.

The Commissioner of Customs.

The Acting Attorney General.

The Member for Plateau South.

The Member for Mombasa.

Any other names?

I put it to Council that the Select Committee be composed of these members.

The question was put and carried.

THE PRESIDENT: The Select Committee is appointed.

THE HON. T. J. O'SHEA: On a point of order. May I ask for an answer to my question as to whether it will be retrospective?

THE PRESIDENT: That matter might be considered by the Select Committee of whom the hon. Member is a member?

THE HON. THE TREASURER: I do not see how it is possible to do that.

THE PRESIDENT: I think the matter had better be discussed in Select Committee. The hon. Member will also have an opportunity of dealing with it when this Bill comes up in Committee of Council if he is not satisfied with the decision in Select Committee.

THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move the second reading of a Bill to Amend the Fugitive Criminals Surrender Ordinance. This Bill is more or less a formal Bill. The facts are very briefly as follows.

By the Imperial Extradition Act, 1870, it is provided that when an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council direct that the Act shall apply in the case of such foreign State, and it is also provided that the Act when applied by Order in Council shall extend to every British possession. Well, Sir, that was done under the Imperial Act, but of course at that time this Colony was a Protectorate entirely and not a British possession within the meaning of the term. In 1908 we passed the Fugitive Criminals Surrender Ordinance which is Chapter 11 of the Revised Edition of the Laws of Kenya. That was based on the lines of the Imperial Act and the design of that Ordinance was necessitated by the fact that at that time we were a Protectorate.

As hon. Members know, that Protectorate was terminated in July, 1920, and from that time this territory became largely a Colony and partly a Protectorate. Therefore automatically so far as the Colony part of this territory is concerned it is a British possession and therefore the Imperial Act automatically applies to that part of this territory which is a Colony. The Protectorate, however, Sir, is still in this matter, I may say, unprotected, and therefore we have to have this Ordinance which is in force now, still applying to the Protectorate. Therefore, Sir, this Bill simply makes it clear that this Ordinance shall apply to the Protectorate of Kenya only and not to the Colony.

Clause 2 reads:

"The Principal Ordinance is hereby amended by adding immediately after Section 1 thereof the following new section:—

1A. This Ordinance applies only to the Protectorate of Kenya."

and Clause 3:

"The Principal Ordinance is hereby further amended by deleting the word 'Colony' wherever it occurs and by substituting therefor the word 'Protectorate'."

This short amending Bill has the approval of the Secretary of State. In the first place it was at his instance that it is being introduced. These remarks I make in moving the second reading of the Bill.

THE HON. THE ACTING SOLICITOR GENERAL: I beg to second.

The question was put and carried.

THE EXTRADITION BILL.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move the second reading of a Bill to provide for the more convenient administration of the Extradition Acts, 1870 and 1873. This Bill is to a certain extent a corollary to the previous Bill.

The Bill provides that certain persons in the Colony of Kenya may exercise the powers under the Extradition Acts of 1870-1873 which are in England exercised by police magistrates.

* As a general rule the duties under the Imperial Extradition Act are discharged in England by a Chief Magistrate of the Metropolitan Police Courts or by a Magistrate of the Metropolitan Police Court in Bow Street.

The Bill provides that a Kenya magistrate of the first class shall, when acting under the Extradition Act, have the power of a London police magistrate. I may say that the powers are to be exercised by first class magistrates only as they are wide powers and powers which require a man of some standing.

This involves a local amendment to an Act of the Imperial Parliament.

Section 18 of the Extradition Act, 1870, provides that His Majesty may by Order in Council direct that the local Ordinance shall have effect in Kenya as if it were part of the Imperial Act. As soon as this Bill has been passed such an Order in Council will be issued.

I formally move the second reading of the Bill.

THE HON. THE ACTING SOLICITOR GENERAL: I beg to second.

The question was put and carried.

THE REVISED EDITION OF THE LAWS
(AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL: I beg leave to move the second reading of a Bill to amend the Revised Edition of the Laws Ordinance which was passed in 1921.

As hon. Members will remember that Ordinance provided for the issue of all local Orders in Council, Rules and Regulations in force on the 31st December, 1923. Unfortunately, owing to the Printer being unable to undertake the work, the issue of that volume has been held up, but the work is now almost done and will shortly be ready for publication.

Well, advantage has been taken of this fact to add to that volume all Orders in Council, Proclamations, Rules and Regulations for a further period of three years, namely, up to the 31st December, 1926, and it therefore becomes necessary to amend the Principal Ordinance so as to validate the work which has been undertaken and done by the Commissioners.

Clause 3 of the Bill has been inserted so as to provide the procedure for bringing the volumes of this subsidiary legislation into force.

With these remarks, I beg to move the second reading of this Bill.

THE HON. THE ACTING SOLICITOR GENERAL (MR. A. J. MCCARTHY): I beg to second.

THE HON. CONWAY HARVEY: I wish to support this amending Bill, which is obviously a very desirable corollary to the Revised Edition of the Laws. I have not myself seen a statement of the cost of introducing this legislation, which should have been laid at the same time as the draft Bill, in accordance with the resolution of this Council passed several years ago. We were told by the Attorney General at that time that the Revised Edition of the Laws would cost us nothing. Since then we have been simply inundated with costs three or four times a year, which has brought a burden of great financial liability to the Colony—a liability amounting to a very considerable sum, and I consider that in this particular instance it is desirable that we should be told quite clearly and definitely what the cost will be. "It will not cost very much" is not very satisfying to the taxpayers of the Colony. This was the statement my hon. and learned Friend made.

THE HON. T. J. O'SHEA: When I first became associated with this Council—four or five years ago—the question of the Revised Edition of the Laws of Kenya was a standing joke, and it has been a standing joke during the past five years. I should like to ask whether by the passing of this Bill we shall hear the last of the subject for some little time?

THE HON. THE ACTING ATTORNEY GENERAL: I think so, Sir. But I am afraid I am unable at the moment to give any definite information with regard to the expense incurred.

THE PRESIDENT: I understand that no extra expense is incurred by the passing of this Bill?

THE HON. THE ACTING ATTORNEY GENERAL: Yes, Sir.

THE PRESIDENT: The question is that the Bill be read a second time.

The question was put and carried.

THE GAME (AMENDMENT) BILL.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg to move the second reading of a Bill to Amend the Game Ordinance.

This Bill, as its title indicates, is an Amending Bill. It includes certain amendments to the Principal Game Ordinance, the general direction of which I think I can reasonably describe as facilitating the extermination of game in the settled areas—native or non-native—where such extermination is required, and protecting game in those areas—remote settled areas—where the preservation of game is a matter of policy laid down in the Principal Ordinance. To illustrate that, I might perhaps draw attention to Clause 4 of this Bill. This brings me to the statement of the financial importance of the Bill. In the existing Ordinance certain licences at a pound apiece are provided for. Now the object of Clause 4 of this Bill is to allow the operations which were subject to the payment of these licences to carry on with extermination in the settled areas, and the proposal is that in the other areas these operations should not be allowed at all. The net result of that would be a small loss in respect of the licences which would otherwise be collected. I gather that the amount is in the region of £150.

There are a number of further clauses which tend rather to tighten up the control of shooting in the areas which are neither adjacent to the settled areas nor inside the settled areas. The Game Warden's view is that if those areas are to be administered from the game point of view at all they should be administered efficiently. For instance, the question of night shooting and the question of indiscriminate and careless slaughtering are dealt with, as hon. Members will notice, in the preceding sections of this Bill, and I trust that no one will quarrel with the objects of those clauses.

In certain areas it has been found that the holding of temporary occupation licences which have been construed to mean private land has been open to abuse. I would point out that if the land held under temporary occupation licences, that is to say, the land on which a duka stands, is to be held as private land, certain indiscriminate and uncontrolled shooting takes place within a range of five miles. It was obviously the intention of the Principal Ordinance, which had in view farms and definite holdings which might suffer damage, to include isolated dukas for this purpose.

One or two misconceptions can be cleared up. Perhaps at first I had better deal with what may be considered somewhat controversial points besides the judicial procedure, that is, that it is proposed under this Ordinance that the cancellation of a licence should automatically result from a conviction or an offence under the Ordinance. That may sound somewhat drastic, but I think it is a matter of common knowledge and experience that it is extremely difficult to get convictions, and therefore as a prevention against any irremediable hardship a Bill is provided for.

There is a further point in the existing Ordinance: There is a considerable confusion of terms, possibly arising from the use of the "Special Licence." This appears to have a dual meaning. The introduction of a separate clause providing for a special purpose in this Bill makes this clear.

There is further provision for special permits and licences to be issued for serving officers in all His Majesty's Forces.

I say again this is purely an Amending Bill, drafted, I hope, in the right direction as regards settled areas. I think I may say, on behalf of Government, that should it be considered to be controversial in any points the usual course can be followed, and the assistance of the Game Warden obtained.

I beg to move the second reading of this Bill.

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

CAPT. THE HON. E. M. V. KENEALY: Mr. President, Government has promised a statement as to game policy. The Game Department was not represented on the Committee on the Estimates, and therefore the Game Vote was agreed to without discussion. I think it was a mistake so to agree to it; we were promised a statement at the January Session of the general game policy of this country. We have not had that yet and this seems an admirable opportunity for asking again for a general statement as to the whole policy of preservation of game in this country. We have not yet had an assurance from the Game Department that game preservation will be subject to the interests of agriculture generally, and until we have had that reassuring statement it makes the farmer very sceptical as to the desirability of giving the Game Department further control. As soon as we have had that statement from the Game Department we shall be perfectly agreeable to giving the Game Department further control, but it is essential that the Game Department should realise that the agricultural and farming interests generally in this country should take precedence over game policy.

There are several matters in this Bill which I think are deserving of further consideration, and I hope Government will agree to refer it to a Select Committee.

There is one minor point, but I think it is one which the Game Department will probably recognise the importance of: The Golden Crested Crane in this country is, I believe, Royal Game. It may be a factor in limiting the ravages of locusts, but locusts come possibly once in ten years. The Golden Crested Crane is a very material devourer of grain. That is a matter of fact, and the sooner it is—and I think it is high time it was done—taken off the list of Royal Game and looked upon as vermin, the better. I believe there are large numbers of them in this country, and their breeding places are in the swamps. I believe their numbers have doubled in the last few years. Anyhow, there are far too many of them, and I hope the Game Department of the Government will insist that the Golden Crested Crane—which does a great deal of damage, especially to cereal farming in this country—should no longer be considered as Royal Game and should no longer be protected. I hope Government will also consider this in a Special Committee appointed to deal with this Bill.

THE PRESIDENT: I may assure the hon. Member that Government is prepared to do that. The hon. Mover stated in his speech that if further information in regard to this Bill was required a Select Committee would be appointed, where the Game Warden would be able to explain the game policy which the hon. Member referred to, and also to deal with the principles of the Bill.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: If there is no further debate on the subject, I would just like to point out one small point in answer to the hon. Member for West Kenya, and that is this: that he remarked, I think, that until he has further reassurance as to the general game policy of the Government—of the Game Department—he is reluctant to give the Department further control. I should like to point out that in certain respects—in regard to settled areas—in this Bill there is rather a release of control than the opposite, and I am very glad to note that he is prepared to agree that this discussion should be conducted in Select Committee, where the Game Warden's advice and knowledge can be obtained.

THE PRESIDENT: The question is that the Bill be read a second time.

The question was put and carried.

THE PRESIDENT: The following names are suggested for the Select Committee on this Bill:—

The Hon. the Commissioner for Local Government, Lands and Settlement.

The Hon. the Acting Solicitor General.

The Hon. the Director of Medical and Sanitary Services.

The Hon. Member for Kenya.

The Rt. Hon. Member for Rift Valley.

The Hon. Member for Ukamba.

The Hon. S. F. Deck.

THE TROUT PROTECTION BILL.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg to move the second reading of a Bill to provide for the Protection of Trout and the regulation of Trout Fishing in the Colony.

This Bill is not an Amending Bill. It is a new Bill which is nominally put forward in substitution of an Ordinance, the whole force of which—and there is not very much force—has been reserved to Regulations. Speaking for the moment just on that particular principle, I am sure that all here will agree—more especially hon. Members opposite—that any legislation dealing with the common activity throughout the Colony on the Statute Book should be in the form of an Ordinance such as is now before Council, rather than Regulations or Rules which may be changed without such specific reference. I do suggest that the time has come in this country when the protection of trout and the regulation of trout fishing has assumed a real serious importance. In comparison with great issues which are so often discussed in this Council this matter may appear a trivial one. I do not believe it is a trivial one in the least. I believe the proper control of trout fishing in this Colony and its proper preservation will be of real permanent influence on the ordinary amenities of life in the Highlands of the Colony. Such great strides have been made during the last few years, particularly in the last year or two, that the Government itself has taken over the control of trout propagation. The strides that have been made have been quite remarkable for any country—any British Colony in the Empire.

One might of course compare in detail the old Regulations with the provisions of the present Bill. I do not propose to do that because I think it is probably unnecessary to do so. There are certain holes in the old Regulations which make it quite impossible to protect even such well-known fishing people as one finds on the slopes of Mount Kenya, at Nanyuki, and

other places. Well, that has to be put right. At the same time it was considered reasonable to say that the time has come for a proper Ordinance to be passed—in the usual form. The usual provision was inserted limiting the use of certain forms of bait, and so on, and the killing of fish on certain sites.

If there is anything controversial in this Bill I think it will be on one particular point, and that is the question of policy as regards the privileges to be granted to certain clubs or associations, and in addition to that there is of course the question of licences and riparian owners. I suggest that should any hon. Members opposite consider that there is a sufficient amount of controversial matter in the Bill that they should say so, and I would suggest a reference to a Select Committee.

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

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

THE HON. CONWAY HARVEY: No right-minded individual will underestimate the importance to any country of trout, and I think I shall take advantage of this opportunity to pay a tribute to the wonderful work which has been performed by those self-sacrificing and generous sportsmen who have made themselves responsible for the introduction and distribution of trout in Kenya waters. It happens to be one of those few subjects about which I do know something, and I do not believe that trout have been acclimatised so cheaply and so successfully in any Colony in the British Empire since the movement started about 150 years ago. I should, however, like this Bill to be considered by a small Select Committee to deal with the points mentioned by the hon. Mover of the motion. In every other respect I consider that the Bill is an extremely good one. It clearly indicates that the requirements of the situation have been very carefully examined by those responsible for its introduction, but I think in view of the fact that now the work has been taken over by Government it is largely financed by taxpayers—making it in effect a national asset—we should so far as possible render it accessible to as many taxpayers as possible, whether they are rich or poor. I consider that the licences should be changed and that there should be a very definite reduction of licence fees in the case of members of clubs fishing in their own waters. My constructive suggestion in this regard is that licences be divided into three classes: The fee to trout fishing clubs in respect of their own waters should be, in my opinion, 10/- a year; general Kenya residents should pay 20/- a year; whereas I suggest it would be no hardship to visitors if they were asked to pay as much as

60/- a year. In the case of club members who wish a reduction in respect of fishing in waters which they have stocked themselves, I would point out that the trout have been introduced in those waters purely at the expense of these clubs. They have subscribed the money to purchase the fry from Government, and have made themselves responsible for the care and protection of those fry till they reach the age of maturity, when they provide sport, and thereafter they perform a most valuable function in seeing that the asset is maintained in a proper state. They take steps themselves, at their own expense, to prevent illegal methods, to see that the rivers are not overstocked, and in fact they maintain the asset. I do think for those reasons they are seriously entitled to some special consideration at the hands of Government.

I think the general fee imposed of 60/- is a little too high, for the reasons which I have mentioned at the beginning. In New Zealand the licence for killing trout in the case of men is 20/-; in the case of women it is only 5/-. In South Africa, where the conditions are almost identical in every respect with those in Kenya in connection with trout, their introduction and their protection, the licence fee is from 5/- to 20/-, according to the Province, but most club waters are free. In Newfoundland, where trout are extremely popular, in fact indigenous, there is no fee for residents, but they do make visitors pay a licence fee of ten dollars.

That is all I wish to say, and I trust that you, Sir, will see your way to approving of the appointment of a very small Select Committee to go into these matters which I have mentioned.

THE PRESIDENT: I may say that Government is prepared to send this Bill to a Select Committee.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: In support of what the hon. Member who has just spoken has said, there is one point further about these licences to be taken into consideration. The person who wants to fish on his own property. I do not think that was mentioned. But there are people who are keen fishermen who do not want to go about fishing, but would occasionally like to go out if there was a stream through their own land. Say there are several members of a family who have to take out licences at £3 each, it will come to a good deal.

CAPT. THE HON. E. M. V. KENEALY: In regard to the question of including clubs. Although one does see the necessity for granting special consideration to these clubs, it is essential also to provide that these clubs recognise and perform

their responsibilities, and I think that if clubs are to be recognised under this Ordinance, and I hope they will be, as they do a good deal of valuable work, it is essential that their duties and responsibilities be very clearly laid down, and that inspections of club waters occasionally take place so that it can be demonstrated that the clubs are doing their work in an efficient way. There are one or two other points in this Ordinance which I think are deserving of further consideration, such as the prohibition of the sale of trout without a licence from the Governor. I am not sure that that is a prohibition, but if this Select Committee is appointed I think probably these matters can be incorporated after further consideration, but I do maintain that the clubs' responsibilities should be clearly laid down.

LIET.-COL.-THE HON. J. G. KIRKWOOD: Sir, in reading through the Bill, I see nothing indicated of what becomes of the licence money, and I can only presume that it goes to the revenue of the general account. I am not entirely *au fait* in the initial stages whether Government is using public money in assisting in the acclimatising and protection of trout, but in my own Colony it is usually organised in districts, and they not only collect the licence money, but any orders put forward, and are subsidised by Government. It is not clear to me whether it goes to General Revenue, and if so whether it is fair to the Colony. If it is so, I fail to see that Government are doing their fair share in trying to stock this country with trout.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I do not propose to argue in detail the merits and demerits of the criticisms which have been put forward, except that I may say one word in answer to the last speaker. I think he was really asking for information. He accepts the responsibility of trout protection in this country at the present moment, and the introduction of trout now and has for some years devolved on Government, and public money is voted each year in the Game Warden's estimates for that purpose, to an amount to probably the tune of £1,000 a year. The revenues which come in from licences—the licence money, of course, goes to General Revenue, but I can hardly suggest that it approximates the money spent. I only say that in passing, and I say on behalf of Government that I am very glad that a Select Committee has been appointed at which the Game Warden can give his views, which will be taken into consideration.

The question was put and carried.

THE PRESIDENT: The names proposed for the Committee are:—

The Commissioner* for Local Government.
The Acting Attorney General.
The Acting Solicitor General.
The Member for the Lake.
The Member for West Kenya.

Any other names suggested?

I put to Council that the Select Committee be appointed.
The question was put and carried.

Council adjourned until 10 a.m. on Thursday,
10th May, 1928.

THURSDAY, 10th MAY, 1928.

The Council assembled at 10 a.m. on the 10th May, 1928, the Hon. the Colonial Secretary (SIR EDWARD BRANDIS DENHAM, K.B.E., C.M.G.) presiding.

THE PRESIDENT: His Excellency the Governor desires me to express on his behalf his regret that he should not be able to be present here to-day on account of illness, but he hopes to be here to-morrow, and he will deliver his address to this Council at 11 o'clock on Monday morning. Council will meet as usual to-morrow and will then be adjourned from to-morrow until 11 o'clock on Monday, when His Excellency's address will be delivered to this Council.

The President opened the Council with prayer.

MINUTES.

The Minutes of the meeting of the 9th of May, 1928, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING ATTORNEY GENERAL:—

Comparative table showing the differences between the existing Standing Rules and Orders and the Draft Standing Rules and Orders proposed for adoption.

BY THE HON. THE DIRECTOR OF PUBLIC WORKS:—

Memorandum of a Scheme to advance money to European Civil Servants to enable them to build their own houses.

BILLS.

SECOND READINGS.

THE APPROPRIATION BILL.

THE HON. THE TREASURER: Your Excellency, I beg to move the second reading of a Bill to apply a sum of money for the service of the year ending the 31st day of December, 1928. This Bill, as hon. Members will recognise, is purely a formal Bill, the object of which is merely to give the form of law to sanction money the expenditure of which has already been approved by this Council in detail in the annual Estimates.

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

The question was put and carried.

THE CRIMINAL LAW AMENDMENT BILL.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move the second reading of a Bill to amend the Criminal Law Amendment Ordinance. Before entering into details of the amendment which this Bill is designed to bring into force with regard to these assaults on women of tender years, it will be useful to explain how the law stands at present with regard to such assaults. The law on this subject as it at present stands, says:—

“Whoever assaults or uses criminal force to any woman intending to outrage, or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to a fine.”

Now, Sir, in the case of assaults on adult women the modesty of such a woman would be outraged if she did not consent to such an assault being made upon her, and if she did consent no offence would be committed, but it is otherwise with a woman of tender years. The difficulty has been that in several cases of assault on girls of tender years, it has been held that no offence has been committed inasmuch as the extreme youth of the girl negated a sufficiently developed sense of modesty, and recently a case where a child admitted consenting to the indecency, it was held that no offence had been committed because she had consented. It has been thought, and I think this hon. Council will agree, that it is highly desirable in the interests of public morality that young girls should be protected from this class of heinous offence, despite the fact that they are unable to understand the nature of it, or that they may have developed sexual desires at an unduly early age, and consequently consented to the act of indecency. Now, Sir, this Bill is designed to give effect to what is desired, and it provides that if a woman is under 12 years of age, that notwithstanding that she is unable to understand the nature of the act or that she consents to the act, such consent on her part shall not be a defence to a charge of this nature. When this Bill was published for criticism, representations were received by my Department to the effect that the wording of Clause 2 of the present Bill leaves something to be desired, and possibly would not quite adequately achieve what it was intended to achieve, and after further careful consideration, Sir, another clause has been substituted for Clause 2, and I shall move that this new clause be substituted for this clause when this Bill is in Committee of the whole Council. The proposed clause reads as follows:—

“2. Section 354 of the Indian Penal Code as amended by the Principal Ordinance is hereby further amended by the addition thereto of the following subsection:—

(3) Whoever intentionally uses force to any woman under the age of twelve years, in such manner that had the force been used to an adult woman such force would, in the absence of consent or of mental incapacity to appreciate the nature of the act, have outraged the modesty of such woman, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to a fine.”

This clause, I think, Sir, effectually achieves our object, and will give adequate protection to girls under the age of twelve years, even though they do not understand the nature of the offence committed, and even if they consent to such act. Sir, I would say the English law has given protection in such cases to young women up to the age of 16, but inasmuch as it is intended that the law as now amended should apply to all races without discrimination it is here in this Bill proposed to put the age limit at 12 years.

There is a good deal of feeling in this matter that possibly the age should be put instead of 12 at 16, either for everybody—and possibly I think there is an opinion in some circles that it might be put at the age of 16 for Europeans and as regards the other races that it should be put at a lower age—or that some difference anyhow should be made. If that is so, Sir, I think that the main object would best be achieved with this Bill and in order that it should prove agreeable to all shades of opinion it would best be worked out possibly if this Bill were referred to a Select Committee, and I therefore put that suggestion, Sir, forward. I think Members on the other side of the House would desire such a Committee, and I think that Government would perhaps be prepared to grant it.

I therefore, Sir, formally move the second reading of the Bill.

THE HON. THE ACTING SOLICITOR GENERAL: I beg to second the motion.

THE HON. CONWAY HARVEY: Sir, hon. Members on this side of the House do unanimously support the main principle of this measure. They do, Sir, appreciate the necessity for amending legislation in regard to this particular matter. In view of the statement of my hon. and learned Friend, the mover of this motion, I am going to ask my colleagues to

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Assault or

refrain from detailed comment on the measure at this stage. I do agree with the reasons given by my hon. Friend for withholding detailed discussion until in Select Committee, where we are in a position to go far more deeply into the various details and numerous aspects of the measure than we are in full Council. I consider that we should consult the opinions of such bodies as the Women's League and other social bodies which are in a position to help us to reach a fair, just and equitable conclusion.

THE PRESIDENT: I may say from the Chair that Government is fully satisfied with the need for this Bill, and the urgent need for this Bill, and is also convinced of the necessity for referring it to a Select Committee on which the point of the age limit not only for European but for Indian and native children will be given the fullest consideration. The matter will be referred to a Select Committee.

The question was put and carried.

THE PRESIDENT: I put to the Council that the following be appointed to the Select Committee to consider this Bill:—

- The Hon. the Acting Attorney General.
- The Hon. the Chief Native Commissioner.
- The Hon. Member for Nairobi North.
- The Hon. Member for the Lake.
- The Hon. Member for Plateau South.
- The Hon. A. H. Malik.
- Rev. Canon the Hon. H. Leakey.

Any other names proposed?

The Select Committee is appointed.

THE STOCK AND PRODUCE THEFT (AMENDMENT) BILL.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Mr. President, I wish to move the second reading of a Bill to amend the Stock and Produce Theft Ordinance. This Bill has been drafted in order to give effect to some of the recommendations of the Stock and Produce Theft Committee which reported some time ago upon the working of the Stock and Produce Theft Ordinance.

In this Bill it will be found that means are given to arrest or detain people on suspicion of having stolen farm produce in the Colony and Protectorate. In addition to that any proclaimed districts, that is in those districts where thefts

of stock are prevalent, within any area that may be proclaimed that any native found in possession of stock which one might believe has been stolen may be apprehended, and the onus of the proof of ownership of that stock rests with him.

CAPT. THE HON. H. E. SCHWARTZ: On a point of order, if my Friend will let me interrupt him for a moment, a large number of Members on this side—owing to their own fault—have not got copies of this Bill with them. If copies are available, could they be circulated so that they may follow the comments of the hon. Member in detail?

THE PRESIDENT: All hon. Members should have copies of the Bill before them.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Furthermore in addition to these safeguards which it is presumed will assist in at least checking the very numerous petty thefts that take place, it is also proposed in this Bill to apply to the same districts a rule that no produce shall be sold between the hours of sunset and sunrise. The Bill is, in my opinion, not only designed to check theft, but also to prevent the demoralisation of natives who find it most convenient to earn a livelihood in this way, and therefore it has advantages generally to native people in that direction. I beg formally to move the second reading of this Bill.

THE HON. THE CHIEF NATIVE COMMISSIONER: I beg to second the motion for the second reading. Ordinarily, in seconding a motion at this stage of the Bill, I should confine myself to the formal motion of seconding without any extra remarks, but this is a case in which I think that I should explain as Chief Native Commissioner why I am so wholeheartedly in support of the measure, and I do so very strongly because some of our critical friends at home have already raised questions on this measure in the House of Commons. It has been suggested, Sir, that this is merely a Bill against the natives, putting a peculiar restriction upon them in that the onus of proof for stolen property always lies on the native. That, Sir, is not the case. This Bill has been necessitated by peculiar circumstances which operate very much against the agricultural and stock industries not only of the European but of other sections of the community. There has been a Committee to investigate the extraordinary number of stock and produce thefts, on which my hon. Friend the Senior Commissioner for Kikuyu was the Chairman. That Committee found that the major quantity of these stock and produce thefts was committed by natives who were employed as resident native labourers on farms. They have under the terms of their contract a considerable amount of spare time, and their residence

on the farm puts them into a peculiar position with regard to produce, in that they are able to commit petty thefts, or even thefts on a large scale, without the occupier having any reasonable chance as a rule of placing the blame on the right person. The grower knows that his crops have disappeared. Now, Sir, the occupier is in a peculiar difficulty, because in many cases the crops which he is growing for export are of a similar nature to those which the squatter under his terms of contract has a right to grow on the farm or possess for his own consumption, and it is an extremely difficult point when he finds a native in possession of maize to say whether it came from his own shamba or whether it came from the fields of his employer, and it is necessary to take special steps to protect the agricultural development of this country.

It is not the case, as suggested by our friends at home, that the Bill simply puts the onus of proof on the natives without any safeguard. The Bill stipulates that if any native is found in possession of produce on any farm or in the immediate vicinity thereof under circumstances which may reasonably lead to the belief that such produce has been stolen, he shall be deemed to have stolen the produce unless he can prove the contrary. That, Sir, is the safeguard. If any native is found in his own hut or in his own part of the farm where he has the right to live, with a quantity of maize which he is known to be growing, nobody is likely to query that, but if a native is found carrying maize in a distant part of the farm which is nowhere near his own cultivation, or if that native is found in possession of a quantity of maize in excess of that which he could possibly have raised on his own shamba, then we have the perfect right, Sir, to ask him where he got it from and that is the intention of the Bill.

It is not designed only to protect the European or non-native occupier; it protects the native himself—the native who has crops on his own shamba and loses them by the petty depredations of a friend next door has exactly the same protection under this Bill as the occupier, and it is a Bill designed in the interests of all concerned, and simply to protect the industries of this country from suffering in a way which we cannot protect by any other means.

No doubt, Sir, my hon. Friend, who was the Chairman of this Committee, will have some remarks to offer in support of this Bill, and at this stage I can heartily say that, as Chief Native Commissioner, I support the Bill and consider it to be a just measure.

THE HON. CONWAY HARVEY: Sir, I am quite sure that all hon. Members appreciate the necessity for this measure and will unanimously support it. As a member of the Stock and

Produce Theft Committee which has been referred to and on whose recommendation Government has seen fit to introduce this legislation, I may say that the commission was furnished in numerous districts with reliable evidence which clearly indicated that the farmer, in many cases a grower of thousands of bags of maize, very often loses as much as ten per cent. of his crop by native theft. This, Sir, is a serious pecuniary loss to the farmer, which must inevitably react—I say quite seriously—on the cost of living. I think it as well to point out, Sir, that this is not original legislation. Kenya is not in any way unique in this respect. Similar legislation has been in existence in numerous Colonies such as Ceylon and elsewhere for a large number of years—Colonies where conditions are almost identical with those obtaining in Kenya, and I would also remind you, Sir, if I may do so that we already have a precedent, inasmuch as a very few years ago it was found absolutely necessary for the protection of the coconut industry and also to avoid the demoralising effect on the natives themselves, to introduce similar legislation placing the onus of proof of lawful possession on the person found in possession of stolen nuts. I should like to conclude, Sir, by thanking the Hon. Chief Native Commissioner for the very clear, lucid and helpful statement he has given us in connection with this matter, which leaves very little more to be said to my mind.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Sir, I wish to support all that has been said in support of this amending Bill, but in the part of the country where I live—which is perhaps one of the biggest producers of grain in the country—it is very much regretted that it has not been found possible to incorporate in this Bill some system of registration of dealers in maize; both those who receive the maize and those who sell the maize. Some years back, when I was on the Nakuru District Committee, at that time the administrative officer in charge, a very able administrative officer, drew up a sort of Ordinance to deal with this thing which I have here. It was not very complicated, and it was the view of the police officers of the district that it was a method which would give them far greater control over thefts than could be done even with the help of this amending Ordinance. It would not be onerous. To protect the genuine squatter he can get his registration for a fee of one shilling a year and can say the acreage which he has under cultivation, and from which it can be judged how much maize he can be expected legitimately to grow. I was asked by the people in that part of the country, though I am not their actual representative on this hon. Council, to bring this matter up and to hope that possibly something to this effect can be incorporated.

THE HON. T. J. O'SHEA: Mr. President, I have much pleasure in supporting this motion. It has taken the country a long time to convince the Government of the necessity of introducing some such Bill, and considerable loss has been suffered by certain sections of the community in the meantime. But one very great gain has been made by that delay. The Government in the meantime has been convinced by reason that this Bill is absolutely necessary. It has not been introduced as a result of pressure by any particular section of the community but has been introduced because Government realises, after the very fullest investigation, that this Bill is essential to the future agricultural progress of the country. That is made evident by the very fine case which has been made out for the Bill by the hon. Secunder. He has covered the position very fully.

He dealt with one aspect of the position, which I think wants emphasising, and it is this: that this Bill in addition to giving protection to European and other agricultural communities would tend to lessen the danger of the growth of a definite criminal community. There is no doubt about it that there is a definite native criminal element growing up in the country because of our laws being rather obsolete in relation to the conditions of the country, (hear, hear), and this Bill when it comes into operation will, I feel sure, go a long way toward helping Government to eliminate that criminal element.

REV. CANON THE HON. H. LEAKEY: If I saw that there would be a risk of any great hardship being inflicted on the natives by reason of this Bill it would be my duty to stand up here and protest against the Bill. I feel very strongly indeed, however, in the interests of the natives from a moral point of view that it is the duty of administrators to frame laws which will prevent people stealing. I am sorry to say that there is no question about it that stealing of produce is on the increase amongst the native people. It used to be my boast owing to my work in the native reserves that I never locked any doors. My workshop for 25 years has never had a door, and I considered that people did not steal in the reserves, but that stealing was largely confined to townships and such places. I regret, however, to say that I find unquestionably things have changed. On the other hand, there are a great number of Christians to-day among the natives—real Christians who will not break the Commandments they have learned and follow the law laid down that "Thou shalt not steal", and I consider that in the interests of these honest people it is absolutely necessary to frame laws to prevent stealing. Therefore, I feel that this law would be a real good one if it is so applied to frighten people to such an extent that they will realise, even if not from a moral point of view,

what will happen if they do steal things which do not belong to them. Therefore, I am quite prepared to support the Bill in every way.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: I would like to express my approval of the Bill now before the House and I would also like to express my appreciation of the last hon. Member's (Rev. Canon the Hon. H. Leakey) remarks, copying from the source it did. I think there is very little for me to say after the very concise and precise remarks made by the other hon. Members who spoke on this Bill, but I would like to point out that—I think I can speak for my own districts anyway—stock and produce thefts are very much on the increase. It is not only the loss of stock and produce but there is a very big loss financially in the increase of police. In the Plateau North District there are several new police posts, which cost a good deal of money to keep up—yet stock thefts are not on the decrease; on the other hand stock and produce thefts are on the increase.

THE HON. R. W. HEMSTED (SENIOR COMMISSIONER, KIKUYU): After the very excellent speeches which we have heard on this Bill there remains very little for me to say, but I think the evidence taken before the Stock Thefts Committee shows conclusively that stock and produce thefts are a source of menace to farmers, and it is hoped that this Bill will relieve the situation to a large extent. Clause 4 of the Bill seems to be the most important. It has sometimes happened that when an animal has been stolen it has been eaten by the thieves and all that remains are a few pieces of meat. These pieces of meat cannot be identified as part of the stolen animal and in consequence conviction has not been obtained. The same applies to other products such as maize and coffee, which cannot be identified as stolen produce. By throwing the onus of proof on the suspected thief investigations will be facilitated. I do not consider it is any hardship on the native to say where he obtained meat or produce.

THE HON. A. H. MALIK: While realising the difficulties of the farmers, I am afraid I am not convinced that the Bill is fair in the interests of the natives. I would ask for an explanation of that section of the Bill which gives power to arrest natives conveying produce suspected to be stolen. As a member of the general public it does seem to me to be a great hardship on natives to have such a section in the Bill. I am sure some other means can be found without inflicting this hardship on the natives and at the same time to safeguard the interests of farmers.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Mr. President, the discussion on this Bill has undoubtedly brought out in detail the necessity for its adoption and application, and I do not think there is much more than one can say now except that I wish to propose that the House resolve itself into a Committee of the whole House to consider this Bill clause by clause.

THE PRESIDENT: The motion before the Council is that the Bill to amend the Stock and Produce Theft Ordinance be read a second time.

The question was put and carried.

THE PRESIDENT: Before proceeding to the next Bill, I would like to go back to the question of the composition of the Select Committee on the Criminal Law (Amendment) Bill. The name of the Hon. Member for Nairobi South, in addition to that of the Hon. Member for Nairobi North will be added to that Committee. It was the original intention to have the name of the Hon. Member for Nairobi South on such Committee.

THE DRUGS AND POISONS (AMENDMENT) BILL

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. J. L. GILKS): Sir, I beg to move the second reading of a Bill to amend the Drugs and Poisons Ordinance.

This Bill is designed to remove from existing legislation a provision which under the conditions of the country as they are at present cannot be carried out. In common with other professions we have no means at the moment of either training chemists or druggists. We have no materials with which to examine them if they have been trained, and we have not got the experts in the country who are in a position to carry out the examination. The law as it stands has been on the Statute Book for some years, but it has not been introduced because no applications for examination have come forward. The position in the country is probably altering and it is time that this section, which it is impossible to carry out, be removed from the Statute Book. I therefore beg formally to move the second reading of this Bill.

THE HON. THE ACTING SOLICITOR GENERAL: I beg to second.

CAPT. THE HON. H. E. SCHWARTZ: Mr. President, I am not quite clear in my own mind if this is the same Bill which came up in Mombasa some time ago or whether it is a different Bill bringing about the same effect, slightly altered, but when the first Bill came up for the first time I proposed an amendment to this clause. I should like to know what has happened to that, and I should like also to know whether this is a new Bill or the one which came up before.

10th May, 1928

THE PRESIDENT: It is the same Bill which was introduced in Mombasa.

CAPT. THE HON. H. E. SCHWARTZ: Then I presume my amendment will come up now, but the amendment deals with a matter of principle. It is perfectly obvious that there is a necessity for an amending Bill in view of the fact, as has been explained by the Hon. the Director of Medical and Sanitary Services, that it is impossible, for the reasons given, to grant licences after a local examination, but the question now arises as to whether licences should be granted to those persons holding diplomas from corporations and societies and so forth who are recognised by rules to be made by the Governor in Council or whether the issue of licences shall be confined to those persons holding licences or diplomas from bodies recognised by the Pharmaceutical Society of Great Britain and the two things are very different. Take the case of the South African Diploma. I believe I am right in saying that the South African Diploma is one of those not recognised by the Pharmaceutical Society of Great Britain and it appears to me that it is of most vital importance to this Colony that we should not accept a lower standard of efficiency in the matter of drugs and poisons than is accepted by the Pharmaceutical Society of Great Britain. I do suggest to members on both sides of the House that they should agree to that amendment when it comes up in Committee and that the question of what diploma should be recognised should not be left to the Governor in Council to decide; it should be decided here and now in this Legislature; and this Legislature should say in no uncertain voice that the diploma they require is that which is as high as that recognised by the Pharmaceutical Society of Great Britain.

THE HON. T. J. O'SHEA: Mr. President, apparently this Bill is a welcome one to those hon. Members on this side of the House who are in agreement among themselves. I quite agree that it is highly desirable that a high standard of qualifications should be demanded for people having such professions as chemists, but at the same time I think it is desirable at this stage of the Colony's development to take into consideration that some of our own children may in the near future wish to enter such professions, and that the conditions should not be so onerous as to make it very difficult for them to enter the professions. I gather from the last speaker's remarks that he wishes to bring the standard in this country at least as high as that recognised by Great Britain. I also gather from his remarks that he is not at all satisfied that the standard for this country should be the same as that recognised in South Africa. Well, it is news to me to learn that the

standard in South Africa is so low as not to be keeping with the dignity of this country. We have got to remember that there is a very large community in South Africa, that South Africa possesses a large intellectual community, and that there are a large number of very well-educated people in South Africa, who have found the standard set up there quite satisfactory up to the present. Of course, I should not like to see this country hampered by introducing a low standard of efficiency, but at the same time I do not want to see our children hampered in the professions they may wish to take up. If it is considered that it is really necessary to have this very high standard prevailing in England in this country, I would then certainly ask for some special arrangement to be made by which our own children would not be handicapped. I have been interested myself during the last two years in the case of a young lady who was born in this country but who was sent to South Africa for her education because she could not get it here. She took up the profession of a chemist and obtained her diploma in South Africa. After she obtained her diploma she returned to this country to practise, but found it was quite impossible to practise in Kenya, and no arrangements could be made by which she could carry on her training here—the country in which she was born. She had to eventually leave the country.

In drafting our legislation I think we should bear in mind what is going to be the position of the children brought up in this country. I do hope that will receive the very careful consideration of the Select Committee.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: There appears to be very little for me as Mover of this motion to reply to. I think the points raised by the Hon. Member for Plateau South would probably be better discussed in Committee of the whole House while the House is in Session. In the absence of any other remarks I can only take it that the House is in general agreement with the provisions of the Bill.

THE PRESIDENT: The motion before the House is that the Drugs and Poisons (Amendment) Bill be read a second time.

The question was put and carried.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: I beg to move that the House resolve itself into a Committee of the whole House to consider the provisions of this Bill. The only provision that is really of importance is the first one; the remainder are entirely consequential.

THE PRESIDENT: I was about to say that several Bills are now in the Committee stage and that it is proposed to take the Appropriation and Stock and Produce Theft Bills later. With regard to the Drugs and Poisons Bill, as the amendment which was moved by the Hon. Member for Nairobi South, about which he asked and gave notice, does not appear on the Order Paper to-day, I think it should appear on the Order Paper to-morrow to enable the second reading to be taken and so that hon. Members should know what the amendment is. This amendment was sent in several months ago by the hon. Member for Nairobi South but as the Bill was held up for some time the amendment was lost sight of. It was discussed by Government but it does not appear on the Order Paper.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that this Council now go into Committee to consider the following Bills:—

General Loan and Inscribed Stock (Amendment) Bill.
The Surveyor General's Bill.
The Fugitive Criminals Surrender (Amendment) Bill.
The Extradition Bill.
The Revised Edition of the Laws (Amendment) Bill.
The Appropriation Bill.
The Stock and Produce Thefts Bill.

THE HON. THE CHIEF NATIVE COMMISSIONER: I beg to second.

The question was put and carried.

In Committee.

THE GENERAL LOAN AND INSCRIBED STOCK (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE SURVEYOR GENERAL'S BILL.

The Bill was considered clause by clause.

THE FUGITIVE CRIMINALS SURRENDER (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE EXTRADITION BILL.

The Bill was considered clause by clause.

THE REVISED EDITION OF THE LAWS (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE APPROPRIATION BILL.

The Bill was considered clause by clause.

THE STOCK AND PRODUCE THEFT (AMENDMENT) BILL.

Clause 3. Liability to account for possession of produce in certain cases.

CANON THE HON. H. LEAKEY: I desire to ask whether it would be possible to change the word "native" to "person." It would make it less invidious. If any person be found in possession of produce on any farm . . . It also of course applies throughout the Bill. Personally I see no reason at all for supposing that a manager and a junior manager, supposing the junior manager should be found with stocks of food which he knew he himself had not grown, why he should not be able to be arrested as if the same thing were found in the house of a native. I suggest this because, as you know, we have critics at home who will find fault if they found that any particular race or person were stated. I wonder if the word "person" substituted all the way down would not remove this feeling from the Bill.

THE HON. CONWAY HARVEY: Subject to any difficulties that may not appear to the lay mind, I feel inclined to support the Hon. Canon Leakey in this matter. I think the matter is very well worth considering.

THE HON. THE CHIEF NATIVE COMMISSIONER: I see no objection whatever to that procedure and I think it would make the Bill less open to criticism. There must be reasonable cause that a man has stolen anything. That being so I do not see any reason why the matter should not be considered.

THE CHAIRMAN: I think we had better take the suggestion clause by clause. Your suggestion is that in Clause 3 the word "person" should be substituted for "native"?

CANON THE HON. H. LEAKEY: Yes, Sir. I hope it will be taken in the other clauses when we come to them.

THE CHAIRMAN: Yes, we will take it in every clause when we come to it.

I will call upon the Clerk to read the clause as it will appear if the amendment is passed.

THE HON. CONWAY HARVEY: Although I do support the hon. Canon in his representations and I think we all agree to the principle mentioned, I am not at all sure that we should not be wise if this matter were put back for consideration by the Legal Department. I see in Clause 1 that this Bill "shall be read as one with the Stock and Produce Theft Ordinance (Chapter 79 of the Revised Edition)" and I think, Sir, there is a very great danger that we might do something that is not in complete harmony with the parent legislation on the subject.

THE HON. THE ACTING ATTORNEY GENERAL: Yes, Sir, I think that is so. I should like to consider it.

THE CHAIRMAN: I think the suggestion made by the Hon. Member for the Lake is a sound one. I think it would be better to take the rest of this Bill in Committee on a subsequent occasion. Your amendment will be put then.

CANON THE HON. H. LEAKEY: I accept that.

THE CHAIRMAN: As the word "native" appears in sections 4 and 5 I do not think we should proceed with this Bill now and it will be taken in a subsequent Committee.

THE HON. THE ATTORNEY GENERAL: I have to move that the following Bills be reported to Council without amendment:

The General Loan and Inscribed Stock (Amendment) Bill.

The Surveyor General's Bill.

The Fugitive Criminals Surrender (Amendment) Bill.

The Extradition Bill.

The Revised Edition of the Laws (Amendment) Bill.

The Appropriation Bill.

THE CHAIRMAN: The Council will now resume.

Council resumed its sitting.

THE PRESIDENT: I have to report to Council that the following Bills have been considered in Committee of the whole Council and are returned to Council without amendment:—

The General Loan and Inscribed Stock (Amendment) Bill.

The Surveyor General's Bill.

The Fugitive Criminals Surrender (Amendment) Bill.

The Extradition Bill.

The Revised Edition of the Laws (Amendment) Bill.

The Appropriation Bill.

The Stock and Produce Theft (Amendment) Bill has been considered in Committee and further consideration has been postponed.

THE HON. THE TREASURER: I beg to intimate that at a later stage of the Session I shall move the third reading of the General Loan and Inscribed Stock (Amendment) Bill.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg to give notice that I shall move the third reading of the Surveyor General's Bill at a later stage of the Session.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to give notice that at a later stage in the Session I shall move the third reading and passing of the following Bills:—

The Fugitive Criminals Surrender (Amendment) Bill.

The Extradition Bill.

The Revised Edition of the Laws (Amendment) Bill.

CAPT. THE HON. H. E. SCHWARTZ: Mr. President, before we adjourn as we have finished the business, would it be possible for the Attorney General to inform us if he is prepared to have a meeting of the Select Committee on the Criminal Law (Amendment) Bill to-day. I only ask that now because people scatter immediately we adjourn.

THE HON. THE ACTING ATTORNEY GENERAL: Certainly.

CAPT. THE HON. H. E. SCHWARTZ: Would it be possible for us to have some intimation as to what the business is going to be to-morrow for instance and in future?

THE PRESIDENT: Yes. I have had some difficulty in arranging the business this Session because there are certain items, for instance, the new Standing Rules and Orders, which Council is anxious the Governor should be present at the discussion of. I hope the Governor will be here to-morrow and it is proposed to take to-morrow the motion standing in the name of the Hon. Member for Nairobi South on Daylight Saving. There will also be one or two other Bills. Perhaps hon. Members will consider that as the main business to-morrow. The motion standing in the name of the Hon. Member for the Coast will be taken next week, and the Standing Rules and Procedure will either be taken to-morrow or will be taken on Monday or Tuesday.

The Clerk has now pointed out that there are Bills in Select Committee. We will have Friday afternoon for Select Committee and Saturday so that the Bills now in Select Committees can be taken next week.

CAPT. THE HON. H. E. SCHWARTZ: May I ask whether it is the intention of Government to lay on the table the report regarding film censorship.

THE PRESIDENT: It is the intention of Government to lay on the table a statement in regard to film censorship next week. It is one of public interest and it may be necessary to postpone discussion on it until the commencement of next month.

CAPT. THE HON. H. E. SCHWARTZ: Is the Registration of Domestic Servants Bill coming up?

THE PRESIDENT: The Report on the Registration of Domestic Servants Bill will be laid on the table to-morrow and it will be taken early next week.

*Council adjourned until 10 a.m. on Friday,
the 11th May, 1928.*

FRIDAY, 11th, MAY, 1928.

The Council assembled at 10 a.m., His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The Minutes of the meeting of the 10th May, 1928, were confirmed.

HIS EXCELLENCY: Hon. Members of Council, I would like before we proceed with the business of the day to express my great regret at having to be absent from Council at the opening on Tuesday and on the two following days. I am much obliged for the forbearance honourable Members have shown by allowing me to put off my statement until Monday next. There is, however, one urgent matter which I think Members of Council would wish to learn immediately. We have been informed by the Secretary of State that the moment is very favourable for raising the balance of the loan authorised by Council last year, the balance of three-and-a-half million pounds. No further Ordinance is required to cover the raising of that balance or to cover the schedule, which will be the same as that approved by Legislative Council last year. I desire to give you that information because I think that the loan may be issued in London very soon.

As I say, this is covered by previous resolutions and an Ordinance of this Council. I hope to give Council further information on Monday.

PRESENTATION OF PETITION.

THE HON. W. C. MITCHELL: Your Excellency, I beg to lay on the table a Petition from 56 plot-holders in the Township of Muthaiga protesting against the inclusion of that Township in Greater Nairobi, as provided for in the Feetham Commission Report. In my opinion this petition is properly and respectfully worded.

ORAL ANSWERS TO QUESTIONS.

TIGONI TOWNSHIP.

LIEUT.-COL. THE HON. O. G. DURHAM asked:—

“In view of the constant demand for small plots of land in a healthy district, will Government take immediate steps to have that portion of land known as Tigoni Township Area gazetted as a Township and have the same auctioned at an early date?”

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. H. T. MARTIN) : The possibility of gazetting Tigoni a township is complicated by the presence in the area of native villages and settlements.

Inquiries have been made as to the position in regard to the natives now on the land, and proposals for an exchange of land in Tigoni Township occupied by such natives for an area elsewhere are now under consideration. The gazetting and survey of Tigoni Township must await a settlement of this question, which will be expedited.

INDIAN MEMBER ON RAILWAY ADVISORY COUNCIL.

THE HON. A. H. MALIK asked :—

"Will the Government please state reasons for not appointing an Indian member to the Kenya and Uganda Railway Advisory Council to represent the Colony and Protectorate of Kenya?"

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (MR. C. L. N. FELLING) : The hon. Member is referred to the answer which was given on the 10th May, 1927, to his question on the same subject. Government has nothing further to add to the answer then given.

ACCUMULATED SURPLUS BALANCE.

THE RT. HON. LORD DELAMERE asked :—

"How much is the amount of the accumulated surplus balance (at the end of 1927) which is in liquid form available for immediate use if necessary.

THE HON. THE TREASURER (MR. R. C. GRANNGM) : The surplus balance at the end of 1927 was ... £693,260 3 71
Of this amount £79,902 14 35
was held as unallocated stores.
Leaving a cash balance of £613,557 9 36

The whole of this latter amount is available for immediate use. The amount represented by cash has been advanced against authorised loans, thereby reducing borrowings on Loan Account from outside sources. The sum advanced for Loan Works can be made available for other purposes at any time.

ADVERTISING ON TELEGRAPH FORMS.

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

"Is the Postmaster General of opinion that the dignity of his Department is enhanced by the new system of telegraph forms with advertisements appearing on the

"If not, will he consider reverting to the old system?"

THE HON. THE POSTMASTER GENERAL (MR. T. FITZGERALD) : The answer to the first part of the question is in the negative.

In regard to the second part, I fear I am unable to agree that a first consideration in regard to a revenue-earning arrangement should be the enhancement of the dignity of the Department concerned.

THE HON. CONWAY HARVEY : Arising out of that answer, may I ask whether tenders were invited for the right to advertise and so mutilate the telegram forms in this way?

THE HON. THE POSTMASTER GENERAL : Your Excellency, tenders were not invited.

PROPOSED TURI-SOTIK BRANCH RAILWAY LINE.

THE HON. CONWAY HARVEY asked :—

"In view of the rapid development of the areas concerned, and their suitability for closer settlement, will Government be pleased to arrange at an early date for an up-to-date economic survey of the land which would be served by the proposed Turi-Sotik Branch Railway Line?"

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : The estimated cost of this branch line proposal is £301,304 involving normal recurrent charges with interest and sinking fund provision at the rate of over £43,000 per annum. The estimate of production in the alienated areas concerned, on the 22nd December, 1927, was : Coffee, 373 tons ; Tea, nil until 1930. And the total area under cultivation increased from 4,260 acres in 1925 to 7,759 acres in 1927.

Government is enquiring into the production of the native areas concerned, and will, if this enquiry justifies further study of the proposal, refer it to the Branch Lines Committee of this Council.

REPORT OF SELECT COMMITTEE ON FILM CENSORSHIP.

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

"Will Government state when it intends to take action on the Report of the Select Committee appointed to consider Film Censorship?"

THE HON. THE COLONIAL SECRETARY: The Report of the Select Committee of Legislative Council on Film Censorship has received full consideration by Government after consultation with the Governments of Uganda and the Tanganyika Territory.

Regulations are now being drafted and will be laid on the table later in the present Session for discussion.

MOTIONS.

DAYLIGHT SAVING.

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

"That the recommendations contained in the Report of the Select Committee on Daylight Saving be and are hereby approved."

Your Excellency, it is now almost exactly nine years since I first brought forward the suggestion to advance the clock, and I think I am right in saying that this is the seventh time that it has been brought up for consideration by this Council and the voting and decisions of this Council on these occasions have shown a steady decrease in opposition till on the last occasion on which a direct vote was taken in this House it was defeated, I believe, by only three votes. Whatever views hon. Members may have with regard to this question, I think that the strongest opponents will admit now that the time has come when the arguments in favour of it must be countered by rational and logical arguments put forward against it, and that the day has passed when the arguments in favour of it can be met merely with ridicule. The last occasion when the resolution with regard to advancing the clock half an hour was brought forward was in August, 1926, when Council met in Mombasa and after a spirited debate an amendment was moved by the Hon. the Director of Agriculture to the effect that a Select Committee should be appointed to take evidence to consider the merits or demerits of the proposal and to report to this Council.

Your Excellency, that Select Committee, which I think I am justified in saying was a thoroughly representative Committee, consisted of the Acting General Manager of the Kenya and Uganda Railway, the Director of Agriculture, the Director of Surveys, Major Ward, the hon. Member for the Lake (Mr. Conway Harvey) and myself, and it is significant to note that amongst the personnel of that Select Committee every single member had up to the time of the appointment of that Committee been opposed to the measure—except myself. The

Committee sat, they requested evidence and took evidence from over twenty persons representing every kind of body; they also circularised every Farmers' Association in the Colony, and did everything in their power to obtain evidence from all parties interested. As a result of the evidence given before them and as a result of the arguments placed before them they reported unanimously in favour of advancing the clock half an hour. I am aware that there are certain hon. Members of this House who are genuinely convinced that the measure is not an advantageous one; there are others who are equally convinced that the measure is an advantageous one; there are no doubt some who have doubts on the matter, and it is to those who have doubts on the matter that I would appeal not lightly to turn down a unanimous report of a Select Committee of this Council. Do not lightly refuse to give a trial to a measure which has a large amount of support not only in Nairobi but elsewhere in the Colony.

Now, Your Excellency, the report dealt with the effects not only in Nairobi, but in other parts of the Colony, and with very few exceptions the evidence given before it was unanimously of the opinion that the measure must benefit the towns and would have no effect—no deleterious effect—either on labour, or on Mombasa, or on the Railway or on any other department of Government or section of the community. I have said before in putting forward this resolution that if a measure can be shown advantageously to affect one portion of the community and not disadvantageously to affect other sections of the community that measure must logically and necessarily be for the public good, and in no single instance was evidence produced to show that the advancing of the clock half an hour would have any ill effects. It was pointed out by witnesses—an argument which I have always tried to adduce—that labour on farms work by the sun, and that they will continue to work by the sun. It has been admitted even by the strongest opponents to the measure that undoubtedly it must necessarily benefit Nairobi. Now that is a fact which is of great importance. Never in all the arguments that have been put forward against this proposal has it been suggested that Nairobi and other big towns such as Nakuru and Eldoret will not benefit. Opponents, in putting forward their arguments, have said that granted these places would benefit, "first of all we say that the advantages to be gained by these places is counterbalanced by the disadvantages to be suffered by farmers and others in the country"; their second argument has been again, "granted the measure would be beneficial to Nairobi, yet there are other means of achieving the same result."

Now, I have informed this House of the evidence given before the Select Committee with regard to labour. We had evidence from the officer in charge of the labour on the Kenya and Uganda Railway; we have had evidence from farmers, and I think I can say—I do not wish to misrepresent anyone—but I think I can say that the evidence was unanimous.

Now the next point is that you can effect the same result by a different method of working; methods have been suggested. One argument was to the effect that the shops could be compelled, under the Shop Hours Act, to close at half past four instead of five o'clock. Now, that is a fallacious argument for this reason. The evidence given before the Select Committee was that after the workers from Government and professional offices left work in the towns at four o'clock there was a very considerable amount of shopping done in Nairobi from four o'clock to about ten minutes to five, and that if you compel shops to close at half past four to release their employees and allow them to get their much-needed exercise, the burden of industry would be too great. You would, in fact, deprive the shopkeepers of at least twenty minutes' trade per day, so that you cannot achieve the result by that means. The other suggestion was that everyone should start working half an hour earlier and stop half an hour earlier. The evidence given before the Select Committee with regard to that supported the views which I have always held, that the advantage to be gained by the extra half hour is more than counterbalanced by taking off half an hour from the period of repose. If you add half an hour to the period between the cessation of work and dark, you thus give half an hour extra to persons so that they can get that much-needed exercise, but you must take that half hour from somewhere else. You cannot take it from the shopping hour because the menace to industry would be too great. There are other portions of the day from which you can take it—you can take it from the period of repose; then you can take it from the period between dark and dinner. But I do suggest for your consideration that it is perfectly clear which of those two courses is the right one to adopt, and that is to take it from the period between dark and dinner, a period which though socially delightful cannot be said beneficially to help the people—although it cannot be said to be deleterious to health—rather than take it from the hours of repose take it between the hours of dark and dinner, so that the people can get their exercise and also not lose their hours of repose. The opponents to the measure from the period of repose, exactly the same as if you take it later and get up at the same time and get less rest. I do not believe for one minute that this is the case, and it has been shown before the Select Committee that in Uganda—which

is much farther west than Kenya, and which has practically the same measure I am asking this Council to approve, and which also has practically half an hour's more daylight than we have—the hours of dining and the hours of repose are precisely the same as they are here at present, and I decline to believe that if you put the clock on half an hour people whose ordinary hour of going to bed is ten o'clock will remain up for the extra thirty minutes. You will see in a week or a month's time that people will have become used to it; they will say "Ten o'clock bed-time? Oh, no, we have forgotten the clock has been advanced half an hour; we can read a little more." People will go to bed when they are tired—some of them, not all—and they will continue to go to bed at the usual hour.

Your Excellency, I would like very briefly to read one or two of the extracts. There was one point made before the Select Committee and that was that there are a lot of people who get away from work before 5 o'clock but they have to go long distances home. Evidence was given before the Select Committee to that effect chiefly in regard to railway employees. They get away at 4, they have no motor transport and even by getting away at 4 they are unable to get their exercise daily which if the clock were advanced they will be able to obtain.

"All evidence given before the Committee, except that given by one employer, was definite on the point that considerable benefit would accrue to all Europeans who now get away at 5 p.m. if they could obtain an extra half hour of daylight for recreation purposes. Medical evidence also strongly supported this view and stressed the fact that in the tropics the ordinary individual requires plenty of exercise, and that recreation every night brought considerable benefits, in the form of increased vigour, health and vitality."

That evidence was given by a representative sent by the Medical Association and I would recommend for consideration these views to my hon. Friend the Director of Medical and Sanitary Services.

"One of the first points brought to notice was whether labour would find a difficulty in commencing work earlier. Employers of labour, contractors, and members of the administration were all unanimously of the opinion that the half hour suggested would have no deleterious effect and that labour also would be glad to work in the cooler part of the day and to finish work in the afternoon with more daylight at its disposal."

"Representatives from all departments likely to be affected, such as Police, K.A.R., Railway Workshops, Public Works Department, Post and Telegraphs, Master Builders' Association, Newspapers, Nairobi Chamber of Commerce, Nairobi Corporation, etc., etc., all give evidence to the effect that their work would not be in-commoded in any way, and most of them were strongly in favour of the proposals. The Convention of Associations and the Nairobi Corporation have on several occasions passed resolutions in favour of the measure, and the majority of the Medical Association supported the measure, while all were in favour of the objects aimed at."

Two other short extracts, and I apologise to this House for being so long. They will forgive me because they realise that on this matter I am deeply in earnest.

"The Medical witness and the Director of Education were also closely questioned as to the possibility of young children suffering by the proposed change of time. Both these witnesses, however, agreed that no ill effects would arise from such a small alteration."

"Outside Nairobi no evidence has so far been produced to show any ill effects if such a measure were introduced."

And with respect to that I would say that of all the Associations in the Colony which were circularised practically none of them took the trouble to send in arguments against it which goes to show I think conclusively that my argument is correct that they will not be affected one way or another. I think we can assume without unfairness that there have been no very strong representations.

(To Mr. O'Shea) I am not referring to your association.

The only serious consideration brought before the Committee was the possibility of Uganda refusing to come into line and possibly and rightly because their conditions are entirely different and after consideration we came to the conclusion that there would be no real difficulty in having a different time in Uganda and Kenya and on that point we took the evidence of the person best qualified to judge—the Superintendent of the Line, who has had large experience. He said that there would be no real difficulty at all. He pointed out that at present we differ from Tanganyika. Uganda and Kenya have one time, Tanganyika another. If the alteration is made the only difference is that Kenya and Tanganyika have one time and Uganda has another, and I do not think it can really be suggested when one considers how times are changed on railway systems in Europe with very

much greater traffic and immense organisation without any trouble at all, that having altered time on the Uganda border is no real difficulty. At all events that was the evidence of the Superintendent of the Line and I suggest it is evidence which should not be lightly disregarded.

Your Excellency, there are none of us infallible, although I am convinced, as firmly convinced as I have been convinced of anything in my life, that the beneficial effects of advancing the clock half an hour are inestimable. I agree that the opponents of the measure no doubt are equally certain and that the only way to decide this question once and for all is by proving who is right and who is wrong, and the only way. Your Excellency, we can prove finally who is right and who is wrong is by giving the experiment a chance. Surely that is fair and I would before I sit down—I do not ask them to support me because they are sorry this old crank has to keep on getting up, I do not ask for any sympathy, but I do say this that in view of the unanimous report of the Select Committee, in view of that unanimous opinion, I ask those who have any doubts in their minds to vote for this motion in order that the view of the Select Committee can be put into effect and in order that the experiment can be tried. I will say now, as I have said before, that if when the experiment is tried it transpires that the measure is wrong I myself first of all would admit it and no harm would be done. Your Excellency, I recommend this motion to hon. Members with the earnest appeal that they will support it and pass it.

HIS EXCELLENCY: Will any hon. Member second?

THE HON. CONWAY HARVEY: Your Excellency, I do, but first of all I will appeal to Your Excellency, in accordance with precedent, to allow perfectly free discussion on this important measure which is of no particular political significance, but it is of very vital necessity to every individual in the Colony. As a representative of a rural constituency, in the past until the appointment of this Select Committee, I was a determined and consistent opponent of this somewhat revolutionary proposal. I have been converted, Your Excellency—I am not ashamed of that fact as I am in very good company. The Director of Agriculture and the Deputy General Manager of the Uganda Railway, the Member for Nairobi North and other members of that Select Committee were equally opposed to the measure before they had an opportunity of soliciting evidence from everyone throughout the length and breadth of the country. The hon. and learned Mover, Your Excellency, mentioned that this Select Committee had the advantage of evidence from twenty individuals. I should like to amplify that, Sir, and make it perfectly clear

that these twenty individuals represent 20,000 inhabitants of Kenya, only because so far as possible the Select Committee made it its business to consult representative bodies who sent delegates to place the views of these bodies before it, such bodies, Sir, as the Nairobi Chamber of Commerce and the Chambers of Commerce of other towns, all of which practically unanimously supported the proposal. I cannot remember, Sir, a single Committee on which I have sat, and their name is legion, which has taken its work more seriously than did this Committee. Everyone in the Colony was invited to express an opinion by advertisements in the Press and a great many did and in the light of the opinions expressed—the carefully considered opinions of members of that Select Committee which I think we must all agree are quite reasonable men, their opinions are clearly expressed in the report before this House and I do suggest, Sir, in all seriousness that no reasonable man, not excluding the Noble Lord himself, would fail to have been converted had he had the advantage of serving on that Committee. I feel sure, Sir, that the result of a perfectly free and honest discussion will succeed in transmuting this hardy annual into a popular permanency.

Farmers' associations, although they did not all send in written replies, held meetings and the results of those meetings were published in the papers and moreover all those associations were represented on the Convention of Associations. Consequently we can take it for granted in the absence of any definite expression of opinion to the contrary, that they still retain the views previously expressed; that they are in favour of the measure. There is just one more point Your Excellency. In these days of co-operation and closer union and co-ordination I think it will be found highly advantageous for Kenya to follow the lead of Tanganyika in this respect, more especially in the development of aircraft services. During the last few weeks we have already seen how very inconvenient it is to have two times operating in two contiguous British territories.

There is just one other point of some importance which my hon. Friend omitted to mention in moving the motion. He mentioned the names of a large number of representative bodies who were invited to appear before the Select Committee and give their views. He omitted to mention that the Officer Commanding Troops and the Commissioner of Police appeared before that Committee and they were unanimously of opinion that their forces would not suffer in any way by the introduction of this measure. On the contrary they were both of opinion that it would be of advantage to the services under their command.

HIS EXCELLENCY: Before I put the motion I think I had better say that every Official Member of this Council in regard to this motion is free to speak and vote as his individual judgment may direct.

The question is:

"That the recommendations contained in the Report of the Select Committee on Daylight Saving be and are hereby approved."

THE RT. HON. LORD DELAMERE: Your Excellency, the hon. and learned Mover of this resolution—may I first say that I am glad that Your Excellency has consented to leave it to a free vote of this House. It is a matter of opinion I suppose. The hon. and learned Mover asked us to take this matter seriously. Now I am bound to say, Sir, that I have never been able to before because the form of the resolution has always had something to do with daylight saving and I am very glad to find that the people who sat on this Committee—I have only just got the report; I am ashamed to say I was away or something—have now agreed that daylight saving is a misnomer. They start their report by saying:

"It is recognised by the Committee that the term "Daylight Saving," in the sense accepted in Europe, is a misnomer here."

Well I think that hon. Members must all recognise and have always recognised that that is a fact, and I am very glad that the people in favour of this particular proceeding have at last come to the conclusion that they cannot bring as an argument that they are saving any daylight—they are not. They are perfectly convinced that "the proposal, more exactly, is the selection of a zone time, as standard, that will provide a better utilisation of the daylight hours throughout the year."

As the central Colony of the group it appears to me that you have got an extremely good zone time if you have 6½ hours on one side of midday and 6½ hours on the other, which is what you have got to-day in this country for a great part of the year round. I am ashamed to say that I do not think very much of this evidence of twenty persons who represent according to my hon. Friend the Seconder 20,000, because I notice for instance that the Acting General Manager is one of these people. I distinctly understood that before the General Manager himself went away his opinions were exactly opposed to this particular measure so that really and truly when you say that the Acting General Manager represented the Railway, represented the whole of the Railway, that is not so, he does not even represent the General Manager himself who happened to be away.

One of the things the hon. Mover said—I am afraid I have not prepared anything on this particular thing—was that the measure must benefit the towns. Now I should like to take exception to that. There are a great many offices in this town at present which start at 8 o'clock in the morning and the hon. Mover said that it is perfectly simple, all they have got to do is that everyone should start half an hour earlier and stop half an hour earlier—that is by the sun presumably. Now he proposes that they should start by the clock half an hour earlier in order to bring them back to what they were, originally it was the sun—no, I have got that wrong. Anyway Gentlemen, the point remains that they would have to start half an hour earlier by the sun as it is to-day—the hon. Gentleman not having done something to it. Under these circumstances it means that they have to start work at 7.30. Now I do not think that anybody can say that that does no harm in towns at all because there must be numerous people who find it quite difficult enough to-day to be able to get to their office at 8 sun time instead of as now proposed 7.30. I should have thought that to get in in time makes it extremely difficult. I do not understand how the hon. Mover himself suggested how people could get their paper or their milk before they start in the morning. The advantage to the towns by starting half an hour earlier is not one I have understood. I used to go to the golf ground at Nairobi at 4 or 4.30 and I found everybody starting golf. I notice now they are getting later and later to do a 9-hole course after their work is over. I am not very clear what the advantage is to be gained by that. I understand that some at least of the medical fraternity, apparently not the ones brought to give evidence before this Commission, felt that it is not altogether wise to start these vigorous games too early in the afternoon after people have been sitting indoors all the afternoon and so on.

Having said that the measure must benefit the town and I am not at all clear about that because it seems to me you are going to have great difficulties about that. You have large numbers of natives—I have seen them coming in every day from Kabete and elsewhere—they have to walk in or ride in very early, and they have to get up with the sun or earlier. I do not know how you are going to get these people up before light and some of them will have to get up and get their tea as they all do nowadays. I should have thought that was an extraordinarily difficult thing to carry out.

In regard to labour the hon. Member admits that some of the farmers' associations throughout the country did not send in answers to these proposals and I imagine that having heard the powers of cross-examinations and picking holes in the report possessed by the hon. Gentleman I think they must

have thought themselves very much wiser in not doing so. I should have thought that many farmers and so far as I can see it would be very difficult to get labour up by the sun half an hour earlier in the morning or to alter the time so that they knock off an hour later by the clock in the afternoon. I think both these things are going to be extremely difficult to do.

Returning to what is zone time. How can you have a better zone time than ours here for the three Colonies under discussion, because the hon. Gentleman has brought in the question of the other Colony. I notice that in the case of Uganda he tries to make it work both ways. He said first of all that Uganda found no difficulty at all in—no I have forgotten. So far as the towns are concerned there is no doubt that great alteration has been made in this by the early closing Bill that was brought in lately and personally I have always felt that I should have liked to see that applied to offices.

The hon. Gentleman said that labour on farms will be worked by the sun and continue. They have always worked by the sun. I should have said that that was an extremely— if he will allow me to say so—an inaccurate statement. Purely and simply he believes it but it is entirely inaccurate. My experience has been on the contrary that on almost every reasonably run farm there is somebody to see to the business of getting up by some definite hour of the clock and beat a rail or do something of the sort to start work in the morning and I suggest that the farmers in this country have got a good deal further in development rather than to get up with the sun like beasts and go to bed the same way.

Another thing the hon. Gentleman said was that some of the people, I think he said especially the railway owing to the fact that they had no means of conveyance could not get their exercise in time. Well it struck me that it was exercise walking to their homes which he said were rather far away. Perhaps the hon. Gentleman meant recreation?

As regards the great point made by the hon. Gentleman in regard to the evidence of the Superintendent of the Line. I imagine that the Superintendent of the Line gave evidence on the particular point put to him. I do not see how he could possibly speak for Uganda but that does not prove that there were not possibly a good many other things in Uganda.

Your Excellency, the hon. Gentleman confessed that this was the seventh time that the time of this House has been taken up with this measure and I do hope that if this time it is turned down as I hope it will be, that he is going to give it and give us a rest for a year or some reasonable period of

time because really and truly I have never seen any new arguments passed either one way or another on this particular subject.

It happens that the hon. the General Manager is here to-day. It happened before that the hon. Acting General Manager was here and they hold apparently divergent views on the subject and the same way I presume that the hon. Gentleman hopes that in the actual personnel of this Council he will find a majority to vote for this measure. As I say I have never heard any new argument brought up. This Council has debated this question seven times and has always come to the conclusion that it is unwise to go into this particular measure and I do hope that this time we will, for a time at any rate, put the tombstone on it. I do not know what there is to argue about. Ever since this measure was thought about there are two arguments brought forward in favour that did appear to me to be generally quite fallacious and based on statements which appeared to me to be untrue. I do not mean mentally untrue, but inaccurate statements, and I do not see what arguments there are that one can find on it. I cannot find anything in this report that I can see at all and I do suggest, Your Excellency, that having probably the best time in the world we should stick to it. We have got 6½ hours on each side of midday, and I think that we can judge very well. The Members of this Commission have admitted that no daylight saving is possible in the beginning of this report and therefore the whole object, the original object of this Bill falls to the ground.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (MR. C. L. N. FELLING): Your Excellency, I am very sorry that I am again in the position of having to oppose the motion. I do say this with some reluctance, because I must confess I have nothing but admiration for the perseverance of the hon. Member, and if he should succeed in carrying his motion through I should be the first to congratulate him, but while I am the Head of the Railway Administration I must oppose it. The proposal is one of daylight saving, but it is one of altering the clock in order to secure to some extent during the altering of the clock a change of two hours. That proposal, Sir, is one which I must oppose from the Railway Colonial Railway Council, who considered the measure, and the Council was unanimously of the opinion that it was undesirable that such a measure should be introduced and passed. The Uganda Government has no intention of making any change. That Government has stated very definitely to the

Railway Council that they could not make the change there; especially they did not favour the change being made on the Railway.

I was somewhat surprised to hear the hon. Member for the Lake put forward as an argument the convenience owing to the differential times as between Tanganyika and Kenya, but he appeared to overlook that he was transferring, by the passing of this motion, that inconvenience. The inconvenience is very much more important as between Kenya and Uganda. The inter-communications and joint railway working between Kenya and Uganda are very much more important than between Kenya and Tanganyika.

I have several objections to the change. I must not look at this matter entirely from the point of view of the officer; I must look at the matter from the point of view also of the railway workmen, not only in Nairobi, or Nakuru or Eldoret, but those who are right away in Nimule, in the Sudan. It is not sound argument, in my opinion, to say that other railways have differential times. Of course, other railways have differential times where they cannot avoid them, where they either run from East to West or traverse through different territories to various parts of the country, but if railways can avoid those differential times they do so, and there seems to be no reason why this Railway should have differential times as between here and Uganda if they can possibly avoid it, but I object to the measure not only so far as the working of the railway line is concerned, but in regard to the change of working hours for railway men. I cannot look at this matter entirely from the point of view of the officer or the official who at present works from half past eight to four. I must look at the measure from the point of view of the mass of railway workers. The great majority of the railway workers do not start at half past eight—they start at seven o'clock. If you change the time in such a way as to make them commence work at what would be in effect half past six, it means that they will have to leave their homes in the dark and start work in the dark very often. It must, further, hinder us in what we are now setting out to do—and that is to transfer the workers' homes from the town area to places farther out. Naturally people want to live as near as possible to their work, and the position will be considerably worse if these people have to go to live in unsatisfactory places in order to get to their work at the new hour.

The hon. Member talked about long distances to go home. Surely, that applies both ways. If it takes away half an hour in the morning, surely it is going to hurt these people more if they have long distances to come in the early mornings in the dark than to go home. So far as I am personally

concerned, I would very much like to see, if it were possible, a change in the office hours, which are at present from half past eight to four. I realise that the best work is done here in the offices in the mornings; I realise that especially in the offices in which we are located at present in the afternoon the officers are generally tired out. But that refers only to office staff. If it were possible to make a change for them it would be welcome, but I must oppose the change which alters the clock in such a way as to force the mass of our workers to start at half past six.

THE HON. T. J. O'SHEA: Your Excellency, I never have met this proposal with ridicule—I always have taken it seriously, and I am more than ever inclined to take it seriously now that it looks as if in response to the persistency of the hon. Mover there is a possibility of this motion being accepted.

I have always taken it seriously because it is an effort to alter by legislation the social habits of the people and such an effort as that should certainly be taken seriously.

In my opinion there are only two reasons to justify this House in passing legislation likely to alter the social habits of the people. One is, I think it must have the tacit support of the mass of the people it affects before the legislators are justified in imposing the alteration; and, secondly, if we have the overwhelming mass of the people demanding the change. In this case I cannot see that either of the two reasons apply. The very fact that my hon. and learned Friend should have had to push this motion in Council seven times spread over a period of nine years is, I think, sound proof that there is no strong demand from outside this House for the passing of the measure. The fact that in nine years with seven efforts he has failed to convince this House of the soundness of his arguments is, I think, proof that he has not a very sound case.

Much has been made by the hon. Mover and his Second of the attitude of the country. The absence of criticism from the country districts has been taken as evidence in support. I frankly question that indifference of the country. People in the country districts are indifferent to the measure because they believe it will not affect their lives. If they thought it was going to affect them, as I believe in practise it would affect them, they would very soon raise their voices in opposition. It is because they do not realise the change it may make in their social habits that they display this indifference. This measure has been pressed because it is believed, and sincerely believed by those in favour of it, that it would improve the social conditions of the people in the towns. Now, I believe that that is based upon a fallacy, and it is

a fallacy on which those in favour of this motion are basing their case—that while in the country districts work will proceed by the sun, it is possible in the towns to regulate our social habits by the clock, with the clock in contradiction to the sun. I believe that is impossible; that on analysis it will be found that although you may call the time anything you like by the sun, our habits would still have to be regulated by the sun, for a very good reason, that the strength of the sun in this country has a lot to do with what we can do during certain hours of the day. To say that you can get people out to take energetic exercise at 3 o'clock in the day sun-time is a fallacy.

The Rt. Hon. Member for Rift Valley has emphasised some of the anomalies that would arise in the morning time. Other good arguments have been produced by the hon. the General Manager of Railways. I should like to examine the position that would arise in the average family house if such a change as this were brought into effect.

I trust I am entitled to speak on behalf of those who have families. I am not ashamed of doing so, because I think that the position of the family people in this country does not always get the consideration that it should. Children have got to be sent out in the afternoon for exercise and for fresh air, according to the position of the sun. They cannot go out before approximately four o'clock in the afternoon. It is advisable to bring them in before sundown. If you call it seven o'clock instead of half past six the children are brought in at seven o'clock instead of half past six. It is then eight to half past eight before they are put to bed, because the parents in this country like the pleasure of the company of their children after sundown for some little time. They go to bed approximately at half past eight o'clock. Then you have dinner. In a household it may be that you cannot have dinner immediately the children are out of the way. It puts off the dinner hour to half an hour later. Then it is suggested that after dinner you should go to bed. Our present ways of living are such that we find a certain amount of pleasure in the hours between sunset and dinnertime, and between dinnertime and bedtime. I suggest that you will very materially alter the social habits of the people of this country if you make the change proposed in this measure.

An appeal has been made by the hon. Mover that this proposal should be given a chance—that the only way of settling the matter finally and putting an end to this conflict of opinion is to bring it into operation as an experiment for a short time. Now, there is a lot to be said for that, but before any effort of that kind were made I should like to know what it is going to cost the country during the time of experiment,

because, although it is only an experiment it will upset things very materially, and if it were a failure we should have another upset when we went back to the conditions under which we have managed to live very well for the last twenty-five years. I have therefore much pleasure in again opposing this motion.

LIEUT.-COL. THE HON. C. G. DURHAM: Your Excellency, I would like to express my tremendous admiration for the courage and tenacity of purpose exhibited by the hon. Member for Nairobi South in flogging a dead horse for nine years.

The hon. Member referred to the Associations which did not reply when asked to do so by the Daylight Saving Committee. My particular Association did not reply. The reason—I am Chairman of it, by the way—a reply was not sent was because the general opinion was that they would not touch it with a 40-foot pole.

Now I would like to submit to the House the view that I think we must take, and that is the point of view of the women in the case. It is all very well for your officials to go to office as soon as breakfast is ready (laughter), but you have got to remember—Oh, I mean, as soon as they have had their breakfast—Your Excellency, we have got to remember that someone has to prepare the breakfast or have it prepared. Even to-day there are many mothers who have to get up at six o'clock in the morning. First of all they have got to prepare the youngsters for school by eight o'clock. Now, I ask you, why should these women be asked to get up in the dark so that the lord and master can have half an hour longer for his recreation in the afternoon?

It was also mentioned that the K.A.R. and Police would welcome this measure such as it is. I do not believe it for a moment. It is very nice indeed for the Officer Commanding to lie in bed until eight o'clock, but I do not think he would like to impose a condition on his men which would compel them to get up in the dark simply because we want to have extra exercise in the afternoon.

The hon. Member for the Lake said something about Uganda. I submit that Uganda is a very hot country and conditions are somewhat different.

Then what about the merchants in the towns? As it is, the butchers and the bakers to-day start work at five o'clock; why compel them to start at half-past four, when it is pitch dark?

With regard to the farmers, there are many of us who have to get our work going before we can get into town. But there are not many of us who would like to get up in the dark in order to do it. I personally should not get up at five o'clock to do it.

THE HON. W. C. MITCHELL: Listening to the speeches, Your Excellency, of members who have probably previously made up their minds to oppose this motion, I am inclined to the opinion that there is not only a good deal of confusion of thought on the issue, but that a considerable number of Members of this Council are not aware of the hour at which it becomes daylight. To say that this proposal intends to alter the social habits of the people is, I think, entirely wrong, and is entirely opposed to what is proposed. It is proposed to save daylight, and I use that term after full consideration of it.

Sir, to save daylight is not to waste half an hour of daylight at the beginning of the day, but by economising at the beginning of the day and thus having half an hour at the end. I happen to be one of those foolish or unfortunate people who makes a regular practice of starting work in his own office at seven in the morning. So far as daylight is concerned I could easily start at half past six if I wanted to, and I think that most other workers who start earlier could quite easily start much earlier without burning the early morning oil.

There is a point which I do not think has been emphasised sufficiently either by the Mover or the Seconder of this motion, and that is the grounds of economy.

We have a Cost of Living Commission sitting at the present time which has been sitting for a considerable while, because we all realise that the cost of living is high. Now I maintain, Sir, that if this motion is carried and the clock is altered half an hour we will in fact save the cost of illumination throughout the country almost entirely for half an hour. I say almost entirely, because there may be one or two exceptions to this where a little illumination may be required in the morning putting no great hardship on anyone.

The cost of illumination in Nairobi alone, I ascertained by enquiring at the East African Power and Lighting Co., Ltd., is 800 units of electric current per hour. That is to say if you save half an hour over the whole year at a normal cost of Sh. 1/- per unit, the saving to Nairobi alone is £7,300. I am not going to say that the whole of that illumination is being paid for at the rate of Sh. 1/- per unit, as there is a rate in force which enables large consumers to get their supplies at a lower rate. But I do say that there will be a saving in the neighbourhood of £5,000 for Nairobi alone. Then there will be the saving in

Mombasa, in addition to the saving in country districts. I think we all appreciate that the cost of illumination in the country is higher than in the town.

In regard to clock time on the farms, we all agree that if any farm operates with the sun then the alteration of the clock is going to have very little effect, but some tell us that they carry out their operations based on clock hours. Well, Your Excellency, all I can say from observation is that the average clock on the average farm is merely a mechanical contrivance for dividing the combined diurnal and nocturnal periods into twenty-four equal parts. Its relation to the actual time in general is anything from half to three-quarters of an hour inaccurate. It serves its purpose because it separates day from night, it indicates what may be eight o'clock for breakfast, or one o'clock for lunch, or what the farm time may be, but the relationship of these hours to the standard time of the country is very often negligible.

The General Manager of Railways mentioned the question of two different times, one for the railway and one for the country. He mentions that this is always the case when railways run from east to west. As far as I understand, Sir the Kenya and Uganda Railway is more or less running in that direction, possibly slowly, but it gets west eventually. I would like to appeal very strongly to Members of this House to give the matter consideration, because I think in any case it is going to benefit the health of a great many; I think it is going to be economical to everybody, and I do not think it would prove an inconvenience to anyone at all.

REV. CANON THE HON. H. LEAKEY: We Britishers are a highly conservative people. I am not now alluding to our political views, but to the way in which we view anything new. We dislike it, distrust it, and object to it, just because it is new!

I remember when I was a young man how Santos Dumont and the Wright brothers, the one in France, and the others in America, were making desperate efforts to make a machine heavier than air hop a few yards across the grass. We used to open our newspapers in the morning, read the results of their efforts, and smilingly think to ourselves what foolish folk they were to be doing what our forefathers had never attempted to do. It was something new and so it did not commend itself to us. However, I must admit, that when we British people do discover that a thing is a really good one we generally make up for lost time, take it up with all our might, and often lead the way in connection with it. That is the case with the new thing I have referred to, which we call aviation to-day.

I further remember, on my first leave from East Africa, somewhere about 1905, that the originator of the idea of a Daylight Saving Bill at home was pressing his case much in the same determined way that the lion, the learned and gallant Member for Nairobi South has done for some time past. Everyone was laughing at the idea; and even "Punch" was poking fun at it as ridiculous. People on all sides were just as opposed to it as the noble lord, the Member for Rift Valley, and the Hon. Member for Kikuyu. Yet we find that it was eventually adopted, and the idea of "Summer Time" is so popular now that no one would go back upon it, and other countries have copied us.

There are three things, Your Excellency, which we in this Colony would all appreciate to have more of: health, wealth, and wisdom. Thanks to our beautiful climate, we have, at least in parts of Kenya, a very fair measure of health. But we would all appreciate a little more wealth. I, for one, would certainly appreciate a little more wisdom. Now, Sir, according to the adage we learnt in our childhood, "Early to bed and early to rise, makes a man healthy, wealthy and wise" we stand to gain this threefold blessing if we pass this Bill, as I think we certainly should do. For, Sir, it will certainly make us get up a little earlier; and, if we are wise, we shall go to bed correspondingly earlier.

I regret that I cannot agree with the views of the Hon. the General Manager of the Railway; for I have certainly never known it still dark at half-past-six; and whereas in days gone by the Railway used to set a splendid example to the whole Colony by starting work at six-thirty, it was, in my opinion, a retrograde step when they changed their hour to seven, for the whole country followed suit and got slacker about early rising.

In a country like this where it is always daylight from somewhere between twenty minutes to six and ten minutes past six, it is ridiculous not to get up earlier than most of us do. It is our conservatism which I have already mentioned which prevents it. We have preconceived ideas about it. Just because in the homeland, at one time in the year, it is still dark at such a late hour that we should have to use lamps or gas for it, if we eat our breakfast too early, we have fixed for ourselves that between eight and nine shall be our breakfast time for ever, and wherever we happen to be living! Owing to this, we strongly object to a new time for our first meal. There is no doubt about it; we should, out here, start our day earlier, and have a longer time while it is still daylight for our recreation in whatever form we choose to take it.

It is my duty, as their representative, to look at the matter from the African point of view. I do not think that they will in the least mind getting up half an hour earlier if it ensures their getting a half-an-hour more daylight when their work for their employers is completed. They will I believe appreciate this extra time, be it for cultivating their own gardens, playing games, or having less of a rush to reach some distant night school to get on with their reading and writing. In my opinion it will harm no African: for, while I believe it will benefit the wage earners, the bulk of the people in the reserves will continue to go by sun time, and the proposed time will be a matter of complete indifference to them. I would, therefore, endorse what has been said by the Hon. Member for Nairobi North, and urge all who are willing to give it a trial to vote for the Bill. For it is only by its being tested that we can know whether it is good or not. I agree that it would be wrong to continue it, if it was to be found to be a real hardship to anybody: but I believe that as in the case of the changes made in the clock at home, so this one will prove beneficial here, and that if it comes about, it will come to stay. If, as has been hinted at, the Uganda Protectorate should find it awkward to have two times for the two countries, I have no doubt but that they will devise some means of coming into line with Kenya.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, it appears to me that this is rather a hardy annual, and I am not quite sure but I am inclined to think that the hon. Proposer is obsessed with the figure 9, probably derived from our leases in this country, 99 and 999 years. Whether we are going to get a repetition I do not know, but I hope once and for all that the question will be considered by this House, and the proposal will be turned down. There has been a great deal said by previous speakers. There are one or two points I would like to bring out. First of all, I think the Bill is wrongly named, and should have been brought in under the Amusement Act. It seems to me one advantage or disadvantage to be gained by Nairobi is to give the people of Nairobi an extra half hour in the evening to irrigate their gardens at the expense of the water supply.

I discussed this matter with a gentleman who professed to be an expert on the Pyramid prophecy, and I asked him his opinion of it. He said so far as he could see it would not affect the prophecy, but the only effect which he thought would be a beneficial effect was that it would give the Nairobi people an extra half hour to say their prayers.

Generally, I am against the motion, and for the reasons that have been dealt with by both sides, and there is very little left to be said. I intimate my intention of voting against the motion.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, the hon. and gallant and learned Mover of this motion is a man of great perseverance, and so far from our having any hopes of it dying if we do not pass it to-day, he will bring it up even unto seventy times seven. It seems to me that no Bill which affects the whole country as this does, as it affects every man, woman and child of every race, should be left to the opinions of the various Members on the Government side as to whether the present holder is in favour of this measure or opposed to it, because we have seen such very diverse views from holders of the very same post.

Many of the hon. Members on the other side appear to have their ideas well formed, but there are others, new to this Council, who have not heard the winged words of my hon. gallant and learned Friend and he appeals to them not to lightly turn down the recommendations of a Select Committee. May I in my turn appeal to them not to lightly commit the whole country to a resolution of this sort for which there has been no popular demand outside a certain section of one certain place. I think it must be generally admitted, even by those in favour of it, that this Bill cannot benefit anybody except Nairobi in the whole of this country. It will certainly benefit a certain number of those who live in Nairobi and who must have an extra half hour to play an extra four holes of golf in the afternoon. It will certainly benefit those.

I have not seen any argument put forward to attempt to prove that any people living up country will benefit. The Creator of this Universe has given us the most perpetual daylight that any person can wish to possess and up country we do not waste daylight, we use it from sunrise to sunset, and not only the farming community but the business community. They start early and finish early in order to have their recreation in the afternoon.

It appears to apply entirely to Nairobi. Now, Sir, are we absolutely convinced that this is going to benefit the majority of people in Nairobi. We grant that this is going to benefit the young men whom Rudyard Kipling named "flannelled fools and muddied oafs,"—to the company of whom I belonged in pre-war days. I own myself I have spent a good deal of time playing games, perhaps more than wise. But I happen to have belonged to a profession which always saves daylight. In the Army we started our work at the stroke of dawn. It was light on the range at five o'clock, and we probably finished work by luncheon time, and had the rest of the time for recreation. So that though it was popular to say that in the Army we never did any work because we finished so early, yet we had done seven or eight hours while others

were rolling down to their offices in Rolls Royces, but I do think, Sir, in this country that games are becoming almost a fetish. I have been a great game player in my time, and spent a great deal of time in it, but I do not think it should be the only one consideration to be taken when regarding a matter of this sort.

Now, is this half an hour, which is going to enable the young man to have an extra four holes of golf, or a set of tennis, going to benefit the great majority of the inhabitants of Nairobi? Is it going to benefit the wife or mother of that young man who has to get him off to the office in the morning, and who has to see to the household affairs the first thing? We all know that there is a great difference between getting up in daylight and getting up just before daylight, and is she to be penalised by getting up half an hour earlier before daylight to enable that young man to have his half hour extra games in the afternoon? I am not in a position to say. If I felt that we were unanimously in favour of this measure I would be prepared to sink my own personal feelings and not oppose it, but I do not think it will benefit us at all up country. I do not think it will affect the farmers, because we will go our own way, but we will feel it when we miss our trains.

Tanganyika has been quoted to us to-day. I think the Rt. Hon. Member for Rift Valley will bear me out that when we were in Tanganyika two years ago nobody knew what the time was. They said there was a meeting at six o'clock that evening. We said, "What time?" One said sun time and another said daylight saving time. Everybody used to turn up at different times. It may work all right at the coast, but up country it was very inconvenient.

There is one other thing. I believe the hon. Canon Lenkey, who represents the Africans, said that it would not affect them. I think it will be to their detriment. I do not see how it could be to their benefit. Certainly on the farms they finish their work early enough and have enough time for football in the evening. It will not benefit them. I do not see where it will benefit them having to get up half an hour earlier—that will be the whole difference. There are people in this town who open their offices at eight o'clock at present and close at four. They have told me that if this comes into force they do not think it will be possible to get their employees down to work at 7.30, which according to daylight saving time would be eight o'clock under this Bill, and will therefore have to keep their offices open an extra half hour. I understand that the shops must keep open about three-quarters of an hour after the offices. That means that the shops have still to keep open to 5.15 under this new time, instead of 5 o'clock, so that your

half hour is whittled down to a quarter of an hour. Is it worth while for this quarter of an hour to go and change the whole of the time of this country, putting people to a very great deal of inconvenience and nuisance, which will happen? And there is one further question, Sir, with regard to the statement that many of the Government Departments were in favour of this. Can they explain why it is that whereas in the old days they used to open their workshops at 6.30 they put it back to 7 o'clock. Is it not the reason because they could not get their people to the office in time, and this is another way of doing the same thing by camouflage, and it will affect them in the same way and they will have to go back from seven to half-past? I do submit, Sir, it is not right that the whole country should have disability and inconvenience, if you like to call it that, put upon them for the sake of a very small minority, and I do hope that this hon. Council will not vote in favour of this motion.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I was hoping there would be further speeches made in support of the hon. Mover of this motion in order that further arguments might have been put forward on its behalf. We have heard a great many arguments against it, and I share the feelings of those hon. Members who congratulated the hon. Mover on his patience and perseverance and his persuasiveness. I do not think that that persuasiveness was ever more successfully exercised than in the Report of the Select Committee, of which he has made a great deal in his opening speech. That Committee was appointed with the following terms of service:—

"That before further action is taken to introduce a daylight saving measure steps should be taken to ascertain the effect of such a measure in neighbouring territories and in the working of the Railway and Marine Departments by the appointment of a representative Committee or otherwise."

Those were the terms of reference to that Committee. That Committee sent in a report which favoured daylight saving, but it does not go into the practical details; it does not go into the evidence of the working of this measure in other Colonies, nor does it deal with the opinion given to that Committee by various Heads of Departments. It refers to the evidence of a medical representative. I should have imagined that a Committee of this kind would have examined many medical witnesses in an important matter such as this.

If refers to the change of time between Kenya and Uganda as follows:—

"The Committee felt that this question of two times between Kenya and Uganda was a drawback, but, on this and other evidence given before it, is forced to the conclusion that a difference in time between the Colonies possesses no serious disadvantages. Moreover, it should be pointed out that Tanganyika has already adopted the time suggested by this measure, and, as far as reports available indicate, is entirely satisfied. If the suggested measure be adopted in Kenya, therefore, two Colonies will have identical time, while Uganda will differ by half an hour.

So long, therefore, as Tanganyika, which embraces an area in an east and west direction greater than Kenya and Uganda combined, is satisfied with her present time, the fact that Uganda adheres to her existing time while Kenya changes to Tanganyika time, though regrettable from a theoretical point of view, does not appear to possess any real disadvantages."

We have heard the Hon. the General Manager, and I do not think that his arguments are based entirely on a theoretical point of view, he has shown that this change does possess real concrete disadvantages. We have heard also of the evidence given before the Select Committee, but we have heard nothing of those bodies which never appeared before the Committee. Such bodies as the Civil Service Association, the East African Women's League and other representative bodies in this Colony, whose evidence is most important. No representatives of any of these bodies appeared before the Select Committee. The Select Committee simply put in a report which is in favour of daylight saving, and the hon. Mover said that members of that Select Committee were converted. But what that Select Committee was required to do was to convert the House, not to be converted by any member of that Committee, however persuasive and eloquent he might be. I would ask the House to reject the Report of this Select Committee and to consider, in dealing with this measure, what its effects are going to be on this country as a whole. Now, I entirely agree with what the hon. Mover has said—that this motion should be taken seriously. I think that the only arguments which should weigh against it are serious ones, but I would ask that before voting on this measure, hon. Members should consider that by entering into this light-heartedly they are not doing this country the service that is required. Consider it seriously, but do not enter into it light-heartedly. You cannot adopt this measure and then go back on it afterwards. If you adopt this

measure you are going to upset conditions, but if you do upset them you do so in such a way which will make it very difficult to readjust balances afterwards.

Questions of changes of hours and customs are very delicate, and if such a measure as this were adopted it would make things very difficult to readjust afterwards.

With regard to the point raised by the Hon. Member for Kikuyu (Lieut.-Col. the Hon. C. G. Durham), where the women are concerned that is the point of view I am sure held by the women in connection with this measure. It is all very well to talk about the servant question not mattering, but I think you are going to find it very difficult to get the servants up earlier, and what will you achieve if they do get up earlier? You are only going to achieve this extra half hour for golf or tennis. If we do get out of office earlier—and I believe very few of us will—I am sure we shall not immediately proceed to take some exercise; we take exercise when the sun goes down, when it is cool.

I believe in Uganda they practically have this extra half hour. Well, my experience in Uganda is that the people there dine later than anywhere else in the world, but I do not think they go out to the golf course any earlier. By all means open the offices half an hour earlier and close them half an hour earlier, but when it comes to a measure which is going to affect the whole country—a measure which will not be understood by the millions of natives in this country—then you have got to consider the matter very seriously. I am sure the natives will not understand it, and I certainly do not see how they are going to benefit by it. Are we therefore justified in imposing it upon them? Certainly I do not think it will be observed in any way by either the natives or other branches of the community.

I would appeal to this Council to consider this matter seriously by all means—but not light-heartedly—as not a measure to be adopted to-day and dropped to-morrow.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, dealing briefly with the remarks of those hon. Members who have spoken against the measure, I would like first of all to take the remarks of the last speaker—the Hon. the Colonial Secretary. Now, he has made a statement which I have no doubt he believes to be correct, but it is entirely incorrect when he says that by some persuasiveness which people seem to think I possess, I persuaded the Select Committee. That is not so, and I would appeal to those members of the Select Committee who are here to-day to bear me out when I say that they were persuaded by the evidence given before them.

and by nothing else. I used no efforts at all to persuade them. When the evidence had been given the Committee met and found they were unanimous after fully considering the evidence.

The Hon. the Colonial Secretary also begs the question when he says do not light-heartedly pass a motion which is going to upset everything in the Colony. That is a definite begging of the question. I say it is not going to upset things in the Colony.

The Noble Lord who represents Ukamba (Lord Francis Scott) has stated that he does not think it will really upset things—all it will do is to cause inconvenience. It may cause inconvenience for a very short space of time, but that is a frank statement which has never before been admitted by the opponents to this measure, and does not dovetail in with the remarks of the Hon. the Colonial Secretary.

Dealing further with the remarks of the Hon. Member for Ukamba, if he really meant what he said—that he would sink his own inconvenience and vote for this measure if he thought Nairobi was unanimous—then, Your Excellency, I do think he should vote for this measure.

The Hon. the Colonial Secretary has said that this would be disarranged and it would be difficult to readjust them. I admit that it may cause a certain amount of inconvenience for a short time, but I am sure it will benefit the country ultimately. Although I cannot say that every man, woman and child in Nairobi is in favour of the measure, I do say that the vast mass, including the women, are in favour. Numerous people, and ladies, have spoken to me who are in favour of this measure.

LT.-COL. THE HON. LORD FRANCIS SCOTT: On a point of order, Your Excellency, I have been appealed to by several people—especially ladies—to vote against this Bill.

CAPT. THE HON. H. E. SCHWARTZ: The only remark made by the Noble Lord the Member for Rift Valley (Rt. Hon. Lord Delamere) which requires comment at all is when he says that this measure of daylight saving is a misnomer. Nothing of the kind. He is the first, and should be the first to know it. He knows very well that the object is the same as always.

Now with regard to the Hon. the General Manager, we are told by one hon. Member who spoke that it depends on who happens to be sitting in the chair of the General Manager, or the Treasurer, or any other place on what happens. I would remind hon. Member that the Chairman of the Select

Committee was the Acting General Manager of Railways at the time. It is very unlikely, to my mind, that he would consider only one portion of his staff. When he signed that Report I feel sure he was considering the interests of the whole of the Railway workers of the Colony and that he thought the measure would be beneficial to all. Why should he, the Acting General Manager, consider the interests of the mass of workers less than the General Manager himself?

With regard to the remarks of the Hon. Member for Kikuyu (Lieut.-Col. the Hon. C. G. Durham) he says that the associations and the people of the Colony did not give evidence and assumes they did not give evidence because they thought it did not affect them, though he says they are wrong and it will affect them. Are we to take his opinion or the opinion of the whole of the associations of the Colony, who admit that this measure will not affect them adversely, and who admit that if they thought it was going to affect them adversely they would come forward with their objections, and no objections have been heard. The Kikuyu Association may have been of opinion that they would not touch the measure with a 40-foot pole, but it is a pity they did not send in representatives to tell us so. It is also a fact that the representatives of the Convention of Associations on two occasions have supported the measure, and the Convention of Associations represents the whole of this Colony. I pass over the remarks of the Hon. Member for Plateau North with the silence they deserve.

Now, Your Excellency, before I sit down, it has been suggested that I said that you can adopt this measure to-day and throw it over to-morrow. I never suggested that. What I said was this. There is a difference of opinion—a lot of us are firmly convinced that this measure is beneficial. A lot are convinced it is not beneficial. I have said the only way to prove that it is beneficial is by introducing it and giving it a trial. I am absolutely certain—I am absolutely convinced—that you will never have to go back to the old method when once you have introduced this measure. In February when the sun is at a stage where one gets the greatest amount of daylight and it is possible to continue playing tennis until 6.30 and golf until 6.45 people have remarked on how splendid it was, and have asked me if I had managed to “wangle” to get the clock altered. Is it not significant? (Laughter.) I see that the Noble Lord (Lord Delamere) even to the last is determined to create ridicule. All I ask is that this matter shall be decided to-day—that you will vote for it and I am certain as I stand here that those who are in favour, and against it, will come to me in three months' time and say

"You are right!" and they will congratulate me on the success of the experiment.

Your Excellency, I therefore commend this motion to the Council with the most earnest appeal and ask them to vote for it.

His EXCELLENCY: The question is:—

"That the recommendations contained in the Report of the Select Committee on Daylight Saving be and are hereby approved."

The question was put and carried by 19 votes to 12.

Ayes: Messrs. Baker, Biss, Major Brassey-Edwards, Messrs. Bruce, Cumming, Deck, Granum, Conway Harvey, Captain Kenealy, Rev. Canon Leakey, Messrs. McCarthy, Malik, Martin, Maxwell, Mitchell, Major Robertson Eustace, Captain Schwartze, Mr. Walsh and Lieut.-Colonel Wilkinson.

Noes: Lord Delamere, Sir Edward Denham, Lieut.-Colonel Durham, Messrs. Felling, Fitzgerald, Dr. Gilks, Messrs. Harrison, Hemsted, Colonel Kirkwood, Mr. O'Shea, Lord Francis Scott, Lieut.-Colonel Watkins.

STANDING RULES AND ORDERS.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move:—

"That this Council do adopt the Revised Standing Rules and Orders as laid on the table of this Council on the 25th October, 1927."

Your Excellency, the Committee was appointed in 1926 composed of Mr. Northcote, Mr. Huggard, the Rt. Hon. Member for Rift Valley, the Member for Nairobi South and Captain Ward the Elected Member for Nairobi North. Their Report was laid on the table in October last and has had considerable consideration since that date. It had been felt that the Standing Rules and Orders of this hon. Council needed amendment in several particulars, one of the principal arguments in favour of the amendment was that there were delays in the conduct of business which was necessitated by a blank day in the course of a session, for instance two days' notice of motion had to be given before it could be taken by this Council, similarly in respect of Bills, two days had to pass between the first and second readings. The new Standing Rules and Orders alter the period concerned to one day.

Further one of the regulations governing the introduction of Bills was that they should be published and circulated to

Members 28 days before their introduction in Council. That period under the new Standing Rules and Orders is reduced to 14 days.

These are points on which it is believed that considerable time can be saved and the deliberations of this Council can proceed more smoothly and more expeditiously than has been the case in the past.

There are other changes but I do not propose to go into detail in regard to them because I am going to ask Your Excellency to move that this Council should go into Committee to consider these Rules one by one, so I am only dealing with those Rules which seem to be of special importance and deserve the full attention of hon. Members.

Arrangements have been made under the new Standing Rules and Orders to provide for private Bills to be introduced into this House and the procedure to be followed in regard to Standing Committees has also been altered to this extent, that Standing Committees can now sit while Council is sitting. Previously there was a rule that while Council was sitting no Standing Committee could sit which has also delayed business.

Another point is that in regard to questions, Your Excellency is, under the new Rules, the sole interpreter as to whether a question is permissible or not. Then provision has been made to allow a personal explanation to be given at any time in the proceedings of Council.

Then in regard to Bills which have been referred to Select Committees, provision has been made that the Report of the Select Committee can be moved and the second reading taken immediately. Also in regard to the third reading provision has been made for formal amendments to be introduced when the Bill is read a third time without the necessity for referring the Bill back to a Committee before the third reading can be taken.

There is provision that a Member who is persistently absent from Council can be suspended. This is a new Standing Rule. There is also a Rule for Council being adjourned on the vote of a majority of Members.

Provision has been inserted that Council can only be adjourned with the approval of the President.

These I think are the most important alterations that are being made. There are certain changes in regard to motions and questions but I think perhaps that these can best be explained in Committee of the whole House. I therefore move:—

"That this Council go into Committee to consider the Revised Standing Rules and Orders as laid on the Table of this Council on the 25th October, 1927."

HIS EXCELLENCY : With the permission of Council I would ask that this motion may be amended.

CAPT. THE HON. E. M. VAUGHAN, KENEALY rose to speak.

HIS EXCELLENCY : Does the hon. Member rise to second?

CAPT. THE HON. E. M. V. KENEALY : No Sir.

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

CAPT. THE HON. E. M. V. KENEALY : Since one of the suggestions is that in Committee matters of detail only and not matters of principle should be considered, before I agree, and I hope before other Members of this Council agree, to this matter being referred to a Committee, I trust, Sir, that an assurance will be given that matters of principle also will be debated in Committee in this particular instance, otherwise, Sir, it will mean I will have to oppose this motion to go into Committee.

HIS EXCELLENCY : On a point of explanation. The new Standing Orders are not in force; we are going under the present Standing Rules and Orders of this Council.

CAPT. THE HON. E. M. V. KENEALY : Am I to understand, Sir, that the discussion of matters of principle will be permitted and not only matters of detail in this instance?

HIS EXCELLENCY : I do not quite understand the hon. and gallant Member's point. The procedure in Committee is as follows: that the Committee can only consider matters which are relevant to the clause under consideration. If there are any principles relevant to that clause they can be considered in Committee. Clauses are considered one by one and the general principles of the Standing Orders are not considered in Committee. If the hon. Member wishes to discuss the general principles arising out of them he should discuss them now on this motion.

CAPT. THE HON. E. M. V. KENEALY : That being so, Sir, I should like to discuss the general principles and therefore to oppose this motion.

I think, Sir, that some of the general principles which are for the better carrying out of the work of the Council have not been considered and are not incorporated in this Report. I see, Sir, that there is no alteration in representation of any constituency, no recommendation as to what representation any constituency should have supposing its member dies. The period has not been reduced.

HIS EXCELLENCY : Order, Order. That does not arise out of the Standing Rules and Orders of the Council. That would come under Orders in Council from the Crown. It would not be governed by the Standing Rules and Orders of this Council.

CAPT. THE HON. E. M. V. KENEALY : Well, Sir, I suggest that that should be altered and that should be incorporated in the Standing Rules and Orders. One other point, Sir, is that there is no decision and no rule which makes it obligatory to submit for the approval or rejection of this hon. Council all reports by Select Committees which greatly delays the action taken—if these reports are taken. I suggest, Sir, that all reports by Special Committees, tabled by this Council, should be submitted and all reports when submitted moreover should be either approved or rejected. That is a matter of principle.

I suggest also, Sir, that members should be informed as to what business it is proposed to take before and that information should be available sometime before the Session. Before the day we should know several days, or possibly several weeks, what business it is proposed to take.

Under these Rules, Sir, the ability to give oral notice of a question does not seem to have been considered. I think that is a matter of principle which should be considered, that oral notice should be considered.

There is another matter and an important one which deals with a principle and that is the mutilation by Government of questions put in by Members. That is a matter of principle which I think deserves a great deal more consideration and also the decision arrived at should be incorporated in these Rules. There is another one, Sir, and that is if Government fails to answer questions before the termination of a Session then that question is unanswered in writing and Government also publishes that answer in the Press. That, Sir, is helpful but it is not so helpful as it might be as there is no provision for a Member to ask a question orally rising out of that answer and I think that should be made.

There is no provision made for substituting a Member and so enabling representation of a constituency in the event of a Member being unable to attend.

HIS EXCELLENCY : Order, Order, that is also governed by Order in Council and not by Standing Order of Council.

CAPT. THE HON. E. M. V. KENEALY : I admit that, Sir, but that should be covered by Standing Rules as well. These are only matters of principle which I wish to advert to when the detail comes up for discussion.

CAPT. THE HON. H. E. SCHWARTZ; I presume, Your Excellency, that when Council is in Committee considering these matter that Members will be permitted to make suggestions with regard to the alterations or additions to certain clauses and I would suggest to the hon. Member that that would be the time for arguments. For instance his point in regard to the Report of a Select Committee being laid before Council. He should suggest an amendment or an addition to the clause which would amend that.

HIS EXCELLENCY: I was about to inform the hon. and gallant Member that some of the points he has raised, so far as I can see, are points that can be dealt with in considering the clauses in Committee, provided he has amendments ready which he wishes to raise in Committee. I would recommend him to have his amendments ready which he wishes to raise in Committee.

The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY: On a point of Order, Your Excellency, are these Rules and Orders to be taken Rule by Rule and Order by Order. If not it would be difficult to make any alteration.

HIS EXCELLENCY: I have already informed the hon. and gallant Member that that is the case.

In Committee.

Clause 1, Special Cases.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, as that deals with special cases which are not otherwise provided for, I suggest, Sir, that the proposal I made before, that the business it is proposed to take be made known to members before they assemble on the first day of a session, be provided for.

HIS EXCELLENCY: This really deals with cases which do not come under the Rules. The hon. Member can move it if he wishes to, but it does not come under this clause.

I will not ask the hon. and gallant Member to move his amendment of Clause 1 or such an additional clause as he suggests, as it does not appear to be relevant to Clause 1. This deals with special cases. If he wishes something to be dealt with under this clause he should do so as an amendment or as an additional clause.

Clause 2, Ordinary Sessions.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I asked on April 20th, 1927, when members of the Select Committee were asked to make suggestions, that the words from "at" in line 2 to the word "year" in line 3 be deleted.

The facts of the case are, Your Excellency, that many years ago it was thought by Elected Members and suggested by Government Tuesday in August. Circumstances obtained then which do not obtain now, and it would be much better to have it deleted.

I therefore move the deletion of these words, leaving it to Government to decide the date, but it must be within one month of the General Election.

The question was put and carried.

Clause 5, Oath of Allegiance.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that the words "the said" at the end of line 6 be deleted and the words "taking such" be substituted therefor.

The clause will then read:—

"Provided that every person authorised by law to make an affirmation instead of taking an oath may make such affirmation instead of taking such oath."

The question was put and carried.

Clause 8, Persistent absence without sufficient cause.

CAPT. THE HON. E. M. V. KENEALY: Since no notice convening Council is sent out the Members of Council are not summoned—anyway the Unofficial Members are not summoned. I suggest that word is wrongly used, Sir. I suggest the alteration of the word "summoned" to "notified."

HIS EXCELLENCY: The hon. and gallant Member is suggesting a departure from tradition. The word is used in the House of Commons . . .

CAPT. THE HON. E. M. V. KENEALY: I merely suggest, Sir, that the word be altered so that it would not be a summons but a notification of a meeting of Council—as an alternative.

CAPT. THE HON. H. E. SCHWARTZ: Does the hon. Member suggest that a summons should be issued?

I beg the hon. Member's pardon.

HIS EXCELLENCY: I agree that the notification should be altered to make it fit in with the language of this clause. That is the hon. Member's point?

CAPT. THE HON. E. M. V. KENEALY: Yes, Sir.

HIS EXCELLENCY: Government will be glad to accept it.

CAPT. THE HON. E. M. V. KENEALY: In line 3 the word "admonished." Does that mean oral or written admonition?

HIS EXCELLENCY: I will call on the Attorney General to interpret the word.

THE HON. THE ATTORNEY GENERAL: It means informed and warned that his attention is called to his persistent absence and he is warned that such absence should cease.

CAPT. THE HON. E. M. V. KENEALY: In writing or otherwise?

THE HON. THE ATTORNEY GENERAL: Oral.

CAPT. THE HON. E. M. V. KENEALY: How are you going to get him?

CAPT. THE HON. H. E. SCHWARTZ: May I ask the Attorney General how you orally admonish a member who is absent?

HIS EXCELLENCY: I understand that the legal advice is that a man may be admonished either orally or in writing.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg to oppose this because it appears to me that a member who is selected by a constituency, the appropriate people to tell him to go to Council or not are his constituents and if he does not go and if they think he is doing something better, I think it entirely their business as to whether he goes to Council or does not. I think this entirely wrong and against the principles of a democratic form of Council that Council can have anything to do with a member's movements at all.

THE HON. T. J. O'SHEA: I put a different interpretation on that clause. I thought that it was similar to a situation which has been experienced in another country where members were elected who had already made up their minds that they were not going to sit in that Parliament so that a large portion of that country was disfranchised, and I thought that this was put in to cover a similar circumstance arising in this country.

THE RT. HON. LORD DELAMERE: That is so. It should be made clear that it is a question for his constituents. I think this is a matter for the constituents and not for the House or for the members of the House if he is an Elected Member.

HIS EXCELLENCY: Perhaps I may assure the Noble Lord. He forgets that all members are not Elected Members and his objection applies to Elected Members only and therefore the words would always be carefully interpreted by Government. If he were absent at the desire of his constituents or by their leave, that would be taken into consideration. But it is difficult to object to a rule simply on the ground that it does not apply to Elected Members.

THE RT. HON. LORD DELAMERE: I do not think that it should be here. I think it should be in the law about members being absent. If a man absents himself and if the constituents want him, then he is within the law already.

THE HON. THE ACTING ATTORNEY GENERAL: No, I think this rule is merely a rule governing the domestic functions of the Council.

THE RT. HON. LORD DELAMERE: It does actually in fact give the right to the Governor to suspend a member whether he is an Elected Member or not, even if his constituents agree to his going home to take a petition against some particular thing the Government has done.

HIS EXCELLENCY: I would call the Noble Lord's attention to the words "without sufficient cause." I think it is a matter purely for the Governor.

THE RT. HON. LORD DELAMERE: Where does this thing come from?

CAPT. THE HON. H. E. SCHWARTZ: I think it came from a document which the Noble Lord and myself both signed. I would ask Government to accept the word "Nominated." I would over it. You cannot suspend an Elected Member. That would get to make his seat vacant and it will disfranchise his constituency if that were done, and if Government puts in the word "Nominated" it will get over the difficulty.

HIS EXCELLENCY: I would much prefer if the Committee agree to delete the clause altogether. It does not seem to me to be a controversy between members. Perhaps the Colonial Secretary will move a motion to delete it.

THE HON. THE COLONIAL SECRETARY: I beg to move that Clause 8 be deleted from the Standing Rules and Orders.

HIS EXCELLENCY: The question is that Clause 8 do not stand as part of the Standing Rules and Orders.

The question was put and carried.

Clause 10.

CAPT. THE HON. E. M. V. KENEALY: In Clause 10. I suppose that if any hon. Member wished to propose the adjournment he could do so on a point of order and he would be right in doing so? Or would the President's permission be required before raising it?

HIS EXCELLENCY: No, he would be right in moving the adjournment under Clause 31.

CAPT. THE HON. H. E. SCHWARTZ: Rule 35 is the right one. It says:—

"A motion for the adjournment of the Council may be made at any time and shall be immediately decided without debate unless, in the opinion of the President, there is involved a definite matter of public importance and the mover is supported by at least two other members."

CAPT. THE HON. E. M. V. KENEALY: Does that mean that no notice would be required and that the permission of the President is not necessary in order to move such a motion for adjournment?

HIS EXCELLENCY: The hon. Member must observe a certain amount of courtesy. You simply say you desire to move a motion for adjournment, and the President gives you the opportunity to do so at the earliest possible moment. It is desirable in all these cases to give the President notice as some member may be speaking at the time.

Clause 11.

CAPT. THE HON. H. E. SCHWARTZ: Is "a day's sitting" a very good way of putting it? It sounds more like a henyard (laughter). "At the conclusion of the business of the day" I should have thought would be a better way of putting it. I am not raising this as a joke, but I think if you are drafting Standing Rules and Orders the wording should be proper.

HIS EXCELLENCY: I think the hon. Member should move that amendment.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that the words "a conclusion of the business of the day" be substituted for the words "end of a day's sitting."

HIS EXCELLENCY: The question is that the words "conclusion of the business of the day" be substituted for the words "end of a day's sitting."

The question was put and carried.

Clause 13.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, has a member of the House the right to call attention to the presence of strangers in the House?

HIS EXCELLENCY: Always on a point of order, yes.

CAPT. THE HON. E. M. V. KENEALY: And to suggest to the House that they should be excluded?

HIS EXCELLENCY: On a point of order, yes.

Clause 14.

CAPT. THE HON. E. M. V. KENEALY: Does this mean a clerky discretion in the granting of permission to various journals?

HIS EXCELLENCY: The discretion is certainly left under this clause, to the Clerk of the Council, but if the Clerk of the Council has exercised that discretion unwisely the attention of the House can be drawn to it.

CAPT. THE HON. E. M. V. KENEALY: Is that in accordance with precedence elsewhere?

HIS EXCELLENCY: Yes.

Clause 15.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that the word "President" be substituted for "Governor" in line (ii).

HIS EXCELLENCY: I appreciate the point in the hon. and gallant Member's amendment, but I had marked it down myself in the first instance. I would submit, however, that the clause as it stands is correct, because in the event of the Governor ceasing to be President

of this Council communications in his name would be made by the President. I imagine that is the idea—apart from the conduct of the business of the Council the President should only make communications coming from the Governor?

THE HON. THE ACTING ATTORNEY GENERAL: Yes, Sir.

THE HON. THE COLONIAL SECRETARY: This difficulty may arise: the communication only comes from the President in the order of the business of the day. He may communicate to the House a communication from the Governor, but in the ordinary business that communication is made from the President.

HIS EXCELLENCY: But that does not matter—it is a communication from the Governor. The President himself is not entitled to make speeches in the House—even if he were a Speaker of the House—or make communications apart from dealing with the Order of the House.

CAPT. THE HON. H.-E. SCHWARTZ: The only point is in case the Governor happens to be seriously ill and so not able to attend Council and give permission, and the Colonial Secretary became President of the Council. Can he make a communication as to some important cable from the Secretary of State as to the Prince of Wales' visit, or something of that sort. Would he be debarred from doing it?

HIS EXCELLENCY: No; everything the Colonial Secretary does is in the name of the Governor.

THE RT. HON. LORD DELAMERE: Everything in England is from the Throne. Is not that equivalent to from the Chair of the Governor—by law—as the person who occupies the Chair in the ordinary way, but if he is not there, there is another President?

HIS EXCELLENCY: There is another President who speaks in my name.

THE RT. HON. LORD DELAMERE: The Throne is like the President's seat?

HIS EXCELLENCY: Yes. If you put "communications from the Chair" you are endowing the Speaker with the right of addressing Congress, which most Speakers possess, except on the question of order.

THE RT. HON. LORD DELAMERE: Well, it ought not to be called the "Chair." There is a Chair in the House of Commons, and the Throne, and that is really meant to be a communication from the representative of the King.

HIS EXCELLENCY: But that is, I think, what the Governor is here.

THE RT. HON. LORD DELAMERE: But what is to happen if the Governor has left. Where does the President come in?

HIS EXCELLENCY: It is not a communication from the Governor, but by the Governor. But it does not debar the President from speaking on behalf of the Governor if he is unable to be there.

Perhaps the best plan would be to make these Standing Rules and Orders fit only the existing situation and face the fact that in due time the alteration has to be made—that the Speaker presides instead of a Governor. In that event the Standing Rules and Orders would have to be altered in some respects. I think the fact that perhaps may be the wisest plan. If the Committee prefers to take that course it does make it clear. In that case I think we should revert to the old wording and put "Communication from the Chair."

CAPT. E. M. V. KENEALY: Is it not essential to maintain and to emphasize the difference between the Chairman or the President and all the Governor attends as President in an entirely different capacity from that of his normal activities.

HIS EXCELLENCY: The hon. and gallant Member is entering upon a very delicate subject. It is one of the most difficult subjects in this presiding does not alter the fact that the Governor is responsible for everything done in Council and whilst his functions are combined I am afraid it would be difficult to draft Standing Rules and Orders which will separate them entirely. The trouble lies with the combination of his functions.

THE HON. T. J. O'SHEA: Is it not a fact that the Governor is presiding over the Council. I think it would be better "Communication from the Chair."

HIS EXCELLENCY: I understand that the Committee agrees to the alteration from "Communication from the Governor" to "Communication from the Chair."

The question was put and carried.

Clause 16.

CAPT. THE HON. E. M. V. KENEALY: Before dealing with Clause 16 would it not be possible to incorporate the provision of an agenda so really to be done and prepare for that business.

THE HON. CONWAY HARVEY: I should like to support that criticism for people who have masses of papers in the Orders. It is inconvenient in the absence of any notification of what business is to be transacted, itself. It would be very helpful to the individual as well as to the Council.

HIS EXCELLENCY: I am very anxious to meet hon. Members on that point. I would like to see whether it can be introduced. Perhaps members would allow Government to consider that and move it after consideration. I think the point is that before a meeting the business of Council should be circulated so as to give members a certain amount of notice before the meeting begins.

THE HON. CONWAY HARVEY: It might accompany the summons as far as possible. I think something more could be done to show what the business was. It should not be anything that would restrict the business of Council.

THE HON. THE COLONIAL SECRETARY: I think the views of the hon. Member can be met by sending out with the summons a statement of Bills which will be coming up. With motions it is difficult because notice of motions is often given a day before Council meets, but I think we can meet that to some extent.

HIS EXCELLENCY: I do not think there would be any difficulty in inserting in the Rules that all business to be conducted should be notified to hon. Members up to the date of the summons and thereafter we shall proceed as in the House of Commons, that is to say, the member only gets his notice the same morning.

THE HON. CONWAY HARVEY: That will help enormously.

HIS EXCELLENCY: I would suggest to the Committee that as it is now 5 to 1 o'clock we should not enter on to the next question, which we should leave to the next convenient time.

Would it be convenient to hon. Members to resume consideration of these Standing Orders after the communication from the Chair on Monday?

I understand that Council will meet at 11 on Monday. The Committee is adjourned.

Council adjourned until 11 a.m. on Monday,
the 14th May, 1928.

MONDAY, 14th MAY, 1928.

The Council assembled at 10 a.m., His Excellency the Governor (SIR EDWARD WILLIAM MAOLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 11th May, 1928, were confirmed.

PRESIDENT'S ADDRESS.

Honourable Members of Council,

The main topic throughout the Colony at the present time is the forthcoming visit of the Prince of Wales. His Royal Highness is beloved throughout the Empire. Second only to the King he stands for the far descended history—the hallowed traditions and the ingrained loyalties which across all the oceans make us one. But his sympathies are wide. He has become intimate with every aspect of the Empire's life to-day. He can enter into the hopes and struggles of those who are building up new countries with true understanding and fellowship. I think, indeed, it may be said that new countries make a special appeal to him. His visit to East Africa has been long awaited and I am sure that the announcement of it has been universally acclaimed. I should also like to say a word of welcome to His Royal Highness the Duke of Gloucester, who we hope will accompany the Prince of Wales.

I am not able, at the present stage, to give any information as to the Prince of Wales's movements. His dates and his programme are still under discussion, but I would, whilst on that subject, make one preliminary appeal. His Royal Highness is anxious to see as much as possible of the Colony and its people, but he cannot travel everywhere. I have had the honour of serving on his Staff and I know how exacting a long series of engagements without a break can be. Not only that—I know how such a series of engagements obscures the country visited and dims one's appreciation of its life. I should like therefore to appeal for the co-operation of all throughout the Colony in simplifying as far as possible His Royal Highness' programme and enable him to leave us refreshed by his tour and feeling that he has seen the country and its life at their best.

May I speak a word of welcome also to Queen Victoria's grand-daughter—Princess Marie Louise. Her Highness is deeply interested in all our interests. We are delighted to have her in the Colony and particularly delighted that she is seeing in it all she can of our activities.

We greatly appreciate the interest which she shows and I should like in particular to thank Her Highness for having consented to unveil next Sunday the Native War Memorial. It is a happy event that that monument to the gallant Africans who fell in the service of the King should be unveiled here in Nairobi by a member of the King's own family.

This is the first meeting of Legislative Council this year, and I feel that I have two duties to perform. The first is to give some account of the Colony's affairs since we last met; the other is to make a statement on certain important Bills with which in the near future this Council will have to deal. I fear that with any due regard for your patience it will be impossible to combine those two tasks this morning and I propose therefore to give you, as far as I can, a review of our affairs this morning and to make a further statement upon forthcoming legislation before Council adjourns.

Two important reports are now available which largely summarise the economic activities of the Colony during the year. The Report of the Commissioner of Customs and the Report of the General Manager of Railways for 1927. The Report of the Commissioner of Customs has already been published for some little time; the Report of the General Manager of Railways will be laid on the table before Council adjourns.

I should like to congratulate the Commissioner of Customs both on the showing made by his Report and also on the promptness and completeness with which it is always produced. I think it does great credit to the Colony. The main feature in that Report I will call attention to for the moment is the great increase in our exports, in spite of the fact that 1927, from the point of view of rain and climate was not a good year. Our exports increased from £2,114,000 in 1926 to £3,086,000 in 1927—an increase of nearly 28 per cent. I am glad to say that the rains reported up to date are reaching somewhere near an inch in most parts of the Colony, though some parts are still extremely dry. They are, however, sufficiently good I think to give us some just expectation of a marked increase in external trade in 1928. That I think was what my hon. Friend the Commissioner foresaw in the introductory remarks to his Report.

I should like also to congratulate the General Manager of Railways on his Report which makes an equally remarkable

showing for the Colony. It is not yet before you, but I believe it will be before you in the course of the next two or three days. The report discloses a highly satisfactory financial position, in particular the percentage of working expenditure to earnings during 1927 was 54 per cent. as against 58 per cent. in 1926. The surplus transferred to the Betterment Fund in 1927 was £401,986 as against £207,795 in 1926, or nearly double.

During the first three months of the present year there was a substantial increase in traffic with the result that earnings amounted to £82,000 over the estimate. The expenditure on the other hand amounted to £23,000 below the estimate. So that for the first three months of the year the position of the Railway is better by £105,000 than the average monthly estimate for the year. It is, of course, well-known that railway earnings fluctuate according to seasons and the results for the first three months must not be taken as an entirely reliable guide to the results for the whole year. But it is pleasing to observe that the earnings of the first three months of this year exceeded the earnings of the first three months of 1927 by £68,000 and that there is no likelihood of any difficulty in absorbing the increased interest charges which will be falling on the Railway this year. There is in the supplementary estimates which will be presented to you a vote for part of that increased interest charge.

Leaving the Railway and coming to the Port I should like to express my view that the working of the Port up to date has, on the whole, been very satisfactory and that it reflects great credit upon the Port Manager. Hon. Members will be aware of the recent examination of the question of port congestion by a Committee of the Harbour Advisory Board. Certain recommendations have been made which will receive the full consideration of the Harbour Authorities. I should like to express the thanks of the Government to the Committee which went into these questions. It must be remembered, however, that the present system of port control has been in operation for a very short period and that considerable time must elapse before it can be expected to attain anything like maximum efficiency. The examination of the position has made it clear in particular that the utilisation on a very large scale of the transit sheds for storage purposes is hindering the expeditious handling of goods. The matter will have to receive further consideration by the Harbour Advisory Board. Every effort will be made, however, to increase the capacity and efficiency of the Port to meet the rapidly increasing demands upon it. I am sure that the public realises that the fact that simultaneous building and working are going on necessarily causes some inconvenience, but the new construction is proceeding rapidly and I hope that in the course of a few months

that inconvenience may be considerably decreased. Apart from the Port the Railway is making special provision for the prospect of increased trade in the next year. In view of the excellent rains which have fallen throughout Uganda and the good prospects in Kenya it is, I think, reasonable to anticipate very good crops next season unless something quite unexpectedly untoward occurs. In the circumstances my hon. Friend the General Manager of Railways has deemed it necessary to place orders for delivery before the end of this year of engines and trucks to the extent of approximately £350,000 which will be financed from the accumulated interest on the balances of the old three-and-a-half million loan the use of which for such purposes has been formally approved by the Secretary of State.

I come now to the subject of the loan which is being issued on behalf of the Colony in London this morning. The issue is for £3,500,000 the balance of the total amount of £8,500,000 approved by this Council towards the end of last year and of which only 5 millions were raised at that time. The issue will bear interest at $4\frac{1}{2}$ per cent. and it is being issued at 95. Very imposing terms have been secured for us and it appears that the previous loan, the loan of last November, cost us just over 5 per cent. and this new loan will cost us just under 5 per cent. The annual saving of interest to the Colony by the new terms secured at this time will be £9,298. I think that all will agree that that is a substantial annual saving and that it justifies the advice given us last year not to raise the whole sum at once. The loan, as I say, is being issued in the City of London to-day and I shall be happy to give further information to this Council about it as soon as it is received.

It is, I submit, very satisfactory that the repayment by Kenya last year of the old £3,500,000 loan made to us by the British taxpayer through the Treasury was one of the factors which enabled the Chancellor of the Exchequer to show a surplus on the British budget in 1927. That is some return to the British taxpayer for the wise outlay of £5,500,000 on the Uganda Railway, which woke these highlands to a life undreamt of at that hour. The surplus balances now accruing to the Colony exceed anything of which I have previously given this Council an idea. When I last spoke to Council I said that we hoped that these surplus balances would be in the neighbourhood of half a million. In point of fact now that the accounts for 1927 are finally closed they amount to just over £693,000. Honourable Members will remember that the actual deficit in the accounts of this Colony in 1923 amounted to £673,000. We have not had very good

years since then except for the rains in 1923. I think, therefore, that the accumulation of this total surplus balance shows a wonderful recovery on the part of the Colony.

I know that Honourable Members are deeply interested in the question as to the use to be made of these surplus balances. An answer was given, I think, to the Noble Lord, the Member for Rift Valley, about the present disposition of these surpluses a day or so ago. Government proposes, subject to further discussion, to dispose of the surplus balance in the following way. At present I think that only a sum of about £70,000 or a little over is set against unallocated stores. We are of opinion that that sum should be increased and that a total of £125,000 should be set against unallocated stores leaving a total of £568,000 for other purposes. We propose, with the approval of the Secretary of State, who is being consulted in the matter now, to invest part of that balance gradually as requirements demand in the Land Bank where it will be earning interest at 5 per cent., but not less than 5 per cent., and part also of the balance in the State-aided building scheme where it will be earning interest at about 6 per cent. It has been agreed that issues under the Land Bank and under the State-aided building scheme shall carry the same rate of interest for all borrowers. The reason for the difference of one per cent. in the return to the Government is that one per cent. in the case of the Land Bank is to be allowed for working expenses. In these investments, the Land Bank and the State-aided building scheme, all the surpluses will be locked up, remunerative though the investments are, and the remainder we suggest should be kept with the Crown Agents earning interest at bank rate, that is at present at $4\frac{1}{2}$ per cent. and in a liquid form which is always available for our use should we require it. The reserve in this liquid form should, in our opinion, probably not fall below £400,000. It is a question of balancing the amount which is kept at bank rate and the amount which may be earning higher interest in the Colony. I am not prepared to offer any passing advice upon that subject, Members of Council. It is one which I am sure they would like to discuss, but I would suggest for discussion that our reserve in that liquid form should not fall below £400,000. We are not in a position yet to estimate the prospects of surplus revenue and it will therefore be impossible either this month or in the session which will be held next month to submit for the consideration of Hon. Members any Supplementary Estimates for Public Works Extraordinary. That must wait until later in the year. We are, however, submitting a first Supplementary Estimate on normal lines for £207,447, including Revotes of £47,702.

Government is putting forward Supplementary Estimates and the Revotes in two resolutions for a special reason in order that Council may understand clearly when it is voting money for entirely new purposes which has not been voted yet and when it is merely voting money for purposes and to amounts which have been already approved. I think the advantage of two resolutions should make that clear. A large part of the Supplementary Estimate is for purposes in which the Colony advances the money to other services such as the Railways and is reimbursed. Excluding amounts covered by reimbursements and by revotes the total Supplementary Estimate will amount to £81,447 against which there will be net savings of £32,261. The total new charge is, therefore, £49,186, of which £20,000 is asked for new schools in Nairobi. I hope that Honourable Members of Council will agree that after nearly six months working that is a reasonable account of the stewardship of the revenue of the Colony.

I very much regret that in the Coast Province there has recently been some public grievance about the amount of expenditure devoted to the Coast. I hardly understand why, at this particular moment, that grievance should have arisen. The expenditure on the Coast Province, excluding Mombasa in 1927 was £43,000. In the present year it has risen to £61,000, which should hardly be the subject of grievance for the taxpayers in that Province, especially as the expenditure on the Coast Province greatly exceeds the revenue derived from it. I am, however, as Honourable Members know, extremely sympathetic with the desire of the Coast to improve its trade and if possible to bring about a recovery of some of its former activities. The main necessities to that end, I think I have said before, are in the first place communications, for which this Council voted £16,450 from Public Works Extraordinary in the Estimates of this year; and in the second place, a campaign against disease which mars the native tribes at the Coast and is, I believe, the main obstacle to development, perpetually reducing production. As Honourable Members know, my Hon. Friend, the Director of Medical and Sanitary Services has been conducting an expensive campaign against the worst of these diseases, hookworm, both in the north and south of the Province, and we hope for good results from that campaign, which has been conducted with remarkable efficiency and has already produced considerable results.

There is one other form of provision for the Coast which I think deserves the consideration of this Council and that is the provision of an adviser specially experienced in tropical agriculture. These men are not easy to secure, but there is I think a case for providing such a man for the service of the Coast and proposals to that effect will be made to Council together with the Estimates for 1929.

The grievance which has arisen in the Coast Province reminds me that Government in the course of this year when the Estimates for 1929 are prepared, intends to add to the Estimates in their present form appendices which will show the direct expenditure on native services in the reserves in each of the Provinces. These will only be appendices, they will not affect the ordinary form of the Estimates, but they will enable Members of Council and all interested, including those who go and live in these Provinces, to realise at a glance what is spent on direct native services in the Reserves in each Province.

This form of appendix in the Estimates will show that every penny of direct taxation raised in the native reserves is spent on direct native services in those reserves. I mention that fact because this Colony is continually being accused by those who will not look at facts of taking revenue from the native and spending it on European and other services and I desire to say here, with all the zest at my command, that that reiterated charge against the Colony is entirely false and untrue. The contribution made to the general system and machinery of Government throughout the Colony by the native tribes will come entirely, and does come at the moment, from their contribution to indirect revenue and of course they pay in proportion to their needs and in proportion to their prosperity. It is not, I think, by any means too large a charge considering what the whole machinery of civilised Government confers upon them in this Colony.

Government is also arranging that Provincial Commissioners in future shall frame the Estimates for the reserves in their Provinces in a primary form before submitting them to Government and for inclusion, when approved, in the ordinary Estimates. The object of doing this is to secure not only further co-ordination but also, in the Provinces, to bring administrative officers into closer touch with departmental officers on other services in their province and that will, I hope, increase co-operation and create a common *esprit de corps* in the task to be done throughout the Provinces.

I am glad, turning to another topic; to be able to inform hon. Members that after protracted negotiations at Addis Ababa with the object of securing compensation for the numerous raids carried out upon our territory from Abyssinian territory since 1915, we have at last secured an agreement from the Abyssinian Government to pay a sum of £21,000. Inasmuch as our total claim was £23,000 I think that that result reflects great credit upon our negotiators at Addis Ababa, Major Miles and Mr. Glenday; and it also shows, I think, that we are indebted for the assistance of the British Minister at Addis Ababa, Mr. Bentinck. Of this

total sum of £31,000, £15,000 has already been paid and the balance of £6,000 is promised by the end of March next year. The Secretary of State has been asked to approve the application of this money for the development of the areas in the provinces concerned by the provision of water supplies, veterinary facilities and so on.

Government believes that the time has come for taking further steps to increase the efficiency of administration in the two frontier provinces. In Turkana we have quite recently suffered from further raids carried out from across the Sudan border. We are accordingly moving troops up to Labur in the near future in order to meet these raids and, I hope, to prevent them. The movement of troops has hitherto been prevented by the lack of adequate communications, but the roads are being pushed on and I hope that the troops will be able to move in the course of a week or so.

In the Northern Frontier Province the main need at the present time is, I think, accurate surveys. The present maps are extremely inaccurate as I have found from personal investigation in half that province, and also for the imposition of taxation on all the peoples living under our rule in the Northern Frontier Province. The anomaly at present exists that most of these people are paying tribute to Abyssinia to which they belong and are paying nothing to this Government under the benefits of whose rule they choose to reside.

With regard to surveys, I have recently received a preliminary survey of the Loroki Plateau which shows in a remarkable way how totally inadequate the previous maps and previous reports have been. The possibilities of these areas are at present undreamed of by those who have not visited them and made a real study of them.

I believe that the Colony has an asset far wealthier than it has been hitherto realised in the Northern Frontier Province as a whole.

I am keeping hon. Members a long time, but there are two or three other subjects on which I would like to say a very few words. In the first place, the Defence Force. The Staff Officer, Colonel Fitzgerald, has now arrived. He has already started work on the organisation; that organisation is now practically complete, and it will be ready to be put into operation throughout the Colony on the date which I originally named—1st July.

We are also working out, with the help of Mr. Tymms, who has been sent out by the Imperial Government, a series of Air Regulations suited to the Colony. The main objects of these Regulations is to provide for security and steady

development. I hope we shall be able to lay those Regulations before Council for their approval a little later on in the year.

My last subject is Education. I am glad to say that Nakuru School is now almost complete. The Eldoret School is rising fast. I had the pleasure of laying the foundation stone a few days ago and Government is doing its best to expedite the building of the Kitale School. The Indian School in Nairobi is also rising fast. I hope to be able to make an announcement to Council very soon about the appointment of a new Director of Education. I hope it will be possible to do so before we adjourn. In the meantime, Government has secured the assistance of Mr. Hussey, the Director of Education in Uganda, to discuss a subject on which they, in Uganda, have had even longer experience than ourselves—co-operation of the Government and the Missions in regard to elementary education and the system by which that is to be financed.

My hon. Friend the Acting Director of Education is also now at work on a complete scheme of compulsory European Education, which will I hope be ready for submission to hon. Members in this Council about the same time as the 1929 Estimates.

We are asking in the Supplementary Estimates for £20,000 for three new elementary European Schools in Nairobi. That is double the amount originally mentioned to the Select Committee on the subject. The demands for accommodation are so great that Government believes it better to build at once a school which will provide for considerable expansion of these schools. An Indian School is also required at Kisumu, and would have been included in these Estimates had the estimate of cost been ready. I hope it may be submitted to hon. Members for approval at an early date.

With regard to business, I hope it may be possible for Legislative Council to adjourn for a short recess on Friday next, and to meet again on June 12th, when it will have very important legislation before it, including the Native Land Trust Bill, the Land Bank Bill and the Fencing and Dipping and Cattle Cleansing Ordinances, which have been published for general criticism and comment. I hope to make a further statement upon those subjects before the adjournment, but I will not keep you any longer to discuss them now.

MOTION.

VISIT OF T.R.H. THE PRINCE OF WALES AND DUKE OF GLOUCESTER.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg Your Excellency's leave to introduce a motion in view of the statement which Your Excellency has made with regard to the forthcoming visit of His Royal Highness the Prince of Wales.

HIS EXCELLENCY: I think you should ask the leave of Council.

I understand that the Noble Lord wishes to submit a resolution expressing a welcome to His Royal Highness the Prince of Wales and the Duke of Gloucester. I am sure all hon. Members of Council will agree to that resolution being introduced at once. (Hear, hear).

THE RT. HON. LORD DELAMERE: Your Excellency, I am quite sure that all hon. Members of this Council will agree that a motion of welcome to their Royal Highnesses should be brought up at the earliest possible moment after the statement made by Your Excellency. This country is deeply grateful that it has been chosen for this honour and everyone here recognises the honour which has been done to this country by this choice. It is well known to everyone how the visits of His Royal Highness the Prince of Wales to the different Dominions and Colonies have served to bring together the different parts of the Empire and to arouse everywhere manifestations of enthusiastic loyalty to the Crown. In an Empire like ours with its many races and its divergent forms of government the Crown is the real cement which binds the whole together. In representing His Majesty the King the Prince of Wales is the Chief Commissioner of Empire to-day. His gracious decision to visit this Colony with his brother must always remain as an outstanding landmark in its history, and I am sure that all the inhabitants of this country of whatever race will give their enthusiastic help towards making the stay of Their Royal Highnesses a success. We ask him to accept out humble duty and our loyal thanks for his gracious communication, and hon. Members I am sure would also wish me to add one word to what Your Excellency said in your words of welcome to Her Royal Highness Princess Marie Louise on her visit to-day. I am sure we all welcome her here.

I beg to move:—

"On behalf of the Colony this Council tenders its most loyal and grateful welcome to H.R.H. the Prince of Wales and H.R.H. the Duke of Gloucester on their forthcoming visit to Kenya."

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I beg to second the motion. I am sure that this whole House undoubtedly endorses all that has been said by the hon. Mover and desires to express its warm welcome to His Royal Highness the Prince of Wales and the Duke of Gloucester.

HIS EXCELLENCY: The question is:—

"On behalf of the Colony this Council tenders its most loyal and grateful welcome to H.R.H. the Prince of Wales and H.R.H. the Duke of Gloucester on their forthcoming visit to Kenya."

The question was put and carried unanimously.

PAPERS LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY:

The Report of the Select Committee on the Registration of Domestic Servants Bill.

BY THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:

Report on the Fishing Survey of Lake Victoria 1927 to 1928 by Mr. Michael Graham together with a statement of the cost of this survey.

THE HON. THE COLONIAL SECRETARY: With the permission of Council, I would suggest that Council now go into Committee to consider the Draft Standing Rules and Orders. I would further suggest that the motion which stands in the name of the Hon. the Director of Public Works should stand over until to-morrow, as it is rather late to take a new motion at this stage of the proceedings. So with the permission of the House I beg to move that this Council go into Committee to consider the Draft Standing Rules and Orders.

HIS EXCELLENCY: I understand it will be to the convenience of hon. Members generally to take this motion and to go into Committee on the Draft Standing Rules and Orders. I will therefore put the question.

The question is:—

"That this Council resolve itself into a Committee of the whole Council in order to further consider the Draft Standing Rules and Orders."

The question was put and carried.

In Committee.

DRAFT STANDING RULES AND ORDERS.

Clause 24.

CAPT. THE HON. E. M. V. KENEALY: Is it desirable to allow discretion to a particular person or should that discretion lie with the Government as the Government?

THE HON. CONWAY HARVEY: Is it not a fact that all questions are really addressed to Government—not to individual members?

CAPT. THE HON. H. E. SCHWARTZ: Is it not a fact that all questions are addressed to the persons who have to answer them? You cannot put "Government" in here because under the Standing Rules and Orders I am entitled to ask a question of the Noble Lord or any other member.

HIS EXCELLENCY: I was about to explain that questions can be addressed to private members, and where the question is addressed to a member of the Government, of course it will be answered in the discretion of Government as a whole. But I think this wording of the rule is correct.

THE RT. HON. LORD DELAMERE: Of course, every member of the Government is supposed to be a free agent in this House, or anybody else who is asked a question.

HIS EXCELLENCY: I must take up the Noble Lord when he says that a member of the Government is a free agent in this House. No member of the Government is a free agent.

THE RT. HON. LORD DELAMERE: I say he is supposed to be.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, that being so I think the right to appeal to the Chairman should remain. As to the public interest involved, I think it is undoubtedly improper that any Government member should decide whether he will answer a question or not.

THE HON. CONWAY HARVEY: May I point out, Sir, that if any member feels he is suffering under a grievance and wishes to discuss it matter.

HIS EXCELLENCY: I have no objection in putting any amendment suggested by the hon. and gallant Member if members desire an appeal, but the specific question now being discussed is whether an answer shall be given to any question or not.

CAPT. THE HON. H. E. SCHWARTZ: Government has power to refuse to reply to a question on public grounds, the same as the Speaker of the House of Commons.

HIS EXCELLENCY: Is it the desire of this honourable Council that an appeal to the Chairman be put as an amendment to this clause?

(No.)

I do not know whether the hon. and gallant Member wishes to press his amendment?

CAPT. THE HON. E. M. V. KENEALY: No, Sir.

HIS EXCELLENCY: The question is that this clause stand part of the Standing Rules and Orders.

The question was put and carried.

Clause 20.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I suggest that the practice as suggested here be changed and that the words "If a written answer to the question is desired from the member shall mark it with an asterisk; otherwise he will receive from the member answer to the question, an oral answer," should be substituted for the words "If an oral answer to the question is desired from the member shall mark it with an asterisk; otherwise he will receive from the member answering the question, through the Clerk, a written answer."

HIS EXCELLENCY: I am not quite sure that we should not be wise in such matters to model our rules on the procedure which has stood the test of time in the House of Commons.

Do members of the Committee desire to press the amendment? It makes no difference to Government.

CAPT. THE HON. H. E. SCHWARTZ: I merely proposed it, Your Excellency, because what I have suggested is actually what is done.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I think the words "marked with an asterisk" in lines 6 and 7 might be crossed out, because any question that has not been answered when Council adjourns would receive a written answer.

HIS EXCELLENCY: Do you wish to put the question?

CAPT. THE HON. H. E. SCHWARTZ: The question is whether the words "an oral" in line 9 should be deleted and the words "in writing" substituted therefor; and that the words "through the Clerk" in lines 5 and 6 be deleted, and that the words "a written" in line 6 be deleted, and the words "an oral" substituted therefor. The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest that a written answer be furnished to the press and that in the event of a written and not an oral answer being given at some subsequent session, the member to whom such answer is given should have the right to ask a supplementary question.

HIS EXCELLENCY: With regard to the furnishing of an answer to the press—I do not think an answer should be furnished to the press before it is received by the member putting the question. With regard to the second point. A member, of course, always has a right to ask any question, provided that it is written down.

CAPT. THE HON. E. M. V. KENEALY: Then, Sir, when would it be in order to raise that supplementary question? At what point?

HIS EXCELLENCY: It is not a question of a supplementary question. A supplementary question is a question asked immediately after a reply and that can be asked as soon as Council meets.

THE RT. HON. LORD DELAMERE: Your Excellency, on a point of order, I should be reluctant to attempt to reduce in any way the right of Government to control its members, but I do suggest that it is as well that answers should be put in civil language.

HIS EXCELLENCY: I quite understand.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that the words "marked with an asterisk" in lines 6 and 7 be omitted.

The question was put and carried.

HIS EXCELLENCY: The question is that the clause as amended be part of the Standing Rules and Orders.

The question was put and carried.

Clause 23.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest that the words "publication by oral or by written notice" be interpolated in line 5.

HIS EXCELLENCY: Is it the hon. and gallant Member's desire that a member should have power to submit a motion without notice of the motion itself?

CAPT. THE HON. E. M. V. KENEALY: No, Sir. I presume that this merely means that the present privileges be maintained; that publication can be made orally or by written notice.

CAPT. THE HON. H. E. SCHWARTZ: I should like to support that. It very often happens that something arises, perhaps out of an answer to a question, and it is desirable to give notice of motion to Council. At present you have to table it, and tabling time does not commence

HIS EXCELLENCY: I would also point out that in any Parliament Government is allowed a certain discretion. There may be public reasons for not debating a subject.

I suggest that the hon. and gallant Member be content to leave it at ten. I think that if it is a matter of sufficient importance ten members will rise. Is the hon. and gallant Member prepared to accept that?

CAPT. THE HON. E. M. V. KENYALY: I wished to reduce the number in conformity with the practice at Home.

HIS EXCELLENCY: I would prefer to leave it at ten. The question is that clause 31 (9) be amended by the substitution of the following words: "the President and ten members rising in their places," for the words: "a majority of the members present and voting." The question was put and carried.

Clause 41.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I do not rise to move an amendment, but to raise a question which has never been satisfactorily settled, though it has arisen in different ways. A motion is proposed and debated, and four or five members speak on it. Then someone gets up and moves an amendment, which is duly seconded. The original motion, or should they confine themselves to the amendment, if that is so, and the amendment is lost, can the whole debate be reopened on the motion—thus allowing speakers to speak three times?

HIS EXCELLENCY: I should like notice of that question in regard to these new Standing Rules and Orders as I am not sure whether they deal with it or not. The Rule so far as I am aware is that if any amendment is moved to a motion any member may speak to that amendment, even if he had already spoken to the original motion, but when the amendment is disposed of a debate is governed by what took place before the amendment was moved and then a member may not speak more than once. I believe that that is the procedure of the House of Commons.

CAPT. THE HON. H. E. SCHWARTZ: If the amendment is carried it is then put as a substantive motion—it is not the original motion.

HIS EXCELLENCY: The amendment is debated as an amendment and then the amended motion is taken.

THE HON. CONWAY HARVEY: I am afraid that I am not quite clear, I understand, Sir, that every new amendment becomes a different question. Everyone has a right to speak to any new question, whether or not he has spoken previously. I am not clear whether the mover of the original motion has the right to participate in the debate on the new question moved as an amendment. In many places it is laid down that he has not. Everybody but the original mover is laid to speak, it being held that the original mover has the opportunity of speaking at the conclusion of the debate.

CAPT. THE HON. H. E. SCHWARTZ: There was a case in which a definite motion was moved by myself. Before its merits had been discussed another member rose to move that it be referred to a Select Committee. The consequence was that that was no speech on the original motion. Eventually the amendment that it be sent to Select Committee was carried and as a result everyone was debarred from speaking on the motion—and the original mover had no right to.

HIS EXCELLENCY: I think in that case the amendment was not in order. The amendment must not raise any question which should only be raised by a separate and distinct motion after notice. Otherwise it is a new substantive motion.

CAPT. THE HON. H. E. SCHWARTZ: I believe the ruling in question was given by Your Excellency.

HIS EXCELLENCY: I observe that this rule was not included in the old Standing Orders—and so the ruling was correct in that case.

If hon. Members would like a definite ruling on the point and will allow me to have notice I will consult the Attorney General.

THE RT. HON. LORD DELAMERE: The point is rather obscure, Your Excellency. I think it is a matter on which we should have a definite ruling.

CAPT. THE HON. H. E. SCHWARTZ: Then please accept this as notice of motion.

THE HON. CONWAY HARVEY: Your Excellency, I am not sure that provision exists in Standing Orders for it, but I think it is very important indeed that only one question should be before the House at a time. At present a member may speak on the original motion; he may then speak on an amendment to the motion; and then he may speak again on the amended motion—which means that no less than three speeches may be made by one member. I do think that there should be only one question before the House at any one time. Provision may exist—but I am not sure.

HIS EXCELLENCY: In the House of Commons any Member is entitled to speak once on each question.

THE HON. CONWAY HARVEY: My point, Sir, is that one amendment should be disposed of before anyone is allowed to bring a second amendment.

HIS EXCELLENCY: The hon. Member is quite right—but he will no doubt allow for the informality of the Committee stage.

THE HON. CONWAY HARVEY: I think, Sir, an informal discussion is almost inevitable in Committee and greatly facilitates the work of the Committee.

HIS EXCELLENCY: It is certainly done in the House of Commons.

The question before the Council is that Clause 41 be part of the Standing Rules and Orders of Council.

The question was put and carried.

Clause 44.

CAPT. THE HON. E. M. V. KENYALY: I suggest that he should not be allowed to say "not voting"—that means nothing at all. I suggest that that is an absurd thing for him to say. Should he not say "decline to vote"?

I think we had better confine the number of words. I think "not voting" is quite long enough, otherwise somebody may make a speech as to why he is not voting.

HIS EXCELLENCY: Does the hon. and gallant Member wish to press that?

CAPT. THE HON. E. M. V. KENYALY: Yes, I think it is most important not to have words which mean nothing.

HIS EXCELLENCY: The question is that the words "not voting" in line 10, Clause 44, be deleted and the words "decline to vote" substituted therefor.

The question was put and lost.

HIS EXCELLENCY: The question is that Clause 44 stands part of the Standing Rules and Orders.

The question was put and carried.

Clause 45.

HIS EXCELLENCY: The Colonial Secretary has pointed out that in sub-clause VI—line 3, the words "to order" should really be "on a Colonial Secretary) move that amendment?"

THE HON. THE COLONIAL SECRETARY: I beg to move that the words "a point of" be inserted between the words "to" in line 2 and "order" in line 3 of sub-section VI of Rule 45.

HIS EXCELLENCY: The question is that the words "a point of" be inserted between the words "to" in line 2 and "order" in line 3 of sub-section VI of Rule 45.

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 45 stands part of the Standing Rules and Orders.

The question was put and carried.

Clause 47.

THE HON. THE COLONIAL SECRETARY: Is the word "rises" correct in Clause 47? I do not think it is.

May I move that instead of the word "rises" the word "addresses" is put in?

HIS EXCELLENCY: I would suggest "speaks."

THE HON. THE COLONIAL SECRETARY: I beg to move the substitution of the word "speaks" for "rises."

HIS EXCELLENCY: The question is that the word "speaks" be substituted for the word "rises" in line 1 of Rule 47.

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 47 stands as part of the Standing Rules and Orders.

The question was put and carried.

Clause 52.

CAPT. THE HON. E. M. V. KENEALY: Is permission required in this instance when an appeal is made to the indulgence of Council?

HIS EXCELLENCY: As far as I know, the practice in regard to a personal explanation is that if a member is addressing the House on his part, but a personal explanation is always given at the conclusion of his remarks. The President will always allow a personal explanation to be made.

Clause 53.

CAPT. THE HON. E. M. V. KENEALY: Are we going to have a statement from Government dealing with this particular Standing Committee? I think it is inadvisable to agree to this until we know exactly what it is going to do.

HIS EXCELLENCY: I think what it is going to do is definitely laid down in Clause 53.

THE HON. THE TREASURER (MR. R. C. GRANNUM): A point about this Rule I do not like is that official members are not allowed to vote. If they are members of this Council surely they should be allowed to vote? (Hear, hear.)

THE RT. HON. LORD DELAMERE: That was the point I questioned.

CAPT. THE HON. H. F. SCHWARTZ: I would like to move the deletion of the words in the last line after "Chairman." This Select Committee discusses the Budget of the year and Supplementary

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Estimates before they are put up by general agreement in the Standing Orders, and why the unfortunate Colonial Secretary and Treasurer should not have a vote, I do not know.

HIS EXCELLENCY: I am afraid that further consideration should be given to this. After all, the report of the Standing Committee would be a matter of some importance, and as constituted at present it seems to me not to have been quite thoroughly thought out. For instance, this Clause 53 would rule out the Governor from taking part in such Committee.

CAPT. THE HON. H. E. SCHWARTZ: At the time it was drafted, it was drafted to meet the existing conditions, and later I think we had the suggestion put forward by Major Ward that the Governor should take the Chair at such meetings. I think that is why it does not appear here.

HIS EXCELLENCY: I do not see that the last clause is necessary. The Government can appoint anybody it likes as Chairman.

THE RT. HON. LORD DELAMERE: The practice undoubtedly in the past has been that the Colonial Secretary and Treasurer have been members, yet other official members have had the right to be present at any time when their things were being discussed.

THE HON. THE TREASURER: The practice in the past has been that the Colonial Secretary and Treasurer have sat as *ex-officio* members of the Committee; but other official members have been given the right if they wished to attend the Committee.

THE HON. THE COLONIAL SECRETARY: There is this Committee that was a Committee on Estimates, and this is a Standing Committee on Finance to consider proposals with regard to finance during the year. It is a Committee of Legislative Council.

THE RT. HON. LORD DELAMERE: But it also comes under Clause 50.

In practice it has been a most extraordinary success and I hope Government will not turn it down. It enables Elected Members to bring up questions in private which it is very often undesirable to bring up in public until we know what the facts really are. It dispirits people and puts them out if you go at a department in public when there is a perfectly clear explanation of the whole thing to be had.

HIS EXCELLENCY: I see two difficulties about it. I have no desire to interfere with the present system, which seems to be an excellent one, but there are certain difficulties which may arise. There was a certain demand at one time for this thing to be altered, and I think should have thought it was very desirable that in connection with the Estimates in the first instance a general explanation should be given at the second reading and then they should go to a Standing Committee. It is a complete change of procedure in Clause 53. I only want to make it clear that this appears to make a change in procedure.

CAPT. THE HON. H. E. SCHWARTZ: Cannot this question of Standing Committees be sent back for consideration by the Select Committee in consultation, if possible, with Your Excellency?

HIS EXCELLENCY: I think that will be wise. If the Committee is prepared to accept the suggestion of the hon. and learned Member we can get Clauses 53 to 61 further considered by the Select Committee on Standing Rules and Orders, and take them at a later stage.

This was agreed to.

Clause 64.

CAPT. THE HON. H. F. SCHWARTZ: I beg to move that the word "absent" in the last line of Rule 64 be deleted.

HIS EXCELLENCY: The question is that Clause 64 be amended by the deletion of the word "absent" in the last line of Rule 64. The question was put and carried.

HIS EXCELLENCY: The question is that Clause 64 as amended stands as part of the Standing Rules and Orders. The question was put and carried.

Clause 69.

HIS EXCELLENCY: I am very doubtful about this. I think every member of a Committee should sign the report.

THE RT. HON. LORD DELAMERE: I must say I do feel most strongly that every member of a Select Committee should sign a report. People occasionally have short memories about these things.

CAPT. THE HON. H. E. SCHWARTZ: I do not think this means anything, but that people shall sign a report as far as may be. You have to take into consideration the peculiar conditions that exist.

HIS EXCELLENCY: I think the word "so far as may be" allows wide latitude, and it is very undesirable that the report should be issued until all members have signed it. You can always get a signature by telegraph.

CAPT. THE HON. H. E. SCHWARTZ: If you make it mandatory you will not be able to issue a report until a person has signed it.

HIS EXCELLENCY: He is no longer a member when once he leaves the country.

THE HON. CONWAY HARVEY: I should like to see those words "so far as may be" deleted.

HIS EXCELLENCY: I think the clause as it stands exempts any member who does not agree with the report of the majority, from explaining the grounds of his disagreement, but I think it must be clear to the member who disagrees that he must sign a minority report.

CAPT. THE HON. H. E. SCHWARTZ: It must be a question as to whether members of the Select Committee when they leave can automatically become members of the Committee? If they do, then it gets us over a difficulty.

HIS EXCELLENCY: It must be so.

CAPT. THE HON. H. E. SCHWARTZ: It has been the practice that when a member went, his substitute took his place.

HIS EXCELLENCY: A substitute should be appointed in his place.

THE RT. HON. LORD DELAMERE: Surely everybody who leaves the country ceases to be a member of the Select Committee? They would not be expected to sign the report.

HIS EXCELLENCY: That is so.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Are they covered by Clause 64?

HIS EXCELLENCY: Yes. I would suggest the deletion of the words "so far as may be" from Clause 69, line 3.

THE HON. THE COLONIAL SECRETARY: I beg to move that the words "so far as may be" be deleted in line 3 of Rule 69.

HIS EXCELLENCY: The question is that the words "so far as may be" be deleted in line 3 of Rule 69. The question was put and carried.

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HIS EXCELLENCY: The question is that Rule 69 as amended stands as part of the Standing Rules and Orders. The question was put and carried.

Clause 70.

CAPT. THE HON. E. M. V. KENEALY: I suggest that this be amended to read:—

"Any member or members dissenting from the opinion of a majority of a Select Committee may put in written statements of the reasons for his dissent and such statements shall, if presented in time, be appended to the Report of the Select Committee."

HIS EXCELLENCY: The question is that Clause 70 be amended to read:—

"Any member or members dissenting from the opinion of a majority of a Select Committee may put in written statements of the reasons for his dissent and such statements shall, if presented in time, be appended to the Report of the Select Committee."

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 70 as amended stands as part of the Standing Rules and Orders.

The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY: There would be a consequential amendment "his." It should read "such." This was agreed to.

THE HON. CONWAY HARVEY: I should like to suggest for consideration that you substitute the word "shall" for "may." Make it mandatory that a man who disagrees must give his reasons for not associating himself with the recommendations of the majority.

CAPT. THE HON. H. E. SCHWARTZ: I am very sorry that I entirely disagree with that. It means that any person may hold up the whole of a Select Committee's report. Somebody who disagrees will simply say: "I disagree, I shall give you no reasons," and the thing cannot be presented to Council and you are held up.

HIS EXCELLENCY: The words "if presented in time" . . .

CAPT. THE HON. H. E. SCHWARTZ: It is not much good making it mandatory on a person to sign a minority report if it is not going to be considered. I do suggest, on reconsideration, that the word "may" should be put in. If a man disagrees and has the courage of his convictions he will put in a minority report. We do not want to leave a door open for contumacious members.

HIS EXCELLENCY: I appreciate the hon. and gallant Member's point. I do not think the opportunity for contumacious members is great. If that minority report is not presented in time it cannot be appended to the report and considered in time. A member cannot send in a minority report at a later date.

CAPT. THE HON. H. E. SCHWARTZ: May I ask what will happen if he says: "I will not sign the minority report." If he declines to sign a minority report?

HIS EXCELLENCY: His procedure is not to present it in time.

CAPT. THE HON. H. E. SCHWARTZ: Then he is disobeying an order of Council. If the Council is not entitled to enforce this mandatory provision why put it in? If it is entitled to enforce it, how is it going to be enforced?

THE RT. HON. LORD DELAMERE: After all, it may be he did not trust the particular person in charge of it. A particular person may be put in charge of it of whom he does not approve and in the circumstances it is difficult. He simply says "I do not agree with that report as presented." Anti-people generally manage to sign their things better than other people.

HIS EXCELLENCY: I quite appreciate what the Noble Lord says, but I think as a matter of fact that any person who is on a Select Committee or any other Committee should be protected against the later on, where the thing might quite well have been dealt with in the Committee earlier.

THE HON. T. J. O'SHEA: Would not that be covered by the member signing? He states his reasons on public grounds.

HIS EXCELLENCY: Well, I understand it is the wish of members in general to leave the clause mandatory. Does the hon. and gallant Member for Kenya wish to press his amendment.

CAPT. THE HON. E. M. V. KENEALY: Yes, for this reason, that after all if the report is put in it is not immediately considered. I want to make it possible to consider the minority report at any time the majority report is under consideration, and also where consideration of the majority report has been postponed. I think it should be considered under these rules to state that the minority report shall be considered at the same time as the majority report. If the report is not put in it cannot be considered and that is the fault of the person concerned. But I do not want a loop-hole left when the majority people send in their report to say: "A report is now in, yours was not in and therefore it cannot at this stage be considered."

HIS EXCELLENCY: But I suppose the hon. and gallant Member realises that there is the other side of the argument, that his amendment would make it possible for a contumacious member to prevent the presentation of any report at all for ever. The contumacious member would merely go on producing a minority report and no other report would be presented.

CAPT. THE HON. E. M. V. KENEALY: Then I suggest there should be a time limit for presentation.

HIS EXCELLENCY: Yes. Shall we say "may put in within eight days" of notice to the Chairman or something like that?

THE HON. CONWAY HARVEY: Your Excellency, I do not think that will quite meet the change; the Select Committee very often reports the next day in order that we may get on with the business.

HIS EXCELLENCY: While safeguarding the right of private members we do not want to make it possible to enable them to delay business greatly. It is greatly to the inconvenience of other members. It seems to me a member always has his redress by bringing up a motion in Council—I would ask the hon. and gallant Member not to press his motion—it would make for unreasonable delays.

CAPT. THE HON. E. M. V. KENEALY: Surely a minority report may be appended, up to the time the majority report is discussed. That is not a great concession to ask for.

THE HON. THE COLONIAL SECRETARY: That is very difficult, as has been stated, in the case of the report of the Select Committee having to be discussed the following day.

HIS EXCELLENCY: A dissenting member can always express his views in Council or in a Committee.

I will put the hon. and gallant Member's amendment if he wishes me to do so.

CAPT. THE HON. E. M. V. KENEALY: I think it is desirable, Sir.

HIS EXCELLENCY: The question is that Clause 70 be amended by the deletion of the words "if presented in time" in the third and fourth line.

The question was put and lost.

Clause 72.

THE HON. T. J. O'SHEA: May I give notice of an amendment which may want thinking out, Your Excellency?

"Any Bill amending an existing Bill shall set out in full the clauses of the Bill which it is intended to amend?"

HIS EXCELLENCY: Yes, will you hand it in? Thank you.

Council adjourned to 10 a.m., on Tuesday,
the 15th May, 1928.

TUESDAY, 15th MAY, 1928.

The Council assembled at 10 a.m. on the 15th May, 1928, HIS EXCELLENCY THE GOVERNOR (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of Monday, the 14th May, 1928, as amended, were confirmed.

HIS EXCELLENCY: I understand that it will meet the convenience of hon. Members if Council now goes into Committee on the Standing Rules and Orders. Is that so?

THE HON. CONWAY HARVEY: Yes, Sir.

THE HON. THE COLONIAL SECRETARY: I beg to move that:—

“This Council go into Committee to further consider the Revised Standing Rules and Orders.”

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

The question was put and carried.

In Committee.

DRAFT STANDING RULES AND ORDERS.

Clause 72.

THE HON. T. J. O'SHEA: I am sorry, but owing to a misunderstanding I did not rise in time. I understand that the hon. Attorney General is moving an amendment I suggested yesterday.

THE HON. THE ACTING ATTORNEY GENERAL: I understand that the Elected Members on the other side of the House would like to have an amendment inserted here to the effect that where a Bill amends a Bill or part of a section of an Ordinance, the section of the Ordinance so amended should always appear in the Bill. I have no objection to that.

HIS EXCELLENCY: Read the amendment.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move the following amendment: that after the word “Bill” in the fifth line of Clause 72 insert the words “and where a Bill amends the whole or part of a section of an Ordinance already in existence, together with the whole of such section to be published in full.”

HIS EXCELLENCY: I must express my disapproval of the way this amendment has been put forward. It should have been in the Order Paper this morning and should have been handed up to me this morning.

THE HON. T. J. O'SHEA: Your Excellency, may I be privileged to apologise for my share in not having done it in the proper way, which was due to a misunderstanding.

The question was put and carried.

Clause 82.

HIS EXCELLENCY: I am a little doubtful about the wording of this clause as it stands, as obviously it is in order to discuss anything arising out of a clause before the Committee whether a principle or not. All it means is the general principles of the Bill.

THE HON. CONWAY HARVEY: I think the general idea underlying the incorporation of Clause 82 is that we should not duplicate a discussion that is far more appropriate when the second reading is being taken. If I may make a suggestion: "that the principles of the Bill as a whole?"

THE HON. THE COLONIAL SECRETARY: Do the words "the principle of the measure" suit?

HIS EXCELLENCY: Are hon. Members prepared to accept that amendment?

The question was put and carried.

Clause 86.

CAPT. THE HON. E. M. V. KENALY: May I return to Clause 86 for a moment? At what stage, Sir, is it possible to move the recommitment of a Bill—only on the third reading?

HIS EXCELLENCY: On the report. The usual thing is on being reported to Council.

CAPT. THE HON. H. E. SCHWARTZ: It is provided for in section 91:—

"If, on the third reading of a Bill, any member desires to amend or delete any provisions contained in the Bill, or to introduce any fresh provision, he may move that the Bill be re-committed."

But I presume it can either be re-committed immediately on report to Council or on the third reading?

HIS EXCELLENCY: Yes, that is so.

THE HON. CONWAY HARVEY: One reason for that being that additional facts might be disclosed which were not available to the Select Committee prior to reporting.

HIS EXCELLENCY: Is the hon. Member satisfied that there are two opportunities for re-committal, on the report stage and on the third reading?

CAPT. THE HON. E. M. V. KENALY: Yes, Sir.

Clause 92.

CAPT. THE HON. E. M. V. KENALY: In this clause it is necessary to have the support before moving the rejection. Is it necessary for one member to have the support of another member prior to his motion or after his motion?

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, the position is that if nobody seconds it it falls to the ground, if somebody does second it it is debated.

HIS EXCELLENCY: The general procedure is that the hon. Member resumes his seat; the President asks if anybody rises to second, if nobody rises it is lost. If seconded the motion is taken.

CAPT. THE HON. E. M. V. KENALY: Even before he has spoken to it, Sir.

HIS EXCELLENCY: He may not move it until he has support. I think that is clear. It says that "any member may, if supported by at least one other member, move the rejection of the Bill." In any case like this the only course would be to give notice to the Chair that you intended to move the rejection and that your motion is being seconded by such and such.

Clause 95.

CAPT. THE HON. E. M. V. KENALY: In regard to Clause 95 in what capacity is this submitted to the Governor? In his capacity as Governor, or President or Chairman of the Council?

HIS EXCELLENCY: When it mentions the Governor in this it is referred to as the representative of the King. When the Governor is to the President. The Governor in his capacity as President of the assembly does not assent to Bills.

Clause 103.

CAPT. THE HON. E. M. V. KENALY: There is a small amendment I should like to move, that the words "brought in" be substituted by "introduced."

The question was put and carried.

Clause 110.

THE HON. T. J. O'SHEA: Under this clause might I ask the question whether any member has a right to speak against a Private Bill in Council unless he has signed a petition?

HIS EXCELLENCY: No, I think that members are exempted from this. The question is that after the word "person" in the first line the words "other than a member of Council" should be inserted. I think that is very necessary.

The question was put and carried.

Clause 112.

CAPT. THE HON. E. M. V. KENALY: I suggest an amendment to the words "made out" in the fourth line and "not made out" in the eighth line.

HIS EXCELLENCY: "Substantiated" is better. The question was put and carried.

Clause 113.

CAPT. THE HON. E. M. V. KENALY: I suggest in the third line that the words "shall go through" be amended, also "made out" in the second and third lines and that the words "made out" in the penultimate line be amended too.

HIS EXCELLENCY: I think "examined" is the word, and "substantiated" again.

The question was put and carried.

HIS EXCELLENCY: I would also suggest that we do not want italics in brackets in these Standing Rules and Orders. I think they should be in ordinary type.

Clause 115.

CAPT. THE HON. H. E. SCHWARTZ: I move the deletion of the first two "ors" in the second line.

The question was put and carried.

Clause 117.

HIS EXCELLENCY: I think before this clause is carried it would be better to go back. There are two amendments which the Attorney General promised to move in the earlier stage. There was one on the 21st day.

CAPT. THE HON. H. E. SCHWARTZ: Allow me to go back to the second paragraph of Clause 115, line 4, it says: "that the Clerk balance, and shall take proceedings at law to enforce payment of the moneys received for and pay any moneys recovered as would be better if it read "to take all necessary proceedings to enforce payment". . . It is mandatory to go to law, although the man is prepared to pay if you send a letter to him.

The question was put and carried.

HIS EXCELLENCY: There were two amendments, one was the right to speak and of the other I do not remember the substance of.

THE HON. THE COLONIAL SECRETARY: The point raised on the first day was notice being given of the business of Council and I think it was agreed that the position would be met—I think it was on the suggestion of the Hon. Member for the Lake—by notification of the list of the Bills that were coming up.

HIS EXCELLENCY: There was a new Standing Rule coming up making that mandatory.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, apparently there will have to be an adjournment for these amendments to be drafted by the Attorney General. It is a little difficult to follow the whole of these Rules. Provision is made for the Report of the Committee coming back to Council and being adopted and then the Committee being taken immediately, thus saving the tedious redundancy of going through a Bill which has been through a Select Committee and has been reported back and approved, but I do not see what would happen if the report of the Select Committee is not approved. I cannot find anything. I may be wrong . . .

THE HON. THE ACTING ATTORNEY GENERAL: I should like time to consider that if these Standing Rules are adjourned further for the amendments to be drafted and also that these other sections may be considered.

CAPT. THE HON. H. E. SCHWARTZ: I suggest for the Attorney General's consideration that the right procedure in the case of a report of a Select Committee not being approved by the Council is that the Bill be sent to a Committee again of the whole House. That is a suggested way out.

HIS EXCELLENCY: There is a provision I see in Sub-section (iii) of Clause 83 that "on a motion for the adoption of the report of a Select Committee the report shall be debated in Council, but if a request of any ten members present the Bill shall be referred to a Committee of the whole Council." That seems to me to meet the point. Does that meet the point?

CAPT. THE HON. H. E. SCHWARTZ: I do not think it does necessarily, because members may not wish to send it to a Committee of the whole Council. They may vote against it . . . I think that it should be sent to a Committee of the whole Council, otherwise nothing can be done.

HIS EXCELLENCY: Surely Government must be in a position whether to pass a Bill. Government is always in a position to withdraw a Bill or no Bill at all. It seems to me that if the report is not approved, there are two alternatives, one is not to proceed at all and the other is to follow the ordinary procedure and submit a further Bill to the Committee of the whole Council. I do not see why you should put in anything to provide for that which, I should say, is covered by the ordinary procedure.

CAPT. THE HON. H. E. SCHWARTZ: If Your Excellency is of opinion that if a report is not debated that there is provision to send it to a Committee of the whole House that may meet it.

HIS EXCELLENCY: I would like the Attorney General to make certain that such is the case—it certainly should be the case.

CAPT. THE HON. E. M. V. KENEALY: The subject raised by the Hon. Member for Nairobi South deals with a question which I raised as one of the principles of these Standing Rules and Orders. I suggested that one of the Rules should be that all reports of Committees shall be reported to Council and approved or rejected. In the past, Sir, occasion has arisen when this has not been done.

HIS EXCELLENCY: Is the hon. and gallant Member going back to one of the clauses regarding Select Committees which we have already discussed?

CAPT. THE HON. E. M. V. KENEALY: No, Sir, it is not provided for. It is a point that on an occasion the report of a Committee was not made to Council. It was a Budget Committee and it was never moved that that report should be made to Council, and yet the report was in fact adopted without such a procedure being gone through and I consider that entirely wrong and I am sure you will agree with me, Sir, that being so I suggest that it should be obligatory to report and thereafter to approve or reject all Committee's reports.

HIS EXCELLENCY: I quite agree. I see no objection to making it mandatory that the reports of Select Committees be submitted to Council. I see in the new Standing Rules and Orders that has been assumed. Clause 83 says:—

"A Select Committee may continue its sittings although the Council may be adjourned and shall not be dissolved until the presentation to the Council of its report or until dissolved by the Council."

But if the hon. and gallant Member would like to see a clause put in that all reports are to be presented to Council I see no objection, but I see an objection if the report is to be debated, it may not be in the interests of Council and may waste the time of Council. It seems to me a waste of time to debate it unless Government thinks it should. If Government wishes to debate a report it can put a motion down to that effect and a private member can do likewise, but why it should be mandatory to debate the report whether anybody wishes to do so or not is what I do not understand.

CAPT. THE HON. E. M. V. KENEALY: I do not suggest that the report be debated, but I suggest that if Government wishes to approve the report, Government should move that the Report be approved. If members of Council are unanimous in approving that report I presume no debate will occur.

THE HON. THE COLONIAL SECRETARY: There seems to be some hiatus in framing these new Standing Rules and Orders owing to the fact that section 83 under the old Rules says:—

"On this report being presented by the Select Committee the several provisions of the Bill shall be discussed in Committee of the whole Council either at once or at a time to be agreed upon."

It has been pointed out that these Rules as they stand now do not appear fully to provide that a report of a Select Committee can be taken in Committee of the whole House . . .

HIS EXCELLENCY: Provided for in sub-section (iii) of Clause 83 . . .

THE HON. THE COLONIAL SECRETARY: I would suggest the point to the Attorney General to consider whether it should not in all cases be put before a Committee of this House.

CAPT. THE HON. H. E. SCHWARTZ: There seems to be a little non-clarity of thought in regard to a Select Committee's report on a Bill, as to whether a Select Committee's report on a Bill is to be debated and considered. I think the Hon. Member for West Kenya's

point is that a new clause should be put in saying that the report of all Select Committees shall be laid on the table of this House. That is entirely safeguarded because, as Your Excellency has said, anybody can move the rejection or adoption of the Bill.

HIS EXCELLENCY: I entirely agree with the learned Member. It the Hon. Member for West Kenya satisfied?

CAPT. THE HON. E. M. V. KENEALY: It would mean that somebody would continually have to watch and shepherd all reports, because if Government wishes to approve a report, etc., it does so and takes action on it without considering it further in Council.

HIS EXCELLENCY: I am afraid that Government could not accept the doctrine that it should do the business of private members. If they want to watch Government they must do so accordingly. Government cannot do the work of both sides of the House in any assembly. Those who wish to criticise Government or if Government is exposed they must do so on their own part. I do not think this procedure enables Government to escape from criticism or comment if anybody wishes to make it.

THE HON. T. J. O'SHEA: I would like to ask the question whether it is not the usual practice that the reports of all Select Committees are to be laid on the table.

THE HON. THE ACTING ATTORNEY GENERAL: Yes, Sir.

CAPT. THE HON. E. M. V. KENEALY: It is not provided for.

HIS EXCELLENCY: I think the hon. Member misunderstood me. There should be a clause making it necessary for all reports of Select Committees to be laid on the table. The further suggestion of the hon. Member for West Kenya is that to debate the report should be mandatory on the Council.

Would the Attorney General see that an additional clause is made out and also another additional clause in regard to the setting out of the agenda?

THE HON. THE ACTING ATTORNEY GENERAL: Yes, Sir.

HIS EXCELLENCY: And in regard to the continuation of debate after an amendment has been made.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, another point which I raised on the principles of this Bill. I suggested, Sir, that provision be made that questions mutilated or altered by Government should first be submitted to the member asking the question and approved by him before being printed on the Order paper.

CAPT. THE HON. H. E. SCHWARTZ: Surely Government has no right whatever to alter a question. They have rights under this procedure to refuse a question if it be scurrilous, but no Government has the right to alter a question.

HIS EXCELLENCY: The procedure in the House of Commons is that the question is laid on the table and one of the clerks who knows exactly what the Rules are can always inform a member whether a question is in order or not according to the Rules of the House. If it is not in order the clerk shows him how to put it in order. If the clerk thinks the question wrong he can ask him to put it in order. Of course Government must see that questions are in constitutional form—not necessarily the Government, but the President of the assembly should see that they are in constitutional form.

CAPT. THE HON. H. E. SCHWARTZ: I agree with that, but my point is that Government should not merely alter a question and lay it before Council on the Order paper without reference to the member. I think that was the hon. Member's point.

HIS EXCELLENCY: I did not know that that was done.

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CAPT. THE HON. E. M. V. KENEALY: That was done in a question being done. I asked and I was ruled out of order for making a protest at its being done.

THE RT. HON. LORD DELAUNAY: I hope Your Excellency will give a ruling on this, Sir, because there can be no doubt that surely what Government can do is to return the question to the man and tell him to put it in a constitutional form or something else. It cannot be possible for Government or the President of the assembly to alter a question.

HIS EXCELLENCY: The Noble Lord is asking a point already conceded. I was not aware that questions have been amended without the permission of members.

CAPT. THE HON. E. M. V. KENEALY: It was a case of mutilation, not amendment.

HIS EXCELLENCY: I am afraid the hon. Member must not use words of that kind. It is a word he uses when Government puts a question into a constitutional form. What he wishes to say is that his question was amended and that is the only term I am prepared to accept.

If the question were amended and put on the Order paper without reference to him I think he is entitled to an apology from Government, and I am glad to tender it now. In future it certainly shall be laid down that no question is put down on the Order paper in a different form to that in which it was presented by the hon. Member without reference to that Member and his consent secured. If that is not clear in these Standing Rules and Orders I am prepared to approve of the Attorney General drafting an Order to cover it.

THE HON. THE COLONIAL SECRETARY: That is the practice already adopted by Government. I do not know of any case where a question by an hon. Member has been altered by anyone else.

CAPT. THE HON. E. M. V. KENEALY: I was ruled out of order.

HIS EXCELLENCY: I am certainly very astonished to hear it.

CAPT. THE HON. E. M. V. KENEALY: One other point dealing generally with principles: I suggest that the term of address as applied to our President of Council should be "Mr. President" and not "Your Excellency." I think it is desirable to alter the term of address, the two offices are entirely separate and it is desirable that the disabilities of governing a country be not applied to Council and that the qualities of chairmanship be not confused with those of administrator. I think that it is highly desirable that the mode of address to our President in Legislative Council be altered to that of "Mr. President" instead of retained as that of "Your Excellency." I suggest that alteration be made.

HIS EXCELLENCY: If hon. Members would like to discuss that, of course I shall be glad to do so, but I would make two observations: in the first place the responsibilities of the President and the Governor are not affected by altering the language in which he is addressed. Whether you address him as "Mr. President" or "Your Excellency" he still carries the same responsibilities and it is impossible under the present system of Government to alter that. One of the reasons why the Governor presides in the Legislative Councils in Crown Colonies is because it has been found necessary that the Governor should be there not merely as President but also as Governor, and frequently strong objections have been taken to the system of the Governor being out of the Council, but I do not think it is worth while altering the words without altering the facts. The Governor will have to carry that double responsibility in any case. I would also appeal to the hon. and gallant Member not to press that suggestion, because it would take the Colony out of line with all other Colonies in the Empire. One of the things which I think is desirable in the British

Empire is to get the procedure in all different assemblies to follow the same form as far as we can, and I think it would be a pity if Kenya went out of line with the rest of the Empire in this respect.

THE RT. HON. LORD DELAMERE: May I add my appeal to that of Your Excellency's. I think that whatever opinions there may be about the constitutional position in a Crown Colony, the Governor really has two posts. Nothing that we can put in our Rules and Orders can possibly alter that, and in fact anything except "Your Excellency" would be entirely a misnomer.

HIS EXCELLENCY: Does the hon. and gallant Member wish to press his suggestion?

CAPT. THE HON. E. M. V. KENZALE: Of course I shall not press the suggestion, although in regard to one point—the pleas raised that this country should conform to the practice in the rest of the Empire—I suggest that Kenya is in a position to lead on progressive lines the rest of the Empire. (Laughter.)

HIS EXCELLENCY: There is another point to be settled before we decide upon the introduction of these Standing Rules and Orders, and that is the whole section dealing with Standing Committees. Clauses 53 to 61, of which we omitted consideration yesterday. I do not consider those clauses as a matter of fact essential in any way to the Standing Rules and Orders, because the present procedure, which is very effective, is I think provided for in the later clauses dealing with Select Committees.

With regard to the Standing Committee on Finance, this requires a great deal of consideration. I would suggest, therefore, that for the moment, pending further consideration, the Standing Rules and Orders be adopted without those Clauses 53 to 61 on Standing Committees. I should like to know what the views of hon. Members are.

THE HON. CONWAY HARVEY: It seems to me it is rather a peculiar proper debate on a motion should be an essential preliminary to Standing Orders in connection with the matter.

HIS EXCELLENCY: I entirely agree. It seems to me that these Rules here as drafted make very substantial changes in our procedure, which may be very serious. It is a change of procedure.

CAPT. THE HON. H. E. SCHWARTZ: I would suggest that no decision should be reached at this moment, especially as this has got to be adjourned. I would very much like to discuss the matter with the members on this side of the House and not come to a definite decision now.

HIS EXCELLENCY: The only thing that I would suggest to the hon. and gallant Member is that we can discuss the Rules in regard to Standing Committees further and insert them at any time we can, if we wish to do so, but I think it is a pity to suspend the rest of the Standing Orders pending the discussion of those clauses which are not essential.

CAPT. THE HON. H. E. SCHWARTZ: There is to be an adjournment for other amendments to be put forward by the Hon. the Acting Attorney General. I merely ask that to-day a decision at any rate should not be reached, because if it is finally decided to have something put in it is a great pity that now we have got these Rules not to have the whole thing clear.

HIS EXCELLENCY: Yes.

THE HON. THE COLONIAL SECRETARY: The procedure in other Legislative Councils I have had something to do with is that the Select Committees of Council are appointed in Legislative Council and there was never any inclusion in the Standing Rules and Orders

of such a provision with regard to Select Committees. The Select Committees are appointed by the Legislative Council to deal with certain matters.

THE HON. T. J. O'SHEA: Your Excellency, I must confess that I am rather surprised at the turn the debate has taken. I was had been compiled by a Select Committee on which Government members on the other side of the House were represented and that these Rules have been brought forward with Government's consent, and I interpret the inclusion of these clauses under the heading of "Standing Committees" as meaning that Government have consented to their inclusion. Being very much in favour of this system of Standing Committees as a much more efficient and effective way of dealing with these things, I am rather surprised to find at the last moment that these clauses have been included rather casually, without their inclusion.

HIS EXCELLENCY: I think the hon. Member is really misunderstanding the position. Government wish the Standing Rules and Orders to be submitted to Council, but I never suggested that I was in favour of them as they stood, and I think it would be quite wrong not to submit them to Council.

THE RT. HON. LORD DELAMERE: I am entirely in favour of this method of dealing with finance. I think it is right in a government of this sort that where any member on the Government side of the House has already gone into questions of finance, that there should be a chance for members on this side of the House to go into matters of that sort, too. I must say I rather like the idea of its being put in this way. It is a custom which has been in force for some considerable time, and in fact I think it is a very good one, especially where questions of finance crop up. There may be cases where the Government submit financial requirements which may or may not be judicial. Those requirements are, I think, always in practice referred to members on this side of the House.

HIS EXCELLENCY: The difference in procedure here is this, that the Government prepares the Estimates of the year, Government introduces the estimates, and then refers them to a Select Committee. Under these draft Standing Rules and Orders Government would never dare to introduce estimates until they had been considered by Committee. That, I think, is a complete revolution in our procedure and I must object to it. It might not meet our present circumstances and I would therefore, beg hon. Members to remember that they are laying down traditions for a distant future. By establishing this mode of interference by the whole Council with the discretion of Government is a very serious matter. I know of no constitution in which it is done.

THE RT. HON. LORD DELAMERE: I personally think that if that is the case—I did not look at it very carefully—it would probably be better to leave it out. I think instead of giving us an easier method it might be the opposite.

There is one other thing. It says in Clause 55: "One ex-officio member and four unofficial members shall constitute a quorum of the Standing Committee on Finance." I think that is a bad principle to lay down in Standing Rules and Orders. I think it is against what we have always done—that is, to give all members a chance of discussing among themselves, and in Select Committee on the estimates—at any rate, financial matters, and I think it might just have the other effect if you lay these sort of rules down.

CAPT. THE HON. H. E. SCHWARTZ: It is perfectly clear that there will have to be certain amendments to these Rules because I do not think it was ever suggested that Government should be precluded from introducing draft estimates, but I do feel very strongly myself that it is a most important thing to have a Standing Committee on finance, and to have that as part of the Standing Rules

and Orders, although I quite agree amendments must be made that they go to a Standing Committee after they have gone to Council before they are finally accepted by Council.

HIS EXCELLENCY: If the hon. and gallant Member is pressing that he is merely changing the name from "Select Committee" to "Standing Committee."

THE RT. HON. LORD DELAMERE: I am very sorry this matter was not discussed by hon. Members before it was brought up. There is this difference. I think that the Select Committee only deals with the estimates but does not at all the year round and deal with all financial proposals of Government.

HIS EXCELLENCY: All financial proposals necessarily take shape in the estimates.

THE RT. HON. LORD DELAMERE: Not necessarily loans.

HIS EXCELLENCY: There must be some provision made in the estimates for loans.

THE RT. HON. LORD DELAMERE: Government has probably seen the conditions of the loan before and members on this side of the House not having had that advantage, you sometimes get a debate on a misunderstanding.

THE HON. T. J. O'SHEA: Your Excellency, this is probably the one section of the Standing Rules and Orders which I have read carefully and I have read it because it struck me as very revolutionary. I was agreeably surprised to find that a bloodless revolution is being carried on behind the doors of a Select Committee room. It also occurred to me that I would probably myself be a counter-revolutionary at some later date. I quite appreciate Government's reluctance to accept this, but at the same time I should like to appeal for the principle to be embodied or retained. That is, that we have a number of Standing Committees provided for in the Rules of the House which I think would be effective and of assistance to Government. I do not ask that we should be so constituted as to have the very revolutionary powers as drafted here.

HIS EXCELLENCY: Well, if that is the case I will be very glad to reconsider the Rules on Standing Committees, but I would make one observation about Standing Committees. It is one of the things which is most important in the present conduct of the Government of the Colony. It is very difficult to get the Government members appoint Committees but they do not meet. You cannot get the members together, and hon. Members will believe me, I am sure, when I say that essential procedure may be very seriously delayed if everything has to be referred to a Committee which you may not be able to get together at a most urgent time, and that the result is a real waste of taxpayers' money. Many members on the other side of the House are farmers. How would they like to run a farm if they could not make any decision about that farm without collecting a Committee together which could not come? Those are some of the difficulties with which the Government is confronted at the present time. Government should not be too much handicapped in its efforts to conduct the duties of the Administration economically; this procedure of checking and counter-checking does lead to waste of public funds. I am only too anxious that everything possible should be constitutionally submitted to this Legislature, but at the same time I am also anxious that the taxpayers' money should not be wasted.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: Is there any procedure laid down as to the method in which questions should be asked? The custom of this House is at present to call on the member to ask his question. Some members read out their motions and others ask permission to bring them in. I think in the House of Commons it is all done by numbers.

HIS EXCELLENCY: Numbers. In the House of Commons the Speaker calls the member's name or the number of the question.

THE RT. HON. LORD DELAMERE: Before we leave this question of Standing Orders, I would like to ask Your Excellency if there is anything in the part about Select Committees which prevents a Standing Committee being put on in the ordinary way to do these things?

HIS EXCELLENCY: No, none. I think the way to deal with the objections of the hon. Members is probably not to carry on with the committees on Standing Committees and merely provide that certain Select Committees should be appointed to deal with matters throughout the year.

CAPT. THE HON. H. E. SCHWARTZ: That could be met by deleting all the clauses on Standing Committees, excepting 50, 60 and 61.

HIS EXCELLENCY: The present Select Committee on estimates could become a Standing Committee.

THE HON. THE COLONIAL SECRETARY: May I just supplement what has been said by the Hon. Member for Nairobi South, because I know how it works in other countries where it is adopted. I

HIS EXCELLENCY: With regard to the question asked by the Hon. and Gallant Member for the Coast, I do not think it is necessary to lay any procedure down in the Standing Orders. I do not think it is in the Standing Orders of the House of Commons. I think hon. Members may by common consent adopt a definite procedure, and I think on the Government side we should also abandon the quite superfluous practice of saying "The answer to the question is as follows."

THE HON. T. J. O'SHEA: I think it is very necessary at this stage to promote the evolution of Government by associating as closely as possible the representatives on this side of the House with the representative functions of Government. It would be very much better for the Colony. It is very necessary to increase the Standing Committees in future.

HIS EXCELLENCY: I quite understand that. I suggest then that the Committee will now adjourn and that we resume in Committee again to consider these further amendments which have been introduced this morning. Would that procedure meet hon. Members?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. G. V. MAXWELL): If I am not too late I would like to suggest some minor amendments. I would suggest that in Rule 40 after the word "President" the words "or Chairman" shall be added, because an amendment may be moved in Committee.

HIS EXCELLENCY: I think that is a very desirable amendment. Obviously the rule applies to procedure in Committee as well as Council.

The question is that the words "or Chairman" be inserted after the word "President" in line 1 of Rule 40.

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 40 as amended stand as part of the Standing Rules and Orders.

The question was put and carried.

THE HON. THE CHIEF NATIVE COMMISSIONER: I would also like to more, in consequence of the amendment that was made to Rules 40 and 61, that an amendment be made in lines 3 and 5 of sub-section (2) of Rule 40, and that the words "a point of" be inserted between the words "to" and "order."

HIS EXCELLENCY: The question is that the words "a point of order" be inserted between the words "to" and "order" in lines 3 and 5 of sub-section (2) of Rule 46.

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 46 as amended stand as part of the Standing Rules and Orders.

The question was put and carried.

CAPT. THE HON. E. M. V. KENYAL: Your Excellency, I suggest that there should be a time limit within which Government should answer a question—within which either Government should refuse to accept the question and reject it, or a question may be put in and the answer to that question may be postponed for a period of months, and by the time the answer is forthcoming it ceases to be of any value whatever. I suggest that the matter be considered when the other amendments are being considered.

HIS EXCELLENCY: I imagine that the hon. and gallant Member must know that when no answer has been given that the question has been disallowed on the grounds of public interest.

THE HON. THE COLONIAL SECRETARY: It seems to me that these are questions of courtesy. Hon. Members should first of all appeal to the Clerk, then to the Colonial Secretary and then to Your Excellency if hon. Members are of opinion that a question has been unduly delayed or that it has been altered or that they have not received any reply at all. I submit that if there are such cases and the attention of Government is called to them, every effort will be made to avoid such delays and to give answers as soon as possible. It is a matter between hon. Members and the Government.

THE RT. HON. LORD DELAMERE: The member has a right of appeal to the House.

HIS EXCELLENCY: Yes.

CAPT. THE HON. E. M. V. KENYAL: It merely means that if Government does not wish to answer a question which has no *prima facie* reason for being excluded then, Sir, Government can postpone the answer to that question, depending on the durability of the member's patience. If a time limit is imposed Government will then answer within that time limit, or will refuse to accept the answer as a proper one. I suggest it is highly desirable to have a time limit rather than to depend on the individual patience of the individual questioner.

HIS EXCELLENCY: The question really is a question of redress, and it seems to me that the hon. Member has really a better means of redress than to put his case in his first place before the President, and if he is dissatisfied to put in his point before Council, but these rigid things like time limits are always open to abuse. For instance, in the House of Commons I believe there is no time limit so far as questions are concerned, but if a reply to a question is delayed a very long time Government always makes it a point of courtesy to ask the hon. Member whether he minds the question being delayed.

THE HON. T. J. O'SHEA: Your Excellency, I entirely agree that it is hardly desirable to put in a rigid time limit; on the other hand, it is hardly desirable that we should be continually worrying the President about delays. If a really serious delay occurred the questions which involve any great enquiries or any great delay in finding replies to them. I sent down some questions to the Clerk of the Council a fortnight ago and I have not yet had any replies. I do not think there is any deep research necessary for finding answers to these questions, but I should not like to worry Your Excellency.

HIS EXCELLENCY: I do not mind putting in a rule that a question should be answered normally in eight days and that if it is not possible Government should communicate with the member.

THE RT. HON. LORD DELAMERE: I object to a rule of this sort, because it gives Government eight days within which to answer a question. (Laughter.) Council is probably over by that time. Any hon. Member has had his questions delayed he should bring it to the notice of the House. These questions have got to be answered as quickly as possible.

THE HON. T. J. O'SHEA: I think I said I did not consider it was desirable. What I was hoping for was an assurance from Your Excellency that the questions would be answered a little more promptly.

HIS EXCELLENCY: I am very glad to give that assurance to the hon. Member so far as I am able to do so, but the difficulty really is about questions, I think, is that we have no particular machinery for dealing with these things and it very often means additional work for officers when they are very busy getting out other material for this Council. I am sure hon. Members will realise that when Legislative Council meets a great increase of work necessarily takes place and devolves upon all officers who have to deal with business in this House.

CAPT. THE HON. E. M. V. KENYAL: I trust that hon. Members on this side of the House will not reject a time limit of eight days. I think it is a most extraordinary situation to find that hon. Members on this side of the House who are trying to attain a degree of freedom which is desirable should reject such a generous concession as Your Excellency proposes. One supposes that Government will have instructions from Your Excellency to expedite the answering of questions, but that this time limit of eight days will be imposed upon them as well. It does not mean for one moment that Government will take advantage of this eight days' limit.

THE RT. HON. LORD DELAMERE: I feel exactly the opposite to the hon. Member. I have said that it is an extraordinary thing that people who try to attain freedom should tie themselves to meticulous rules which can do nothing but upset the business in this House. Every member has a right to draw attention to the fact that a question has not been answered any moment, and that appears to me to be ample. I dislike a time limit of eight days. There may be questions that may take three or six months to answer. Others can be answered immediately. Then there are questions which, because of the business of this Council, it is necessary should be answered at once. I am bound to say, as the hon. Member has said, it is an extraordinary thing, but it does not seem to me to be a call to freedom.

HIS EXCELLENCY: The hon. and gallant Member was not quite right in saying that I offered to introduce such a rule; all I said was that I was prepared to consider the eight days.

If there are no other points which hon. Members would like to raise, I would suggest that we adjourn for the interval and take the motions afterwards.

CAPT. THE HON. H. E. SCHWARTZ: There is a very little point. Is it the correct way to ask a question to put down: "to ask the Director of Medical and Sanitary Services, or the Treasurer, or the Director of Public Works?"

HIS EXCELLENCY: Yes.

THE RT. HON. LORD DELAMERE: I always thought it was "does Government do this or does Government do that?"

HIS EXCELLENCY: Yes.

THE RT. HON. LORD DELAMERE: To name the individual officer?

HIS EXCELLENCY: Yes.

THE RT. HON. LORD DELAMERE: The Clerk may say that you are addressing it to the wrong person. It is just possible that sometimes happens. If you address it to nobody the Clerk would send it to the proper Head of the Department, I often put in questions without knowing who is the proper person. I think the Clerk always puts it in.

THE HON. THE COLONIAL SECRETARY: That is not to be regarded as mutilation?

HIS EXCELLENCY: In the House of Commons if a question is addressed to the wrong person it is pointed out to the member.

THE RT. HON. LORD DELAMERE: I do not think it is right for Government to change the person without referring the matter to the member. Perhaps you ask the Director of Public Works a question without knowing if he knows the answer—I am only giving an instance—I have nothing against the hon. Gentleman, he generally answers questions. One often addresses it to an individual member because one wants to find out what he knows and one does not want one from the Colonial Secretary . . .

HIS EXCELLENCY: The only object of the Clerk is to direct the question to the department which is responsible for the business. Of course there is a great tendency in the House of Commons to address questions to the Prime Minister.

If it would be for the convenience of members to take the motions after the interval, we will resume in Council and take the motions.

Council adjourned for fifteen minutes.

Council resumed its sitting.

MOTIONS.

THE EUROPEAN OFFICERS HOUSE BUILDING SCHEME.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I beg to move:—

“That this Council approves the adoption of the scheme set forth in the Memorandum entitled ‘A Scheme to advance money to European Civil Servants to enable them to build their own Houses,’ which has been laid on the table of this Council.”

Your Excellency, I believe that it was in the year 1924 that the difficulty of housing civil servants first became acute. The Colony was at that time emerging from a period of financial difficulty. The activities of Government were increasing and the staff had been increased to carry out those activities. In that year also the suggestion was first made, I believe, that the situation might be relieved to some extent if a scheme for assistance to civil servants to construct their own houses was adopted. In 1925 the Loan proposals were before Government and this hon. Council, and provision was

made for the construction of 121 houses at an estimated cost of £157,000. Government did not proceed at once with that scheme because it wished to be sure that there was no better way of dealing with the situation which prevailed. In 1926 the housing difficulties were serious not only in Nairobi, but also throughout the Colony. In Nairobi there were about 100 Government quarters available—that was nothing like sufficient for the demand. Government was under contractual or moral obligation to civil servants to provide them with either free furnished quarters or an allowance in lieu. The allowance had been fixed at 15 per cent. of the initial salary of the scale with a minimum of £75 per annum. Although that was quite adequate to enable a bachelor to accommodate himself with that house allowance, all those who studied this question—I think I may say all—were convinced that it was not sufficient to enable married officers, especially those with families to accommodate themselves at the high rents which prevailed. Consequently it came about that Government rented houses for those married officers who could not be accommodated in Government-owned quarters. In the majority of cases it is true that the average difference between the rents paid and house allowance came to about 50 per cent. In that year 1926 also the Council of the European Civil Servants' Association urged that Government should adopt a scheme for assisting Government officers to construct their own houses. Government was very favourable towards such a scheme and wished the whole housing situation to be explored fully. It engaged the services of Mr. A. E. Basden, a gentleman closely connected with an important building society in South Africa. Mr. Basden reported in October, 1926, after two months' enquiries and his report was laid on the table of this hon. Council at the end of 1926. I need only refer here very briefly to the main points of Mr. Basden's report dealing with the question of allowing civil servants to build their own houses. Mr. Basden advocated that invitations should be tendered to building societies in other countries to establish themselves in this Colony though they would require initial financial assistance to establish themselves. He also advocated that the individual officer should be given either £100 for the purchase of a plot of land on which to construct or a plot should be given to him on very favourable terms. A building society would advance ordinarily up to 66½ per cent. of the capital value of the property and Mr. Basden advocated that the remaining 33½ per cent should be advanced by Government either without interest or at a very low rate of interest.

During 1927 the matter received the further consideration of Government. It was recognised that it was very desirable from many points of view to encourage officers to

construct their own houses provided that the cost to Government of doing so bore no unfavourable comparison with the cost of accommodating them in other ways. There are several distinct advantages which would occur on the adoption of such a scheme. Firstly it is generally recognised that it is undesirable for Government to invest public money—Government funds in house property for its civil servants more than is absolutely necessary. It is not the practice to do so in several of the most advanced colonies and the Dominions. The sooner we can break away from that in this Colony we should do so. Secondly, it is in accordance with the policy in this Colony that officers should be encouraged to settle in the Colony after retirement. It is true that in a good many cases farming would not appeal to the individual officer and he would desire to embark on business or some profession and reside somewhere in the vicinity of Nairobi. The best way to get these civil servants is to anchor them while in Government service. Thirdly, an officer who does not own property takes little interest in the upkeep of the property. If he is merely a tenant at the will of the owner he naturally does not take much interest if he can be evicted at any moment. It is to be recognised, of course, that only a comparatively small proportion of the officers in Government service can become participators in such a scheme. The scheme is only open to those members of the pensionable and permanent staff who are permanently stationed in Nairobi and perhaps to a small extent in Mombasa. It is only a portion of these who would care to, or be able to, embark on such a scheme. With the high cost of living the married official has great difficulty in making both ends meet and the utilisation of even ten per cent. of the official's salary in payment of interest and redemption of a loan would be impossible. There are at present about 220 permanent and pensionable officials in Nairobi, of these 44 are accommodated in rented bungalows at a cost this year of £5,982; 63 are accommodated in Government-owned bungalows and 114 are drawing house allowance at a cost of £9,684 and making their own arrangements. It is considered that not more than 100 of the 220 permanent and pensionable officials are permanently stationed in Nairobi and it is stated by the Civil Servants Association that possibly 50 eligible officials would be able and willing to embark on a scheme of this kind if it was sufficiently attractive. The whole question was investigated by the Public Works Department in collaboration with the Treasury in 1927, a Sub-Committee of the Loan Buildings Works Committee having been formed for the purpose, the Sub-Committee consisting of the Treasurer and myself. The Council of the Civil Servants' Association gave us much assistance and several alternative schemes were looked into.

The scheme which is now, before this hon. Council was approved by the Loan Buildings Works Committee.

Before dealing specifically with the scheme itself, Your Excellency, there are two or three points which bear distinctly on it and to which I should like to refer briefly.

During the discussion in the earlier stages of the scheme the Loan Buildings Works Committee required the Sub-Committee to explore the question of consolidation of house allowance with salaries. It was quite clearly shown that the consolidation of house allowance with salaries on the basis which was set forth in the Basden Report would be more expensive to Government than this scheme. It was shown that house allowance would have to be consolidated at not less than 19 per cent. of the substantive salary instead of the 15 per cent. of the initial salary of the scale. The difference between 19 and 24 per cent, which is in accordance with Mr. Basden's formula, being due to the fact that the addition to salary on consolidation would continue during leave and would also form an additional pensionable emolument. It was clearly shown, however, that this scheme to assist officers to build their own houses was independent of consolidation and need not prejudice in any way the question of a consolidation of salaries in future.

Another matter was the question whether it would be better for the advance to be made by a Building Society to the participator, or for Government to advance direct to the participator. The Sub-Committee was not in favour of Mr. Basden's recommendation that building societies in other colonies should be attracted to this Colony and should be given financial assistance to enable them to establish themselves here. The Sub-Committee, however, got in touch with the Directors of the local Building Society and found them very willing to co-operate. On examining the matter fully, however, it was considered that the financial difficulty in respect of such co-operation was considerable. It was suggested that Government might have two directors—might have two seats on the Board of Directors—but Government is not concerned with the ordinary activities of an ordinary Building Society such as the Savings Bank activity and was only concerned with advances to its own officials. It was thought that the simplest way to avoid complications would be to resolve the thing into a clear-cut issue between Government and the civil servant by which Government has the security of the first mortgage on the property of the civil servant. This was approved by the Council of the European Civil Service Association. After consideration of Mr. Basden's proposal that a plot of land should be issued to the participator on very favourable terms the Committee felt that there was no justification for alienation of such plot on any more favourable

terms than would be obtained by the general public. A point which has been the subject of considerable discussion, is whether Government should advance up to the full value of the property or only up to say 90 per cent. of the value. A Building Society would ordinarily advance only up to 60 per cent. though in the case of some societies in England it is understood that they will advance up to 90 per cent. when the security is very good. It is thought that Government has such good security in making advances to its servants on the permanent and pensionable staff that there is justification for advances up to the full value of the property because Government has a lien on the salary and pension of the officer. The only possibility of loss lies in the contingency of the officer being dismissed or invaliding of the officer just before or after the completion of the house. That also pre-supposes that the officer in question will be unable to dispose of his house property to another officer. It also pre-supposes that the Board administering the scheme made a mistake in valuation. It is not usual for pensionable officers to be dismissed nor is it likely that the Board would make a serious mistake or be unable to accommodate another officer in the building if it had to foreclose. The possibilities of loss in that direction seem to me to be small. It may be urged also that possibly the cost of building will become reduced in the future or that the borrower will fail to maintain the house. The possibility of that occurring a few years after the construction of the building is remote. If it occurs after that period a considerable portion of the loan will have already been redeemed and the value of the property is therefore much greater than the outstanding on the loan.

It is considered, therefore, sound to lend up to 100 per cent. as an advance. Coming now to the scheme itself it will be seen that it is intended to establish a Board to administer the scheme. Having accepted the applicant as a participator, having agreed to the alienation of the plot of land to the applicant, having accepted and approved the building plans and specifications for the building which it is proposed to erect, having placed a value on the property, a mortgage having been tendered and accepted, the Board makes interim advances during the period of construction up to the time when the building is finished when the balance is advanced to the borrower. Up to that time the borrower will be paying interest at 6 per cent. or the Land Bank rate if the Land Bank is established. Subsequent to that time the loan is redeemed with interest at 6 per cent. or at the Land Bank rate if established, by equal monthly instalments over the whole redemption period. The redemption period may be five, ten or fifteen years, at the option of the applicant with the approval of the Board. Full redemption tables will have to

be worked out for each case showing the portion of the fixed monthly payment which in each month is on account of interest and the portion which is on account of redemption. It may be said, however, that for the five-year period the annual instalment for each £100 advanced would be £24; for the ten-year period it would be about £14 and for the fifteen-year period about £10 12s.

It is thought that on the Basden principle if an officer constructed a house having double the value of his salary, he would cover all recurrent charges, including maintenance on his house, with his house allowance at 15 per cent. of the initial salary, plus 10 per cent. of his substantive salary.

It will be observed that provision is made for an officer who has constructed or purchased a house subsequent to 1st June, 1926, becoming a participator in the scheme if he has borrowed the money to construct that house and still has a mortgage outstanding on the property. The reason for this is that in the middle of 1926 civil servants were given to believe that Government was very favourably considering this scheme and it was held that as they relieved Government of the onus of housing them they should not be debarred from enjoying the benefits of the scheme—such benefits as they would have enjoyed if the scheme had come into force in the middle of 1926.

There is one more point to which I might briefly refer. It will be seen from, I think, Clause 18 that if the participator elects to take out a single premium mortgage insurance policy insuring that in the event of his death within the redemption period the Insurance Company will pay to Government the outstanding balance together with any accrued interest on the loan, Government will advance to him, the amount required to pay that single premium. The only point which I wish to emphasise is this that that advance is not secured on the property in any way. Government already has advanced to the full value of the property. The amount is small, however, and it is considered that the fact of Government having a lien on the officer's salary and pension is sufficient security.

It will be seen, Sir, that assuming that Government lends this money without reasonable risk which is, I think, a correct assumption, the loans are completely redeemed in the period of five, ten or fifteen years with interest. The only expense to Government during that time is the payment of house allowance to the extent laid down and if eligible civil servants embark on this scheme Government will save the difference between the rents it at present pays together with the cost of furniture and house allowance—that is, to those officers who are not at present drawing house allowance.

Now there are at present 61 bungalows rented in Nairobi for Europeans at a cost of £8,500 this year. This figure is 56 per cent. in excess of the house allowance which would otherwise be payable to those officers who occupy these rented houses. That works out at about £48 more than the house allowance on the average per individual. The average annual charge per set of furniture—may be put at £8 per annum. Consequently, if every eligible officer enters this scheme—who is at present drawing house allowance—Government gains £48 plus £8 = £56 on the average.

I have referred in my speech to other advantages apart from pecuniary ones which would accrue from the adoption of this scheme.

I beg to move the motion standing in my name.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg leave to second the motion. A very clear exposition has been given by the Director of Public Works in regard to this scheme. I would like to accentuate one point and that is that this scheme is not by any means a philanthropic scheme on the part of Government, but what it really is is a scheme of mutual self-help. The civil servant benefits by being able to pay the cost of his house from his house allowance plus so much per cent. and I think it will be found out that with the ten and fifteen-year periods this is considerably less than ten per cent. In addition he will be able to acquire a property which, when the advance has been paid off, will be his own property and will necessarily have the very likely effect of making him stay in this Colony and become one of us. It also has the effect of getting Government out of the difficulty of having to build a large number of houses except by putting up money by degrees which immediately becomes repayable by the participators in the scheme and I hope it will have an effect on the general public in that when these houses are built, when these civil servants have built their houses we may see some reduction in the enormous rents which at present exist in this town.

I accentuate the point of it not being a philanthropic scheme because it may be asked why should this scheme only apply to civil servants? The answer is, I suggest, that Government applied it solely to civil servants because it is only in the case of civil servants that they can have the absolute security which permits them to advance up to the full value of the property. It is only in the case of the civil servant that they are secured up to the full value and no private company or mortgagee would think of advancing up to the full amount because no security can be so good as Government has in a case like this. I am extremely glad that the

hon. mover has said that Government agrees to make this scheme retrospective to the 1st of June, 1926, because there are quite a considerable number of civil servants who, when the scheme was first mooted, took action immediately and did not wait for the fruition of the scheme, but thinking the scheme would come to fruition at some time or another got on with the building of a house and made their own financial arrangements and I think everyone will agree that those people who were first to do what, although no doubt they wished to do it for themselves, were a benefit to the Colony and should not be placed in a worse financial position than those who are going to build and participate in the scheme in future. It is gratifying to know that these people will not be handicapped and will be able to participate in the scheme. I welcome the scheme and am extremely pleased that Government have now put this scheme forward as a definite proposal and I hope that it will meet the general approval of this side of the House.

THE HON. T. J. O'SHEA: The motives underlying this scheme, Your Excellency, I have the fullest sympathy with. I entirely agree that it is highly desirable to lighten as much as possible, and, if possible, do away entirely with Government's liability in the matter of housing for civil servants, and with the motive that also underlies it of endeavouring to give civil servants a stake in the country in which they are earning their living. Government as a constructor of houses and a renter of houses is in my opinion a very bad business organisation and the less it has to do with the matter in this connection the better and therefore should be left in the hands of the private individual the task of providing his own housing accommodation. But, Sir, I cannot confine my criticism of the scheme to that point of view only. I think I am justified in criticising it as an effort of Government to solve its very serious housing problem for civil servants. From that point of view two things have to be considered, firstly, the people who are at present in the service and to whom Government is under contractual obligation to provide housing accommodation and, secondly, those who may come into Government service at a later date. Now, Sir, those who are at present in Government service are subject to terms of service which were planned at a time when the conditions prevailing in this country were altogether different from what they are to-day. When the present terms of service were introduced the conditions in this country were such that it was essential for Government to contract with its servants to provide them with housing accommodation but, Sir, since then conditions have altered very materially and I think it will be obvious to any who takes an interest in the problem, that it is no longer necessary for Government, in many parts

of the country, to provide housing accommodation for its employees. It is becoming daily more obvious that the revision of the terms of service cannot be delayed much longer. Revision of the terms of service has been pressed for from this side of the House for several years past and I have a hazy recollection, Sir, of some undertaking having been given about last year that the matter was receiving further consideration and I understood Your Excellency to say that you hoped to make some announcement on this project in the near future. A Committee was appointed some years ago to go into the problem and I myself had the honour of sitting on it for some time, during which the period of leave was seriously considered and recommendations were drawn up that the period of service should be extended to four years. Since then considerable discussion has taken place and it would seem that we are no nearer a solution of the problem than then. I consider, Sir, that this housing problem cannot possibly be solved without serious revision of the terms of service, which has cost and is costing this country large sums of money yearly and which could very well be saved by dealing with that problem. There are certain advantages to be gained by the introduction of this scheme, but we cannot get the full benefit of this scheme unless the terms of service are revised.

Dealing with the scheme as propounded by the hon. Mover and set forth in the memorandum placed before us, there are certain criticisms I would like to put forward. In my report, I suggest, that the technical aspect of the problem is not sufficiently safeguarded. The non-official element is represented on the Board by only one unofficial Member of Legislative Council. I would consider that that is hardly sufficient safeguard from the public point of view, and I think that the Board would be greatly strengthened by the inclusion and addition of say a representative of the Master Builders' Association. That I consider necessary because this Board will have to settle the very delicate problem of what amount of money may be advanced for a proposed building, and I think some more technical advice should be at its disposal than is provided for in the Board set forth in the memorandum. I am rather surprised and not a little disappointed that the scheme should be confined to Nairobi with just a loophole for its partial application to other parts of the Colony. I do not see why the conditions prevailing in such townships as Nakuru, Eldoret and Kitale should not be taken into consideration, and the scheme made applicable to those centres. Further, under the decentralisation scheme of Government which we have been contemplating for some time past, it seems to me inevitable that there will be in those towns a number of officers

who are likely to be permanently stationed there who might want to take part in the scheme, and I do not see why they should not be able to get the advantages of it.

In Clause 12 of the memorandum it is suggested that 100 per cent. of the value of the property should be advanced by Government against security and in his statement in introducing the motion the hon. Mover expressed the opinion that the risk run by advancing 100 per cent. was negligible. With all respect, I dissent very emphatically from that opinion. There are two ways in which the value of the property could very well be worth less than its initial cost in the open market, and these, I think, must be taken into consideration. In the first place, the builder has designed a house according to his own particular ideas. Now, it is a remarkable and a very interesting fact that when a man designs his own house he thinks only of his own particular ideas and invariably one finds the amateur builder has no ideas beyond his own needs, and those ideas are such that they will not demand full value in the open market. and although it is an excellent thing for people to build their own houses, there is the point of view of the property market, in which the houses built will probably fetch very much less than they cost.

Again, I see no machinery by which this Board could control the maintenance of a house after its construction. I see no machinery by which the builder and owner of the property would be made to maintain it in a good state of repair, and these two risks alone, I suggest, are at least equivalent to 10 per cent. of the cost of construction. I should therefore be very sorry to see Government advancing more than 90 per cent. of the initial cost of the investment. In Clause 13 it is stated that advances can be made up to a maximum not exceeding £3,000. I am very sorry indeed that the hon. Mover did not give us the reasons for the inclusion of that very high figure. It seems to me an unnecessarily high figure. In Clause 18 provision is made for a single premium mortgage insurance policy, but I fail to find any provision for an ordinary insurance as against a single premium insurance policy. I should have thought it was necessary to set out in this memorandum that insurance would have to be carried on the house.

I am sorry that I should appear unduly critical of this scheme, as I am very glad indeed that it has been introduced, and I have every sympathy with the scheme, but I think it is due to the country that Government should give us some assurance that it is not its entire effort to settle this very serious housing problem, and I do hope that Government will consent to the memorandum being submitted to a Committee of this House for discussion in detail.

THE RT. HON. LORD DELAMERE: Your Excellency, I am going to support this Report as far as its principle is concerned, which is all we are doing to-day really, because I presume when the Bill is put up to Council for this purpose it will be put into a Special Committee, as recommended by the hon. Member for Plateau South, and that all these details will then carefully be gone into, to see if there are any loopholes by which Government can lose money in a way which is not at present understood.

There is one thing which the hon. the Member for Plateau South forgot, and that is when he put up his figures he forgot that Government is saving £56 a year on every official, excepting those who are actually drawing house allowance. I do think that it is absolutely necessary that we should try and get, as far as possible, the whole of the housing of officials on to the basis of housing allowance. It does seem to me to be wrong that certain people should get a house allowance which is 15 per cent. of their salary and that certain other officials should get a house, the capital value of which means more in interest, or that they should be in a rented house, the rental of which is very much more than their housing allowance. This scheme tends to bring things together in that way, because you will save the difference between the present housing methods and the house allowance, as laid down in the Terms of Service, and I hope that when this scheme is on a proper footing that Government will discourage any other form of housing as far as possible; at any rate, as far as new officials are concerned; either they should come under this scheme or should draw house allowance. Then everybody comes in on the same footing. Personally, I think that the houses to be put up should be of the very best. We have talked about these things for years, and at last we have got a concrete proposal. There are some hon. Members to whom undoubtedly it does seem a very high amount to advance—this 100 per cent. on the capital value; on the other hand, if Government is saving £56 a year on the rent then I think it does not look so bad, because if you add this together, on the number of officials who may build houses, I think you will find it comes to a very large sum, probably considerably in excess of the ten per cent. referred to by the hon. Member for Plateau South, and which he thought necessary; and I do hope that hon. Members will not put this scheme back until the Terms of Service have changed. This is a method of housing officials which we can deal with in our own Colony, by ourselves. With regard to any alteration in Terms of Service, I personally have always felt that in a country as different as this is from a great many of the adjoining States and especially other Crown Colonies on the other side of the world, I have always felt that we should be in a position to deal with our Terms of

Service more as an individual thing than as at present. If you raise the question of the Terms of Service you invariably raise the whole question in a great many countries, and it means reference to the Secretary of State. It is a very long and tedious business getting any change made in the Terms of Service.

The Government servants who are already in the Colony are under the present Terms of Service, and if this building scheme goes through, whether you like it or not, you have still got to deal with them under their old terms. If new Terms of Service are introduced, it is not necessary that you should adhere to the same form for new contracts. In the future you may by amendment alter that, if necessary, provided that the Terms of Service are altered in the future. But the whole of the Civil Service as it stands to-day, who, I understand have agreed to this proposal, is entitled to certain things under the terms on which they came into the Service, and I hope very sincerely that this resolution will go through without great opposition and that the necessary steps will be taken to bring it into being. I quite see that there are one or two things which may require alteration in Committee. I presume that the scheme will be legalised in some way, and I do hope this concession will be granted to this Council: that they should be given the opportunity to go through the details in Committee as far as possible, because these things do depend on detail a good deal, and it is very necessary there should be no loopholes. If there is any doubt it always means that the particular hon. members in the scheme think they have been unfairly treated in the matter.

HIS EXCELLENCY: On a point of order, it is not necessary, I think that this scheme should be introduced in the form of an Ordinance. It should be approved in this Council by resolution, but of course money to be appropriated under it in the future would be presented in the usual way for the approval of Council. I think hon. Members agree that it will be a considerable convenience if the scheme is discussed in Committee, and if that is their view, I would suggest to the Noble Lord that he should move, by way of amendment the addition of the following words to the resolution now before Council:—

“ and refers consideration of the details of the scheme to a Committee of the whole Council.”
in which case Council can go into Committee.

THE RT. HON. LORD DELAMERE: I beg to move the amendment as suggested by Your Excellency.

HIS EXCELLENCY: The question is that the resolution before Council be amended by the addition of the following words at the end:—

“and refers consideration of the details of the scheme to a Committee of the whole Council.”

The question was put and carried.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I beg to move that the Council resolve itself into a Committee of the whole House to consider.

THE RT. HON. LORD DELAMERE: On a point of order, I should think it might be better to put this off. We have probably just enough time for the other motion on the Order Paper.

HIS EXCELLENCY: I understood that the hon. the Director of Public Works rose to reply on the resolution. I think consideration in Committee should be deferred to another day. Does the hon. the Director of Public Works desire to reply on the main question?

THE HON. THE DIRECTOR OF PUBLIC WORKS: Yes, Your Excellency.

There are not many points to reply to, and I will make very few remarks in view of the fact that this matter is going to a Committee of the whole Council.

With regard to the question of the technical expert on the Board, as well as those members already on it—I do not think that it would be a very good thing for a representative of the Master Builders' Association to be on the Board, as that Body will be distinctly concerned in the contracts, and I do not think it will be possible for him to regard himself as being entirely unbiassed. Furthermore, the staff of the Public Works Department has several quantity surveyors on it, and one of them is a qualified valuer.

I will not deal here with the question of the 100 per cent. advance on the value of property. I have already said that I think there is ample security in Government having a lien on salaries and pensions.

LIEUT.-COL. THE HON. C. G. KIRKWOOD: On a point of order, Your Excellency, am I right in suggesting that as the House has agreed that this should go before a Committee of the House that it is not necessary to go into detail.

HIS EXCELLENCY: The hon. the Director of Public Works has a right to reply, if he wishes to exercise it.

THE HON. THE DIRECTOR OF PUBLIC WORKS: With regard to the question of fire insurance raised by the hon. the Member for Plateau South, I think I am right in saying that every mortgage has a clause which insists on a mortgagor insuring his property against fire, but if that is not the case in this Colony it certainly ought to be included in the scheme. It was certainly the intention of the compilers of the scheme that such property should be insured by the mortgagor against fire.

I hope that hon. Members will not press for the reduction of the maximum amount of £3,000. I think there will be officers who will not care to enter the scheme at all unless they can get an advance up to at any rate some figure approximating £3,000, and it may be that they will desire to build their houses on a large acreage some miles out of Nairobi. I do not think those individuals should be debarred from participating in the scheme just on that account.

HIS EXCELLENCY: The question is:—

“That this Council approves the adoption of the scheme set forth in the Memorandum entitled “A Scheme to advance money to European Civil Servants to enable them to build their own houses,” which has been laid on the table of this Council, and refers consideration of the details of the scheme to a Committee of the whole Council.”

The question was put and carried.

ACCUMULATED SURPLUS.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg to move the following motion standing in my name on the Order of the Day:—

“(1) In the opinion of this Council the question of the amount of the accumulated surplus which should be held available in liquid form should be settled, also how much should be held available for use as loan money in Kenya, and how much yearly of available surpluses should be placed to the credit of these two heads, and how much should be spent on Extraordinary Public Works.

“(2) This Council considers that, after the above motion has been debated in Council, this matter should be referred to a Committee composed like the Budget Committee to advise the Government on this matter before any other action is taken about it.”

I am afraid the wording of this is not very good, and especially I do not like the wording of the last paragraph, as I think it is rather obscure. I wrote it in a great hurry

one morning before coming into town. What one will do when the hon. and gallant Member's Bill for Daylight Saving comes in, I do not know. (Laughter.) If Government has any idea of changing the wording, I would be delighted to accept any amendment.

The point is, Your Excellency, that at the end of 1927 we had a large surplus in hand of £613,000, an accumulated surplus over a period of years, although we had already paid out a greater part of our surplus for those years in paying off our different commitments such as those on unallocated stores, etc. In addition to paying off of other commitments we have that actual surplus at the end of 1927 of £613,000. Of that amount very nearly £80,000 is held in unallocated stores. It is in use as working capital. When Government advances money to any officer in order to buy a car I presume that money is used for this purpose. At any rate, it is being used as working capital, and that £80,000 is not available at a moment's notice. It is tied up, and the object of this particular motion is to ask Government to fix the proportion of the accumulated balances that should be kept in a liquid form as an insurance against a rainy day—or rather a dry day. I think we have undoubtedly in this country gone through hard times; there are periods of drought. Take for instance 1918, when we had to import maize for the feeding of our natives, at a very great expense. I do not think this is likely to happen again because our railway system has extended very much, and we are able to get into the country districts, but even to-day we do run risks of that sort, and other reasons, and I do think myself that there should be a minimum amount in liquid form which should be available in case of any accident. At the present time we have this very large surplus, and it is to the wisdom of Government and the Treasurer that it is an actual fact that £613,000 of that is actually in liquid form and available to-day. But that is not necessarily always the case. We once had a Treasurer who, in my opinion at the time, was a champion optimist ranked in the same class as the gentleman who started from Nakuru with a ticket to Elmenteita to go to England. I think under these circumstances it is very necessary that we should have a definite minimum sum which is held in reserve in case of accidents. It is not even as if that sum is losing interest. I am going to put it to the Treasurer in this way—that instead of drawing loan money which is already allocated to us by the Crown Agents and paying interest, that we really draw that interest by using this money of our own which we can get out at a moment's notice, and that means that it is not lying idle without drawing interest. I think that is correct. Perhaps the hon. the Treasurer will correct me if I am wrong. Now, how much of that £613,000 should be considered the minimum

which should be kept in a liquid form and how much of that does this Council consider would be available to be used as working capital or put into anything else—say the Land Bank or whatever may be? With regard to our present system of finance, notwithstanding all that has been said about it, I notice that the critics now say that it is a scandal that Government is making so much; a year ago they said Government was going to the dogs, and that in a year or two we should be completely ruined. Under the present system of finance it means high taxation and a higher standard of living. But under the present system we do get a very big surplus, and I think we have also to make provision as to what has to be done with that. I think you should either lay down percentages or minimums as to the amount which should be spent, we will say, on Extraordinary Public Works, for example. That is another form of insurance, provided that the hon. the Director of Public Works does not ask for a permanent staff to deal with these extraordinary public works. It would be a great pity to have a permanent staff when in any one year it may be necessary to cut out the items.

On the Railway you have certain definite allocations. I do not know whether they are actually legally put down to betterment, but there they have certain safeguards against a Treasurer or Government. I am not for one moment suggesting our present Treasurer—but that a Governor and Treasurer may get together and spend our surplus balances or put them in such a form that we cannot get at them, and I do suggest that the whole question wants going into.

There is one other point. As I said before, you can hold these things available in a liquid form or in Extraordinary Public Works, which you can wipe out, provided no permanent staff is being employed to build them, or in the position which makes them difficult to handle as working capital for unallocated stores. I think those things should be settled.

Then, there was another point. . . . Oh, I think I have forgotten it. . . . Yes. The method proposed by this motion is that after this motion has been adopted the thing should be referred to a Committee composed in the same way as the Budget Committee. That does not mean that it would be absolutely confined to Official Members. I think all the Unofficial Members should be on a Committee of that sort. It does not mean that every Official Member of the Government who is desirous of being on this Committee should not be on it. I think it is a very important thing. I think it would make the country secure, and I cannot believe, with some alteration in the wording, that the Government will refuse this particular motion. I am not going to say any

more, as time is short, and because it will be up again in the Committee if Government accepts it; also I shall have a right to reply after the other speeches.

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

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, in supporting this motion I would like

HIS EXCELLENCY : I will first put the motion.

CAPT. THE HON. H. E. SCHWARTZ : In supporting this motion, I should like particularly to emphasise one remark of the Noble Lord's with regard to the opinion that was expressed throughout the Colony—I think I may say a year or eighteen months ago—that we were rushing to destruction. This morning at least three people approached me and said it was a public scandal that we were piling up a surplus—so it is a little difficult to know where one is. Personally, I think the right course for Government to take is the course taken by any ordinary business firm and that is to set aside to build up a reserve fund until that reserve fund reaches the proportion which Government, or the firm, considers adequate for all ordinary eventualities. When that time has come, and not before that time has come, it can consider the possibility of decreased taxation. What that amount should be is a matter on which there may be differences of opinion, and it is not a matter which I desire to discuss now, but I certainly do not think that a surplus balance of £693,000 will justify a decrease in taxation. I consider that that surplus must go on until it reaches the million mark at least. There is one other point which I would point out to the Committee to be appointed, and that is to consider whether it would not be wise to invest or liquidate a percentage of the liquid surplus in some investments. If you are going to lose money by doing so, it would not be advisable to do so without hearing what the Treasurer has to say. I would suggest that if you are saving paying interest on a loan there is no difference if you pay that interest on the loan and at the same time invest the surplus and I cannot help feeling that if the statement of assets and liabilities of this Colony when published showed in so many words definite investments drawing interest, it would have a beneficial effect on this Colony, and I would ask the Committee to give this matter consideration, and to discuss it. That is all I have to say at this stage.

THE HON. T. J. O'SHEA : I have much pleasure in supporting this motion, and I do so largely because of the second portion of it, where it is suggested that the matter be referred to a Committee. I agree with its being referred to a

Committee because then there will be more opportunity for discussion of the problem in its wider aspect. I am not surprised to find that the Rt. Hon. Mover takes up the position that our prosperity is due to our present extraordinary system of taxation, nor am I surprised at the opinions expressed by the previous hon. speaker, that he has been informed during the last few days that it was a shame to accumulate these balances, because only a few years ago opinions were expressed that we were insolvent and that we were driving the Colony to dismemberment. It remains to be seen, Sir, whether our present prosperity is in any way attributable to our present methods of taxation. It seems to me, Sir, that that is on a par with that which gave to the Hon. the General Manager the credit for the very large amount of revenue he had earned by his Railways in the last few years, and I think it is just as absurd to attribute to your present methods of taxation the large amount of revenue that is coming into the Government coffers : that is coming in because of the increasing prosperity of the country and despite the present methods of taxation, and even if it could be shown that it was coming in because of our methods of taxation, it remains then to be argued whether it is coming in from the various citizens of this country in the proportions they can pay, because it remains to be seen whether a large proportion of these revenues are not being filched from people who should not be taxed to the extent that they are, and it also remains to be seen whether there are not many people in this country who could afford to and should contribute to Government revenue to a greater extent than they do at the present time.

I have much pleasure in supporting the motion, hoping it will give us a further opportunity for discussing this very important matter.

THE HON. THE TREASURER : There is very little I need say on this subject at the moment, but I am asked by my Hon. Friend the Colonial Secretary to say that Your Excellency has decided to accept reference of the question to a Committee. I should like, Sir, just to remove a fear that seems to be in the mind of the Noble Lord, the Member for Rift Valley, as to the spending of these surpluses. I think he said that if the Governor and the Treasurer put their heads together they might be able to spend this money without authority. I do not think that is so as it is accumulated Revenue, and subject to appropriation in the same way as the ordinary revenues of the Colony.

HIS EXCELLENCY : Before putting the question, I should, on a constitutional point, like to support what was said by the Treasurer. The appropriation of surplus balances of the Colony must be carried out in a constitutional manner.

THE RT. HON. LORD DELAMERE : There are times when it has not been so. I am sorry I trailed my coat in front of the Hon. Member for Plateau South, and also I think the Hon. Treasurer. Personally, I have no intention, if I am on this Committee, of going into the whole policy of free trade and protection in the Colony. Members on this side of the House are agreed that this is not a wise time to raise that particular question. With regard to the rest, I have really nothing to say. Government has accepted the motion, and I am grateful for their having done so.

HIS EXCELLENCY : If I may make a suggestion to the Noble Lord that, in order that this resolution may express the meaning it is intended to, the word "minimum" should be put in before "amount" in the second line.

THE RT. HON. LORD DELAMERE : I am quite willing to accept that. It was written in a great hurry, and the wording is particularly bad. There is nothing to be said for it.

THE HON. THE COLONIAL SECRETARY : I beg to move that the word "minimum" be inserted before the word "amount" in the second line.

THE RT. HON. LORD DELAMERE : I beg to second. The question was put and carried.

HIS EXCELLENCY : I understand it will meet the views of hon. Members if the Committee to consider this motion is the same Committee as considered the Estimates.

THE HON. CONWAY HARVEY : That was our idea, and to put anybody on it who can help us. There are several Members on the other side of the House who can help us.

HIS EXCELLENCY : Government is prepared to accept that, which means that all Unofficial Members will be members of the Committee as well as the Colonial Secretary and the Treasurer, and Official Members may attend in connection with any points that affect the issue.

Will it meet the convenience of Members if the first business to-morrow is the Domestic Servants Registration Bill, and after we have disposed of that we shall also take the resolution standing in the name of the Hon. and Gallant Member for the Coast?

*Council adjourned until 10 a.m. on Wednesday,
16th May, 1928.*

WEDNESDAY 16th, MAY, 1928.

The Council assembled at 10 a.m., on the 18th May, 1928, His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRICE, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE : Arising out of the minutes, may I draw attention to the fact that no mention is made in the minutes of the disappearance of the Arab Member from this Council.

HIS EXCELLENCY : If the hon. and gallant Member desires information on that point he should put down a question. It does not arise out of the minutes. I think it would be more convenient if he would put down a question, and I think Government would be very glad to answer the point.

I declare the minutes confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

Report on the work of H. M. Eastern African Dependencies Trade and Information Office, London, for 1927.

Report on the British Industries Fair, 1928.

Loan Sessional Statement.

First Supplementary Estimates, 1928.

NOTICE OF MOTIONS.

STOCK AND PRODUCE THEFTS BILL.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE (MR. E. HARRISON) : I would like to give notice of a motion, Your Excellency, in regard to amendments to be moved to the Stock and Produce Theft Bill, which was considered in a Committee of the whole House a few days ago.

"That the following amendments be made to the Stock and Produce Theft Bill :—

Section 3, line 22, line 25, line 31 and line 36, read "person" for "native".

Section 3, line 37, read "practicable" for "practical".

Section 4, line 41 and line 43, read "person" for "native".

Section 5, delete whole section and substitute a new section—

5. It shall not be lawful for any person to sell and deliver any stock or produce in a proclaimed district between sunset and sunrise, and any person so doing and any person buying or taking delivery of any stock or produce which is sold in contravention of this section shall be liable to a fine not exceeding five pounds (£5) or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment:

Provided that this section shall not apply to the registered holder of agricultural land within the proclaimed district under grant or lease from the Crown or to his duly authorised agent in respect of stock or produce raised on such land, or to the purchaser thereof."

EAST COAST FEVER.

THE RT. HON. LORD DELAMERE: In order that it may come within the time before we adjourn, I beg to give notice of the following motion:—

"That, in view of the necessity of combating and ultimately controlling East Coast Fever this Council believes that it is essential that effective dipping and fencing laws should be applied to such areas as elect to come within the operations of the Ordinance."

ORAL ANSWERS TO QUESTIONS.

STAFF.—EXTRAORDINARY PUBLIC WORKS.

THE RT. HON. LORD DELAMERE asked:

(1) How many of the Staff being used on Extraordinary Public Works are permanent?

(2) Will the Hon. the Director give a list of these with their salaries and allowances?

(3) In event of a famine or other calamity which necessitated the non-voting of money for Extraordinary Public Works in any one year, how much, under present conditions, would have to be spent in that year in keeping the organisation going for starting again the next year, if necessary?

(4) Whether the Honourable Director does or does not think that all Extraordinary Public Works especially those voted out of surplus revenue should be carried out by contract in order to avoid having to keep up a staff in any year when it might be found impossible to vote anything for Extraordinary Public Works owing to the money being required to balance the budget or for other purposes?"

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

(1) Only three members of the permanent staff (taking the term to include those whose appointments are specifically provided for in the Estimates) are at present employed exclusively or almost exclusively on the items of the Public Works Extraordinary Schedule. In addition, one member of the permanent staff is employed for about 50 per cent. of his time on those items. All of the above officers are on agreement and are not pensionable. Almost all of the permanent staff is employed to some degree on Public Works Extraordinary items in respect of administration, supervision, surveying, designing, quantity surveying, accounting, store keeping, or correspondence, varying from a small fraction of their time to some 25 per cent. according to the duties of the posts.

(2) It is not possible to evaluate with precision the percentages of the time of the permanent staff spent on Public Works Extraordinary items; moreover it varies greatly. The three members of the permanent staff who are at present employed exclusively or almost exclusively on Public Works Extraordinary items are as follows:—

1 Assistant Engineer ...	£676
1 Surveyor ...	520
1 Foreman ...	390

The member of the permanent staff who is employed up to about 50 per cent. of his time on Public Works Extraordinary is:—

1 Foreman ...	£195
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(3) No extra expenditure would be likely to occur; for in that event such temporary staff as were not required would be retrenched and the work under the Public Works Department and Public Works Recurrent Schedules, now largely performed by temporary employees, would be distributed amongst the permanent staff.

(4) The answer is in the negative, because it is not yet either economical, possible or advisable—as the case may be—to execute every extraordinary work by contract, taking into consideration the locality and nature of the work and the degree of competition amongst tenderers. The Director of Public Works is, however, glad to report that the execution of work by contract is increasing, 177 contracts having been let in 1927, as compared with 147 in 1926."

THE RT. HON. LORD DELAMERE: Arising out of that answer, I do not quite understand one point—the hon. Member talked about 3½ people being permanent staff and yet I think he also said they were non-pensionable.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Yes.

LIEUT.-COL. THE HON. C. G. DURHAM: Will the hon. the Director of Public Works state if in quoting his figures for salaries of officials whether he excluded house allowance or not.

THE HON. THE DIRECTOR OF PUBLIC WORKS: They include house allowance. The figures I have quoted are salaries plus 30 per cent., as we find that 30 per cent. is a reasonable percentage to add to substantive salaries to cover such privileges as house allowance, leave and so on.

REPORT.—COST OF LIVING COMMISSION.

THE HON. CONWAY HARVEY: In the absence of my hon. and learned Friend the Member for Nairobi South (Capt. the Hon. H. E. Schwartz) I beg leave to ask the question standing in his name on the Order Paper:—

"Will Government state when it is expected that the Report of the Cost of Living Commission will be made public?"

THE HON. THE COLONIAL SECRETARY:

The delay in the issue of the report is owing to the fact that before it can have any value, it must be based on reliable statistics. The country in the past has had no Statistical Department and the process of collecting such statistics, if they are to be reliable, is necessarily a long one. When any such statistics are completed, an interim report on the subject dealt with in such statistics will be issued.

THE HON. T. J. O'SHEA: Arising out of that answer, may I enquire whether the Government can indicate the early publication of any Interim Report?

THE HON. THE COLONIAL SECRETARY: I believe that the Government Statistician is bringing out an Interim Report with regard to certain particulars which are being collected by this Commission. Reports have been published by the Statistician's Department in connection with this Inquiry but no actual Interim Report of the work of the Commission has yet been published.

THE HON. CONWAY HARVEY: May I ask whether the work of this important Commission has not been seriously hampered by the difficulty experienced in securing the services of a stenographer?

THE HON. THE COLONIAL SECRETARY: I have no reason to believe that such is the case. The Commission can at any time engage stenographers. There is a special vote for the expenses of Commissions and Committees, and the Commission has been informed that they are authorised to take such action.

THE RT. HON. LORD DELAMERE: Do the Terms of Service of this Committee or Commission include the bringing out in their Report of the ratio between salaries and the cost of living in this country? Because I have seen some things printed.

HIS EXCELLENCY: Order, Order. The Noble Lord must ask a question.

THE HON. THE COLONIAL SECRETARY: As far as I remember that was not one of the actual terms of reference, but it is a point which no doubt the Commission will deal with, and to which their attention can be called.

MR. MARK SOLOMONS.

THE HON. T. J. O'SHEA asked:—

1. How many years was Mr. Mark Solomons, late of the Land Department, in Government service?
2. How much of that period was he away on leave?
3. If his period of service was less than is usually necessary to secure a pension, what are the special reasons that induced Government to grant him a pension?"

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. MARTIN):—

1. Mr. Solomons was in Government service for 7 years 11 months and 14 days.

2. During this period he was absent on leave from the Colony for 15 months and 23 days.

3. He was granted a pension by virtue of a ruling in 1923 by the Secretary of State that officers holding pensionable status receive pension on retrenchment even if they have not completed 10 years' service.

This ruling has been embodied in para. 7 of the European Officers' Pensions Ordinance of 1927.

THE HON. T. J. O'SHEA : Your Excellency, arising out of that answer, may I ask why it is that this officer was given a pension prior to that ruling being approved by this Council?

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : This ruling was made in 1922.

THE HON. T. J. O'SHEA : Arising out of that answer, I understood the Hon. the Commissioner for Local Government to say that it had been embodied.

HIS EXCELLENCY : The hon. Member must ask a question—not make a statement. He may put in a supplementary question.

THE HON. T. J. O'SHEA : May I ask whether I correctly interpreted the Hon. the Commissioner for Local Government in understanding that the regulation in question was accepted in 1927 and was brought into operation in 1927?

HIS EXCELLENCY : I think if the hon. Member will give notice of that question.

THE HON. T. J. O'SHEA : I am asking for an interpretation of the hon. Member's answer.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : I am afraid I cannot remember the date on which the 1927 Pensions Ordinance was passed.

HIS EXCELLENCY : If the hon. Member will put in a question the answer will be given.

THE HON. T. J. O'SHEA : May I ask whether it will now be the practice of Government to give pensions to members seven years' service?

HIS EXCELLENCY : The hon. Member must put in another question.

LIEUT.-COL. THE HON. C. G. DURHAM : Arising out of this answer, will the Hon. the Commissioner for Local Government give reasons for the retrenchment of this officer.

HIS EXCELLENCY : Will the hon. and gallant Member please give notice of that question, too.

GRANTING OF PENSIONS TO NATIVE POLICE OFFICERS.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

" Will Government consider the granting of pensions to native police officers on completion of a period of long service in lieu of a gratuity. Is it a fact that certain native police officers have refused to take the gratuity and if so, for what reason? What would be the approximate cost of a pension scheme? "

THE HON. THE COLONIAL SECRETARY :—

Government has appointed a Committee, consisting of the Hon. the Treasurer, Lieut.-Colonel the Hon. C. G. Durham, the Commissioner of Police and the hon. Member who is asking this question, to investigate this matter and to put up for consideration a scheme for granting pensions to native police officers after long periods of service. The acceptance by Government of such a scheme must necessarily largely depend on its cost and it will in any case have to be considered in conjunction with the Estimates.

2. It is the case that a police sergeant refused a gratuity in 1926 and applied for a pension.

3. The cost cannot be ascertained before a scheme has been submitted to Government.

REPORT OF THE EDUCATION DEPARTMENT.

THE HON. T. J. O'SHEA asked :

" (a) Will Government be good enough to explain the delay in issuing the Report of the Education Department for the year 1926.

(b) When may publication of the Report of that Department for the year 1927 be expected? "

THE HON. THE ACTING DIRECTOR OF EDUCATION (MR. E. E. BISS) :—

The Annual Report of the Education Department for 1926 was submitted to Government on May 21st, 1927. Owing to pressure of work in the Government Press it was not possible for the printed copies to be delivered till January 13th, 1928,

and it was laid on the table of the Legislative Council at its first meeting thereafter. It is expected that the Report for 1927 will be submitted to Government before the end of the current month.

THE HON. T. J. O'SHEA : Arising out of that answer, may I ask whether it would not be better for the public convenience if reports were printed outside the Government Press in the event of delays of that nature arising?

THE HON. THE COLONIAL SECRETARY : I think that I ought to pay a tribute to the excellent work which is being done by the Government Press in bringing out at such short notice all this work. The Government Press has been faced with very considerable arrears of work which they have had to deal with, and I think that Government can promise in future the earlier delivery of reports.

HIS EXCELLENCY : I understand that it has been arranged for the convenience of Council that Council should first go into Committee on the Registration of Domestic Servants Bill.

THE HON. CONWAY HARVEY : I am sorry there was some misunderstanding. I understood Your Excellency to make suggestions as to which items should appear on the agenda. We did not quite appreciate the fact that Your Excellency was referring to the order in which business would be taken.

HIS EXCELLENCY : It is usual, as a matter of fact, to take Government business before private business, but I have no objection to taking the motion of the Hon. and Gallant Member for the Coast, if hon. Members prefer it.

I shall be quite prepared to take the motion if the hon. and gallant Member is prepared to move it.

MOTIONS.

NYALI BRIDGE.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE : I beg leave to move the motion standing in my name on the Order Paper :—

"In the opinion of this Council it is expedient for the future development of coastal communications that a bridge be built connecting Mombasa with the North and, as a private company is prepared to undertake this, that their offer be accepted subject to such safeguards as may be considered desirable."

Your Excellency, on hearing Your Excellency's remarks on Monday last, with reference to the Coast, I must say I experienced considerable qualms in thinking that I was proposing that a large sum of money should be set aside for coastal communications, but I cheered up considerably when I remembered that I was asking that someone else and not Government should be allowed to spend this money. I therefore feel quite confident now that I cannot fail to receive the support of Government in this matter.

In Mombasa there are two opinions as to who should build this bridge. The first opinion was put up by the Voters' Association, and that body thought the company should be asked to do so. It was at their request that I put this motion. The District Committee have also put in a recommendation that the Government should build the bridge, but with the proviso that no tolls should be levied.

There are, however, no two opinions in Mombasa as to the desirability of building this bridge. Owing, however, largely to the generous support of Government by the money granted, as referred to by Your Excellency on Monday last, traffic and trade are already being considerably increased, and the connecting up of Mombasa with the north will help it very much, too.

The object of the motion is that a private company known as the Nyali Bridge and Development Company should be allowed to build this bridge. The company has been formed in England not solely with the object of making a bridge, but according to the terms of their Memorandum their activities are not confined to the construction of the bridge but are rather of a very wide nature.

I hold no brief for the Nyali Company, and I have no shares in it—nor shall I have any shares in it—and I would just as soon the Government built the bridge as the company should, although I would not dare to suggest that the Government should spend the money to do so. But I do think that this company has been somewhat hardly dealt with by Government. I know a year ago that had Government offered to build the bridge the company would have been delighted that they should have done so, but matters have gone on so long now that Mr. Rodwell cabled out to say that their contracts are now irrevocable. Some people might think that this is a new scheme suddenly sprung upon the country, but I would point out that the idea was originally mooted in 1921. In March, 1922, the District Committee of Mombasa approved of the scheme and recommended that it should be carried out. From then until 1926 nothing further was done.

Mr. Rodwell took the matter up again and referred it to the Government out here, and received in reply the following telegram :—

"Reference your telegram 27th April, Nyali Bridge. Government supports recommendations of District Committee made in March, 1922, subject to concurrence of Admiralty and payment of import duty on materials in accordance with the Customs Tariff. Relative papers being forwarded for consideration by Admiralty through Colonial Office."

In July, Mr. Rodwell received a letter from the Admiralty in which they stated :—

"With reference to your letter of the 4th ultimo, I am commanded by my Lords Commissioners of the Admiralty to inform you that they have no objection to the proposal to construct a bridge connecting Mombasa Island with the mainland at Nyali."

On July 14th the Secretary of State wrote to Mr. Rodwell :—

"With reference to Sir Edward Grigg's telegram to you of the 29th April, 1926, regarding the proposed construction of a bridge to connect Mombasa Island with the mainland at Nyali, I am directed by Mr. Secretary Amery to inform you that he has now informed the Government of Kenya by Telegram that he does not raise any objection to the proposal. You will no doubt receive in due course a definite communication from the Government of Kenya."

Now, Your Excellency, on the strength of these various representations made by Government, Mr. Rodwell proceeded to arrange a financial side of the scheme and approached various persons in England who would be able to finance the company for the construction of the bridge. Mr. Rodwell succeeded in interesting certain prominent people in England and the company was floated in December last. On the completion of this, Mr. Rodwell came out here with his plans all ready with the reports of his engineers and other people about this matter. He submitted the plans and specifications to the Mombasa District Committee, who again agreed and forwarded their recommendations to the Government here, with one small alteration—something about expropriation. Mr. Rodwell came up to Nairobi and met the Hon. the Colonial Secretary and the Hon. the General Manager of Railways, and there he first learnt that he might receive considerable opposition to his scheme. However, he returned home. He was told then, too, that Government might consider the building of the bridge themselves. That was in December last. I believe even at

that time had he received a definite assurance that Government would build the bridge he would have been prepared to recommend that his company withdraw. The matter of this bridge has been discussed in this Council no longer than sixteen months ago—at the time when we were discussing the matter of the Makupa Bridge. It was then recommended that although the principle was favoured by Government funds were not available for building the bridge and Makupa Causeway was recommended instead.

Mr. Rodwell then went home and on the 10th April this year received the following letter from the Hon. the Colonial Secretary :—

"The Director and Secretary,
The Nyali Bridge and Development Co. Ltd."

Sir,

I have the honour to state that the project of erecting a bridge at Nyali and the conditions embodied in Mr. Rodwell's letter of the 9th December, 1927, have received the full consideration of Government and have been discussed with its technical advisers.

2. Government is not satisfied with the question of site and wishes this aspect to be further examined by its consulting engineers. It also desires to lay down certain requirements regarding specifications and general conditions and as regards expropriation finds itself unable to accept the clause in its present form.

3. In view of the delays which are likely to take place if the present negotiations are continued, Government is prepared, subject to Legislative Council's approval, itself to undertake the building of a bridge to be completed within a period of three years.

4. As this bridge would be erected in the same neighbourhood and afford a connection with Nyali it is believed that its construction would obviate the necessity of the pontoon bridge projected by your company. I shall be glad to hear from your company on this point as early as possible."

Now, Your Excellency, as regards the site, in 1921, two sites were mentioned as being suitable to the company—one by the European Hospital in Mombasa and the other near the Fort. Both these were turned down and under pressure by Government the site now suggested—at the junction of Ali Bin Salim Road—was decided on. The Port Captain and others agreed as to the suitability of this site, especially with regard to the moonoon period.

As regards the expropriation clause (which was an option), this was put in by Government themselves. The company had not originally put it in, I understand, and he (Mr. Rodwell) naturally jumped at the extraordinary good terms offered them.

As both these matters which Government objected to were Government matters, I do think that four months to a very long time to elapse between the date of the interview with Mr. Rodwell—some time in April—and the answering of Mr. Rodwell's letter.

Your Excellency, I trust that I have made out a case for the Nyali Company and that Government will agree to allow them to go ahead with the building of this bridge, subject of course, as I put in the motion, to such safeguards as may be considered desirable.

I would also ask my fellow Members on this side of the House, who have always given such sympathetic consideration to coastal problems and have so generously supported both the Members for the Coast and Mombasa, that they support this matter also. (Hear, hear).

THE HON. CONWAY HARVEY: I beg leave to second, and on a point of order would ask the favour of Your Excellency's ruling as to whether Your Excellency desires to put the question before the seconder speaks to the motion or after.

HIS EXCELLENCY: After.

THE HON. CONWAY HARVEY: I second for the purpose of discussion as I consider this is a perfectly proper subject to be debated in this hon. House. I notice, Sir, that the wording of the motion leaves Government the bolt-hole of deferred action. I, Sir, am not entirely satisfied that the construction of a bridge by Government is necessarily the best method of encouraging the Coast to furnish its quota to the economic development of the Colony. If further public funds can be made available for expenditure in the Coast Area I should welcome an authoritative expression of opinion as to the most urgent Coast requirements. As a general rule, Sir, I do most strongly favour the encouragement of private enterprise to the fullest possible extent so long as proper safeguards are introduced for legitimate public interests. I have followed the discussions in Mombasa and elsewhere on this question, Your Excellency, more especially the recommendations of the local authorities at the Coast who appear to have given most intensive consideration to this matter and I am of opinion that in the best interests of everyone concerned the Nyali Company should be given permission to

construct this bridge, it being the business of Government to take effective steps to see that the public interests are not entirely encroached upon, and it is, Sir, a matter of some astonishment to me in view of the protracted nature of negotiations that a perfectly definite reply one way or another has not been given to the Company previously. There is no doubt whatever, Sir, that the consideration of this project will relieve congestion on the island and will have the effect of opening up a highly desirable residential area on the mainland which should indirectly reduce the inordinately high Mombasa charges in connection with everything. These charges have very largely contributed to the extremely high rents on the island. I reserve the right to modify my opinion in the light of any argument which may be produced satisfying me that it is not desirable that the Nyali Company should be given this right and that it would be a perfectly sound proposition for Government itself to proceed with the work. I have nothing to add at the moment, Sir, but I do sincerely trust that someone on the Government side will furnish the public with a perfectly clear and lucid statement in connection with the matter as Government's attitude to the people of the country is very largely inexplicable.

THE RT. HON. LORD DELAMERE rose to speak.

HIS EXCELLENCY: I will put the question first.

THE RT. HON. LORD DELAMERE: Your Excellency, I rise to propose an amendment to this motion and I hope the hon. Member will accept it. It says at the end of this motion "that their offer be accepted subject to such safeguards as may be considered desirable." I do not think, Sir, that that is sufficient. I think that morally there is no doubt whatever that Government is bound to the Company and I think it is impossible for them to introduce safeguards which are not within the agreements come to between the Government and this Company. It does appear to me that if you have a clean sheet naturally everyone would wish that this resolution should stand as it is because everyone would believe that Government should take proper steps to put in such safeguards as are necessary to cover the public interest, but, Sir, that is not the case owing to the method adopted in this matter—certain agreements have been come to I think there is no doubt at any rate morally between Government and this Company and under these circumstances it appears to me undoubted that the only safeguards which may be put in are such as come appropriately within the powers which Government have under these moral agreements.

I understand that Government has the right to refuse or otherwise the specifications put forward by the Company and to that extent I understand Government is free to raise questions on the form of the bridge and so on, but in one of the communications sent to the Company it distinctly laid down that Government accepted their offer, provided that they did one or two things and that it came into line with the findings of the District Committee of Mombasa. So far as I am concerned, if I were involved, I feel that if Government tried to get outside of that finding that they were going further than they should go and I feel that the same applies with the question as to whether the Government or the private company should build this particular bridge. I must admit I think it is right and proper and in the best interests of the public that this private Company should build their bridge. I think it would be a waste of money on the part of Government to do so under the conditions. I understand that a permanent bridge built by Government would cost something like £100,000. This is a lot of money and we have plenty of use for that £100,000. Incidentally Government has no land—to any great extent—and that on the other side is negligible as far as Government is concerned and I think that the amount of building land has been spoilt by quarries which have been taken out and so on and on the other hand you have a company which has a large area of land who are willing to spend that money and to put up a bridge communicating with the mainland in their own interest in order to develop that property and there is this one place where you can get a suitable site. There is very little Government land and the rest further on is in small plots and so on which would be very difficult to use.

With regard to the position of Government in future—they appear to have let us in for the expropriation clause or appropriation clause—I do not know which is the right word. Rightly or wrongly I understand that Government had that inserted. At any time Government can expropriate the thing at the cost of that bridge plus ten per cent. All I can say is, so far as I personally am concerned that that is not a particularly wise condition. On the other hand I do not think that that very much matters, it is permissive not obligatory and Government need not take over the bridge unless they like. If that bridge is in very bad condition at the end of the time then it appears to me quite competent that Government if it so desired to use the money which it would have to use now ten years hence on putting up a bridge of their own. There is nothing to prevent them doing that. There is also this safeguard that under the present agreement the Company is to keep up the bridge to Board of Trade standards, so that to that extent the country is safeguarded. With regard to the rates

which were fixed, I understand, by Government, they appear to be comparatively low. At any rate members are given to understand that these rates would not be any lower if Government had to find its interest and sinking fund and upkeep on a bridge of its own.

Sir, with regard to the congestion in Mombasa, you probably use the best and quickest method of getting over that. With regard to the rates they appear to be reasonable and possibly unless Government wishes to put up a very large amount in sinking fund they seem quite reasonable rates. The bridge is to be kept up to Board of Trade standards of upkeep and incidentally, of course, to the standard of the insurance companies who will insure it and so far as I personally am concerned I can think of no argument whatever for Government putting up £100,000 or whatever it may be, at the present time to build a bridge, which we can get built by a private company under conditions as favourable as these are, and there is no doubt that conditions can be laid down.

For instance, if there is a clause for upkeep of the bridge there must at any rate be a penalty clause to ensure that being carried out, as I imagine there must be in any agreement or the amount that Government has to pay to take over the bridge under these conditions which if it becomes partially or totally derelict must be mandatory. It appears to follow that the Company will keep the bridge up to Board of Trade standard, and if they do not it seems to me there must be some penalty to meet the case. Outside that it does appear to me quite impossible, so far as I am concerned, if Government is not going to break off completely with this Company to insert conditions which are not in the original agreements either by letter from the Governor or by a letter from the Secretary of State and I think that under these circumstances any alteration made in the present agreement must be made within the conditions entered into by Government with the Company. I feel that very strongly for the sake of Government if not for the country and I hope that the hon. Member who has raised this will allow some such amendment to be placed at the end of his motion.

HIS EXCELLENCY: Will the Noble Lord please hand in his amendment

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE rose to speak.

HIS EXCELLENCY: I will call on the hon. and Gallant Member in a minute. I have not seen the amendment yet.

HIS EXCELLENCY: If I might suggest to the Noble Lord the following wording would be better and cover his point: "and subject to any undertakings already given to the Company."

THE RT. HON. LORD DELAMERE: I am prepared to accept that.

HIS EXCELLENCY: Does any member rise to second the amendment.

THE HON. CONWAY HARVEY: Your Excellency, I would second it but I believe the original mover would welcome the addition to his motion.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: That was what I rose to do. With the permission of my seconder I am quite prepared to accept that amendment. What I wanted to say was I suggest a new motion without the amendment.

HIS EXCELLENCY: The original motion must be amended. You cannot put in a new substantive motion without notice.

Government is prepared to accept that amendment. I should have said that it was definitely understood that anything Government did was subject to undertakings which they had already entered into with the Company and no idea had ever entered into the head of Government to break away from such undertakings and I would therefore have taken these words as implied in the resolution even if they were omitted. Government has no objection to the amendment.

The simplest plan would be I think to put the amendment unless any hon. Member wishes to oppose it.

CAPT. THE HON. E. M. V. KENEALY: I do. Your Excellency, although I am entirely in agreement and in sympathy with this motion I think this is not an appropriate way to approach it. Although we have heard the arguments from this side of the House and they appear to be unanswerable and though I feel that Government has not only demonstrated but also proved its defects in handling this particular proposition, yet I do feel that Government may have a reply to this and also that if Government has a reply that reply should be examined and I believe that a better way to arrive at a solution of this problem would be to appoint a Committee whose duty it would be to examine the proposition by the Company and the proposition generally as suggested by Government and make recommendations; and, on these

recommendations further action should be taken. I do not wish, Sir, at this stage to commit myself to supporting a general motion of this kind. I feel that it is the improper way of doing business and I want to propose an amendment. I do not know if I am in order in proposing an amendment at this stage.

HIS EXCELLENCY: The Hon. and Gallant Member is in order in proposing an amendment to the amendment, but not to the original resolution.

CAPT. THE HON. E. M. V. KENEALY: I do not know if it comes within that category—I will read it. That, Sir, I think would. . . .

HIS EXCELLENCY: Would the hon. Member allow me to look at that resolution.

In the form handed in I do not think it would be in order, but if the hon. and Gallant Member wishes to move it in this form it can be accepted, *i.e.*, that the words from "subject" to the end be deleted and the following substituted therefor:—

"Subject to the recommendation of the Committee to be appointed by this Council to examine the proposals and report immediately."

That will meet the hon. Member that will be in order. Does any Member rise to second that?

LIEUT. COL. THE HON. C. G. DURHAM: I do. I consider it essential that a Committee should be appointed and I think we are wasting time in our discussions on this motion because we are entirely in the dark as to Government's reasons.

THE RT. HON. LORD DELAMERE: I do hope my hon. Friend will not press this particular motion. It appears to me that negotiations have gone on long enough and if you are going to bring in another Committee it will make them go on considerably longer. In addition certain facts have been definitely settled by Government and I think the responsibility for carrying out the motion should remain with Government.

THE HON. CONWAY HARVEY: Your Excellency, I also oppose the question before the House on three grounds. I do not consider, Sir, that there is any likelihood of further information of value being placed before this hon. Council as a result of investigations by a special Committee, and I think it highly desirable from this point of view and I urge on my

colleagues that we should get Government to make a decision in regard to this matter; and further, to my mind the most important of all, I think it is deplorable that we should do anything to discourage capital from coming into the Colony. We are constantly getting illustrations where very large sums of capital are diverted to other Colonies in other parts of the world owing to Government's procrastination in giving a definite answer and a reasonable amount of encouragement.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: I regret also that I cannot agree to the amendment. I think it is a matter of considerable urgency and if a Committee is appointed to go through all these details again it means sending home to England and getting representatives out from Mr. Rodwell or his engineers to go into the whole matter again.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, owing to circumstances which are peculiar—they are peculiar at the moment in that we have only heard one side and that side partially. We have not heard the Government side at all and I think it wrong to assume that Government has made any definite contract or committed themselves until a statement has been made to this House by Government. It seems to me, speaking for myself, that there is sufficient information before the House for any person with an open mind to be able to come to a decision. It is quite apparent too that it is an opportunity to encourage private capital to be invested in the Colony for economic reasons. On that ground it appeals to me but I would warn the House before they sanction private enterprise to remember that in the older Colony very grave financial considerations have occurred by allowing a private link in the chain of communications. I think I can quote at the moment two in- and Fourteen Streams in the Transvaal and the other link the Manawatu Line in New Zealand which gave both governments concerned very grave grounds for financial consideration years afterwards. I think there are certain points in regard to the bridge—which I believe it is advisable to build; eventually that bridge will have to be taken over by Government. I understand a township is to be created on the mainland, the bridge is to be the link, the bridge will deteriorate and in time if the Company fails to maintain that bridge then the Government will be the cause of isolating a large number of people and vested interests on the mainland without means of communication with the island and I think it wants very grave consideration and I would like, if it can be brought about, to hear the Government side of this question.

16th May, 1928

HIS EXCELLENCY: If I may make an appeal to the hon. and Gallant Member it is that he should withdraw his amendment for the time being in order to enable the Government case to be put. If after hearing the Government case he wishes to put his amendment I will move it later. Will that meet the hon. Member?

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

HIS EXCELLENCY: In that case the amendment of the Member for West Kenya is withdrawn and the amendment of the Noble Lord is before the House. Government is prepared to accept that amendment.

THE HON. THE GENERAL MANAGER: I feel I must say something about this matter because the hon. Mover of the original motion made a statement that it was only after Mr. Rodwell had visited Nairobi and seen the Colonial Secretary and the General Manager of Railways that he realised that there was anything to be said as to opposition. Now, Sir, it is a most extraordinary thing to me that that statement, and a number of other statements, should have been made in this hon. Council, and so far as I am concerned I enter into this matter as I usually do in this country simply as a public servant, and if as suggested I say a few things that hon. Members dislike I hope to be forgiven.

Mr. Rodwell paid a visit to Nairobi presumably with the object of arranging terms with the Government. If these terms had been settled before, and if the concession to the Company was quite as strong as it is now claimed to have been, why did he visit Nairobi at all? He came to Nairobi to discuss conditions. At this interview, particulars of which are on record, he showed first of all great reluctance in disclosing certain essential matters, and the whole point in the discussion, so far as Government was concerned, was this: that whatever primary acceptance there may have been by the Government on the principle of building a bridge by a private company, it was necessary to come to this hon. Council for authority and in order to obtain that authority the necessary information had to be given by Mr. Rodwell, and the necessary safeguarding conditions had to be laid down, and I certainly understood Mr. Rodwell to accept that when he left.

THE HON. T. J. O'SHEA: On a point of order, may I ask the date of the interview in question?

THE HON. THE GENERAL MANAGER: I recollect the interview was some time in December—the 8th December.

I had only come into the matter then, and I had been asked for advice. I do not know how Mr. Rodwell in the face of that could go away, and, knowing that the matter was still under discussion, inform his Company and place contracts.

I may say, however, Sir, that I have not seen any memorandum or articles of association of this Company; I have no idea whether the financial side is sound; I do not know what the contracts are, nor do I know if Government has seen them.

In regard to this bridge there are two suggestions. It is suggested that there should be a bridge between the island and the mainland at this point. I say, Sir, unquestionably that there should be better communication between the island and the mainland at this point. I would like to say that the traffic at Mombasa during the past five years has increased by about 150 per cent., and it is quite obvious that the time is not far distant, as some of us think, when Mombasa will be a very congested island, and I think there should be an outlet to the north.

Your Excellency, there should be an outlet to the north, but the fact that the land to the north is owned by private individuals does not influence my view in the least. I am not aware that it is a question for consideration of public authorities even in other countries where building a bridge or a road would enhance the value of private land. It is done as a public work, and a bridge is generally built as a public highway. Unfortunately, in regard to this proposed bridge, we had very little information. The site has never been properly examined by a competent bridge engineer, as far as I am aware. We do not know what foundations can be laid, and we do not know the cost. That all complicates the position. The position is also complicated by what has been said about this private company, and certain preliminary arrangements being made by the Government years ago. In regard to that, it is equally a common thing in other countries to build bridges, railways and other things. But I have yet to find a country where there is a rush into the arms of private companies without proper safeguards, such as we have experienced in this country over and over again. We have experienced it with dozens of things. Take for instance Mbaraki. I do not want to see in this connection a repetition of Mbaraki. It has cost the country thousands and thousands of pounds; as a matter of fact the country would have been saved £100,000 if they had taken proper precautions. This Mbaraki business has led us into all sorts of difficulties from which the country will not be able to extricate itself for at least ten years to come. But the simple fact is that in building bridges and other things there should be proper conditions laid down.

Now, Your Excellency, I consider that there are insufficient safeguards in regard to the building of this bridge by private enterprise, and I feel that this Government must, and that this Council has the right to, insist on proper safeguards if the Company is to be allowed to build this bridge. Those safeguards apply first of all to tolls; and they also apply to the expropriation rights. If the Company really want to build their bridge they should accept a reasonable expropriation clause. It applies also to the type of bridge to be built. The type of bridge is a matter of considerable importance. The bridge which has been quoted over and over again in the discussion is the pontoon bridge at Calcutta. I suggest that there is a vast difference between conditions at Calcutta and those at Mombasa. There is, for example, no corrosion at Calcutta. We know by experience that corrosion at Mombasa is a very serious matter, and I would ask most earnestly that the plans submitted by the Company should be properly examined by competent people at Mombasa, such as our Harbour Engineers. I am satisfied myself that the life of a pontoon bridge is very short, and that the maintenance cost will be very high. I consider that Government must satisfy itself that it has the necessary penalty clause and other safeguards for securing proper maintenance if it allows a private company to build that bridge. The fact that the Company was told that a certain principle was accepted years ago does not appeal to me in the least. I say that this country, and this Council as representing the people of the country, must insist on proper safeguards, if necessary by legislation. I believe that a crossing on a public waterway should require the specific sanction of this Council.

As a matter of principle, I should like to see that bridge built by the Government, because I feel that it is going to be a very difficult matter indeed to ensure that that bridge is going to be properly maintained, and I feel also that if the Government once allowed any highway whether in the form of a bridge, pontoon bridge, or anything else across a public waterway, Government is bound morally to keep that highway open, and my feeling is that unless proper precautions are taken now the Government will have to take over that pontoon bridge very soon or be forced to build another at a time when it is most inconvenient to do so. The question as to whether it should be a ferry bridge is a matter which should be investigated as we never have yet had a first-class ferry in this country. But unfortunately we are in this position that years and years ago the District Committee and others in the

Government did create certain provisional things, and we have simply got to start our negotiations from then. I do suggest that this country should insist on proper precautions if this bridge is going to be built by private enterprise before it sanctions this bridge.

THE HON. THE COLONIAL SECRETARY: Your Excellency, dealing with this motion in parts, I do not think that there can be any question whatever with regard to the necessity for building a bridge to the mainland, or at any rate, adopting a form of communication to the mainland which will be satisfactory to the people at the Coast and will tend to coastal development. Government therefore accepts the first part of this motion reading:—

"In the opinion of this Council it is expedient for the future of coastal communications that a bridge be built connecting Mombasa with the north."

The fact that that bridge has not been built before has been pointed out by the hon. Member as a matter of surprise, but this is entirely due to the fact that these negotiations have been going on with regard to the offer which was made by the Company. Now, a point has been made with regard to the delay in the negotiations, but I would point out that while the question was raised in 1921 or early in 1922, there were various other points brought up between then and 1926, such as for example, as to whether customs duty should be paid on the materials for the building of the bridge. The answer to that point was that Government was not prepared to give special concessions.

It was not until the end of 1927 that Government was in a position to question or to know what type of bridge was to be built, and what the plans and specifications were with regard to the bridge.

A great deal has been made of the conditions that were attached to the building of this bridge by the Company, and to the fact that Government has accepted these conditions, and that Government could therefore be bound by them. Now, what were these conditions? They were:—

- (1) That the nearest approach to the Bridge Head be from Salim Road.
- (2) That the land required for the Bridge Head be granted to the Company at a peppercorn rental.

(3) That the maximum charges payable be:—

	Shs.	Cts.
All passenger vehicles (persons limited to six)	2	00
Motor Bicycles	0	50
Push Bicycles—	0	25
Foot Passengers	0	10
Animals	0	10
Vehicles for Commercial Purposes, loaded or empty, not exceeding 1½ tons	2	50
Exceeding 1½ tons but not exceeding 3; limit, 3 tons without permission	4	00

Then there is an expropriation clause which says that Government may at its discretion take over the bridge at its cost price plus 10 per cent. on giving six months' notice of its intention to do so.

Those were the points raised by the District Committee and were suggested to Government as points which might be accepted in their negotiations with the Company. But the fact that those suggestions were made surely does not absolve Government from all responsibilities with regard to the type of bridge, the specifications and plans, the site and various other questions which must arise—engineering questions with regard to whether the spot proposed is a place where a bridge might be suitable, and so on. Then there is the question of the monsoon period, of the effect of tides on a bridge over a considerable number of years or otherwise.

The Rt. Hon. Member has made a point of the fact that Government does not necessarily commit itself by allowing this bridge to be built and that it will be possible to Government to put up another bridge. What we have found in the past is this, that if a private company does establish a means of communication—a recognised means of communication—which is practically authorised and approved by Government, and the fact that Government allows tolls to be levied in regard to persons crossing over that bridge, and such tolls as will tend towards maintaining that bridge does amount to Government recognition—what Government has found is that it is difficult to persuade the public that another bridge should be put up at a very high cost a little further down the stream, even if the new site were found to be a better spot than the original one. Government would be faced, as the Rt. Hon. Member has pointed out, with the possibility at any rate of being obliged to take over a bridge which has been erected by a private company, and a bridge in regard to which under the present terms, as has been pointed out by the Hon.

General Manager, there is nothing whatever to show that there is any penalty on the company if it does not maintain that bridge. It must be perfectly obvious that it is the duty of Government to consider the whole question and to obtain the reports of experts before entering into any agreement with the Company.

The account of the interview which has been given by the Hon. the General Manager of Railways is perfectly correct. When Mr. Rodwell came to see the General Manager and myself he recognised his position entirely, and he fully appreciated the fact that the matter would have to be put before the Legislative Council, and he recognised that all these facts would have to be considered. He also realised that further investigations were absolutely necessary. He only asked that such investigations should be made as early as possible.

One hon. Member referred to the delay in dealing with this offer of the Company. Now, I would point out that Government had to make most careful investigations; it had to consult its Railway engineers and Public Works engineers with regard to the site proposed, the type of bridge suggested and other details which naturally arise in connection with a matter of such importance. Further, this matter could not be dealt with until it had been before this Council. There was no meeting of Council at that time, and the matter could not have been brought up before Council any earlier than this present Session. Government is prepared, and has always shown itself as willing, to discuss terms with the Company.

Government has no desire whatever to absolve itself from any responsibilities it may have entered into or to disclaim any conditions it has agreed to. Government is quite prepared to enter into an agreement with this Company, but Government is of course bound to go thoroughly into the points which have been put forward. But with regard to the details of the bridge, it is essential that they should be examined by experts.

There are many difficulties in the way of Government building the bridge itself. Government is prepared to negotiate with this Company and see whether it is not possible to come to some terms which would be in the interests of this Colony.

THE HON. T. J. O'SHEA: Your Excellency, I have much pleasure in supporting this motion. My pleasure is all the greater after hearing the disclosures made by the Hon. the General Manager of Railways and the Hon. the Colonial Secretary. Those disclosures satisfy me more than I have ever been satisfied before that the machinery of Government in this country is absolutely obsolete, and the country will suffer considerably unless that machinery is scrapped in the near

future and is replaced by something more up-to-date and something more in keeping with the development and requirements of this country. Since this project was first mooted in 1922, this country has had the benefit of a very large number of very able men as well as very hard-worked men in Government, but their efforts have resulted in very little benefit to the country because of the extraordinary methods under which they have to work. The negotiations between Government and this Company are, I think, conclusive proof that the Government of this country is not so organised that it can handle a straightforward business proposition. We have been told that Government now recognises the urgent necessity for this bridge. But we never heard until recent months that the urgent necessity for that was recognised, and I think it must be plain to anybody it has only been recognised in the last few months because of the stage to which those negotiations have gone with Government. I listened with great attention to the Hon. the General Manager, and I think anybody who has listened to him cannot fail to appreciate that until some time about December last Government had been most careless in the handling of these negotiations, and at about that time somebody jumped into the arena and showed what a serious proposition they were dealing with, and made the suggestion for greater care in dealing with it.

I feel, Sir, that in the earlier stage of the negotiations about this bridge, Government had committed itself definitely to this Company, and in so doing failed to make these necessary safeguards that have now been so strongly insisted upon, and at the eleventh hour it realised that it must be cautious and is endeavouring to make up at the last moment for its omission.

THE HON. THE COLONIAL SECRETARY: On a point of explanation, the question of a bridge in that direction was fully discussed in this Council when the question of Makupa Causeway came up.

THE HON. T. J. O'SHEA: The question is whether there was justification for Government on behalf of the people to sanction private enterprise carrying out this bridge. Looking at it from that point of view, I think of the hundred and one projects urgently required for the development of this country which Government might very well provide with this £100,000, provided that private enterprise can construct that bridge on such conditions as would not prove a menace to communications at the Coast later on.

Now, Sir, I see no reason whatever why Government should not be competent to make an arrangement with that Company under which we should have the benefit of their

private enterprise for a number of years, at the end of which period Government would, if the public interested demanded it, take over that bridge on the terms agreed upon. It seems to me, Sir, a plain business proposition and with the means at its disposal why it should not be possible for Government to enter into an agreement with the Company by which that bridge could be built on that site by private enterprise and at a later stage taken over by the state, beats me. Now, there are dozens, hundreds, of other propositions for which Government money has been demanded to which the £100,000 in question might be devoted instead. I must confess, Sir, that I was very much surprised to hear from the other side of the House that it does not matter very much whether the expenditure of Government funds results in the benefiting of private ownership. In recent months we have heard the action of this Government in agreeing to the construction of a Railway to Thomson's Falls very severely criticised in another House because the expenditure of that money resulted very largely in increasing the value of privately-owned land. Surely, Sir, the proposal to construct this bridge is subject to most severe criticism from that point of view.

THE HON. THE GENERAL MANAGER: On a point of explanation. The point I was trying to make is that in other countries most land is held by private interests, so that any public work benefits private land.

THE HON. T. J. O'SHEA: Agreed, Sir, but I think it is generally accepted that the construction of this bridge at the present time on the sites proposed would be more responsible for the increasing of private values than for any public purpose, but we do know from the private interests involved that the construction of this bridge might very well be deferred, and it seems to me a situation in which private enterprise should certainly get the encouragement.

The amendment that negotiations should be under the terms that Government has already committed to I should probably have been opposed to it were it not that Government has agreed to the inclusion of that amendment. From that I assume, Sir, that it is not yet too late for Government to safeguard the public, and I believe on that account that public interests cannot suffer by the construction of this bridge by private enterprise if Government carries out its responsibilities. I am in favour of the construction of the bridge by private enterprise and therefore support this motion.

HIS EXCELLENCY: Does the hon. Member wish to speak to the amendment or speak on the motion?

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: On the motion.

HIS EXCELLENCY: Does the Noble Lord wish to reply to the debate?

THE RT. HON. LORD DELAMERE: No, Sir, except that I do not quite understand what the Member meant or where his remarks led to.

HIS EXCELLENCY: The question is that the motion before the House be amended by the addition at the end of the words "and subject to any undertakings already given to the Company."

The question was put and carried.

HIS EXCELLENCY: Does the Hon. and Gallant Member wish to reply to the motion?

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Yes, Sir.

I was careful in my opening remarks to say that I held no brief for this Company, and I assumed that so long as we got the bridge Government could build it. When this matter was discussed in 1926—the question of Makupa Bridge—I do not remember the fact that the Company having put forward a proposal ever having been mentioned.

THE HON. THE COLONIAL SECRETARY: On a point of explanation, I did not intend to convey the idea that the question of the proposal was raised then, but there was considerable discussion. I thought the Hon. Member for the Coast raised the question of constructing a bridge from the island to the mainland at this point, but the question of the Company did not come in. The question of free customs was the first question asked by the Company, and they were told they could not have exemption from customs duties.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: If, eventually, Government has to buy the bridge for £100,000, the duty will be payable in the cost of the bridge. Further, if the Company eventually fail I take it that the bridge would be put up for sale as an asset. It could then be bought by the Government for whatever it would fetch.

Now, Sir, in regard to the discussion on the 9th of December, or later, and with regard to the General Manager's remarks, I took a letter out of the public Press, published here, in which it says:—

"On or about the 8th or 9th December last at a meeting between Mr. Rodwell, the Colonial Secretary

and Mr. Felling. Mr. Felling mooted the idea that either the Railway or the Government should build the bridge. Mr. Rodwell then said, 'If you can give a definite undertaking to build the bridge withih, say, a year, nothing will please me better'; but to this there was no response."

Mr. Rodwell pressed for formal confirmation of the approved scheme before he left for home. The Hon. Colonial Secretary Sir, says that the delay was due to the fact that Government had to get the advice of their technical officers in regard to various matters. I would have liked to have heard what that advice was—what the result of the advice given was. I had previously stated that this matter had been approved by the Port Captain and other technical people in Mombasa. If that was the case, why should the Colonial Secretary in his letter to Mr. Rodwell say:—

"In view of the delays which are likely to take place if the present negotiations continue, Government is prepared, subject to Legislative Council's approval, itself to undertake the building of a bridge to be completed within the period of three years."

I cannot understand why ever that should have been made at that stage of the proceedings. Was the Company also notified, Sir, of the result of Government's investigations into the type of bridge and the state of the tides and other things?

Regarding the site, Sir, I hope that the question of the site will be very, very thoroughly examined. If it be found, or should it be considered, that the bridge should be built further up the Harbour, it would be of little use to the Nyali Company, as it would entail a drive of run of five or six miles to get to the estate, and a new road would have to be made through a large amount of private property.

The question was put and carried.

BILLS.

THE REGISTRATION OF DOMESTIC SERVANTS BILL.

THE HON. THE COLONIAL SECRETARY: I beg to move that Council goes into Committee of the whole House to consider the Registration of Domestic Servants Bill and the Report of the Select Committee thereto.

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

The question was put and carried.

16th May, 1928

In Committee.

Clause 3, Interpretation.

THE HON. THE COLONIAL SECRETARY: I beg to move the following amendment which was agreed to by the Select Committee appointed to consider this Bill:—

"Servant" includes every person employed either wholly or partly in any of the following capacities, that is to say, cook, house servant (including bedroom and kitchen servant), waiter, butler, nurse, valet, bar boy, footman or chauffeur, or in any capacity involving the duties usually performed by any of the above-mentioned servants, by whatever style the person acting in such capacity may be called."

The alteration is that washerman, groom and stable boy have been omitted; it was considered by the Select Committee that in this Ordinance it would be better if only those servants who were employed in the house were included and those employed outside in the garden and as stable boy and in other capacities such as dhobi or sweeper should be excluded.

THE HON. W. C. MITCHELL: May I move an amendment that the word "dhobi" be included in this category. A dhobi is very often a servant employed largely about the house and although a garden boy and a sweeper may be exempted I think dhobi should come into the category.

THE HON. THE COLONIAL SECRETARY: Your Excellency, the reason why the dhobi was omitted is that a dhobi works for a number of employers. He does not work for one employer and it was thought it might be difficult for registration.

THE HON. THE CHIEF NATIVE COMMISSIONER: If a dhobi is employed about a house he would come under the category of house servant.

THE HON. T. J. O'SHEA: May I appeal to the Chair for a confirmation of that?

THE HON. THE ACTING ATTORNEY GENERAL: Yes, I think it is quite true that if he was actually employed in the house he would come within the definition of "house servant."

HIS EXCELLENCY: I really hesitate at giving a ruling as the ruling would not be in my hands but in the court interpreting it. The best way to get over it would be "washerman if in the employment of a single employer." Would that meet the point?

LEUT.-COL. THE HON. LORD FRANCIS SCOTT: I would point out that the general definition of house boys includes bedroom and kitchen servants so I do not think it would include that.

HIS EXCELLENCY: If the hon. Member would move an amendment to include the words "washerman if in the employment of a single employer" it would perhaps meet the case.

THE HON. W. C. MITCHELL: That would meet my point entirely. The question was put and carried.

THE HON. THE COLONIAL SECRETARY: I beg to move a further amendment to this clause, and that is the deletion in sub-paragraph 3 of the word "native." The reason for omitting the definition of "native" in this Ordinance was that it was considered by the Select Committee, which was appointed, that it would make the Ordinance more useful and it would be better to include all servants. It will be seen that there is a new Clause 20 which has been added to the Bill, which reads as follows:—

"A servant, the total value of whose wages, together with the estimated value of food supplied by the employer, exceeds Sh. 200 per mensem shall be exempt from the provisions of this Ordinance."

That was included because it was felt that higher paid servants might be excluded from the provisions of this Bill because they would have been employed for a considerable period and if they were drawing a higher wage than Sh. 200 per month, including food, they would have established their characters and would be trained servants who had served in a number of services and would be trained servants who employers considering the wages paid to them. It was also felt by omitting the definition "native" it brought in such servants as Indian servants who may be brought here and all races, and avoided confusion which might arise in the definition of servant including Somalis, Comoro Islanders and others.

The question was put and carried.

Clause 11, Finger prints, etc.

THE HON. THE COLONIAL SECRETARY: I beg to move that the sub-title "General" be inserted before Clause 11 instead of after. That is a misprint.

HIS EXCELLENCY: I think it will be accepted by the Committee that that is an error of typography which can be corrected without a motion, it does not affect any particular clause.

THE HON. THE COLONIAL SECRETARY: I beg to move that Clause 11 be amended to read as follows:—

"Upon registering any servant or intending servant under this Ordinance the Registrar shall—

(a) take the finger prints of such servant or intending servant in such manner as may be prescribed and record such finger prints in the general register and record such pocket register issued to such servant or intending servant. Provided that photographs may be accepted and affixed in the general register and also in the pocket register in lieu of finger prints if the Registrar is satisfied that such photographs provide sufficient means of identification;

(b) if such servant be a person to whom the provisions of the Native Registration Ordinance, or any Ordinance amending or replacing the same, apply, record in both the general register and in the pocket register the index letters and number of such servant's Registration Certificate and it shall be incumbent upon such servant to produce his Registration-Certificate for the purpose.

I wish to make it quite clear in moving this amendment that it is not intended in any way to suggest that there is any reason why finger prints should not be taken from any race for any purpose that may be required. There is nothing in any way derogatory in taking finger prints and I think that this House will agree that the Finger Print Department has proved itself one of the most useful departments in this country and that the use of taking of finger prints has been an extremely useful measure, has been adopted by all civilised countries. The only reason why this alteration is proposed here is that it enables a photograph to be given instead of finger prints which may meet the views of certain races which have hitherto not been called upon to give finger print impressions in such a matter as this. Further, there is no reason to native that the introduction of this proposal will effect the African as such, for Clause 11 (b) provides that there shall be reference to the servant's pocket register to his kipandi, which will give his photograph, it will merely cost him a certain amount of money. We will have his finger prints in his kipandi and there will be a reference to his finger prints in his pocket register, a certified copy of his kipandi will be required to keep and retain as at present.

The question was put and carried.

Clause 12, Unregistered servants, etc.

THE HON. THE COLONIAL SECRETARY: I beg to move:

"That the word 'person' in line 56 be deleted and that the words 'employer resident in such district' be substituted therefor, and that the words 'or employ' in line 56 be deleted."

LIEUT.-COL. THE HON. O. F. WATKINS: May I ask the reason for these amendments to this section? I do see some definite criticisms of them. It seems to me, Sir, that under the definition of the word "employer" we take the illustration of a young man who first lands in this country—he is not an employer, he is only a person under the first description in section 3. He can consequently engage somebody and get away with it because he was not an employer when he engaged him. That might possibly be left alone if it were wrong to employ any domestic servant, but the next section goes on to delete the word "employ." I do not see the object of the amendment as it stands.

THE HON. THE CHIEF NATIVE COMMISSIONER: I consider that the moment a person takes on a servant he immediately and simultaneously becomes an employer. The fact of his engaging an employee makes him an employer. The reason for the omission of the words "or employ" is because if that word stood as it is if any person engages a servant to get his breakfast next morning he would commit an offence if the Ordinance applied to that district, whereas section 5 gives him one month's grace to get his servant registered.

LIEUT.-COL. THE HON. O. F. WATKINS: I do not think the Chief Native Commissioner sees my point. When a man first engages a servant he is committing no offence because he has not been an employer. The engagement has to be a completed fact before he becomes an employer.

HIS EXCELLENCY: I do not see the object of altering the word "person" to "employer." What is the object?

THE HON. THE ACTING ATTORNEY GENERAL: I think there is no objection to allowing the word "person" to stand, Your Excellency.

HIS EXCELLENCY: I would suggest that the best way of dealing with this section is to insert "within one month of this Act."

THE HON. THE CHIEF NATIVE COMMISSIONER: One objection is that if a person who engages a servant in a district, say Mwachaka, brings his servant to Nairobi when he comes here for a few days, say for the Legislative Council, he is then employing a servant in that district, that is in a district to which the Act applies. It would prevent an employer from a district in which the Act has not been applied to bring his servant into the district even for a few days.

I think that point will be met by making it: "any person resident in such district" instead of "any employer resident in that district."

HIS EXCELLENCY: Will that meet the case.

LIEUT.-COL. THE HON. O. F. WATKINS: I do not see the point of "where resident in such district," it only seems to add an additional thing which has to be proved in the Courts. There is enough difficulty in securing a conviction without having to prove his residence.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I think that as regards the first part it will be all right if the word "person" stands.

HIS EXCELLENCY: I would suggest that the proper way to meet that would be: "within one month of the passing of this Act." You may have a servant engaged by somebody else.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: I should like to support the Chief Native Commissioner's suggestion. It does seem that every time anybody comes down here he will be committing an offence as he will be in a district where registration is in force . . .

CANON THE HON. H. LEAKY: Might I suggest that the word "employer" implies a "person" because the word "employer"...

HIS EXCELLENCY: I would suggest to the Committee for the consideration of the Attorney General that the best way of disposing of this clause is as follows: that "any person resident in such district shall within one month of the passage of this Act engage or employ." I think that meets all objections.

THE HON. THE CHIEF NATIVE COMMISSIONER: Say one month of the application of the Order.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: That does not meet the case. It may be in application in Nairobi but it may not be in Njoro.

HIS EXCELLENCY: Any person resident in such district.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: If one is down for one week...

THE HON. THE ACTING ATTORNEY GENERAL: You are not resident. You will have to be domiciled. Residence means normally residing. If you come down here for a week you would not be held as resident.

THE HON. THE COLONIAL SECRETARY: I beg to withdraw the amendment proposed and suggest that in the second line after the word "person" shall be added the words "resident in such district" and in line 2 the insertion of the words "within one month of the application of this Ordinance" between the words "shall" and "engage."

THE HON. THE ACTING SOLICITOR GENERAL: I suggest, Your Excellency, that the word "ordinarily" be inserted before "resident," because a man coming down from upcountry for a short time would technically be resident during that time.

HIS EXCELLENCY: Yes.

THE HON. THE ACTING ATTORNEY GENERAL: I have no objection. The question was put and carried.

Clause 14, Particulars of cessation of employment.

THE HON. THE COLONIAL SECRETARY: I beg to move that the first proviso, lines 20 to 23 be deleted, and that the word "further" be after the word "register" in Clause 14:—

"unless he intends to take action under Section 18 of this Ordinance."

which should be read with the new proposals in respect to Clause 18, which I have now explained to Council. In Clause 18 provision has been made for proceedings being instituted on behalf of the servant against his employer by the Registrar if the Registrar is satisfied that an entry has been made in the servant's pocket register which is malicious, obviously false and of such a nature as to render the boy unlikely to obtain employment elsewhere, as Registrar would have to satisfy himself that there were no such grounds for making such an entry, but if he were satisfied that an entry was made without due grounds and if it was the case that an employer in a fit of temper or for some other reason has put in the book an entry which he cannot properly substantiate and will prejudice his servant, it will then be for the Registrar on behalf of the servant to take proceedings in the Courts. It has therefore been necessary to add in Clause 14 these additional words. The portion of the clause will now read:—

"The employer shall also furnish to the Registrar for the district in which such servant is registered, a copy of the particulars so entered, and such particulars shall be inserted by the Registrar in the general register, unless he intends to take action under section 18 of the Ordinance."

That is to say unless he intends to institute proceedings on behalf of the servant for the reasons which I have given.

It is also proposed that the next four lines, lines 20 to 23, in this Clause shall be omitted. That proviso ran to this effect:

"Provided that if for any reason the employer is unwilling to give the servant a character or to state the cause of dismissal he may decline to do so, but in such case he shall forward to the Registrar his reasons for so doing."

It was felt that it was not fair that an employer should be able to send a servant away and decline to put anything in his book and thereafter to report the servant behind his back. It was thought that the employer should state frankly and honestly in the book what was his opinion of the servant's character and if he had good grounds for dismissal that he should state those grounds.

The question was put and carried.

Clause 15.

THE HON. THE COLONIAL SECRETARY: I beg to move the following amendment to Clause 15. That after the word "servant" in line 30 the following be inserted:—

"in which case he shall also cancel the endorsement made under section 11 (a) of this Ordinance."

That is to say the clause will now read:—

"If any registered servant is convicted of theft or of any infamous crime or is known to the police to be leading a disorderly or disreputable life, the Registrar may, with the approval of the Commissioner of Police, cancel the registration of such servant, in which case he shall also cancel the endorsement made under section 11 (a) of this Ordinance."

CAPT. THE HON. E. M. V. KENYALY: Your Excellency, what is the definition of "an infamous crime?"

THE HON. THE ACTING ATTORNEY GENERAL: Well, I take it it would be such as murder or any heinous offence of that nature.

LIEUT.-COL. THE HON. O. F. WATKINS: What is section 11 (a) of this Ordinance?

THE HON. THE COLONIAL SECRETARY: 11 (a) is a new clause, it was introduced with regard to the taking of finger prints or the use of a photograph.

Clause 16.

CAPT. THE HON. E. M. V. KENYALY: Is Clause 18 (2) before the House? The first three lines appear to be wrong.

HIS EXCELLENCY: It has not been moved yet, perhaps the hon. and gallant Member will raise it.

Clause 15.

The question was put and carried.

Clause 18.

THE HON. THE COLONIAL SECRETARY: I beg to move: "That this clause be renumbered 18 (1)."

That the following sub-clauses to be numbered respectively 18 (2) and 18 (3) be added:—

"(2) When any person has been convicted of giving a registered servant an address character without reasonable cause, or of entering in the pocket register of a registered servant any grave accusation against such servant which he cannot substantiate, the Court by which he has been convicted may order that the entry in respect of which the

accused has been so convicted or any part thereof shall be deleted from the servant's pocket register and from the general register."

"(3) Any proceedings under this section may be instituted by or at the instance of the Registrar."

I have already explained the reasons for adding this clause to the Bill. Clause 18 (1) provides that where a conviction has been secured pocket register should be deleted. This has been considered adequate protection for the servant in addition to the other provisions in the clause and should insure against characters being given without due thought or in fits of temper or maliciously.

CAPT. THE HON. E. M. V. KENEALY: May I query the wording of the first three lines of the suggested amendment? I suggest that the Registrar should first obtain the permission of the person on whose behalf he proposes to institute action—of the servant affected, which does not appear to be provided for.

HIS EXCELLENCY: We had better take the points in order. What is the point in connection with the first three lines.

CAPT. THE HON. E. M. V. KENEALY: I suggest that the word "offence" should be used, "convicted of the offence of giving." It does not appear to be right.

HIS EXCELLENCY: I think that is right.
The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY: In three, Sir, I suggest that the Registrar first obtain the permission of the servant on whose behalf he is instituting proceedings, before instituting such proceed-

THE HON. THE COLONIAL SECRETARY: Your Excellency, I do not think it really advisable to add those words, because we leave discretion to the Registrar in this matter. We feel that the Registrar should be in a position to enquire into the whole circumstances and that he would not prosecute unless he was fully satisfied a real injustice had been done. If you put in a clause of this kind you suggest to natives that they should come to the Registrar and authorize him to prosecute. That was not intended. The Registrar should examine the books and when he comes upon a character somewhat recklessly written, then he should make enquiries of the holder and conduct his enquiries and the native who is the cause of the proceedings will have to be the witness and will take action.

I think it is undesirable that the anus of proceedings should rest upon the servant, which would be, I think, the effect of this amendment. The Registrar cannot institute proceedings where the servant does not feel aggrieved.

CAPT. THE HON. H. LEAKEY: I beg to endorse the statement of the Hon. Colonial Secretary and I think we should leave it to the good action taken.

THE HON. THE ACTING SOLICITOR GENERAL: I do not think that any Court would take cognizance of the offence except on the complaint of the aggrieved servant.

The question was put and carried.

Clause 20.

THE HON. THE COLONIAL SECRETARY: I beg to move that the following clause be added to the Bill:—

"A servant, the total of whose wages together with the estimated value of food supplied by the employer, exceeds Sh. 200 per mensem shall be exempt from the provisions of this Ordinance."

The reason why that should be put in I think I have already explained, and I need not mention it further in this Council.

The question was put and carried.

THE HON. THE CHIEF NATIVE COMMISSIONER: May I be permitted before we pass to the title and preamble and the schedule, to refer one moment to Clause 15. It seems to me, on looking at it very closely, that what my Hon. Friend the Senior Commissioner for the Coast has represented is right, that there is no endorsement to which section 15 can apply. What I think has been omitted in that clause, I suggest, is that in 11 (b) as appearing in the report of the Select Committee, after the word "certificate" in the sixth line that the following words should appear: "and shall make an endorsement in such registration certificate to the effect that such person has been registered as a domestic servant."

HIS EXCELLENCY: I am very much obliged to the Chief Native Commissioner. At which point does he wish these words inserted.

THE HON. THE CHIEF NATIVE COMMISSIONER: In new Clause 11 (b) as it appears in the report after the word "certificate" in the sixth line.

The question was put and carried.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Arising out of that, in section 15 we should refer to 11 (b) and not 11 (a).

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, on a point of order, I have here a report of a Select Committee which is unsigned. Surely that is wrong. We should know the composition of the Select Committee.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I should like to assure the hon. Member that I entirely agree with him and I have issued instructions that all reports of Select Committees should be signed. It is often the case that they are laid on the table while the original report is being circulated for members' signatures.

HIS EXCELLENCY: The question is that the Bill be reported to Council.

Council resumed its Sitting.

HIS EXCELLENCY: I have to report that a Bill entitled a Bill to Provide for the Registration of Domestic Servants has been considered in Committee of the whole Council and has been reported with amendments to this Council.

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

BILLS.

THIRD READINGS.

On motion of the Hon. the Treasurer the General Loan and Inscribed Stock (Amendment) Bill was read a third time and passed.

On motion of the Hon. Commissioner of Local Government, Lands and Settlement the Surveyor General's Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General the Fugitive Criminals Surrender (Amendment) Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General the Extradition Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General the Revised Edition of the Laws (Amendment) Bill was read a third time and passed.

On motion of the Hon. Colonial Secretary the Appropriation Bill was read a third time and passed.

HIS EXCELLENCY: What is the first business of to-morrow? I would like to consult Members on that side of the House as to whether it would be more to their convenience to consider the Supplementary Estimates in Select Committee to-morrow or go on with the business of Council. It is in their hands. If they decide for the Select Committee to meet to-morrow morning the Colonial Secretary can by leave give notice now of the motion to refer it to a Select Committee. It is really a matter of convenience which makes no difference to Government.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: If we do not do that, what would be the business to-morrow?

HIS EXCELLENCY: That would be the sole business to-morrow and Council would meet on Friday to conclude its business. The alternative is to take a good deal of business to-morrow and for the Select Committee to meet in the afternoon or immediately business is concluded. Would that be more convenient?

THE HON. LORD FRANCIS SCOTT: Yes.

HIS EXCELLENCY: That would meet Members' convenience.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: May I ask if the Rebate of Duty on Kerosene Oil Bill has been included?

THE HON. THE TREASURER: I am Chairman of the Committee on that Bill. The Report is quite ready except for the amending Ordinance which the Attorney General has promised to let me have to-morrow. The amending Ordinance will be attached to the Report.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Would it be possible to take the Bill on Friday then?

THE HON. THE TREASURER: Yes.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: And the Game Laws?

THE HON. THE COMMISSIONER OF LOCAL GOVERNMENT: The Report will be ready before the adjournment.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Take it on Friday?

THE HON. THE COMMISSIONER OF LOCAL GOVERNMENT: Yes, take it on Friday.

HIS EXCELLENCY: I think probably the most convenient arrangement would be to take whatever business we can to-morrow morning and then adjourn for the Select Committee.

THE HON. THE COLONIAL SECRETARY: I beg to give notice of a motion, with the permission of the House, that the Supplementary Estimates which were laid on the table this morning be referred to a Select Committee of the whole Council.

HIS EXCELLENCY: The Select Committee will consist of all the Unofficial Members as usual and the Colonial Secretary and the Treasurer and any other Official Members that may be required.

(Council adjourned until 10 a.m. on Thursday,
17th May, 1928.)

THURSDAY, 17th MAY, 1928.

The Council assembled at 10 a.m. on the 17th May, 1928, His Excellency the Governor (SIR E. W. M. GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 16th May, 1928, were confirmed.

PAPERS LAID ON THE TABLE.

By THE HON. THE COLONIAL SECRETARY :

The Report of the Select Committee on the Births and Deaths Registration Bill.

By THE HON. THE TREASURER :

A Statement of the Colony's Financial position as at 30th April, 1928, and the Explanatory Statement in connection with the Supplementary Appropriation Ordinance, 1928.

By THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT :

Summary of certain Closer Settlement Proposals for 1928 with maps in illustration thereof.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE :

Not the report of a Select Committee but suggestions for amendments to be moved to a Bill which it is hoped to be taken. No Select Committee was appointed, Sir, but consideration was given by the Mover and Seconder. (Stock and Produce Theft (Amendment) Bill).

By THE HON. THE COLONIAL SECRETARY :

Amounts applied for to be Revoted in 1928 from Unexpended Balances of 1927 Votes.

HIS EXCELLENCY : Does any hon. Member desire to give notice of motion.

ORAL ANSWERS TO QUESTIONS.

ADULTERATION OF COFFEE.

THE HON. CONWAY HARVEY asked :

"(1) Has the attention of Government been drawn to the fact that an article described as "coffee" which is heavily adulterated is being exposed for sale in Kenya?"

(2) What steps are being taken by Government to protect the public generally and the coffee industry particularly?"

THE HON. THE ACTING DIRECTOR OF AGRICULTURE :

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

Adulteration of coffee the produce of this Colony is prohibited under the Adulteration of Produce Ordinance. Copies of the legislation in force in England in this respect are being obtained by the Medical Department with a view to the consideration of additional regulations if existing legislation cannot meet the case.

FILM CENSORSHIP.

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

"Will Government state when it intends to take action on the Report of the Select Committee appointed to consider Film Censorship?"

THE HON. THE COLONIAL SECRETARY :

The Report of the Select Committee of Legislative Council on Film Censorship has received full consideration by Government after consultation with the Governments of Uganda and the Tanganyika Territory. Regulations are now being drafted and will later be laid on the table for discussion.

TRAVELLING OF SCHOOL CHILDREN.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

"What arrangements are made for the chaperoning of European children returning to school in Nairobi from Mombasa by rail and whether any arrangements exist for this from other stations?"

THE HON. THE ACTING DIRECTOR OF EDUCATION :

Parents are expected to take the responsibility for their children from their homes to Nairobi Station, and to place them in the charge of suitable people on leaving their home stations. Every train bringing children back to school is met by members of the school staff.

The railway authorities and private friends have always been most obliging in helping in this matter and no complaints have ever been received by the school or by this Department regarding the arrangements that are made.

MOTIONS.

VISIT OF T.R.H. THE PRINCE OF WALES AND THE DUKE OF GLOUCESTER.

THE HON. CONWAY HARVEY : I have been asked to express the Noble Lord's profound regret that he is unable to attend this morning. I was only told by him two minutes ago that he was under the impression that his motion would not come up to-day, but as I am given to understand by Government that it is of some importance that this motion should be taken to-day I beg leave to formally move the motion standing in the Noble Lord's name unless Your Excellency can possibly postpone the motion until after the first business to-morrow.

HIS EXCELLENCY : I think it would be more convenient to postpone it until to-morrow.

THE HON. CONWAY HARVEY : We shall be infinitely obliged if Your Excellency can find it convenient to do that.

HIS EXCELLENCY : Certainly—the first motion on the Paper is postponed until to-morrow.

FIRST SUPPLEMENTARY ESTIMATES, 1928.

THE HON. THE COLONIAL SECRETARY : I beg to move :

"That the 1st Supplementary Estimates, 1928, and the statement of the amount applied for to be revoted in 1928 from the unexpended balance of 1927 votes be referred to a Select Committee of Council."

This is a new procedure to some extent in regard to Supplementary Estimates, but I think it will meet the convenience of the whole House that these Estimates be discussed in Select Committee. It is proposed that the Select Committee should meet after the adjournment of Council to-day in this Council Chamber and that they should then go through the items in the Supplementary Estimates and the revotes both of which have already been tabled.

THE HON. THE TREASURER : Your Excellency, I beg to second.

The question was put and carried.

HIS EXCELLENCY : The Select Committee to deal with these two matters will be the Select Committee normally appointed to deal with the Estimates, that is to say, it will consist of all Unofficial Members of Council, the Colonial Secretary, and the Treasurer and any other Unofficial Members who may wish to be present, or whose presence is required.

With the leave of Council I will call upon the Colonial Secretary to move Council into Committee on the further consideration of the Draft Standing Rules and Orders and the Drugs and Poisons (Amendment) Bill.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that Council go into Committee of the full Council to consider the new Draft Standing Rules and Orders and the Drugs and Poisons (Amendment) Bill.

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

The question was put and carried.

In Committee.

DRAFT STANDING RULES AND ORDERS.

THE HON. THE ACTING ATTORNEY GENERAL: This Committee was adjourned last Tuesday for further consideration and in order that certain Rules that had been asked for by this Council might be drafted, Sir, I have drafted out these proposed Rules and with the leave of the Council I will just shortly explain what they are.

HIS EXCELLENCY: I think we had better take each in turn.

THE HON. THE ACTING ATTORNEY GENERAL: The first subject raised was that of an agenda. It was desired by Council that an agenda should so far as possible be sent to members before the commencement of each session. Sir, it has seemed convenient to insert this proposed Rule as a sub-rule (1) of 15 as it stands. As it stands, Rule 15 has Rule 15 (1) will deal with the order of business and Rule 15 (2) will be as follows:—

“So far as it may be possible and practicable to do so, and at as early a date before the commencement of each meeting as may be found to be possible, the Clerk to the Council shall send to each member of the Council a list of the Questions, Motions and Bills proposed to be dealt with at the forthcoming session of the Council.”

I hope, Sir, that hon. Members will not think that this clause is too wide. I am sure they will understand that it must necessarily be wide because it is impossible to say exactly what questions are coming up and very often until they are actually in the Council, and it is the same with motions and Bills. I think it will as a general rule be easier to supply a list of the proposed Bills because Government of Council what Bills will be likely to come up. As I say, Sir, I hope that that clause will meet with the approval of Council. Then we come to the clauses.

HIS EXCELLENCY: Take them one at a time.

THE HON. THE ACTING ATTORNEY GENERAL: I beg formally to move that Rule 15 of the New Standing Rules and Orders be renumbered 15 (1) and the following sub-clause (2) be added:

“So far as it may be possible and practicable to do so, and at as early a date before the commencement of each session as may be found to be possible, the Clerk to the Council shall send to each member of the Council a list of the Questions, Motions and Bills proposed to be dealt with at the forthcoming session of the Council.”

THE HON. THE COLONIAL SECRETARY: Your Excellency, I would suggest that instead of the words “proposed to be dealt with at the forthcoming session of the Council” that the words be substituted “a list of the Questions, Motions and Bills, which are at that time on the Agenda for the forthcoming session of Council.”

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, may I suggest a very minor alteration, that the word “meeting” instead of “session” be used. It is used in the first part. Session is used twice in the first instance. I think the word “meeting” would be better.

HIS EXCELLENCY: I think before I put this amendment I would like to suggest a further amendment to this clause to hon. Members. I think that in the Order of Business the rule is a little too rigid. If hon. Members will look at the clause as it stands, the Order of Business is absolutely mandatory and motions must be taken before Bills. It is quite conceivable for the convenience of Council that it may be desired to take Bills before motions and I think there should be a priority of business to meet the convenience of Council. I think it desirable that, as in most other assemblies, Government business should have precedence if Government finds it necessary to do so, and I would suggest as an amendment in place of (8) “Motions of which notice has been given” and put “Government business” and put (9) “Motions by Private Members of which notice has been given.” I would put a further sub-clause before the new sub-clause which the Attorney General has just proposed to read in the following terms:

“The President shall have power to vary the order under heads (8) and (9).”

That will enable him to meet the convenience of Council and to make for the more efficient discharge of business.

CAPT. THE HON. H. E. SCHWARTZ: I am not quite sure whether it is advisable to endow the President with such extensive powers, or whether the case could not be more properly met by the ordinary procedure of suspending Standing Orders. I have no particular feeling about it, but I think it would be better to leave it to the discretion of the President—that is my feeling at the moment.

I have no particular feeling at the moment, but I think it is rather tedious for everybody to move the motion and have the question put. I have no very strong feeling about it.

Cannot the matter be met by inserting the words “as far as practicable” after the word “shall” in the first line—that gets over it being mandatory.

HIS EXCELLENCY: I would ask hon. Members to agree to putting down Government business as the first business of the day. It may be very urgent and I think that that fact should be recognised. I am not talking about the present Government—all Governments will find it the same. There is no provision at all to prevent a motion being used as a method of obstruction by quite a small portion of the House.

The Colonial Secretary has suggested the words “Private Bills, Motions by Private Members of which notice has been given, or other private business.”

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I suggest, Sir, that Bills are not matters of great urgency as a rule, and if the matter is of great urgency Government can always move the suspension of Standing Orders to deal with the matter. Bills are subjects which are considered over periods of months and not merely of days, and I consider that the present order is one that it is highly desirable to maintain.

HIS EXCELLENCY: The hon. and gallant Member cannot lay down anything positive about a Bill. A Bill may be exceptionally urgent, and in any case I think that Government should have the discretion

of putting forward its business at any time as the first business of the day. It is quite improper for Government not to have that power. I think they have it in all assemblies which I know about.

THE HON. CONWAY HARVEY: I am inclined to agree with Your Excellency on that point. It would be intolerable if an insignificant minority was allowed to tyrannise over the majority and obstruct the passage of what may be a very urgent Government measure in the interests of the overwhelming majority of the taxpayers of the Colony.

HIS EXCELLENCY: I would ask the Attorney General—if members are prepared to accept that amendment—to move that Clause 13 be amended in the first instance by deleting "Motions of which notice has been given" under Head (8) and substituting "Government Private Bills, Motions by Private Members of which notice has been given or other private business." I think that "other private business" is necessary. For instance a member may desire to make a personal explanation to the House and that might be the moment to make it.

CAPT. THE HON. E. M. V. KENEALY: Am I in order in speaking against this proposal at this stage?

HIS EXCELLENCY: Let it be put and then the hon. Member may speak.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that sub-clause (9) of Rule 15 be deleted and in sub-clause (9) of 15 the Private Members of which notice has been given, or other private business" be substituted therefor.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, Sir, is one of the most important alterations which have been submitted to me. I suggest, Sir, that if Government wishes to obstruct any motion Government business, which will under this regulation have priority and precedence, that it will be possible for an Elected Member ever to get his motion, which may be a motion which has the unanimous support of the country, debated in this House. I trust, Sir, that proposal should be opposed. If, Sir, Elected Members do not oppose it they will be betraying their constituencies—that, Sir, is a matter of fact and not a matter of opinion.

Governments are capable of dealing with obstructionists. They have many ways of dealing with obstructionists and obstruction. They have the individual member and the Elected Member has none. I do hope, Sir, that Elected Members will oppose this suggestion, which will merely mean that we are betraying and minimising the advantages we have gained to a moment's expediency. It is a serious matter, Sir, and I trust it will be taken seriously by this House.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, the argument put forward by the last speaker in one respect is a very strong one and I would ask Your Excellency to consider that Government cannot in any way suspend its business on the simple expedient of the suspension of Standing Orders. Members on this side of the House are intolerant that Government should be prevented from bringing on urgent Government business by obstruction from members on this side of the House, but I think, Your Excellency will agree that it is unlikely with the agreement existing between both sides of the House that either side of the House would block the business of the other side, but I do submit, Sir, that it would be unfair to let one side block the business of the other, that it would be unfair to power to get over that blockage rather than to have the position which the other way round so that nobody will be adversely affected. I wish to ask Your Excellency to consider that, although I hope that the circumstances which this Rule is intended to meet will never arise.

HIS EXCELLENCY: I should like to meet hon. Members on this point if I thought that by the introduction of this rule the interests of this Council could in any way be affected thereby, but I do not see why danger should be apprehended. I would also ask them to be in mind what the hon. Members said, that Government in order to carry its business should be obliged to suspend Standing Rules and Orders. The object of these Rules and Orders is to provide for the easier carrying out of business and the suspension of Rules and Orders is an expedient which should not be adopted except in case of urgency. These Rules are drafted for the carrying out of business with expedition. I know there should be no necessity to approach this point in any way under the alteration which has been proposed. If members apprehend that danger in any way I would suggest that and that is by setting aside that whatever is on that particular day is set aside—or one day a week. That is done in other assemblies. In the House of Commons it is not a day but certain hours. If hon. Members would like that arranged I will do so, though so far as this amendment is concerned there is no danger. I would ask them what their feeling about that is.

THE HON. T. J. O'SHEA: This point was first mentioned this morning and I have been trying to turn it over in my mind. I agree with my hon. colleague that it is important to put forward the business of the House first and Your Excellency has just said that in every free assembly in the world, so far as you are aware, Government business has priority of order, but, Your Excellency, this is not a free assembly in that sense of the word and therefore great powers go to the minority by giving motions precedence over Bills. That has been one of the greatest safeguards we have had and we shall certainly lose that safeguard if the order of priority is reversed, inasmuch as the Government side of the House has much stronger powers to deal with obstruction. I do not think it is too much to ask that we should not give up the valuable concession we have won of giving motions priority over Bills. I suggest, Sir, that one of the reasons for that is that heretofore the Elected and Nominated side of the House has been regarded as assisting Government in an advisory capacity and a certain amount of latitude has been allowed for motions which may not be allowed under a different constitution. It is true that our interests would be safeguarded to some extent if we have the provision made for a day for private business, but the present arrangement has worked so satisfactorily over a period of years, that I suggest it would be just as well to leave it so for the time being, and if Government finds that we are abusing these powers which are left to us under the present arrangement, then the matter can be reconsidered.

THE HON. THE GENERAL MANAGER: Your Excellency, I would like to assure the hon. Members that in other countries—in South Africa—as business has grown the carrying of Government business would be impossible if members could move motions whenever they liked. In South Africa the arrangement is to aside every Tuesday for private business and private motions. On every other day Government business has precedence. If that can be done here I suggest that the system which has proved so satisfactory elsewhere in other British assemblies should be adopted here.

LIERT-COL. THE HON. LORD FRANCIS SCOTT: I should like to point out, Sir, that you cannot draw a comparison between this Council and the Government of South Africa or Great Britain, because here Government is always in the majority. In those countries they may be defeated at the Poll and the other side gets a chance. Here on this side of the House we are in a permanent minority for ever, and as Government has the deciding of the business they put down on the Order of the Day, I think they are sufficiently protected as things stand. I agree perfectly that Government must have priority with

their business—I do not think anybody can dispute that—and any obstruction would have to be dealt with, but it has never taken place in this Council yet and I am certain that with the present temper of the House it is not likely to, and I trust Your Excellency can see your way to let it stand as at present.

HIS EXCELLENCY: I would like to point out to hon. Members that they are working on the assumption that the rule as it stands has stronger powers than the similar rule in the past. In the past power in that it was optional for Government to put down Government business and leave private business out. The suggestion made is as a matter of fact increasing their rights in this House and giving them further opportunity. I have never liked the system where motions have been left out for Government business. That, I think, undesirable, and has been done in the past. This rule is a complete variation of what has been done in the past. This rule is making a proposal not to limit the powers of hon. Members on the other side, but to increase their powers and increase their rights in this assembly. If they think it wiser to revert to the old system and Government leaves out the private business.

THE HON. T. J. O'SHEA: I was not aware that Government had that right to leave out motions.

THE HON. THE GENERAL MANAGER: This right is one of the most valued rights in the South African Assembly. It is an absolute right, the necessity for their motions being dealt with on Tuesday.

HIS EXCELLENCY: I am astonished at the line taken by private Members. I was desirous of increasing their rights and by no means decreasing them.

THE HON. CONWAY HARVEY: At the risk of appearing to be in the minority I would urge hon. Members on this side who have not spoken to turn the matter over in their minds and seriously consider whether the allocation of a definite day each week for private business would not be a most valuable concession and a tremendous improvement on anything suggested up to now. It is within my recollection that about six or seven years ago Government kept back all private motions until the last day of the session. Most of the members had gone home and very inadequate discussion was given on very important subjects. Moreover, Sir, it would be very useful for the member in charge of the motion to know quite definitely when it was coming up. He could be primed with all the necessary data in order to express his views, which is not always the case under existing conditions, where a motion is dropped on your head like a dumb-bell.

THE HON. T. J. O'SHEA: Your Excellency, I was certainly unaware that Government had the right to drop private motions to suit their convenience. I did not know that Government had these powers and business puts a different complexion on the matter.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, may I ask if the effect of putting a day aside for the taking of private business will mean that only on that day will private business be taken?

HIS EXCELLENCY: No.

CAPT. THE HON. H. E. SCHWARTZ: And that Government business has precedence on another day?

HIS EXCELLENCY: Yes.

CAPT. THE HON. E. M. V. KENYALY: This is an entirely new proposal. I trust that Elected Members will be given an opportunity of discussing this proposal amongst themselves before being asked to vote on it in this House.

HIS EXCELLENCY: I was about to suggest that if hon. Members on the other side of the House would prefer it, I shall hold this proposal over in order that they may discuss it amongst themselves. I did not realise until I was going through the Standing Orders again this morning that Clause 16 alters the procedure to which we have been accustomed for many years and that it is in a mandatory form.

CAPT. THE HON. H. E. SCHWARTZ: With regard to the other amendment of the Hon. the Colonial Secretary, I think that on reconsideration we cannot put that forward. I do not think it is as good as the original proposal by the Hon. the Attorney General.

HIS EXCELLENCY: I take it then, as to the amendment which we have been discussing hitherto, that that is withdrawn by hon. Members on the other side of the House.

CAPT. THE HON. E. M. V. KENYALY: May we have a definite statement of what this amendment is; may we have this amendment in writing?

HIS EXCELLENCY: Certainly.

THE HON. CONWAY HARVEY: Perhaps the Clerk would furnish it in the course of a few hours.

CAPT. THE HON. H. E. SCHWARTZ: The Hon. the Colonial Secretary's amendment is, I think, to alter the words to "supplying to members as far as practicable" papers in connection with subjects which are on the Agenda. The Agenda is a paper which is put down daily. There is no such thing as an Agenda at the beginning of the Council for the whole of the Council, but I would ask him to read it as it is.

THE HON. CONWAY HARVEY: I support that view and consider that the Hon. and Learned Attorney General's proposal meets the wishes of Elected Members far more adequately than the second amendment proposed. It has a very much wider scope. A notification of all business proposed to be dealt with would, I think, help up-country members considerably and they could collect their papers and all the data in connection with the subjects coming up. It will not matter if certain of the subjects mentioned do not come up, but if the other notified to members, it is extraordinarily likely that for about fifty per cent. of the subjects they are called upon to discuss they will not have the necessary data with them to discuss the things properly.

HIS EXCELLENCY: The question is—

That Clause 15 be renumbered 16 (1) and the following sub-clause be added—

"(2) So far as it may be possible and practicable to do so, and at as early a date before the commencement of each meeting as may be found to be possible, the Clerk to the Council shall send to each member of the Council a list of the Questions, Motions and Bills at that time proposed to be dealt with at the forthcoming session of the Council."

The question was put and carried.

HIS EXCELLENCY: With regard to the further amendment of this clause, hon. Members opposite have the right to propose further amendments.

THE HON. THE ACTING ATTORNEY GENERAL: The next proposed amendment is that which deals with the Rules as they stand now with regard to Standing Committees. This is a new procedure and it was felt generally that the powers which are proposed to be conferred are too wide. Therefore, I think that Council will agree to what I propose now. That Rules 53 to 58 be deleted. I therefore beg to stand Rules and Orders be, deleted, and the subsequent Rules renumbered accordingly.

HIS EXCELLENCY: The question is that Rules 53 to 58, inclusive, be deleted and the subsequent Rules renumbered accordingly. The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: If hon. Members will look at the top of page 12, the first Rule there now will be numbered Rule 53, that is, three Rules—53, 54 and 55, will stand as the Rules under "Other Standing Committees," with the exception that I shall move the deletion in old Clause 59 and new Clause 53 of the words membership and duties of such Standing Committees.

I beg to formally move that the following words which occur in lines 2, 3 and 4 of new Rule 53 be deleted:—

"Other than the Standing Committee on Finance, may prescribe the membership and duties of such Standing Committees."

HIS EXCELLENCY: The question is that new Rule 53, old Rule 59, be amended by the deletion of the words "Other than the Standing Committee on Finance, may prescribe the membership and duties of such Standing Committees" in lines 2, 3 and 4.

CAPT. THE HON. E. M. V. KENEALY: Before the question is put, session to session, or meeting to meeting? If it does, I intend to oppose. The Rules guiding a Committee should be as far as possible fixed.

THE HON. THE ACTING ATTORNEY GENERAL: This Council has the power to make rules, and it also has the power to vary them. I think though, any rules laid down would be absolutely final.

CAPT. THE HON. E. M. V. KENEALY: Does not this rule as at present worded imply that these rules govern the appointment of each Committee and that each Committee shall have rules applicable to it on appointment?

I think that is the meaning of the wording.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I think the words mean exactly what they say, that Council shall have the power to appoint Standing Committees and lay down rules for the procedure of such Committees. I do not quite understand the hon. Member.

CAPT. THE HON. H. E. SCHWARTZ: Is there any need to have the thing about procedure laid down at all? Now that Select Committees are appointed you do not lay down rules of procedure. Say "the Council may on motion appoint Standing Committees." Surely the Committee regulates itself as to its own procedure?

HIS EXCELLENCY: I suggest that the amendment which is now before the Committee should be carried and that a further amendment should be moved deleting the rest of the paragraph.

The question is that the words "other than the Standing Committee on Finance, may prescribe the membership and duties of such Standing Committees" be deleted in lines 2, 3 and 4 of new Rule 53. The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that all the words from "other than the Standing Committees" in new Rule 53 as now amended be deleted.

HIS EXCELLENCY: The question is that all the words from "other than the Standing Committees" in new Rule 53 as now amended be deleted.

The question was put and carried.

HIS EXCELLENCY: Before leaving this section of the Standing Rules and Orders, I think I should call the attention of hon. Members to the fact that Rule 60 as it stands limits the powers of Standing Committees to call in official members of Council, but there are heads of departments who are members of Council and I think that the power should extend to all heads of departments and other official members of Council. I think that is desirable.

THE HON. CONWAY HARVEY: Would you necessarily restrict it to heads of departments? Take the case of a technical authority who was acting in a subordinate capacity.

HIS EXCELLENCY: It is not desirable to give a Committee the power of questioning subordinates on the procedure of their superiors. If a subordinate is required for a technical point he can be summoned through the departmental head.

CAPT. THE HON. H. E. SCHWARTZ: Are they entitled, in the House of Commons, to call any person in the country to give evidence before them?

HIS EXCELLENCY: No. There is a Standing Committee on the Estimates, of which I used to be a member. They can call upon any department to explain its own estimates and the head of the department then puts forward the name of such member of his staff in his opinion as he wishes to explain the Estimates.

CAPT. THE HON. E. M. V. KENEALY: I suggest that the word "invite" is not the correct word to use. I suggest that the word be "summoned," because if it is merely an invitation to give evidence a man presumably has the right to refuse it.

HIS EXCELLENCY: I think the word "summon" is all right if giving evidence and "invite" is also right for sitting with them during deliberations.

THE HON. THE COLONIAL SECRETARY: There is one point on which I should like to be reassured by the Hon. the Attorney General, and that is that the effect of this clause would be that official members shall not be on Standing Committees. It has to be read with Clause 62.

THE HON. THE ACTING ATTORNEY GENERAL: I think I can give that assurance.

HIS EXCELLENCY: If hon. Members are agreed, I will propose an amendment that the words "any head of department or" be inserted after the word "call" in the second line of the new Clause 54.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the following words be inserted after the word "call" in the second line of new Clause 54:—

"any head of department or."

The question was put and carried.

THE HON. THE COLONIAL SECRETARY: I beg to move a further amendment in the last line of old Clause 60, new Clause 54—the word "official" be deleted.

HIS EXCELLENCY: The question is that in the last line of old Clause 60, new Clause 54, the word "official" be deleted.

CAPT. THE HON. E. M. V. KENEALY: I suggest that the word "discuss" be introduced in the penultimate line. It is no use any official sitting with the Committee if he is not invited to discuss the matter that they are debating or considering.

LIEUT. COLONEL THE HON. O. F. WATKINS (SENIOR COMMISSIONER, COAST): And that the word "member" be deleted and the word "official" put in.

CAPT. THE HON. H. E. SCHWARTZ: I think both ought to be deleted and the word "person" should be put in.

HIS EXCELLENCY: Yes. I will deal with the Hon. and Gallant Member for West Kenya's amendment after this one.

THE HON. THE COLONIAL SECRETARY: I beg to move that the word "person" should be inserted and that the words "official member" should be omitted.

HIS EXCELLENCY: The question is that in the last line of new Clause 51 the words "official member" be deleted and the word "person" substituted therefor.

The question was put and carried.

HIS EXCELLENCY: I suggest to the Hon. and Gallant Member for West Kenya that the words "may be invited to take part in their deliberations" be inserted.

CAPT. THE HON. E. M. V. KENEALY: Yes, Sir.

THE HON. THE COLONIAL SECRETARY: I beg to move that in the place of the words "sit with them during" the words "take part in" be substituted.

HIS EXCELLENCY: The question is that in the penultimate line of new Clause 60 the words "sit with them during" be deleted and the words "take part in" be substituted.

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: Now we come to old Clause 68 at the top of page 13 of these new Standing Rules and Orders. In that clause I am going to move the addition of certain words, which I think will meet the Hon. and Gallant Member for West Kenya's suggestion.

I beg to move that the following words be added at the end of that Rule:—
"All reports of Select Committees shall be laid upon the table."

HIS EXCELLENCY: The question is that old Rule 63, new Rule 63, be amended by the addition of the following words at the end:—
"All reports of Select Committees shall be laid upon the table."

CAPT. THE HON. E. M. V. KENEALY: One minor reservation, Sir. I cannot quite remember what agreement was come to in regard to the furnishing, or the appending, or the attachment of minority reports.

HIS EXCELLENCY: Will the hon. and gallant Member please raise the question when this amendment is carried. It does not affect this.

HIS EXCELLENCY: The question is that old Rule 63, new Rule 63, be amended by the addition of the following words at the end:—
"All reports of Select Committees shall be laid upon the table."

CAPT. THE HON. E. M. V. KENEALY: May I have some information about minority reports? We had a discussion on it.

THE HON. CONWAY HARVEY: Was not Rule 70 passed?

THE HON. THE ATTORNEY GENERAL: Yes. The only alteration to Rule 70, which deals with minority reports, was the addition of the words "or members" after the word "member."

HIS EXCELLENCY: Perhaps we can discuss that under Clause 70. It does not arise out of this particular amendment.

CAPT. THE HON. H. E. SCHWARTZ: I think the thing is covered. We discussed Clause 70 and passed it with a certain amendment. The position is now that if a minority report is sent in in time it is to be attached to the Select Committee's report and that, with its annexure, has to be laid on the table by virtue of the amendment just passed.

HIS EXCELLENCY: I think that is covered. The question is that new Rule 63, old Rule 63, be amended by the addition of the following words at the end:—

"All reports of Select Committees shall be laid upon the table."

The question was put and carried.

HIS EXCELLENCY: The question is that new Rule 63, old Rule 63, stand as part of the Standing Rules and Orders.
The question was put and carried.

HIS EXCELLENCY: The question is that old Clause 60 as amended stand as part of the Standing Rules and Orders.
The question was put and carried.

HIS EXCELLENCY: The question is that old Clause 61 stand part of the Standing Rules and Orders.
The question was put and carried.

HIS EXCELLENCY: There is only one other point, apart from the point which is being reserved for hon. Members opposite, and that is the point raised with regard to the right of a member to speak on the main question after an amendment has been carried. I think that it is impossible to arrive at any definition other than that which is contained in old Rule 45, sub-clause 5. The effect of this is that if an amendment disposes of an original motion—as, for instance, by referring the motion to a Committee—the original motion lapses when the amendment is carried and the debate on it is at an end.

But, if the amendment merely makes an alteration in the wording of the original motion or adds to it or subtracts from it in any way which leaves the main question in the original motion to be decided after the amendment has been passed, then Council reverts to the original motion after the amendment has been disposed of and the debate is carried on. This happened yesterday during the discussion on the Nyali Bridge. No member may speak again on the original motion who has spoken on it before the amendment was moved, except the mover, who retains his right of reply before the question is put. I do not know whether hon. Members have any other ideas on the subject, or whether they are satisfied with the ruling as given.

CAPT. THE HON. H. E. SCHWARTZ: I am quite satisfied, Your Excellency.

HIS EXCELLENCY: It will be convenient to take these Rules finally in Committee to-morrow, when hon. Members have had time to discuss them.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I would like to put it before Council that with regard to the submission of these new Rules it necessitates a great deal of reprinting and checking, and hon. Members should have copies in their hands at least one week before they are next submitted to Council to enable them to study the new Rules properly. I think we should be given a little more time—it would be better.

CAPT. THE HON. H. E. SCHWARTZ: I would suggest that these Rules be brought into force on the 1st of July, and that when the Council next meets we will know where we are and can study the Rules.

THE HON. THE COLONIAL SECRETARY: Yes.
HIS EXCELLENCY: Yes.

BILLS.

THE DRUGS AND POISONS (AMENDMENT) BILL.

THE HON. T. J. O'SHEA: I am in great difficulty in not knowing exactly what I want and I do not know if I am going to get it. So far practice existing in the country for examining applicants locally. It is now proposed in Kenya not to admit people to the profession unless they have already got certificates from elsewhere under which they automatically come on the register. I should like to ask the Director of Medical and Sanitary Services if that is so or not.

HIS EXCELLENCY: Under which amendment does that occur?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Under Clause 2.

HIS EXCELLENCY: I will call upon the Director of Medical and Sanitary Services to deal with that point when we reach Clause 2. (Clause 2), Power to appoint a board for the purpose of this Ordinance.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: It is a fact that this Clause, if passed, will do away with the machinery for holding examinations. Fortunately there has only been one application for examination in fourteen years. I think that this Ordinance has been introduced as a result of that application. It was found that the Board had no option but to arrange an examination of sorts. It was then that the Board put up, Your Excellency, the proposal that the Ordinance should be amended because of the reasons I gave in moving the second reading of the Bill.

THE HON. T. J. O'SHEA: Your Excellency, I should like to ask why it should be considered advisable now at this stage of our development to scrap the machinery that fourteen years ago it was thought necessary to introduce. During the last fourteen years only one person has been admitted, and I understand that one of the reasons for its deletion now is that the number of applications in the past has been so very small. Is it not likely that with the increase and improvement of educational facilities in the country we shall have children of chemist and druggist. It is now proposed that to the profession deprived of any opportunities in the country of filling that profession. It seems to me rather late in the day and rather a retrograde step, and I should like to hear some explanation.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I am afraid that fourteen years ago I was only a Medical Officer and had nothing to do with the introduction of the Bill at that time. If desirable I shall repeat the reasons which I gave in moving the second reading of this Bill. To put it shortly, Your Excellency, I do not think that the real meaning of this clause had been realised and the fact remains that we had neither the facilities for training people here, nor the facilities for examining them, nor the people for holding examinations. The clause as it is proposes a condition which I think, to put it plainly, is impossible to carry out. That is the reason for putting forward the amendment.

The question was put and carried by 26 to 1.

THE HON. T. J. O'SHEA: Record my vote against it.

Ayes: Messrs. Baker, Biss, Major Brassey-Edwards, Durham, Bruce, Deck, Sir Edward Denham, Lieut.-Colonel Grannam, Messrs. Felling, Fitzgerald, Dr. Gilks, Messrs. Harrison, Hemsted, Capt. Kenaly, Colonel Kirkwood, Messrs. McCarthy, Martin, Maxwell, Major Robertson-Eustace, Captain Schwartz, Lord Francis Scott, Messrs. Sikes, Walsh, Lieut.-Colonel Watkins, Colonel Wilkinson.

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No: Mr. O'Shea.

Declined to vote: Mr. Conway Harvey, Rev. Canon Leakey.

Clause 3. Qualifications necessary to obtain a licence.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move the following amendment, notice of which has been given:

"Delete all words after 'by' and after 'the' in the last line but one and insert the words 'by the Pharmaceutical Society of Great Britain and Ireland'."

Your Excellency, I do not wish to waste the time of this Council by repeating the reasons for those amendments which I put forward when the discussion took place on the second reading of the Bill, more especially as I understand Government is prepared to accept this amendment. My point is that I do not wish in this country that the study of what I believe is called bio-chemistry and the making and the preparation of poisons and drugs should be any less high a standard in this country than it is at home. The whole question hinges on the South African qualification, which is not recognised by the Pharmaceutical Society at home, and which, I understand from the Director of Medical and Sanitary Services, is putting its house in should not accept a standard which is a lower standard than it should be and which would not be accepted at home. I beg to move this amendment.

May I ask if I am in order? With regard to Bills such as this the clauses of the amending Bill should all be placed on the right-hand side of the paper and the clauses to be repealed on the other. In this Bill, having to jump about, it is difficult to find out which is part of the new Bill and which the old.

HIS EXCELLENCY: I am glad the hon. Member has drawn attention to it. I proposed to do so. It is most improper the way it is printed and most inconvenient. The Attorney General will see that this is done in future.

THE HON. T. J. O'SHEA: I must also oppose this amendment. I am sorry the hon. Member has not repeated the arguments in favour of it because I must confess that up to the present I have not heard any strong arguments in favour. It seems to be assumed that if one is not recognised in the United Kingdom of Great Britain and Ireland that one is not a competent chemist. I should like to hear that expounded at greater length. I should also like to be assured that there is to-day in existence a Pharmaceutical Society of Great Britain and Ireland. I should also like to know whether the chemists of the different parts of the Commonwealth of Nations making up the British Empire are all admitted by that society.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I am instructed that Government is prepared to accept this amendment of the hon. Member, but it requires a certain amount of amendment because the Pharmaceutical Society of Great Britain and Ireland is not in existence. Your Excellency, there is a Pharmaceutical Society of Great Britain; there is a Pharmaceutical Society of Ireland and there is a Pharmaceutical Society of Northern Ireland. Your Excellency, I can see no reason at all why the qualifications of the other coloured—should not be admitted, Sir, but I would suggest that we keep the question of other colonial qualifications to those recognised by the Pharmaceutical Society of Great Britain. As far as I am aware they are very much the same, but I am not in a position to give full details as to what actually are recognised by the two Irish Societies.

I have not got a copy of the amendment in front of me, Your Excellency, but if we could alter it to the . . .

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HIS EXCELLENCY: The hon. Member will move that the words "and Ireland" at the end of the amendment be deleted and the words "and Ireland and Northern Ireland" substituted therefor.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: If it reads like that it still leaves a little doubt about the question of reciprocity. I have not seen the amendment in writing, Sir.

THE HON. T. J. O'SHEA: Your Excellency, so far as I can follow the statement of the hon. Member who has just spoken we have been asked to introduce into our legislation the name of a Society or the names of Societies that may or may not be in existence. They may or may not be in existence now or be in existence in a few years' time and I think this is most undesirable.

CAPT. THE HON. H. E. SCHWARTZ: I understand that the Director of Medical and Sanitary Services says that there are definitely three Pharmaceutical Societies; one of Great Britain, one of Northern Ireland and one of the Irish Free State. He wishes people to be allowed to obtain licences either from the Pharmaceutical Society of Ireland or Northern Ireland or from the Pharmaceutical Society of body recognised by the Pharmaceutical Society of Great Britain. I understand that is his point. That would mean amending it to read "by the Pharmaceutical Society of Great Britain, Ireland, and Northern Ireland and any bodies recognised by the Pharmaceutical Society of Great Britain."

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, that is it exactly.

HIS EXCELLENCY: I suggest that the hon. and learned Member withdraw his amendment and substitute his new one.

CAPT. THE HON. H. E. SCHWARTZ: Yes. I beg to move the following amendments:—

"That after the words 'Great Britain' in line 7, delete the word 'and' and insert "comma, Ireland, or Northern Ireland," and in lines 10 and 11 delete all the words after the word 'by' in line 10 and substitute therefor 'the Pharmaceutical Society of Great Britain.'"

LIEUT.-COLONEL THE HON. J. G. KIRKWOOD: May I ask, Your Excellency, where Ireland is. Cannot we have the Irish Free State?

THE HON. T. J. O'SHEA: Although there has been a political dismemberment, Ireland is still one and indivisible.

CAPT. THE HON. H. E. SCHWARTZ: I agree with that, but it is the two Pharmaceutical Societies which concern us at the moment. I feel certain that that being so the one is called the Pharmaceutical Society of the Irish Free State and the other of Northern Ireland. I feel the people of the North would not tolerate the people of the South calling it "of Ireland."

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: That is the opinion I have had, Your Excellency. That is all I can find; that appears to be the correct name. There is a Pharmaceutical Society of Ireland which refers to the Irish Free State and the Pharmaceutical Society of Northern Ireland.

CAPT. THE HON. H. E. SCHWARTZ: Was it not the case that the two Pharmaceutical Societies would be included in the latter part of the thing?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: I do not think so. As a matter of fact there is a certain amount of reciprocity amongst these Societies but it has not got to actual reciprocity, that is to say allowing people holding diplomas of other societies to practise in their preserves.

THE HON. T. J. O'SHEA: That being the case I must strongly object to this amendment going through. It may be just possible that some of my fellow-countrymen will be able to practise in this country under that statement.

CAPT. THE HON. H. E. SCHWARTZ: Could we have a little more information as to who would be included under this? I am a little bit vague.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Under this amendment, as now proposed, Your Excellency, people of Ireland would be allowed to register here. People holding qualifications issued by the Pharmaceutical Society of Great Britain would be allowed to register and also people holding the qualification of medical Society of Great Britain would also be allowed to register. If Council wishes to hear what those countries are, they are:—

New Zealand.

Tasmania.

Ontario.

Queensland.

New South Wales.

Victoria.

South Australia, and

West Australia.

THE HON. T. J. O'SHEA: On a point of order, could the hon. Member speak a little slower so I can tell who have been left out?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: They belong. These are registrable either in England or in countries to which they belong.

THE HON. T. J. O'SHEA: Your Excellency, from that list, if my bearing is acute, I observe the omission of the greater part of the Dominion of Canada, the United States of America, the Union of South Africa and all Europe which are all competent to turn out chemists to practise in this country.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, chemists and druggists trained in the various countries of Europe outside of Great Britain and the United States are trained on a different pharmacopoeia. They are not familiar with the British Pharmacopoeia and the druggists and chemists trained on the continent are trained on a different metric system. It is absolutely essential that a man who is preparing drugs for administration should be absolutely familiar with the various doses and the dreadful things that may happen if he happened to mix drugs in the wrong proportion. You cannot possibly have chemists who are trained on a different pharmacopoeia and on different metric systems playing entirely apparent to them because they will not know where they are.

Your Excellency, I have every hope that before very long South Africa and England will grant reciprocal facilities towards one another, the difficulty up to the present has been that South Africa has no definite standard. The various provinces have their own examinations and they do not allow people trained next door to practise and they have been told, I think, that when they can put their house in order and fix up their standard with the English and the other Colonial Societies we will then talk to them. At the present moment there is a Bill before the House in South Africa which is arranging the whole matter. There have been reports of meetings of various colonial societies in the professional journals recently and they discussed this question of reciprocity and it appears they are all looking towards South Africa at the moment to fix up things when they hope they will immediately reciprocate.

HIS EXCELLENCY: May I suggest to the hon. and learned Member that he should alter his amendment before I put it, by deleting the words "in the United Kingdom of" in line 7. The words seem to me unnecessary.

CAPT. THE HON. H. E. SCHWARTZ indicated Assent.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, is it not improper to introduce Northern Ireland as an entity outside the British Empire . . .

HIS EXCELLENCY: May I make a suggestion? We are not dealing with the constitutional status of these territories, but whether they have separate Pharmaceutical Societies or not. I think we had better deal with them on this basis.

The question was put and carried.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: 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 report that a Bill entitled a Bill to Amend the Drugs and Poisons Ordinance has been considered in Committee of the whole Council and reported with amendments to Council again.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: I beg to give notice that at a further date in this Session I shall move the third reading and adoption of this Bill.

HIS EXCELLENCY: Would it be for the convenience of hon. Members that Council should now adjourn and the Committee on Supplementary Estimates should meet. There is no other business on the Order Paper for to-day. Would it be for the convenience of Members?

It was decided that the State-aided Building Scheme should be referred to a Select Committee. I think the Committee which is sitting on the Supplementary Estimates might also deal with that scheme. Would that be convenient?

THE HON. CONWAY HARVEY: I think it would be quite convenient and proper.

CAPT. THE HON. H. E. SCHWARTZ: Is it suggested that the Committee will deal with that now or at some subsequent meeting? The Hon. Member for Nairobi North did not know that it was coming up to-day and could not get here before to-morrow.

HIS EXCELLENCY: If he can get here this afternoon, otherwise it can be postponed.

THE HON. THE ACTING ATTORNEY GENERAL: There is another meeting on the Criminal Law (Amendment) Bill.

THE HON. THE TREASURER: There is a meeting on the Kerosene Oil Bill—if we are going to do that to-morrow.

THE HON. THE COLONIAL SECRETARY: Perhaps it would be the best plan to leave to-morrow morning for Committees only.

HIS EXCELLENCY: I wish to make a communication from the Chair and perhaps after that the Select Committees can sit.

Perhaps Council will sit on Saturday morning to conclude.

CAPT. THE HON. H. E. SCHWARTZ: Get through the Supplementary Estimates this morning and if possible complete business to-morrow.

Council adjourned until 10 a.m. on 18th May, 1928.

FRIDAY, 18th MAY, 1928.

The Council assembled at 10 a.m. on the 18th May, 1928, His EXCELLENCY THE GOVERNOR (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His EXCELLENCY opened the Council with prayer.

COMMUNICATION FROM THE CHAIR.

Hon. Members of Council,

I am afraid that I shall have to make a considerable draft upon your patience this morning and I apologise for doing so at the very end of a short session in which there is a good deal of business to complete. The statement which I desire to make has unfortunately been delayed by my indisposition last week and I regret that very much. I cannot postpone it any longer because it deals with the most important of the Ordinances which will be submitted to you in the near future, an Ordinance which in my opinion will affect more closely than any other the peace and welfare of all races in this Colony. That Ordinance is already subject to criticism, and I think I should take an opportunity without further delay of dealing with the principles of policy on which it has been framed and with the main purposes which it is intended to serve. I will not occupy you to-day by going into the details of the Ordinance. I desire only to deal with the general principles underlying the Ordinance. But even adequate discussion of the principles will, I fear, take some time in a busy morning and I ask you therefore to bear with me with your usual patience. This statement is needed, I think, for public information not only in this Colony but outside it.

Before I come to the general principles underlying the Ordinance, I think it may be well to deal with certain broad considerations affecting the welfare of the native and the immigrant races in East Africa.

The first of these is the widespread belief familiar to everyone, that European settlement upon the land in East Africa is of necessity unjust to the native and inimical to his welfare. Those who hold this belief logically contend that white settlement should be discouraged and, if possible, abolished altogether.

There is one elementary comment upon this school of thought which cannot be avoided, though it by no means disposes of the moral question at issue. That comment is that statesmanship must deal with facts, and that the elimination of white settlement in East Africa, whether desirable or not, is in fact a political and financial impossibility. That being the case—and I do not know what rational being can question it—it becomes important to consider whether the preaching of this fundamental clash of interest between native African and white settler is likely to lead us. It can lead, so far as I can see, only to a perpetual and rooted sense of antagonism between the races. How can the peace and welfare of East Africa, and particularly of the weak and more backward races in East Africa, ever be built on such foundations? If white settlement is inconsistent with native progress, the converse must also be true, that native progress is inconsistent with the welfare of white settlement. In other words, one race can prosper only upon the ruin of the other. In view of the facts, what a doctrine!

I do not deny for a moment that the contact of white settler and African creates a difficult political and economic problem. It does. The problem is difficult in the extreme, and it cannot be solved by the interested parties alone. For years to come it will need the supervision of a far-sighted, disinterested and independent authority, which can resist the pressure of both extremes, within and without the Colony. It is the object of this Native Land Trust Ordinance to provide such supervision in a wise and enduring form. But that is not to say that the problem itself is incapable of solution, or that the races in East Africa can develop only in fundamental and incurable antagonism. Such preaching, whatever its intention may be, can lead in truth only to hatred, strife and misery.

What are the reasons upon which this doctrine of a fundamental antinomy between the races is based? They are, I think, two-fold. The first is that no land can be found for white settlement except by denying to the natives land of which they cannot be deprived without permanent loss and injury. I can only say, after a very thorough examination of all the areas concerned, that this contention is totally untrue. I will deal with it more fully when I come to the character of the Reserves which will be secured to the native tribes by this Ordinance.

The second contention is that whether land is available or not, European settlement cannot in fact prosper or develop on a sufficient scale to make it permanent without keeping the native population in complete and unprogressive subjection to European interests. Of this contention, as of the other,

the facts dispose completely. There has been a large and rapid development of European cultivation during the last few years, without any comparable increase in the native labour supply; and every year is making a larger proportion of European enterprise less and less dependent upon native labour. Nor has the large supply of native labour which regularly comes out of the Reserves prevented a rapid increase of native production in the Reserves. I have been greatly pleased to observe how remarkably both native production and native skill in cultivation have progressed during even my short residence in the Colony.

The increase of native production is not reflected even approximately in the export figures which constitute at present our only accurate measure of development—for a simple reason. Take the largest native crop—maize. Native maize is mainly bought and sold within the Colony; European maize is in the main exported. The increasing production of native maize thus releases an increasing proportion of European maize for export; and a good native crop is reflected in the export figures only, or mainly, by a corresponding increase in the export of the European article. Native cultivation is in fact spreading and improving very rapidly; but this fact is so far from reducing the labour coming out of the Reserves that those native tribes which are most progressive in cultivation are also most enterprising in going out as wage labourers. It seems that the African, like other human beings, learns less by precept than by example.

I believe that the doctrine of a necessary and inevitable clash between the interests of settler and native in East Africa can spring only from ignorance or bigotry. Lack of accurate information on ascertainable facts is, I think, one very widespread reason. The investigators who frequently visit us are prone to collect opinion rather than accurate information; and there is much opinion in the Colony based on too local a form of knowledge, too narrow a view of the problem, and too limited an experience. We have thus to face, on the one side, a series of superficial and misleading comparisons with the West African Colonies and other more ancient parts of the Empire; and on the other side also, an occasional outburst of local or individual rhetoric on the native question which in no way reflects the prevailing opinion or the better feeling of the Colony. What matters amid this conflict of judgment is to find an agreed and common purpose for all that moderate opinion, which is for the main stream of opinion, in the Colony. Extremists will be extremists, as boys will be boys; and extremists are unfortunately more immune than boys from effective correction. But they are best ignored.

The forces of moderate opinion will, I trust, concentrate upon two articles of policy, which are of equal importance if Briton and African are to live together in harmony in a common country. The first is that, in the matter of settlement, we should give East Africa the best of which we are capable. Weak colonisation is bad colonisation. History shows that it invariably deteriorates; and it cannot deteriorate in Africa without causing infinite harm, not only to ourselves and to the Empire, but to our African fellow subjects. Extreme views are usually adopted only by weak and not by strong communities. In order to avoid the weakness of extreme settlement should be steadily reinforced. It must be strong enough and prosperous enough to build and maintain the churches, the schools and the other institutions which are essential to our civilisation. Only by these means can we play a worthy part, not only by ourselves, but by the African peoples with whom we are to share the country for ever.

On the other hand, the African must never be deprived of the use and benefit of the land secured to him by this Ordinance, nor denied the opportunity of growth as a free, self-respecting, responsible and industrious member of the State, who contributes according to his full capacity to the framing of all policy that affects him. For his progress and welfare, security for his land is the main essential. Security means that the more conservative elements in native society will be free to live and develop gradually through a steady evolution of the tribal system which is most suited to them. It also means that the native population will be free to choose between industry in their own Reserves and labour for wages outside, so that they cannot be forced to labour outside their own lands by indirect economic pressure. Millions of our own race at home are indeed forced to labour for a wage by economic pressure. They have no alternative, and their wages are often earned in conditions different indeed from those attending native labour on a European farm in Africa. But they have an independence of their own, which could not be achieved by a landless African; and it is vital to preserve the African from any form of economic servitude. The same result is secured by the principle adopted by Government, that all revenue derived from direct native taxation shall be spent on direct native services in the Reserves. But the most vital condition in safeguarding the native freedom is adequate land and security for that land. It is, moreover, as vital to European character, and to sound co-operative and progressive relations between the races, as the maintenance of true British standards in the British population and the steady reinforcement of white settlement. I say with absolute conviction that in East Africa these two articles of

policy, closer white settlement combined with measures to secure the native in his lands, constitute together the articulum stantis aut cadentis imperii.

I have dwelt upon them at some length, because these two articles of policy are the leading motive of the most important business to be submitted to this Council next month. On the one side are such proposals as the Land Bank Ordinance and the schemes for closer settlement, which are designed to help and strengthen British civilisation in the Colony. Next to these are the proposals for fencing, dipping and the cleansing of cattle, which, though more modest in character, are absolutely necessary to the welfare and interests of both European and native farming. And on the other side is the Native Lands Trust Ordinance, the main principles of which, with your patience, I now propose to examine.

What are the essential points in a measure of this kind, the whole purpose of which is to give the native tribes of the Colony an abiding security in the use and enjoyment of the lands set aside for them?

I submit that two points outweigh all others. In the first place, the measure must be one which will stand the test of time. We are not seeking to legislate merely for to-day or tomorrow. We are seeking to make a permanent settlement. Security for such a settlement is not to be found in any measure which, however perfect it may seem to-day, carries in it the risk of being found unworkable in any respect as conditions change. As the Colony develops, each part must of necessity be woven more and more closely into the intricate economic and administrative fabric of a modern State. We must keep such change in view. We should not say of our legislation: "This will do for to-day; we will amend it tomorrow, if it causes too much inconvenience." All human legislation is imperfect; but so far as we can make it so, this legislation should be proof against change.

The second point essential to security is that the Ordinance should, both now and in the future, carry with it the greatest possible measure of consent and goodwill on the part of all branches of our civilisation established in the Colony. The Government of to-day cannot, alone and unaided, guarantee the full measure of security which we desire.

The character of Government must change gradually with changing conditions in the Colony. Legislation carried against the will of any large section of our own people in the Colony must always be under menace of amendment or repeal should the will of that section ultimately prevail. At the present time the Government, with the consent of the Secretary of

State, can pass any legislation which it desires. It has the constitutional power. But supposing a large section of our people permanently settled in the Colony were to say: "You may pass this legislation over our heads to-day; you have the power: but time is on our side, and the day will come when your legislation will be repealed." What abiding security could in sober fact be based upon political action of that kind? The day of those who oppose such legislation may be far off. It may be deferred by one expedient or another for a long time to come. But what will be the state of the Colony meanwhile? Instead of enabling the Reserves to develop, not only in security, but with general goodwill, you will have permanently divided into camps those whose native home is in the country and those who have made it their home by adoption, and cast in it not only their own lot but that of their children. How can peace or security for any race in the country be achieved by setting one against the other in that way?

Governors are here to-day and gone to-morrow. They may be wise or unwise, and their influence may be deep. So may that of all those who have come to this country in the service of Church or State and who in due course leave it again. But the ultimate verdict on their wisdom or unwisdom, the final judgment on the influence which they have exercised, cannot be passed in their own time. It will depend upon the relations which they have helped to establish between the communities of different race which are permanently to share the destinies of the Colony.

I say, therefore, that if we are seeking to establish permanent security for any race or any interest in the Colony, we must base our action upon the greatest possible measure of goodwill; and in particular we must enlist behind it, in every possible way, the honour, the political understanding, and the sense of justice which are never lacking in any considerable community of our own race and civilisation.

One of the proposals mooted for securing this result is that native lands should be vested in a Board of Trustees, who would be trustees in the strict legal sense, governed by a Trust Deed, and subject only to the Courts in dealing with those lands. Let us examine this proposal.

Land is a factor upon which native life is far more closely concentrated than the life of more advanced communities. To be responsible for native land is, in fact, to be responsible for the main element, on the material side, in native progress and development. Independent trustees endowed with power over native lands under a trust, in the legal meaning of that term, would be a second administration, and in some ways

a more powerful one than the Government itself. Would this system be workable in practice, and would the Trust Deed establishing it give any permanent security to the Native Reserves?

Look at a map of the Colony. The Native Reserves closely surround the capital; they come within five miles of its centre. Throughout the Colony the main arteries of communication, whether by road, or rail, or telegraph, pass in and out of the Reserves. Settled areas and Native Reserves are, in the very heart of the Colony, inextricably intertwined. The streams and rivers of the Colony all pass for some important part of their courses through Native Reserves. The Reserves largely surround the two main watersheds of the Colony, Mount Kenya and the Aberdares. The most likely areas for stemming and storing surface water in large quantities lie almost entirely within the Reserves. Questions which are inseparable from the administration of land in the Reserves touch at a thousand points the life and development of the whole Colony.

How could a Board of Trustees of the legal kind proposed deal practically with all these problems? Take water questions alone. They are the subject of a vast mass of litigation in other countries. Could the wit of man devise a Trust Deed capable of providing for the innumerable unforeseen contingencies which must arise? I do not believe it. And what if the Trust Deed failed? The Trustees would be without discretion, governed by the letter of the Deed, and the letter might completely contravene the spirit—a contingency which in the case of Trusts has very often occurred. The Deed itself would be subject to interpretation only by the Courts; and every civilised community has had experience of the chaos sometimes created by unexpected decisions of the Courts. We have not been free from such accidents in Kenya. And when the Deed proved unworkable, what then? Amendment by the Legislature would be inevitable. And when once amendment began, where would be security?

The whole idea of such a Trust, I venture to urge, would be not only unsound in principle but utterly misleading for the natives who were told to put their faith in it. First, as to principle. Under the arrangement proposed the Crown would divest itself of all responsibility for the safeguarding of native lands. It would abdicate from the most essential of its duties in regard to native welfare. It would say, in effect, to the natives of the Colony: "You cannot trust the King or his representatives, but you can trust these half-dozen gentlemen, these independent trustees, whom the King has appointed under this Ordinance."

For myself, Members of Council, I would never be a party to so abject or so false a declaration in the name of His Majesty. Abject it would be, for how could the Crown declare its incapacity to safeguard native right in this one important particular, and still expect to retain the confidence and prestige necessary to the supreme authority in a British Colony of mixed races?

It will be said, I know, that the word of Governments has been pledged in the past and not been fully kept. It is undeniable. Though rare enough, the contingency has arisen. Yes, but how has it arisen? It has arisen only through neglect of the considerations which I am endeavouring to urge to-day. It has arisen through neglect of local opinion, through disregard of circumstances which must at some future date inevitably arise; and the moral is that passing Governments should not commit the Crown to engagements which it will not be able with certainty to substantiate as circumstances change.

In no true sense can the Crown ever abdicate from its responsibility for native lands and native welfare. To pretend that it can do so would be false and misleading to the natives. No legislation can ever be passed which is not subject to amendment or repeal by fresh legislation. The Crown, through its advisers, must always be the final authority on legislation; it cannot resign and place that authority in other hands. Consider then the inevitable contingency which I have already discussed—that a Trust Deed, however thoroughly prepared, must some day be found inadequate. What power would then be invoked to cut the knot? One power only could do so—the Crown.

The Crown, then, through its advisers, must always remain the final arbiter, the ultimate security, in all matters relating to native welfare and native lands. Native trust can therefore be permanently won only by building up native confidence in the Crown; and no settlement must in future be made which the Crown cannot with certainty preserve and maintain. For this purpose the Crown must base its undertakings to the natives of the Colony upon the honour of the community as a whole and upon the largest possible measure of consent and goodwill. There is no other security which will stand the test of time.

What kind of settlement, then, may we achieve which the Crown, taking these essential considerations into account, can undertake with certainty to preserve and maintain? There is a proposal, greatly favoured in some quarters, that the administration of the Reserves should be divided entirely from the administration of the rest of the Colony, the Reserves remaining directly subject to Imperial authority through the

agents which that authority appoints. I will not examine this proposal at any length, because it could never in my belief be carried in this Colony with any reasonable measure of consent and goodwill. I have already called attention to the thousand ways in which the interests of the Reserves and the settled areas are intertwined. The relations of two separate administrations, one controlling the settled areas and one the Reserves, would at the best be difficult enough. They would become absolutely impossible if they were not informed by mutual goodwill.

Nor is that the only objection to such a settlement. I have urged that the peace and welfare of Eastern Africa must depend in the last resort upon understanding, co-operation and mutual respect between all those who look upon the Colony as their permanent home. To secure this the settler must not only safeguard his own civilisation and maintain the standards of his race; he must also learn to appreciate the native problem in all its aspects and gradually to share with the Government the duty of trusteeship in the broader and not the legal sense, for native lands, native progress, and the whole range of native interests. Such is now the declared policy of the Imperial Government. But how can that process be achieved by any settlement which permanently divides the settled areas from the Reserves? So far from furthering mutual understanding and goodwill, it would force the white population back upon its own problems, its own requirements, its own interests. Government would in fact be saying to the white population: "We will look after the native; you can look after yourselves." There could be no peace or permanence in such a settlement.

I come then to the actual proposal in the draft Ordinance. The main purpose of the Ordinance is that the Native Reserves shall, with the consent and goodwill of the whole Colony, be "set aside for the use and benefit of the native tribes of the Colony for ever"; and that the administration of all such lands shall be entrusted to an independent and disinterested authority, which must administer them for the use and benefit of the native tribes in accordance with the terms of the Ordinance.

The independent and disinterested authority set up is a Central Board of Trustees which as to a majority contains leading members in the service of the Government. This Central Board is advised by Local Boards, one Board for every district in the Colony.

The cardinal features of the proposed settlement are these. In the first place, Government—I trust, with the consent and goodwill of the whole Colony—will relinquish its present powers over native lands, which are absolute, and will bind itself to

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administer them in strict accordance with the terms of the Ordinance. In the second place, Government will associate with itself in the exercise of this Trust four representatives of the unofficial population, which will thus be brought into touch with every aspect of the native problem as reflected in the business of the Trust. It is intended that these unofficial members shall be drawn both from the Christian Missions and from leading members of the community not in Government service. In the third place, provision is made for the association of Africans from the outset in the work of all the Boards; and in the fourth place, no decision may be taken affecting the present disposition of land without reference to the natives concerned. Government proposes as an amendment to make all such decisions subject also to a reference to the Native Council concerned. In the event of disagreement either by the Native Council or by the natives immediately affected, any such proposal or, in the case of land required for public purposes, any proposal affecting more than two hundred acres, must be referred to the Secretary of State.

I will not exhaust the patience of honourable members any further this morning by commenting on the details of the Bill. They will be fully dealt with when the Bill is introduced. But inasmuch as the Bill is published for preliminary criticism and inasmuch as criticism is already being heard, I desire to deal before I sit down with two important points which profoundly affect its merits and are widely misunderstood.

The first of these is the adequacy of the Reserves hereby secured for the native population and the question as to what provision may be necessary for adding to them should they prove inadequate at some future time.

I now know the character of the various Reserves fairly well, and I think perhaps that I can judge of their capacity more truly than many who know this or that district much more intimately than I do, but have never seen the Reserves as a whole. From that knowledge I have no hesitation in saying that the Reserves, as now gazetted, are amply sufficient, not only for their present population, but also for a very large increase of that population. The population is much denser in some parts than in others, but that density is due to unequal distribution, not to lack of land. I mean unequal distribution actually within a single Reserve.

There is, for instance, a tendency in some places for the population to concentrate in the neighbourhood of European settlement, presumably because of the opportunity of earning wages while living at home which such neighbourhoods present; and in general the population of the agricultural Reserves is naturally thickest where the communications enable

crops to be marketed and trade goods easily procured. In many cases these disparities will correct themselves as communications improve. In a few cases they may not, and the population may become too dense for some part of a Reserve. In my opinion the districts where this is possible are few, and the danger of any real congestion remote; but the possibility, even if limited to a few districts, and if even in those few districts remote, should nevertheless be faced.

The only way of providing immediately for the contingency in the few districts where it may some day arise would be to appropriate the present European owners of alienated land and to gazette that land as an addition to the Reserve. *Fiat justitia, say some, ruat cælum*. I do not doubt the upheaval which would follow, but I gravely doubt both the justice and the benefit to the native population concerned. Expropriation for an immediate public purpose is a recognised and necessary practice among civilised Governments where the cost of the process does not outweigh the object to be gained. But how could any civilised Government justify expropriation at a heavy immediate cost, for a contingency which cannot arise for a generation or two at least and may never arise at all? And can any sane person doubt that in the hardship which would be created and the fierce controversy which would arise all prospect of harmonising European and African progress would be finally submerged?

I examine this course of action because some people vaguely advocate such courses without fully realising what they mean. But I should wish also to take wider ground upon the question, and to consider whether an extension of the existing Reserves would be likely in the future to advance native interests, supposing the native population to increase sufficiently to make any extension desirable. It will, of course, be necessary at some time to establish Reserves in the Northern Frontier Province, where none at present exists. But that is a different question. What I should wish to consider now is whether an addition to the existing Reserves is ever likely to be the best way of providing for any members of a tribe who in the future may find the land available in their Reserves insufficient for them.

Small additions and readjustments are, of course, provided for under the Bill. If additions on a larger scale seem desirable in the future there is nothing in the Bill to prevent their being made. But as a matter of policy, I do not think that additions to the existing Reserves are ever likely to prove beneficial to native progress. The present Reserves will for many generations develop under the tribal system. It will be the object of the Government to uphold the main elements of tribal organisation. On the other hand

those parts of the agricultural Reserves in which the population is densest are precisely those where native ideas are developing most rapidly. It is there that the forces of progress tend most strongly to undermine the established tribal authority and to break through the conservative tribal shell. Where this ferment begins to work, it will be better, I think, that the younger and more active spirits should have the opportunity of living off to new land away from their Reserve than that the old system of African life inside the Reserve should be prematurely destroyed for all. There are parts of the Colony, at present entirely devoid of population, which ought to come into use as more water is found and preserved and as experiment gradually extends the range and security both of stock-breeding and of cultivation. The land will be there; but a great increase of population will be necessary to put it to use. In such areas there will, I believe, prove to be valuable openings for communities of Africans living off from the Reserves and developing on the lines so successfully proved by the experience of Transkei district of the Cape. The potential value of such land in the Colony is at present barely realised. In time, as our knowledge increases, there will be opportunity for a vastly increased population; and I have no doubt in my own mind that new settlement of Africans in some parts of the Colony which are at present only an empty wilderness will be more to African advantage than extensions, at heavy cost, of existing Reserves.

I come now to my second point, the leasehold clauses in the Bill, which provide that land in the Reserves may be let out on lease for any period not exceeding ninety-nine years under certain conditions of a very stringent kind.

The first object of these clauses has nothing to do with alienation from the tribe concerned. It is to provide that individual leasehold tenure may be introduced for the benefit of members of the tribe to which the Reserve as a whole is secured. Individual occupation rights in the Reserves are the subject of much discussion, and there is no intention of affecting them by any provisions in this Bill. In order to make this quite clear to the natives of the Colony, Government intends to propose the deletion of sub-section (c) in clause 6, which has been misunderstood. It cannot be made too clear that this Bill neither alters nor affects any existing right or custom with regard to the occupation of land in the Reserves. Its sole object is to secure the use and benefit of the Reserves as a whole for the tribes occupying them, and it does not deal with established tenures of any kind within the Reserves. It may, however, become desirable in the future to establish some more definite form of individual tenure in the Reserves than

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at present exists. The process must be very tentative and gradual, and it will call for the most careful study of native custom in each tribe. But the door should not be closed upon it, and these clauses simply leave that door open.

This, however, is by no means the only purpose which the leasehold clauses are intended to serve. I have dealt so far with the possibility that the Reserves now gazetted may not prove large enough for a greatly increased population. It is equally necessary to deal with the possibility that some of them may prove too large and rich for effective use as a whole by any possible increase of their tribal population. The Reserves contain a large proportion of what is even now the richest land in the Colony; but they also contain large areas in which the capacity of the land may be almost incalculably increased by the discovery and conservation of water, the growth of agricultural experience, and the progress of animal husbandry. Water-boring has transformed the value of land in many other parts of the Empire; and it is already giving proof of its potentialities in this Colony. If this possibility is realised—and no one at the present time can pretend to estimate the potential value of much empty land in the Colony—there will inevitably be large parts of some Reserves which cannot be developed by their own population and which cannot be locked up for ever without producing a dangerous reaction against the whole policy of Reserves as uneconomic and unreasonable.

I am convinced that the contingency must be met as squarely as the other; and it may be met in more than one way by the leasehold clauses in the Bill. In the first place the tribe owning spare land may lease it to members of another tribe for development. I think this may be of special advantage to the pastoral tribes owning areas of agricultural land which they have not themselves the will or the knowledge to develop. The tribe which leases the land will gain, not only by the rents, but also in time by the example; and those who rent it may find an opening larger than exists for them in their own Reserve.

In the second place, it may well be that valuable land in the Reserves may not prove capable of development without the application of capital on a larger scale than is possible for the unaided native. In such cases there may be opportunity, with great benefit to the natives concerned, for joint undertakings between Government, private European enterprise and the native such as have been launched with great success in the Sudan and in some parts of India. For such undertakings security of tenure over a period of years would be essential.

In the third place, the leasehold clauses provide an opening for European private enterprise in the ordinary form. This also may be of great benefit to natives having land in the Reserve which they cannot themselves develop, for they will draw the rents and can apply them to improvement in the Reserve which might otherwise be beyond their means altogether. In all cases, the rent must go to the natives in whose Reserve the leased land is situated, and I submit that the conditions governing any alienation by lease are strict enough to preclude any danger that the leasing clauses may be used to take land from any native community in opposition either to its will or its interests. These conditions read as follows:—

“Notwithstanding anything in any other Ordinance contained, no land in any Native Reserve shall be leased or otherwise disposed of except under and in accordance with the provisions of this Ordinance, and no lease or licence of or in respect of any such land shall be granted unless the Central Board is satisfied, after reference to the appropriate Local Board, that the following condition has been complied with, namely:—

- (a) That the proposal to grant such lease or licence has been brought to the notice of the natives concerned and that such natives have had an opportunity of expressing their views upon the proposal;
- and in the case of a lease, that the following further conditions have been complied with, namely:—
- (b) That there is reason to believe that the natives of the tribe for which such land has been reserved will derive benefit, apart from any revenue which may accrue therefrom, from the grant of such lease;
- (c) That the land to be leased is not being beneficially occupied by the natives of the tribe for which such land has been reserved, and is not likely, during the currency of the proposed lease, to be required for the use or support of such natives:

Provided that in no case shall any lease or licence be granted which is objected to by the African member or members of the Local Board concerned without the prior approval of the Secretary of State.”

It is proposed to give the local Native Council the same right to be consulted and if dissatisfied to ask that the matter be referred to the Secretary of State.

Subject to these safeguards, I regard these leasing clauses as a regulating element which is absolutely necessary to give stability and security to the whole measure. Without them

the dead hand of the Ordinance will inevitably be found in time to be hindering the progress of valuable central areas in the Colony, fit for great development and closely served by railways; and if that occurs, the pressure to amend the Ordinance will in due course become irresistible. That danger should be precluded altogether if the Ordinance contains this regulating factor, enabling it, under very strong safeguards, to be adapted to the changing needs of future generations without its principle or ruling purpose being weakened or impaired. Failing this regulating factor, the Ordinance will not, I fear, maintain its vitality or avoid at some future date the fate that overcomes all over-rigid organisation.

“Yes,” it may be said, “but is there any guarantee of permanently disinterested and independent administration?” Everything depends on that. The whole object of the Bill is, with the consent and goodwill of the whole Colony, to place the administration of land in the Reserves beyond the range of political pressure or interest. I wish, therefore, to say in unmistakable terms, that the composition of the Central Board under this Ordinance must necessarily be modified when changes are made in the constitution of the Colony. I do not believe that anyone will desire to see the independence and disinterestedness of the Board weakened by the infiltration of political influence. Long before that danger is in sight, the Board will, I believe, pass by general agreement into the hands of a higher East African authority.

In the meantime, I trust that this Council next month will agree to establish this trust for the administration of land in the Native Reserves and to place it under the terms of this Ordinance in the hands of the Government of the Colony. If that is done with general consent, a signed copy of the Ordinance may be lodged with every local Board as a title to the land which it administers based upon the honour and good will of the whole community. No stronger or surer title can, in my belief, be given. This measure, strictly and honourably maintained, will breed new confidence between our African fellow-subjects and ourselves. It is not only their charter, but ours. More surely by this means than by any other we may secure goodwill between the races, and the future peace and happiness of the whole Colony.

MINUTES.

The minutes of the meeting of the 17th May, 1928, were confirmed as amended.

PAPERS LAID ON THE TABLE.

By THE HON. THE COLONIAL SECRETARY: Report of the Select Committee on the 1st Supplementary Estimates, 1928, and the Statement of the Amounts applied for to be revoted in 1928 from the Unexpended Balances of 1927 Votes.

By THE HON. THE TREASURER: Report of the Select Committee appointed to consider the Kerosene Oil (Repayment of Duty) Bill.

By THE HON. THE CHIEF NATIVE COMMISSIONER: Report of the Committee on the Organisation of Agricultural Education for Africans.

By THE HON. THE DIRECTOR OF PUBLIC WORKS: Record of the Results of Boring for Water to 30-4-28.

ORAL ANSWERS TO QUESTIONS.

TELEGRAPH SERVICE, KORU-NAIROBI.

THE HON. CONWAY HARVEY asked:—

"Will the Hon. Postmaster General arrange for the transmission of telegrams between Nairobi and Koru at a speed in excess of that of an average motor car?"

THE HON. THE POSTMASTER GENERAL: Excluding two cases of exceptional delay owing to line interruption, an analysis of the telegraph traffic between the Nairobi and Koru Post Offices during the month of April has yielded the following results:—

	Mins.
(a) Average time of transmission from Koru to Nairobi	42
(b) Average time of transmission from Nairobi to Koru	94
(c) Average time of transmission on traffic in both directions	64

EASTLEIGH TOWNSHIP.

THE HON. A. H. MALIK asked:—

"With a view to relieving congestion in the Indian residential quarters in the town will the Government bring pressure to bear upon the authorities concerned—

1. To link Eastleigh with the town with a proper road immediately, and
2. To extend the water supply to above township at the earliest possible moment.

THE HON. THE COMMISSIONER OF LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Endeavours are being made to expedite action on the matters referred to by the hon. Member. The alignment of the road cannot be finally settled until the Greater Nairobi Town Planning Authority has completed its plan for the area concerned. The financial position as to the proposed water supply and the possibility of laying a supply from existing municipal sources are under present discussion with the Nairobi Municipal Council.

THE HON. T. J. O'SHEA: On a point of order may I ask, Sir, for an explanation of the delay in replying to my question on the subject of the junior civil service passed on to the Clerk about three weeks' ago?

THE HON. THE COLONIAL SECRETARY: I regret that it has not been possible to give an answer to the hon. Member for Plateau South's question during this session. The reason is that the whole question of leave regulations is now under consideration by Your Excellency and I can say, with Your Excellency's permission, that this question will be brought up at the next session in June when proposals will be put before this hon. Council.

LIEUT.-COL. THE HON. C. G. KIRKWOOD: May I ask for an explanation why questions handed in on the 14th have not been answered and put on the Order Paper.

HIS EXCELLENCY: To what Department were they addressed?

LIEUT.-COL. THE HON. C. G. KIRKWOOD: I handed them to the Clerk of the Council.

THE HON. THE COLONIAL SECRETARY: I must know who they were addressed to and the amount of reference required to answer them. It may be necessary for considerable research and investigation to be made before the questions can be answered.

CAPT. THE HON. H. E. SCHWARTZ: Also on a point of order, Your Excellency. I asked a question, I do not know if it required a great deal of research. It was a question of Government policy.

HIS EXCELLENCY: The hon. Member is not in order in making reflections in the course of a question.

Will the hon. Member for Rift Valley move his motion now or after the interval.

THE RT. HON. LORD DELAMERE: After.

MOTIONS.

VISIT OF T.R.H. THE PRINCE OF WALES AND THE DUKE OF GLOUCESTER.—COMPLETION OF BALLROOM AT GOVERNMENT HOUSE, NAIROBI.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg to move the following motion:—

“That in view of the gracious intention of His Royal Highness the Prince of Wales and His Royal Highness the Duke of Gloucester to visit Kenya shortly, this Council considers that immediate steps should be taken to complete the unfinished ballroom, etc., and to finish the layout at Government House, and requests Government to appropriate £7,500 for this purpose forthwith.”

The motion, Sir, speaks for itself, and I am quite sure there will be no hon. Member in this House, who will have any idea of not voting for this motion as it stands. It must be evident to everyone that to leave the residence of the head of the State in Kenya in the condition it is to-day, would be in no way in keeping with the dignity of this Colony or with the very real and loyal enthusiasm with which we wish to greet the visit of His Royal Highness the Prince of Wales and his brother. So far as I am concerned, I should prefer to say nothing more, because I think that a motion of this sort—I mean in this form—is a complimentary motion, showing our feelings in this matter—and I should prefer to say nothing more. But I think in view of any possible criticism of this motion, Sir, not as it stands, but of the fact that it is necessary to finish Government House, I should say one or two words. I have tried to find out from the files why Government House is in the condition it is in, and why it was not finished under the vote that was granted for the building of it. And when Your Excellency went home to England I find that you gave orders that the ballroom was not to be built and that that side of the courtyard was to be left open on to the lawn. That is as far as I can find. While Your Excellency was away the matter was put before the Works Committee which said that a loggia should be put along the fourth side. I think that is correct. It is as far as I can get. This was put before the Works Committee and one would have thought that this would have come within the money that was voted for Government House. The purpose of Your Excellency's minute was that while you were away no steps should be taken that would make the cost of the building to exceed the vote; and as one of the members of the Works Committee, I should like myself to take any share of any blame, or whatever it may be in this matter, because even if I was not at that particular meeting—I ought to have been—and, had I been there I should have cleared this matter up, but I have no recollection of it. How

the ballroom was only partly built I cannot understand. I simply give the facts as I think they are, as to how the ballroom comes to be in that unfinished condition. I have been unable, myself, to get to the bottom of it. There is possibly some explanation. As far as Your Excellency was concerned and the actual resolution passed by the Works Committee, it did appear that the work ordered to be done did come within the vote. The vote was slightly exceeded, but you have a ballroom of which the skeleton walls are standing, and I am quite sure, as I said before, that there is no one in this hon. House who would think of disagreeing with the fact that the building, which at present looks like a ruined chapel or something of the sort, should be finished in a dignified and in a proper way for the visit of Their Royal Highnesses. With regard to the cost of this, £7,500—that matter has been very carefully gone into by Your Excellency and other people involved, and hon. Members on this side of the House have been allowed to see the estimates in detail. As far as the layout is concerned, I think £400 is allowed for the purpose. The overhead charges, I think, come to £1,100, and the overhead charges are a fixed percentage or ratio on the total cost—that ratio having been laid down by the Works Committee by agreement with the Government; I think it is 18 per cent. or something like that. The rest is for the finishing of the ballroom and one or two minor things that are not finished in the house. I think it is a bounden duty to finish that house and that there is no one who will disagree with this motion. I think the partial building of that ballroom was in some way a mistake, and I beg to move this resolution standing in my name, which will, I hope, and I am sure, be accepted by every Member of this House.

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

CAPT. THE HON. E. M. V. KENEALY: The hopes that the House will be unanimous will, I trust, be realised in regard to this motion, and, although one may agree that it is highly desirable in the circumstances to vote this money—and I for myself think it is highly desirable—I do, Sir, think this is an admirable opportunity for criticising Government's building of Government House, the methods adopted, the amount of money involved and the peculiar procedure under which the building was carried on. I should like to go into the history of this vote. Originally, the elected members were told. . . .

HIS EXCELLENCY: Order, order! The hon. and gallant Member is not in order in discussing the building of Government House as a whole. He must confine his remarks to the motion before the Council. If the hon. Member wishes to discuss that matter it must be put on the Order paper.

CAPT. THE HON. E. M. V. KENEALY: I thought I was in order, Sir, in referring to the whole of which this is a part. This is a vote for £7,500—and since it deals with a subject—and that subject is Government House—I presume, Sir, I am in order in discussing the rest of the.

HIS EXCELLENCY: Order, order! The hon. and gallant Member must accept my ruling. The discussion at this time is not relevant on the resolution before the House and is not relevant on a resolution complimentary to Their Royal Highnesses. If he wishes to raise the question he must raise it by putting it in in the ordinary way.

THE RT. HON. LORD DELAMERE: I am as anxious to see this matter cleared up as anybody.

HIS EXCELLENCY: I am sure the Noble Lord will agree that it is a pity to raise that subject on a complimentary motion.

THE HON. T. J. O'SHEA: I have much pleasure in supporting this motion. My pleasure is all the greater because I have in the past been a severe critic of the original Government House project. As Their Royal Highnesses have pronounced duty of all sections of the peoples of this country to combine in doing everything in their power in making Their Royal Highnesses' visit a pleasant one; and I think it would be beneath the dignity of this country not to do everything in its power to make the visit a success. In spite of my attitude to the Government House project in the past, I think that the house at which Their Royal Highnesses will settle, should be in a proper and fit state to receive them. It gives me great pleasure to support this motion. I am not one who overlooks opportunities of criticising when criticism lends itself, but I do not think I should be acting within my rights in seizing upon this opportunity to say what I might say upon another occasion.

The question was put and carried.

EAST COAST FEVER, COMBATING AND CONTROL OF.

THE RT. HON. LORD DELAMERE: Your Excellency: I would say that a matter of this sort is of great interest to this side of the House—it may not be to a good many on the other side of the House. I am afraid I shall be or have to be rather long on it, and I am giving fair warning for those who may want to get away. I hope my friend Mr. Malik will not

accuse me of reading my speech. I find it very difficult to remember all verbatim. Perhaps I shall be able to extend some courtesy to him in the future. Before saying anything else on this motion I think it is only right that I should explain the reasons that I am moving the resolution standing in my name in the order of the day at a time when two Bills, the Cattle Cleansing Ordinance and the Fencing of Farms Ordinance, are actually in print. The reason, Sir, is that although Government and the Elected Members agreed when the Budget was in Special Committee that the scourge of East Coast Fever had to be tackled, yet at that time it was not agreed as to the exact methods to be adopted and it was considered that it would be best for someone on the unofficial side of the House to table a motion so that a matter which has been a seriously contentious one in the past should be openly debated, so that when the two bills and the Land Bill, which makes them possible in practice, are printed for criticism the policy which underlies them may be clear. It may be asked why this task has been given to someone on our side of the House. I think the answer is clear. Farming, stock-raising, dairying and planting either by people of our own race or by the natives of the country admittedly provide the primary products on which all of us on both sides of the House depend as the basis of our living or profession or whatever it may be. But we on this side of the house as a whole are more directly in contact with these industries, and for that reason I think it is quite proper that we should take upon ourselves the responsibility of putting forward the case as we see it. This is only possible owing to the complete agreement in principle which lies between the Government and ourselves in this matter; that the future of almost all successful farming in this country in the future depends on the elimination of cattle disease. And because of the fact that both the Government and ourselves are equally aware that measures to that end can only be really successful if public opinion as a whole stands behind any organisation which puts them in force over widely scattered areas in a country as new as this. I am sure it will be said in some quarters that it is Government's business to take the responsibility of Government action. Undoubtedly responsibility ultimately rests on the Government, but in my opinion we should be the first of the unofficial community to stand behind measures which depend on public opinion for their success and if we are to do so it seems to me vital that we should do all that we can to indicate to Government at the earliest possible moment, the policy that we, representing the constituencies, believe will be acceptable and workable. The Stockowners' Conference as a meeting in January (?) of last year crystallised out the ideas on which the proposed policy largely rests. My hon.

Friend the Director of Agriculture is the Chairman of that body. It was further debated in Special Committee on the Budget later. Since then meetings of the Executive of the Stockowners' Conference and combined meetings of that body with elected members have carried on the work. Government has helped in every way and the heads of departments and other officials involved in the different aspects of the case have been present at meetings between hon. Elected Members and the Executive of the Stockowners' Conference so that the policy could be examined from different points of view and the Hon. the Attorney General, consented to be present to help with drafting amendments to the original skeleton Bill. Those meetings were also fortunate in having present Mr. Powys Cobb as liaison from the Conventions of Associations. Your Excellency I must apologise to hon. Members for the length of this explanation, but I wished to make clear that Government and Elected Members have been moving hand in hand with the representatives of the public chiefly interested in the working and success of any policy adopted. It should be made clear that the procedure, as I understand, is as follows. Notwithstanding the help which members of the Government side of the House have given in arriving at conclusions no policy in detail has yet been accepted by Government itself. I hope that this debate to-day may finally crystallise out a policy on which Government can come to a definite decision and that the Cleansing and Fencing Ordinances will be published in an amended form calculated to carry out the policy agreed on, so that they can be criticised before being passed into law.

Your Excellency, the East Coast fever problem in this country has been an infinitely more difficult one to solve than in South Africa. There the disease was introduced into a subcontinent full of susceptible cattle and it was to everyone's interest to take any steps, however drastic, to deal with a disease which, if it appeared on a farm and was not checked, killed all the cattle there. Ploughing and all other operations of the farm, were dependent on susceptible cattle. The whole transport of the country was carried on by them at a time when motor traction was yet to come. The great cattle industry of the country was in danger of being destroyed. Under these circumstances it was comparatively easy to get any informed opinion on the carrying out of universal measures of control. Attempts were made to keep out ticks altogether from large tracts of country without success and it was only after some time that a policy of combined dipping and fencing was carried out which effectually dealt with this disease which otherwise would have decimated the herds of cattle all over

South Africa and left a small remnant from which presumably immune herds would have been gradually built up like they have been in certain areas in this country. But it would have meant the ruin of everyone if this policy had not been successful. It has been marvellously successful. Although outbreaks still occur in parts of South Africa yet as long as control is exercised in this way a cattle industry is a possibility on economic lines, and all the operations of agricultural and road traction are open to oxen; buying and selling at centres can be carried on and the disease will presumably be gradually eliminated as tick infestation gets less. All the different activities and operations with which cattle are connected can be carried out in South Africa to-day. The problem in this country has been entirely different, otherwise the South African solution would have been applied here years ago with the whole body of public opinion behind it. Here European settlement entered to find a country divided roughly between semi-nomadic herdsmen in areas practically free of East Coast fever and stationary agriculturists with herds unnumbered by catching the disease as calves in the heavily infected calf areas round these permanent villages. Taken roughly Kavirondo and Kikuyu were endemic areas and the Masai country and the Somali and Galla countries to the north were free from this disease or subject only to occasional incursions during years particularly favourable to its spread, when the moving of cattle and the burning of grass over enormous areas of lightly stocked land did not altogether serve to prevent an occasional outbreak. So puzzling was the problem judged on the parallel of South Africa that it was some considerable time before the Veterinary Department admitted that the disease was endemic in this part of East Africa.

In stocking up by Europeans young cattle not old enough to be immune from the endemic areas introduced the disease among cattle brought from the Masai and from the north and from disease-free areas from which Government punitive expeditions brought large herds of cattle for sale. In certain parts of the country which now comprises roughly what is known as the clean area where tick infestation is slight or conditions unfavourable to the spread of the disease are prevalent, light stocking and movement in the early days and later dipping kept the disease within reasonable control. In the high rainfall agricultural areas it established itself or was already there and on smaller farms where movement was more difficult in heavily infested by tick areas or country with a high rainfall or on the edge of endemic native reserves or where for these or other reasons the climate or wild or rainfall were favourable to the spread of the disease, it became a very difficult problem to tackle and large areas

of country were or became so-called dirty areas where susceptible cattle could not be kept. Under the conditions of one crop farming on virgin land where manure was no necessity of success it was evidently to the advantage of agricultural farmers to bring in large numbers of native immune oxen from the endemic areas to do their ploughing and transport. Some of these oxen were brought by mistake from parts of the country where the immunity to the disease was absent or only partial and these animals becoming infected kept up the infection. The few herds of cows for milk had to be immune, but their calves became infected. It was easier to get permanent or squatter labour on agricultural farms by allowing the natives to bring their cattle and these were from Kikuyu endemic areas or the disease was introduced among them if they came from a susceptible area and so the disease took fast hold of the country favourable to it, chiefly agricultural areas. And so started the cleavage between farmers in "clean" and "dirty" areas. The farmers in highly infected dirty areas naturally were determined to carry on their agricultural developments with animals from endemic areas. The farmers in clean areas wanted to clean up their areas. This made it impossible to deal with the disease in the country as a whole by the only practicable methods known to science. In the agricultural districts the farmers did not want to be clean and in the clean areas, farms were so understocked and this disease so comparatively easily controlled under these conditions many of the farmers in these areas were comparatively content to deal individually with the problem. The farmers in the great so-called clean area comprising the greater part of the Rift Valley and Laikipia managed to keep the cattle industry going without too much trouble for some years, sales took place at Naivasha and Gilgil and in the north without causing any very serious outbreaks. The chief trade by Somalis in cattle at that time was carried on from Jubaland and Boran where the cattle were clean and the country between the north and settlement being clean too they did not at that time bring East Coast Fever to the sales in the Rift Valley and elsewhere. Then Laikipia and West Kenya became settled. Squatters with cattle were introduced into these areas and into West Laikipia and there kept in large numbers and the train was laid for an explosion and we have had many outbreaks in the so-called clean area. Owing to light stocking on many farms and the unsuitability of that great clean area to the rapid spread of the disease it has been kept in check to a certain extent, but roads and townships and farms are continually being placed in quarantine and the carrying on of an improved cattle industry on an economic basis is becoming more difficult every year. And we have come to the time when it is vital to the future of the whole

country that this question of East Coast fever should be resolutely faced and overcome. There are only two or three alternatives. The first is to allow the country to go dirty and gradually to raise endemic herds like the natives. That is a policy of despair and is impossible economically. In endemic herds the loss of calves from the disease is very great and the introduction of improved strains is impossible or next door to it. The second is to start in and by compulsory methods clean the country from one end to the other. That is the ideal policy, but it seems to us impossible at the moment for several reasons. First of all financially and administratively it would be an almost impossible burden and above all it would have a very large mass of public opinion against it. The third, the one the representatives of this industry have adopted, is to make every effort to get the support of the people in it to clean up and keep clean the large block of so-called "clean" areas as a whole, where the problem is not too difficult of solution and to deal piecemeal with the "dirty" areas as the people living in any particular area so express their desire. Here with the exception of certain small islands the conditions are favourable to the control and ultimate elimination of the disease. The meeting of Elected Members and the Executive of the Stockowners' Conference with a Liaison from the Convention of Associations which met with the officials concerned were of opinion that this area should be taken as a whole for the purpose of voting on local option. It is proposed that the farmers' associations in this area decide in favour of coming under the Ordinances. To take the main "clean" area first. This area is clearly defined on a map in the hands of my hon. Friend the Chief Veterinary Officer. It roughly comprises the area lying between Kenya and the Masai Reserve from east to west and from the Kedong Valley to just south of Nakuru from north to south and comprises the whole of the Rift Valley and Laikipia, West Kenya and Kinangop. For the control of East Coast Fever the following comparatively mild compulsory powers should be given to the Veterinary Department to deal with the disease on "dirty" and "in contact" farms within the clear area:—

- (a) Compulsory dipping of all cattle on infected farms.
- (b) Compulsory fencing of infected farms.
- (c) Compulsory fencing and dipping on farms in contact with infected farms at the discretion of the Department.

In this main clean area the compulsory powers against farmers would be confined to these powers to clean up infected farms and to compel dipping and fencing on "in contact"

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farms. This does not prevent any small area within the main area passing by a two-thirds majority a wish to go the whole hog and to come under the compulsory clauses of the Fencing and Dipping Bills for each farm in their own area. But as far as the whole clean area is concerned it is proposed that the compulsory dipping and fencing clauses should only apply to infected or in contact farms. It must be remembered that in the case of either compulsory or voluntary dipping and fencing under these ordinances provision is made for the advances of the necessary money from the Land Bank for where farms in the clean area are in contact with an infected native reserve. It does not seem possible at present to more the cleavage between clean and infected areas back onto a line within the reserve, as animals in the cleaned area in the reserve would die if taken into the dirty areas in the reserve. Owing to the actual conditions of tenure in the Kikuyu Reserve it was thought to be impossible to declare a forest belt along the boundary within the native reserve without undue hardship. On the other hand it was thought unduly hard on farmers along the boundary of a native reserve to declare their farms "in contact" or "buffer" farms simply because they were next to the native reserve. It was therefore decided that these farms along the border should be treated as clean farms not subject to the conditions of the ordinance until a farm becomes infected in which case as in the case of other infected farms in the area, the compulsory provisions are applied both to the infected farm and to the "in contact" or "buffer" farms on its boundaries. Of course, under the conditions of the Fencing Ordinance a farmer on the edge of a native reserve can fence his boundary and can call on the Native Affairs Department as representing the natives of that area to bear its proportion of the cost. So that in the main clean area generally, if it declares itself in favour of the scheme, it is proposed that infected and "in contact" farms come under the compulsory dipping and fencing conditions in the Ordinances. Clean farms do not. Again, within the main clean area, lesser areas can decide by a two-thirds majority to go the whole hog and to apply the compulsory fencing and dipping clauses to every farm in their area. So much for the proposed compulsory methods of dealing with "infected" or "buffer" farms only within the clean area. I again repeat that it is proposed that clean farms in the clean area are exempted from the compulsory conditions except where their own limited area decides to go the "whole hog." With regard to other provisions for dealing with the disease in the "clean area" this proposed that any farmer can voluntarily make use of the financial facilities offered by the Land Bank to fence or erect a dip. He may

also call on his neighbour to pay his proportion of the cost of a fence provided he makes use of it. The Government is defined as owner in the case of unallocated Crown Lands and Forest Reserves and the Native Affairs Department or Native Lands Trust as owner in the case of native reserves for the purposes of the Ordinance and, of course, come under its conditions like anyone else. Your Excellency, with regard to native-owned cattle on farms it was felt that Government could not force the return of all native-owned cattle on farms to the reserves immediately. It is proposed that:—

(a) No further importation of native-owned cattle from native reserves into the clean area should be allowed.

(b) That native-owned cattle at present on farms should be subject to exactly the same treatment as the European-owned cattle—under strict supervision.

(c) That squatters' cattle in Forest Reserves should be got rid of as soon as possible and that the Forestry Department should, in future, refuse to sign on squatters with cattle.

It is believed that these conditions will enable native-owned cattle on farms to be controlled and the policy of the Ordinance carried out. There is, of course, nothing to prevent any owner of a property giving the owners of native-owned cattle on his farm notice to remove their cattle at the termination of their agreement with him. Owing to the possibility of hardship involved in susceptible native-owned cattle on farms being returned suddenly to the dirty areas in the native reserves it was proposed that provision should be made presumably by amendment of the Squatters Ordinance that "Any European farmer, when giving six months' notice to a squatter to remove his stock shall inform the District Commissioner of his action and request him to arrange for the sale of such stock, should the owner so wish, and that he should explain to the owner the advisability of his selling such stock and with the proceeds purchasing other stock that could be kept in the native reserve." These other stock would probably be sheep and goats or immune native cattle.

It is quite evident that no ordinances for the cleansing and keeping clean of any area can be effective unless the native-owned cattle on farms are properly controlled. It was the feeling of members of these meetings where owners choose to keep native-owned cattle on their farms that the strictest supervision for which a special charge should be made, should be exercised by the Veterinary Department over those cattle and over their dipping, etc. If this is done and no more cattle are allowed to enter from native reserves it is believed that

the number of native-owned cattle on farms will gradually decrease or alternatively these cattle will be rendered innocuous to the rest of the community. If this fails to meet the case, other measures will have to be taken. If free movement of stock on roads to and from sales, etc., is to be possible it is evident that steps must be taken to control cattle on roads and in townships and centres such as railway stations, etc., to avoid their becoming infected. It was decided to propose:—

(a) That only "T" branded cattle shall be allowed to move in transport on a road from or to infected or "buffer" farms in the clean area.

(b) That main public roads and railways in the clean area shall be fenced; roads of access being subject to the jurisdiction of the road boards.

I cannot find it among the resolutions passed, but it was undoubtedly the feeling of the meetings that dips should be created on main roads.

(c) That no stock may enter a clean or obligatory area unless it is the actual property of an owner or lessee of land within that area except those in transit for slaughter purposes with special permit.

(d) That no cattle other than immune transport animals or animals in transit may be kept in a township save under special permit.

It is believed that these conditions will enable the law to be enforced and the "cleansing" policy carried on effectively and that if the Department and the East Coast Fever travelling control unit, which is being formed, really enforce these conditions in the "clean area" and above all turn the strictest attention to getting rid of East Coast Fever on the infected spots in the "clean area" that it should be possible in a very short time to create a real clean area stretching from Kenya to the Masai Reserve where the breeding and buying and selling of cattle can be carried on without let or hindrance; which will form a nucleus for operations in a wider sphere and towards the ultimate goal of a clean country. The meetings I have spoken of felt that the compulsory clauses to be applied to the "clean area" are as mild as they can be to which will have the backing of public opinion and where individual districts within the "clean area" wish to go the whole hog they can elect to do so, in which case all the compulsory clauses in these ordinances can be applied by the Department to the whole area which has so elected.

Now with regard to "dirty areas." It is proposed that where an area decides by a two-thirds majority to come under the compulsory clauses of these bills, then all the farms in

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that area will be submitted to compulsory fencing, compulsory dipping and all the rules and regulations with regard to movement of cattle, control of squatters, etc., in exactly the same way as limited homogeneous area in the "clean area" can elect to do so. In any case the farmers in "dirty areas" can take advantage of the financial arrangements with the Land Bank for voluntarily erecting dips or fences on their own farms.

Your Excellency, I should like to say a word or two about the general principles underlying these proposals. As I have said there has been a cleavage in the past between farmers in "clean" and "dirty" areas. It has been shown in many ways lately and especially at the meetings of the Stockowners' Conference that this feeling is passing away. It is now generally recognised that single-crop farming must gradually give way to mixed farming and rotation of crops. The basis of mixed farming is stock. Except perhaps sisal all crops require farmyard manure in addition to artificial manures. Coffee probably above all with its very exhausting crop. Before the day comes when this is a necessity—after the virgin properties of our wonderful soils are exhausted—we must set our house in order. Apart from that, milk is a necessity and on many farms it is impossible at present to keep a milk cow. If we are going to have closer settlement and mixed farming we must clean our country to enable cattle to live. Some of our best "dirty" districts are to-day unusable as far as cattle are concerned. Inoculation for East Coast Fever, good though the one we have here appears to be, can only take a limited part in clearing up the mess because the animals inoculated infect the ticks and the ground becomes infected. As an adjunct to other means of eradicating East Coast Fever and under conditions and control it will be I am sure of great use in dirty areas because the unimmunised animals can then be used for bringing the ticks to the dip where they are killed and the great tick infestation can be lessened. Its real use can only be attained if the calves born during the cleansing period are slaughtered or kept inside and free of disease by dipping, etc. For the main "clean area," except where it may be possibly necessary under certain conditions to clean an infected area quickly by inoculation and control of beasts born afterwards, you are entirely dependent on dipping and fencing. In the dirty areas, even if inoculation is carried out under control, fencing and dipping are a necessity to occupy the ground, like infantry, as the mechanical attack develops. We have a great future in dairying here, but to dairy as a country you must have cattle and plenty of them and this is impossible until we tame our country. It is wild now. It is overrun with

vermin ranging from hyaenas down to ticks of different varieties. Fencing and dipping and the destruction of vermin are necessities of the situation.

Your Excellency, I am ashamed on behalf of these meetings to have put forward rather a weak-kneed policy with regard to the "clean area" but I believe it is essential to get public opinion behind you in the beginning. It is turning the right way, but too drastic action might easily create a reaction and it is definitely impossible for veterinary officers and stock inspectors to carry out the policy of Government for the control of East Coast Fever over enormous areas largely private property, unless they have public opinion behind them. The whole success of the bill depends on local opinion deciding, by the exercise of local option, to sacrifice the individual to the necessities of the case and the country. I cannot believe that farmers in the great "clean area" will do anything but elect to have a really clean area as soon as possible. I am sure that many little districts in the dirty areas and also within the "clean area" will elect to go the "whole hog" and to come under all the compulsory conditions of the Bill. If I am wrong and this is not the case then we must carry on as best we can till public opinion crystallises in favour of action. But it would mean a great loss to the community as a whole.

The definition of a "district" for the purposes of local option is no longer an administrative district. It was felt that administrative districts are not homogeneous as far as cattle disease requirements are concerned. Also that in some cases they would be too big and in some cases too small for the purposes of the policy of East Coast Fever eradication. The present proposals define a "district" to be "any area the boundaries of which are defined by the Chief Veterinary Officer as being a district for the purposes of this Ordinance. And I am sure that is the only way which will give sufficient elasticity to district boundaries for this purpose and enable the present policy to be carried out to the full.

I understand that if Government accept these proposals that the Cleansing and Fencing Bills in a form amended to come into line will be published for criticism.

I beg to move the motion standing in my name:—

"That, in view of the necessity of combating and ultimately controlling East Coast Fever this Council believes that it is essential that effective dipping and fencing laws should be applied to such areas as elect to come within the operations of the Ordinance."

THE HON. CONWAY HARVEY: I beg to second.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Your Excellency, I think I may say on behalf of Government that the measures to be taken in conformity with the opinions of the Committees will undoubtedly be examined and as far as it is possible action taken.

There is very great difficulty in providing for these variations of opinion and also to overcome the difficulties which are known to exist because it is not generally known that there are four diseases, but I do believe, Sir, that it will be possible to frame them along lines which will meet the varying conditions of the different parts of this Colony. As the Noble Lord has so ably expanded the views of the districts where committees were formed and meetings held in regard to details and requirements to cope with diseases which infest cattle here, I do not think any good purpose will be served by my illustrating the matter further. Bills will be introduced in this Council at a later date when no doubt full explanations will be given of their actual meaning and incidence.

THE HON. THE ACTING CHIEF VETERINARY OFFICER: Your Excellency, I would like to support what the Hon. the Director of Agriculture has just said with regard to the remarks in the hon. Member's speech and with regard to the new Bills which will be introduced in this hon. Council—there are many points raised by the hon. Mover for which I can answer in Council here, but I doubt whether the different points raised by the hon. Mover have not already been met in the Bills and there would appear to be no need to reply.

CAPT. THE HON. E. M. V. KENEALY: I would like to propose a small amendment; that instead of reading in the fourth line "dipping and fencing law should be applied . . . Ordinance" that the motion read "effective dipping and fencing laws should be passed." I do not like at this stage to commit myself to adopt a policy limiting the application of these laws which would depend entirely on the form that that legislation takes. Although I agree with the motion as far as that I should not like to commit myself entirely to the limitation of its application to such areas as elect to come within its application. I trust that the amendment will be accepted by the Mover.

HIS EXCELLENCY: Can I have the terms of the amendment?

THE RT. HON. LORD DELAMERE: As far as I am concerned—does Your Excellency want to read the amendment first?—as far as I am personally concerned I should be pleased to accept it. It has been made perfectly clear from what has

been said that—in fact the Mover proposed it—it is by local option. I rather agree with the hon. Member that particular motions of this kind should not be interpreted in dealing with any particular thing and if my seconder will allow me I should like to cut out the part that applies to option. I think it has been made perfectly clear from what has been said.

THE HON. CONWAY HARVEY: I think that in a particular resolution of this sort it should not be put down in the way it is.

HIS EXCELLENCY: Do I understand the Noble Lord will second the amendment?

THE RT. HON. LORD DELAMERE: Yes.

The question was put and carried.

The motion as amended was put and carried.

THE RT. HON. LORD DELAMERE: May I ask your ruling again? I have not been quite clear on the subject. I understand from my seconder, the hon. Member for the Lake, that owing to this amendment being passed it now closes the debate on the original motion.

HIS EXCELLENCY: No, if you want to exercise the right of replying?

THE RT. HON. LORD DELAMERE: I do not want to reply. I only wanted to know what the ruling is to the effect. I am very glad to hear that these proposals as put forward by these different bodies are being printed in something like that form and that they are going forward in the ordinary form and being published so that they may be criticised. I do not think that this sort of Bill should be brought up in this House by Suspension of Standing Orders. I think they should have full time for criticism.

HIS EXCELLENCY: On a point of order. In reply to the question raised by the Noble Lord. I think the ruling is that if an amendment disposes of an original resolution by referring it to a Committee or anything of that kind, the debate is closed with the passage of the amendment. If the amendment alters the original wording of the resolution the question can be debated until after the passage of the amendment.

THE RT. HON. LORD DELAMERE: I think it must be so.

THE HON. CONWAY HARVEY: On one further point of order. We should appreciate your ruling as to whether the Mover of the motion is allowed to second an amendment to that motion?

HIS EXCELLENCY: There is nothing to prevent his doing so.

HIS EXCELLENCY: I think it would be for the convenience of hon. Members if the Hon. the Colonial Secretary gives the programme of business and that we adjourn further business until to-morrow morning.

THE HON. THE COLONIAL SECRETARY: Your Excellency, with regard to the programme for to-morrow. This is an additional day which has been put in. I would ask the indulgence of this House that certain measures may be brought in under Suspension of Standing Orders after they have been in Committee of full Council.

The motions to be moved to-morrow will be those in regard to the loan advances; the first to be moved by myself and the second one by the General Manager, Kenya and Uganda Railways. The First Supplementary Estimates have been through the Select Committee and the Report of that Select Committee has been tabled to-day, and I propose to move to-morrow that the First Supplementary Estimates, as amended by the Report of the Select Committee, be adopted. The scheme for advancing money to civil servants to build their own houses, was also referred to the same Select Committee. A meeting of that Select Committee was held yesterday and there were found to be very many fundamental differences among the Members of that Committee and the Director of Public Works proposes to move tomorrow that the scheme for advancing money to civil servants to build their own houses be referred to a Select Committee, as it is felt that it is impossible to get it through at this session and it requires further consideration by a Select Committee of this Council.

There are three Bills to be considered by Council: The Registration of Births and Deaths (Amendment) Bill—the Report of that Select Committee has already been tabled, and it is ready to be taken to-morrow. The Stock and Produce Theft (Amendment) Bill is in the same position. The Kerosene Oil (Repayment of Duty) Bill was considered by a Select Committee yesterday and the Report was tabled to-day and it is proposed to take these three Bills in Committee to-morrow and to ask Council to approve of the Suspension of Standing Rules and Orders in order that the third readings

of these Bills can also be taken to-morrow after they have been reported to Council. The other two Bills, the Registration of Domestic Servants and the Drugs and Poisons (Amendment) Bills will be taken through their third readings.

HIS EXCELLENCY: Will that order of business be convenient to Members on the other side of the House?

I would ask the Clerk to have the form in which the scheme for advancing money to Civil Servants to build their own houses corrected in the Order of the Day. It always appears in that form. It is not intended to build one house for all European Civil Servants. I wish it to appear in a correct form.

CAPT. THE HON. H. E. SCHWARTZ: I would ask that the Select Committee to go into this housing business report before the next meeting of Council as it should not be held up after June.

THE HON. THE COLONIAL SECRETARY: I do not think there should be much doubt about that, but it is necessary that the evidence of the Civil Servants' Association should be taken and it is impossible to do that before Council is adjourned, but when this is done the Report will be laid on the table at the next session.

Council adjourned until 10 a.m. on Saturday, 19th May, 1928.

SATURDAY, 19th MAY, 1928.

The Council assembled at 10 a.m. on the 19th May, 1928, His Excellency—the Governor (Sir E. W. M. GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The Minutes of the meeting of the 18th May, 1928, were confirmed.

ORAL ANSWERS TO QUESTIONS.

PUBLICATION OF LOCAL BALANCE SHEETS BY BANKS.

THE HON. T. J. O'SHEA asked:—

"What progress has been made by Government in their negotiations with the Banks operating in Kenya regarding the publication of local Balance Sheets and the publication from time to time of figures that would assist in disclosing the financial position of the Colony and Protectorate?"

THE HON. THE COLONIAL SECRETARY: The matter is being dealt with by the Statistician to the Governors' Conference, but as he is at present absent from the Colony, it is not possible to state what progress has been made. The Statistician is expected to return to the Colony early in June, and if the hon. Member will put a further question at the next Session he will be given the information then available.

LOCUSTS.

THE HON. W. C. MITCHELL asked:—

"(a) Has the attention of Government been drawn to the prevalence of locusts recently in certain up-country districts?"

"(b) Has any damage from these been reported?"

"(c) If so, what action does Government propose to take in this matter?"

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: (a) The answer to the first part of the question is in the affirmative; (b) damage has been reported by three owners, but no wholesale damage has occurred; (c) instructions have been issued to District Officers and information published in the

Press in respect of the measures to be taken to destroy hoppers. Poison has been moved up to Nakuru and all persons who have reported the presence of locusts have been supplied with instructions direct by the Department of Agriculture, and advised to keep stores of arsenite of soda for the purpose of destruction.

ABSENCE OF ARAB ELECTED MEMBER.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE asked :

"What is the reason for the absence from this Council of the Hon. the Elected Arab Member?"

THE HON. THE COLONIAL SECRETARY: The Hon. the Elected Member for the Arab Community is at present absent from the Colony and Protectorate and has not resigned his seat. Under section 19 of the Legislative Council Ordinance, Chapter 24 of the Revised Edition, the Governor has power to nominate, in the place of any Elected Member so absent, any properly qualified person who would be eligible for election by the Electoral Area to act as Member for such electorate during the absence of the Elected Member.

The person suggested by the Hon. Elected Member as his substitute has been approached by Government, but has found it impossible to accept nomination, and, so far, no other name has been suggested. The Arab Community has been invited to put forward another name but so far has failed to do so.

DETENTION CAMPS.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE asked :

"What is the number of—

- (1) Detention Camps now open;
- (2) the number of persons put in them since the 1st January, 1928;
- (3) what has been the cost of these camps;
- (4) is the working of these generally considered satisfactory?"

THE HON. THE COLONIAL SECRETARY: (1) There are 31 Detention Camps now open. (2) 888 persons have been confined in Detention Camps from January 1st to March 31st, 1928. (3) The cost of these camps for this period was approximately Shs. 3,212. This sum represents the cost of the food of the detainees only based on 1927 figures. £2,800 was voted in 1926 and 1927 for construction of camps. (4) The working of these camps has been generally satisfactory, but sufficient use of them and of the Detention Camps Ordinance

has not been made. Magistrates have been circulated on this subject by Government and the Chief Justice. The position of the camps has recently been under special investigation.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, in the absence of my Hon. and Learned Friend the Member for Nairobi South, I have been requested to ascertain why no answer is forthcoming to his question on the subject of Resident Magistrates.

THE HON. THE COLONIAL SECRETARY: Your Excellency, the question of Resident Magistrates has been under discussion with His Honour the Chief Justice, and it is hoped that certainly before the next Session of Council a decision will be made in regard to it.

MOTIONS.

LOAN OF £84,250.

THE HON. THE COLONIAL SECRETARY: I beg to move.—

"Be it resolved and it is hereby resolved that this Council approves of a Loan of £75,750 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the Schedule of a Specific Loan Ordinance of such amount as may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

1. Further advances to the Nairobi Municipal Corporation	£ 65,847
2. Excess expenditure on the European School at Nairobi	3,312
3. Additional amount required for the completion of the Jeanes School at Kabete	4,400
4. Water and sewerage mains for new loan buildings	3,200
	<u>£76,759.</u> "

I propose further to ask the permission of the House to add another item to that Schedule, a fifth item to read as follows:—

"Completion of Government House, £7,500."
This amount.

HIS EXCELLENCY : I understand that the Hon. the Colonial Secretary has the consent of the House in adding this amount to the Schedule. Is that so?

THE HON. CONWAY HARVEY : Your Excellency, I can hardly conceive of any objection to that course inasmuch as the House unanimously agreed to the expenditure of that money yesterday.

HIS EXCELLENCY : In that case I will call upon the Hon. the Colonial Secretary to move the insertion of this item as an amendment to this resolution, but before I call upon him to do so, I should like to inform hon. Members that they will be entitled in this amendment to discuss any matter which they please in regard to the erection of Government House. I ruled the Hon. and Gallant Member for West Kenya out of order yesterday because it seemed to me improper that an open discussion of policy of that kind should take place on a complimentary resolution to Members of the Royal Family. That objection does not arise to-day, and if hon. Members wish to raise any points in regard to the construction of Government House they will be entitled to do so under this amendment.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move that the motion now before Council be amended by the alteration of the figure £76,750 in the second line to £81,250. This increase is caused by the addition to the Schedule, and I also move as an amendment. . . .

HIS EXCELLENCY : You must move the amendment later, I am afraid. Deal with the resolution.

THE HON. THE COLONIAL SECRETARY : Your Excellency, dealing with the resolution now before the House, I wish to make it quite clear that the items which this Council is now asked to vote are not new items or items which have not been discussed with the Works Committee or in this House on previous occasions. These advances to the Nairobi Corporation will be found set out in full on page 9 of the Loan Statement which was tabled some days ago, and which I think Members have in their hands. Out of the sum of £65,847, £21,247 is devoted to water supply schemes for the Municipality, including meters for consumers and a service reservoir at the Scott Sanatorium, and also an extension of the water supply to Eastleigh, which I am sure all hon. Members will strongly support in view of the desire which has been expressed in this House that Eastleigh properties should be developed as rapidly as possible. It has not been possible to do so, but what we wish to do, or the Municipality wish to do, in regard to Eastleigh, is the early provision of a water supply.

Then there is an item of £4,000 for quarry plant. £13,000 appears under the head of Roads and Sanitation; that is to say, £10,000 for water-borne sewage for the River Road area and £3,000 for renovation and installation of drains. The balance is made up of the following items:—

New slaughter house (which has long been recognised as absolutely necessary to the town)	£8,000
Public latrines	£1,500
Artisans' quarters at Landhies	£1,600
Boys' quarters at City Park	£500
And Pumwani Housing (which is now a very desirable measure)	£16,000

That makes up this total of £65,847.

I need only point out that this is an advance made to the Municipality on which the Municipality will pay interest to the Government.

The next item is that of £3,312. This item is made of the excess over the original estimate for the Nairobi European School of £35,000 of £3,648, which represents the difference between the original estimate and the lowest tender received, and the sum of £664 for boys' quarters which were necessary at the school.

The third item is one of £4,400 for the Jeanes School at Kabete. Hon. Members will remember that at the end of 1926, December Session, the question then came up with regard to the expenditure in regard to the Jeanes School. It was decided then that the first instalment of £3,600 towards the total cost of £6,000 should be voted and the second portion later after the matter had been discussed before the Works Committee. Proposals in regard to the Jeanes School amounted to £8,000, were fully considered, and it was decided to pass that estimate, and it is very desirable that these buildings should be completed as soon as possible. I would point out in regard to this school that if it is to be put to its full use and prove—as there is every sign—not only a centre for training itinerant teachers for Kenya but also itinerant teachers for all other neighbouring territories, it must have the accommodation necessary to take that number of pupils which is absolutely necessary to make this school the success it should be. This £4,400 is the second instalment of the expenditure of £8,000 which has been approved in the Works Committee.

The last item, £3,200, represents the cost of the sewerage and disposal installation at the European School, Nairobi, which has been constructed so as to form the central part of the sewerage disposal scheme in Nairobi. It would not, I think, be fair to charge these sewerage mains entirely to the Nairobi School, as they have been put in on such a scale as to be useful to the whole of that area and not only to the Nairobi School.

Dealing with these loan proposals, I would like to call the attention of Members to the Loan Statement which has been tabled during this Session. I trust that hon. Members will find that this loan statement does embody information in regard to the loan in perhaps a clearer and fuller form than the statements which have been previously tabled. It gives details showing exactly what expenditure has been incurred under the different heads, and which have been approved in this Council, and we propose in future not only to table these statements, which has been the practice in the past, but to make it clear to Council that in moving any increase in expenditure, any expenditure that may necessitate a different allocation between funds, and to call the attention of this Council to such items, and move a resolution in regard to such items. In respect of two items which appear in the schedule to this motion to-day, i.e., the excess expenditure on the European School of £3,312, and the water and sewerage mains for new loan buildings, £3,200, these have already been incorporated in statements which have been tabled, but Government considers that it should be the procedure and the more correct procedure undoubtedly to bring forward these items in a separate resolution and to move them as such in Council, while at the same time embodying them in the statement which is now of a more explanatory nature and which we trust will give them the full information they require in regard to the amount expended. It must be realised, however, it is essential without the stoppage of work—for example, the housing of officers in out-stations and the erection of medical buildings—that there should be some discretion left to the Works Committee to allocate these sums between different stations, provided there is no increased expenditure on the head. When I say, divided between different stations, I do not mean that the Works Committee should necessarily have the power to erect a house at an entirely new station which has never been considered by Council, or that they should be able to erect ten houses at Mombasa instead of six houses at Machakos, but I think discretion should be allowed to the Works Committee to erect, say, an office and three second-class quarters at Machakos instead of an office and two third-class quarters and two second-class quarters, because conditions change, and the schedule originally before the House

is the schedule of 1925. Well, administrative officers have increased since that date, and the relative value of stations must follow to some extent, but I think some discretion should be left with regard to the erection of quarters at stations, and also with regard to such arrangements, for instance, as putting up a dispensary at one station instead of putting it up at an adjoining station, but where there is a material difference or change in that schedule or from the proposals which have been discussed and approved by this Council an undertaking is now given by Government that a definite proposal will be put before Council.

Now the Works Committee have been through this statement very carefully to ascertain whether there has been any expenditure which might be said to be new expenditure on which this Council has not been fully informed except through the statements which have been tabled, and I am glad to inform Council that there is only one item in regard to which perhaps Council should have been asked to pass a separate vote, and that item is expenditure on account of the native hospital at Eldoret. In the original schedule of 1925 a native hospital for Eldoret did not appear in the list of native hospitals to be erected out of the provision made for hospitals from loan funds. Now there has been no excess on the sums provided for native hospitals throughout the country, but a sum of money has been spent on Eldoret, and Eldoret was not included in the schedule. Well, now, I am quite willing and anxious to express regret to this Council that this expenditure on the Eldoret hospital was not moved as a separate item of the schedule under the loan expenditure, and I propose in such cases in future that a motion shall be moved as it was to some extent a new item, but I trust that this hon. Council will realise that Government, by erecting this hospital at Eldoret,—which had been discussed in this Council and in regard to which the Hon. Member for Plateau South asked a question and expressed the very strong hope that Government would take up the matter as early as possible—will be regarded as carrying out what was considered to be generally the wishes of the country with regard to this building. Furthermore, it was discussed in the Works Committee, and the item was approved there, and Government might strictly say that it could make such allocation between a vote for medical buildings of this kind without necessarily referring to Council, do not however wish to push this point, because I think it is desirable that this Council should be as well informed on the expenditure of loan funds as Government is able to provide, and therefore I wish to make it clear that that is the one item which does not appear in approved loan statements which have been tabled in this Council, but now specifically referred to in this Council, but with regard to all other items expenditure incurred has

been entirely within the vote, and entirely within those items which have been included in the schedule which was originally drafted and tabled in Council. I trust Council will excuse my dealing with this matter, which may be a little extraneous to the motion before Council, but I trust that the opportunity of dealing with loan expenditure will cover my remarks on this subject. I wish to make it perfectly clear to Members on both sides of the House how this loan expenditure has been in the past, and how we propose to give details in regard to it in the future.

There must of course necessarily be certain allocations, especially with regard to housing and in regard to medical buildings, but I can assure this hon. Council that there is not a single head of loan expenditure which has been exceeded, and that the items in regard to which they are now asked to vote are the only ones which have not been included in these proposals which have been approved by Council, and as they will see, if they refer to page 4 of the statement which is now in their hands, there is a column "Amounts requiring Legislative Council's Authority." The total of that column is £76,759, which is the amount, Your Excellency, I am now asking this Council to approve.

THE HON. THE TREASURER : I beg to second.

THE HON. T. J. O'SHEA rose to speak.

HIS EXCELLENCY : I think before the hon. Member rises it may be convenient for the Council that I should call upon the Colonial Secretary to move his amendment, and then discussion can take place on the whole of the items in the proposed schedule.

THE HON. T. J. O'SHEA : On a point of order, may I point out that in the second line of the motion the figure reads "£75,759," whereas the schedule reads "£76,759."

THE HON. THE COLONIAL SECRETARY : I regret that is a typing error.

HIS EXCELLENCY : That can be dealt with in your amendment.

I will call upon the Colonial Secretary to move his amendment so that the debate can take place on the whole schedule as proposed.

THE HON. THE COLONIAL SECRETARY : I beg to move the following amendments :—

In line 2 the figure "£75,759" be deleted and the figure "£84,259" be substituted.

In the Schedule a fifth item should be added. It will be :

"Item 5, Completion of Government House, £7,500."

THE HON. THE TREASURER : I beg to second.

HIS EXCELLENCY : You must alter the total at the end of the Schedule.

THE HON. THE COLONIAL SECRETARY : And the total at the end of the schedule will be "£84,259" instead of "£75,759."

THE HON. CONWAY HARVEY : Your Excellency, I am sure we are all very grateful to those concerned for the presentation of such an admirably clear statement of colonial loans, which perhaps I am happy to say reflects the very greatest credit, not only on those responsible for the idea, but for those responsible for its compilation. It enables everyone interested to see Kenya's financial form at a glance, and it is very helpful indeed in a large number of ways.

So far as the present motion is concerned, Your Excellency, I, for one, intend to support all the principles involved, although it is extremely probable that individual Elected Members may desire to express views in regard to specific items. There is one matter which gives us a certain amount of anxiety, Your Excellency—in some cases, grave anxiety. It was only a few months ago that we were asked to vote, or approve of, the expenditure of £100,000 for very urgently required roads and bridges between centres throughout the Colony, and everybody throughout the country is disappointed that that work has not been put in hand. It does not seem very valuable or useful to go Session after Session approving the expenditure of loan funds when nothing is done about it, and many of us consider that the provision of these feeder roads, especially in view of what is likely to be a maximum agricultural year, is absolutely vital, and something should be done straight away, Your Excellency, in order to enable that produce to reach the railway, and I sincerely trust my hon. Friend in replying to the motion will give us some information on that subject. So far as the present motion is concerned, Sir, in view of the fact that all the items have been scrutinised with very great care by the Works Committee, on which Elected Members are very strongly represented, I have no criticism to offer. I do feel, Sir, that when a body is selected and appointed to do a definite job we certainly should almost invariably accept their finding, as they are in a better position to collect evidence and give intensive consideration to any detailed subject than is possible in this hon. House.

There is nothing whatever to say, Sir, for most of these items; all of them, in fact, are absolutely necessary for the development of the town of Nairobi and the other stations concerned, and moreover in the majority of cases they are revenue-producing; they not only supply essential services, but those who make use of these services will contribute in the form of rates to the sinking fund and interest charges.

LIBERTY-COL. THE HON. C. G. DURHAM: Your Excellency, I regret that I have to refer to one item on the schedule, the item of Government House. Yesterday I voted for the expenditure of the sum because I thought it was the only right and proper thing to do, but as a bitter opponent of the large expenditure on Government House in preference to other buildings which, in my opinion, were more essential to the Colony, I feel that in justice to my attitude in the past, this opportunity for criticism should be taken.

I would have preferred to see the gaunt wall remain as a memorial to those who had to do with the building. I understand Your Excellency gave instructions that the ballroom was not to be proceeded with, but I understand that the party who is responsible for the building of it is buried under the debris of Government House, where I hope he will remain.

I want to make it clear that those who are responsible for the carrying out of such works take the risk in their own hands, and I will table a resolution in the future asking for the dismissal of the culprit if there is any recurrence.

THE HON. T. J. O'SHEA: Your Excellency, there are one or two items in the schedule to which I should like to refer. It is proposed to expend £4,400 on the completion of the Jeanes School at Kabete. I should like to be informed as to what staff is at that school and what number of teachers are being trained there. I learned with some surprise that that school, in addition to providing teachers for Kenya, is also turning out native teachers for other territories. In one way I am very pleased to hear it, Sir. I have a . . .

THE HON. THE COLONIAL SECRETARY: On a point of explanation, may I take the opportunity of making it clear that the Jeanes School is *not* turning out teachers for other territories at present, but an application has been received from an adjoining territory asking whether it can send teachers to the Jeanes School. All the teachers there at present are Kenya teachers.

THE HON. T. J. O'SHEA: That explanation puts a different complexion on the information, but still it is interesting to find that native education has advanced to such a stage

in this Colony that other territories should think it desirable to seek tuition and training for their teachers in Kenya. It is certainly a reversal of the position which was supposed to prevail here some years ago.

With regard to the native hospital, Eldoret, I must say it is a surprise to most of us to find that that item went through without formal authority from this Council because the project was discussed here on several occasions, and Government had given undertakings from time to time that that hospital would be given preference.

In the matter of Government House. I feel weary of the discussion on that topic. I sincerely trust that the vote now going through is the last we shall hear of it for a good many years.

The question that the amendment be adopted was put and carried.

THE HON. THE ACTING DIRECTOR OF EDUCATION: In answer to the question asked by the Hon. Member for Plateau South, the number of staff at present is four, but more have been asked for, but have not yet been recruited. Two of these members of the staff are to be paid for from the funds supplied by the Carnegie Corporation, so that the cost to Government of these two does not appear. The number of supervising teachers under training is 25. When this money has been expended these will be raised to 50. I should say, Sir, that this does not represent the full training power of the Jeanes School, because the wives and families of these students are brought into the school, and the women are put through a definite training, the idea being that the home should be trained, and that the man, woman and child should go back into their village and bring their influence to bear on some other ten villages, and show the social benefits which are being provided at the Jeanes School. There is also a medical practitioner at the school, and a dispensary and so forth which influence a very large number in the neighbourhood, so that the heavy staff are not confined to the 50 men students who are there. In addition there are vacation courses and refresher courses which influence a very large number of students in addition to those who are in the school itself.

THE HON. THE COLONIAL SECRETARY: I am glad to be able to inform the Hon. Member for the Lake that the sum of £100,000 which was voted by Council for branch roads in this Colony, has now been approved by the Secretary of State and the Director of Public Works was informed a few days ago

that he might proceed with the work. Approval was only received this month and that is the reason why it was not started before.

THE HON. CONWAY HARVEY: Hear, hear.

THE HON. THE COLONIAL SECRETARY: With regard to the remarks made by the Hon. Member for Plateau South in respect of the work on the Jeanes School at Kabete, I would like to assure him that the £3,600 which was voted previously by Council has been expended, and that this sum of £4,400 has not been expended. I believe a small amount in excess of £3,600 was spent in finishing off buildings which were in hand. Nothing more has been done than that, and it is only with the authority of Council, as I pointed out, that the buildings will be completed. Government has not anticipated the approval of Council in finishing off the buildings.

With regard to the remarks made by the Hon. Member for Kikuyu in respect to the building of Government House. I regret that the Hon. Member for Kenya is not present, as he wished to raise a further question, so that all questions about this matter might be answered at the same time. In regard to this expenditure I think Members really have only to see for themselves what the result of the expenditure has been on Government House, Nairobi, and Mombasa, to realise what the Colony has gained from the expenditure of these sums and that buildings have been added to the architecture of the Colony on a scale which Kenya will now have before it as an example and buildings of which this whole Colony is proud.

I am sure that the expenditure on these buildings is expenditure which was not only fully justified but it was expenditure which has been economically and efficiently utilised, and reflects the greatest credit on the Public Works Department and the engineers.

In regard to action having been taken in respect of the ballroom. The only point in regard to that I would make is that no work whatever was done in regard to the ballroom. In connection with the question of this loggia, it was work which was asked for by the architect in order I believe to carry water pipes along the building. Nothing that was recommended by the local architect was not approved by the consulting architect in England, and the amount expended on Government House was kept entirely within the sum that was laid down for the purpose, and all this would not have been approved by the Works Committee—I was not a member of it at that time—had they not been satisfied with the statement of the consulting architect that this particular part of the building was necessary at the time. That was what they had before

them, and that was what induced them to oppose this portion of the building. The design at that time contained no provision to erect a new ballroom, and the Governor's instructions on that matter were quite explicit, but the part of the building referred to was proceeded with on the advice of the architect.

I do not think I need pursue this question further because I think it is covered by the resolution already passed, and on this resolution I think the Colony can be entirely congratulated.

HIS EXCELLENCY: The question is:—

"Be it resolved and it is hereby resolved that this Council approves of a loan of £84,250 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve the inclusion in the Schedule of a Specific Loan Ordinance of such amount as may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

	£
1. Further Advances to the Nairobi Municipal Corporation	65,847
2. Excess expenditure on the European School at Nairobi	3,312
3. Additional amount required for the completion of the Jeanes School at Kabete	4,400
4. Water and sewerage mains for new loan buildings	8,200
5. Completion of Government House	7,500
	<u>£84,250.</u>

The question was put and carried.

LOAN (TRANSPORT SECTION).

THE HON. THE GENERAL MANAGER KENYA AND UGANDA RAILWAYS AND HARBOURS (MR. C. L. N. FELLING): Your Excellency, I beg to move the motion standing in my name:—

"Be it resolved and it is hereby resolved that this Council approves of a loan of £170,000 being raised under the provisions of the General Loan and Inscribed Stock

Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the Schedule of a Specific Loan Ordinance of such amount as it may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

1. Additional deep water berths	...	£ 150,000
2. Further Port development	...	25,000
		<hr/>
		£175,000."

I am sorry but there appears to be a typing mistake. The figure in the second line should be £175,000 so as to agree with the figure at the end. It will be necessary to move an amendment to that.

In moving this resolution, Your Excellency, I would like to explain that some hon. Members may be misled into thinking that we can get an additional deep water berth for £150,000. The amount of £150,000 is a supplementary amount to what has already been approved in this Council in connection with berths 3 and 4. The term "additional deep water berths" is the term used in the previous provision. The original estimated cost of these two deep water berths was £600,000 and the contract in England was eventually placed at £563,000. In addition to that, of course, we have to provide for overhead charges which, in this case, amount to £42,000 interest during construction £45,000, and charges on cranes and other equipment £94,900, bringing the total up to £750,000. We have provided for contingencies the sum of £4,150; that gives us a round figure of £750,000. The figure of £750,000 is provided for in the proposal loan schedule but the difference of £150,000 requires the sanction of this House.

The next item of £25,000 is for other works at Mombasa, such as storage sheds, extra cross-over roads, cranes, buoys for Mbaraki, a certain amount of equipment for workshops, and the like. These items I would very much rather keep out of a loan schedule if I could, but unfortunately, it has been decided that the Railway and Port finances are to be kept separate and with the Port still a non-paying concern on its own we have not sufficient in betterment and renewal funds. There is in fact no betterment fund at all for the Port of Mombasa. I myself, as this Council is fully aware from what I have said on previous occasions, feel very strongly that the

finances of the Railway and Port should be one and I am quite certain that it is only a matter of time before the Colony will realise it. These items of expenditure which it is necessary to put against the loan rather illustrate my point, but I am submitting a motion to the Inter-Colonial Railway Council shortly with the object of getting their concurrence to the transfer to the Port from the Railway of certain sums from the Railway betterment and renewals funds. I think of course that when the Port is in a better financial position it will repay the amount, and that this will be only a tentative measure. I trust that in the course of the next couple of years the country as a whole will see the desirability of combining the finances of the Railway and the Port. I hope we will come to that. The position therefore is that the sum of £150,000 is for the further expenditure authorised in connection with the two deep water berths now being completed, and £25,000 for further expenditure on the Port.

It has been suggested by an hon. Member opposite that this Council may like some information, when I am moving this motion, with regard to the probability of further deep water berth development. The position is this: that the traffic at Kilindini Harbour has increased from 145,934 tons in 1922 to 487,865 tons in 1927, an increase of 234 per cent. That, Sir, is sufficient justification for the expenditure we have incurred on Port development. It proves that years and years ago those who foresaw that deep water berth development at Kilindini would be necessary have been justified by the fact since then. The tonnage of the Mombasa Port as a whole is now approximately 700,000 tons per annum. The work at Mombasa is increasing to such an extent that we must face further Port development. I think the difficulty is in deciding precisely what development to recommend at the present time. One must be very careful not to over-provide but as against that harbour facilities have taken a long time to develop and one must always look three or four years ahead. The whole subject is being investigated at present, but as far as I can see, I shall very shortly have to make a recommendation for another 810 feet of deep water quay. The length of each of the two quays now under construction is approximately 550 feet each.

It must be understood that what I am stating now has not been definitely put forward and there may be modifications, but I think I can say that the present proposal is to ask for another 810 feet. The object in asking for 810 feet instead of the usual 550 feet is that with an additional 810 feet of quay space we shall be able to provide accommodation for the berthing of six ships with transit sheds to the number of five.

Another object in asking for 810 feet is that at the end of that length, the formation at low water changes and a different method of construction would have to be followed.

Now, Sir, in the meantime we have received an application from the Magadi Soda Company for space for certain extensions and as in any case the formation in that direction changes, the present idea is that it would be desirable to have this 810 feet and then stop there and judge from further traffic increases and other developments to the Port when the next step is to be taken.

We have a certain amount of congestion from time to time—one cannot always avoid that except by a considerable outlay, which would not be justified. You must either expend millions or expect short periods of congestion, but with this extra 810 feet we will not go very far wrong. Most countries have to risk short periods of congestion rather than go to the enormous expense necessary for all eventualities, with berths, machinery, etc., standing idle for the greater part of the year. But we shall have six berths, additional lighterage facilities; we shall have the Mbaraki developments, and we shall make other proposals for further development, such as for example we intend to have separate accommodation at the harbour for the handling of oil. All that should, at any rate, avoid any serious trouble and enable us to study the position in the future. I think, therefore, that very soon we will have to come to this Council for provision for another 810 feet. The total provision asked for—I cannot give an estimate at the moment—but it will probably be in the neighbourhood of £600,000, which will complete the work up to the present point. In the future—I cannot say for the moment how long—perhaps in three, four or five years—but it is quite apparent to me that the next step will be to have four deep water berths at a point perhaps somewhere near where the Kilindini Lighterage berths are now—but as I say that is a matter for the future. We do not propose at the moment to go forward with that, because we do not consider we are sufficiently advanced with it, but we are dealing with possibilities. I think that is all the information I can give hon. Members at the moment.

There is one other reason why we should decide quickly what to do, and that is this? that at the present time at Kilindini Port one cause of congestion is that there is only one railway entrance to the Kilindini berths. There is what may be described as a bottle-neck to go through. We are most anxious to get the contractors away from the other side as soon as possible, so that we can work in from the Shimanzi end. By placing the contract very soon for the additional 810 feet we think we ought to be able to get them reasonably out of

the way the season after next. We anticipate that berth No. 3 will be ready before next season and berth No. 4 sometime in 1929, and if we could have the extra wall by then the contractors can shift their works and give the Railway access from the Shimanzi end. This will ease the position a lot.

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

HIS EXCELLENCY: The question is:—

“ Be it resolved and it is hereby resolved that this Council approves of a loan of £170,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the Schedule of a Specific Loan Ordinance of such amount as it may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

	£
1. Additional deep water berths ...	150,000
2. Further Port development ...	25,000
	<hr/>
	£175,000.”

HIS EXCELLENCY: I think if the Hon. the General Manager will move the verbal amendment which is necessary we can then continue the debate.

THE HON. THE GENERAL MANAGER KENYA AND UGANDA RAILWAYS AND HARBOURS: I beg to move that the figure of £170,000 in the second line of the motion be deleted and that the figure of £175,000 be substituted therefor.

HIS EXCELLENCY: The question is that the figure of £170,000 in the second line of the motion be deleted and that the figure of £175,000 be substituted therefor.

The question was put and carried.

THE HON. CONWAY HARVEY: Your Excellency, I intend to support the expenditure of this money, which is obviously necessary in order to complete what has been an essential and economic portion of Port development. It is rather remarkable that berths 3 and 4 under present day conditions

appear to have cost the Colony only about fifty per cent. of the original cost of berths 1 and 2, and in this connection I should like to correct a misapprehension in the minds of the public in regard to the responsibility for raising under very disadvantageous terms a very big loan at a very bad time for the original expenditure on this port development; that responsibility does not rest with Elected Members or the people of the Colony. Arrangements were practically made for this work before there were any Elected Members, and I can assure Your Excellency that the great majority of the unofficial community were in opposition to the money being raised and the work being done just at that particular time. It really means in effect that the Harbour and the Port and everything connected with it has to carry an enormous overhead burden, which appears to me, Your Excellency, is being reduced every time a new berth is being constructed.

I am very pleased to hear the Hon. the General Manager visualise the construction in the comparatively near future of Berths 4 and 5, especially at a cost which will be lower than the cost of any of the previous berths. That obviously has the effect of considerably reducing the cost per berth, and when that proposal reaches a definite form I shall most certainly support the General Manager in that connection, as I am perfectly satisfied from what I know of his methods and his foresight and his knowledge of economics generally that he would not propose the expenditure of money which was not amply justified by the economic situation, but in these matters, as was pointed out by the hon. the Mover, it is important to look ahead, and I for one am not ashamed of being an incorrigible optimist with regard to agricultural future of Kenya. (Hear, hear). I can see the day which I think will probably come within the time of hon. Members in this Council, when we shall not be satisfied with berths 5 and 6, but we shall want to get berths 8, 9, and 10, and there is another point which I do think is worth very serious consideration. There is no doubt whatever that traffic will go where it gets the best treatment, and I do think that Kenya stands to score all along the line by creating facilities which will have the effect of attracting the maximum of traffic from such countries as Uganda, Belgian Congo, portions of Tanganyika and possibly the Sudan. That is all I wish to say at the moment, Your Excellency.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: Your Excellency, in view of the remarks just made, I should very much like to add just one or two things in reply to the hon. Member. The question of the cost, first of all, of the deep water berths. If I remember the figure correctly, Your Excellency, the contract costs of the first

two deep water berths were exactly double the contract costs of berths 3 and 4. The cost of the first two deep water berths was, however, enhanced by the terms of the loan, and this made the contract price double the cost of the next two. But it must not be forgotten that the first two deep water berths necessitated certain work of which we shall have the benefit for all time, and that work would have been necessary whatever the terms of the loan. It is much the same as laying the foundations of the first structure—quite a lot goes into foundations, but once you have got the foundations you have got them for all time. I have not the slightest doubt that we shall still get a still cheaper rate for the extra 810 feet, especially if we carry on the work immediately after lock-making is finished.

As to the future to which the hon. Member has referred, I can assure Your Excellency that comparing the traffic at the Port of Mombasa with the traffic at other Colonial ports at certain stages of their history, we are far behind in Mombasa in the matter of deep water berths and other handling accommodation. In other colonies that I have been able to trace at the various stages of development they had far greater facilities at the particular stage we are at now than we have got, and the hon. Member may rest assured that in all our investigations we shall be able to refer to the history of other Colonies, because it is after all only by experience and example that we can come to the conclusions as to what is necessary.

With regard to Mombasa, there is only one difference between an authority on the subject and myself. It is this, that the authority thinks that the traffic in Mombasa may double within the next five years. I think it will certainly double within the next six years.

HIS EXCELLENCY: The question is:—

“ Be it resolved and it is hereby resolved that this Council approves of a loan of £170,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the Schedule of a Specific Loan Ordinance of such amount as it may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

1. Additional deep water berths ...	£ 150,000
2. Further Port Improvements ...	25,000
	£175,000.

The question was put and carried.

HOUSING SCHEME FOR CIVIL SERVANTS.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. H. L. SIKES): Your Excellency, I beg to move the Suspension of Standing Rules and Orders to enable me to move the motion standing in my name on the Order of the Day, which reads:—

“That the Draft Scheme to advance money to European Civil Servants to enable them to build their own houses be referred to a Select Committee of Council.”

Hon. Members will remember that the Hon. the Colonial Secretary gave notice of this motion yesterday but in order to enable it to be taken to-day it is necessary to suspend Standing Rules and Orders.

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

HIS EXCELLENCY: I do not think it is necessary to put the motion except in the case of a Bill. If hon. Members are prepared to give leave that this motion should be introduced that is sufficient.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, with the permission of this Council, I beg to move:

“That the Draft Scheme to advance money to European Civil Servants to enable them to build their own houses be referred to a Select Committee of Council.”

The Hon. the Colonial Secretary stated yesterday that owing to various suggestions for amendments to this scheme that the matter should be referred to a Select Committee to enable them to consider such suggestions and to discuss them with the European Civil Servants' Association.

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

HIS EXCELLENCY: The question is:

“That the Draft Scheme to advance money to European Civil Servants to enable them to build their own houses be referred to a Select Committee of Council.”

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I understand that one of the chief points with which this Select Committee will be asked to deal is a point which has been raised by an hon. Member on this side of the House with regard to the question of the allotting of the land. This scheme has all along been based on certain well-defined principles, one of which is that it is not suggested and it never has been suggested by anyone, including the representatives of the Civil Servants' Association, that Civil Servants wishing to participate in the scheme should obtain their land at a cheaper price than any ordinary person could obtain the land. What has been suggested is that they should pay a fair value for the land, but because of the security given the full amount payable by them should be advanced. Now, I believe that this scheme has the full concurrence of the vast majority of persons—unofficial as well as official—in this Colony, but it has been brought to my notice, and I think there is no doubt that there is substance in it, that the one criticism of this scheme is that people doubt whether if land is allotted as suggested in the scheme, namely, that the Board or the Commissioner of Local Government and Lands with his advisers should value a value on it, they doubt if that value will in fact be the real market value, and in order to get over any suggestion of that kind, it has been suggested that these plots of land when announced should be put up for auction in the ordinary way, because by that means the true market value of the plots will be ascertained. The only possible way of ascertaining the market value is to take it into the market. I have no views of my own at present. I am only putting this up as a case. I do think it right that the public and especially the Civil Servants interested should know that this suggestion will definitely be made to the Select Committee, and so that they will be able to prepare a case for and against it and come and give evidence and offer their views before the Select Committee. The Select Committee will not have a great deal of time in which to put in their report if the scheme is to be passed at the next Session of Council, which it is essential should be done, and it is just as well that people, whatever views they may hold, should know that this will be discussed then so that they can put their views before the Select Committee.

THE HON. W. C. MITCHELL: I beg to support this resolution, for the reasons already clearly stated by the Hon. Member for Nairobi South and also for the additional reason that I think if land under the scheme is alienated by public auction it will enable participators under the scheme to have a better chance of obtaining particular plots of land that may appeal to the individual applicant. Whatever area of land is

set aside under this scheme there is going to be some difficulty about alienating specific plots to specific individuals and the value of these plots will eventually increase with the popularity which they find in the minds of those who would like to acquire them, and therefore I think that auction is the only fair and reasonable way of alienating the land to the applicants. I am quite sure that it will enable this scheme to be carried out without criticism which is bound to arise if the other method is adopted.

HIS EXCELLENCY : Does the hon. Mover wish to reply on the motion.

THE HON. THE DIRECTOR OF PUBLIC WORKS : No, Sir
The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I have to propose that the Committee be :—

The Hon. the Treasurer.

The Hon. the Director of Public Works.

The Hon. Member for Nairobi North.

The Hon. Member for Nairobi North.

HIS EXCELLENCY : I think that suits.

CAPT. THE HON. H. E. SCHWARTZ : I think it is most important, if I might suggest it, that the Hon. Member for Plateau South should be on the Committee.

THE HON. T. J. O'SHEA : I appreciate the suggestion but I must decline as I shall unfortunately be unable to attend.

THE HON. THE COLONIAL SECRETARY : That is the only reason why he was not included, that he would not be able to attend.

HIS EXCELLENCY : I understand the Committee can finish its work before the next Session.

LIEUT.-COL. THE HON. O. F. WATKINS : Might I suggest that the Commissioner for Local Government be attached to that? He is the President of the Association.

HIS EXCELLENCY : Yes, that can be done.

FIRST SUPPLEMENTARY ESTIMATES, 1928.

HIS EXCELLENCY : I understand the Colonial Secretary has leave to introduce this resolution.

THE HON. THE COLONIAL SECRETARY : With the leave of Council I beg to move :

"That the 1st Supplementary Estimates, 1928, as amended in Select Committee of Council, and the statement of the amounts applied for to be revoted in 1928 from the unexpended balances of 1927 votes be approved."

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

THE HON. T. J. O'SHEA : There are two items on the schedule I should like to deal with very briefly. The figure of £20,000 for three elementary schools in Nairobi has been reduced from £20,000 to £15,000. I think it should be pointed out that the figure originally suggested, one on which Members were in agreement, that Government should build these schools was £10,000. I dwell on the point, Sir, because I think we have to realise that in the near future we may have to build a good many more schools of this type and if they are going to cost in the neighbourhood of £5,000 or £6,000 apiece Government will have difficulty in putting up the schools required to carry out its contemplated programme.

One other item is £4,000—Acquisition of House and Land at Eldoret for School. Seeing that I am in a minority throughout the whole country on this item I have no intention of voting against it, but I must express my regret that Government did not have the foresight of acquiring this land long ago and thus saving the country the expenditure of this £4,000.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, in Item XX there is a list of various transport officers and I should like to ask, Sir, if it would be in order for me to have my question, which I was unable to ask this morning, answered under this head.

THE HON. THE COLONIAL SECRETARY : Would the hon. Member say what head he refers to. I am unable to find it.

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

HIS EXCELLENCY : I am not sure that the hon. Member would be in order, but if Council has no objection I will give the hon. Member an opportunity for asking his question before we adjourn. I think that is the simplest method.

The question was put and carried.

HIS EXCELLENCY : Would it be to the convenience of Council to go on, the business is purely formal and I think we might go on without an interval.

THE HON. CONWAY HARVEY: I think so. On a point of order, hon. Members would welcome an announcement from Your Excellency as to the probable date of our resumption after adjourning.

HIS EXCELLENCY: I will deal with that before the adjournment. I am glad the hon. Member reminded me.

Perhaps it may be better to adjourn in order to discuss that point.

THE HON. CONWAY HARVEY: I think it would, Your Excellency.

(Council adjourned for 15 minutes.)

BILLS.

THE HON. THE COLONIAL SECRETARY: I beg to move that this hon. Council resolve itself into a Committee of the whole Council to consider the Registration of Births and Deaths Bill, the Stock and Produce Theft (Amendment) Bill and the Kerene Oil (Repayment of Duty) Bill, clause by clause.

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

The question was put and carried.

In Committee.

THE REGISTRATION OF BIRTHS AND DEATHS BILL.

Clause 2.

THE HON. THE COLONIAL SECRETARY: I beg to move an alteration in the definition of "The Statistician"

THE HON. THE CHIEF NATIVE COMMISSIONER: On a point of order. Clause 1 should be "1928."

HIS EXCELLENCY: Better move that amendment.

Clause 1.

THE HON. THE CHIEF NATIVE COMMISSIONER: I beg to move that the figure "1927" be altered to "1928."

The question was put and carried.

Clause 2.

THE HON. THE COLONIAL SECRETARY: I beg to move that the definition of "The Statistician" be altered to read as follows:—

"The Statistician means the Statistician appointed by the Governor for the purposes of this Ordinance."

The question was put and carried.

Clause 7.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that Clause 7 be amended to read as follows:—

"A Registrar shall not register a birth or death after the expiration of six months from the date of such birth or death, except upon receiving the written authority of the Registrar General, and upon payment of the prescribed fee."

The question was put and carried.

Clause 8.

THE HON. T. J. O'SHEA: I should like to ask a question whether any efforts will be made by Government to get births previous to this Ordinance brought on to the Registrar.

THE HON. THE CHIEF NATIVE COMMISSIONER: In considering the bill I think the objects of the amended Clause 7 really had that in view. It was considered that it would be very dangerous to allow registration of births or deaths which had taken place prior to this Ordinance to be brought on the Registrar without necessitating a responsible officer, like the Registrar General, to make very close investigations into any particulars which may be brought for registration, because such registration, or a certified copy thereof, can be produced in a Court of Law and unless all the facts were properly investigated it would be dangerous. I think it was contemplated that up to a certain point births and deaths which had taken place prior to the Ordinance might be brought on to the register if the Registrar General was satisfied that the particulars were substantially correct.

THE HON. T. J. O'SHEA: I am glad to have that explanation, but I would like to urge that there should be no reluctance on the part of the Registrar to enter such births if they are satisfactory. There have been uncertain conditions in this country in the past. Certain births have not been registered and an opportunity has now arisen of putting things right and I do not think that that opportunity should be lost.

THE HON. THE CHIEF NATIVE COMMISSIONER: I think that is the intention of Government provided the Registrar is satisfied as to the details. Of course in the case of European births they can be confirmed by baptismal certificates.

THE HON. THE COLONIAL SECRETARY: It can also be affected by a circular to administrative officers and to the Registrar General and a notice to the effect that persons should get these births registered. Clause 8 (1).

THE HON. THE COLONIAL SECRETARY: I beg to move:

"That this clause be amended by the insertion of the words 'Asiatic or' between the words 'American' and 'origin' in line 15 and also in line 17."

THE HON. THE CHIEF NATIVE COMMISSIONER: On a point of order. I think the words should be "or Asiatic" not "Asiatic or."

THE HON. THE COLONIAL SECRETARY: I suggest the words "Asiatic or" after the word "or" in line 15 and in line 17: "European, or Asiatic, or American." The object of this is to make it compulsory that all Asiatic births are registered. That was the point made by the Indian Member, who was a member of the Committee and who informed me that it gave much satisfaction to the Indian community that they should be included in the Ordinance and the registration of births undertaken.

The question was put and carried.

Clause 10.

THE HON. THE COLONIAL SECRETARY: I beg to move that Clause 10 be amended by the deletion of the words "twenty days next after the birth" which occur in line 35 and the substitution thereof of the following words:—

"Such time as may be from time to time prescribed by the Rules."

The question was put and carried.

Clause 11.

THE HON. THE COLONIAL SECRETARY: I beg to move that the clause be amended to read as follows:—

"No person shall be entered in the Register as the father of any child except either at the joint request of the father and mother or upon the production to the Registrar of such

evidence as he may require that the father and mother were married according to law, or, in the case of natives, in accordance with some recognised custom."

This is a new clause. The object of introducing it is to make provision for native law and custom in the matter and also to preserve the registration position in regard to the name of the father. The question was put and carried.

Clause 14 (1).

THE HON. THE COLONIAL SECRETARY: I beg to move that this clause be amended to read as follows:—

"The registration of the death of every person of whatever race, origin, or descent, dying within a township shall be compulsory, and the registration of the death of every person of European, American or Asiatic descent dying elsewhere within the Colony shall be compulsory."

The question was put and carried.

Clause 14 (2).

THE HON. THE COLONIAL SECRETARY: I beg to move that the word "town" in line 15 be deleted.

The question was put and carried.

Clause 16.

THE HON. THE COLONIAL SECRETARY: I beg to move that the words "twenty-four hours next after the death or finding of the body" which occur in the thirty-fourth and thirty-fifth lines be deleted and the following words be substituted therefor:—

"such time as may from time to time be prescribed by the Rules."

The object of this alteration is to make this provision extend to all parts of the country where it may be possible to deal with the matter in twenty-four hours.

The question was put and carried.

Clause 17 (1).

THE HON. THE COLONIAL SECRETARY: I beg to move that this clause be amended by the insertion of the following words between the word "certificate" and the word "as" in line 37:—

"On such form as may from time to time be prescribed by the Rules."

The question was put and carried.

Clause 17 (2).

THE HON. THE COLONIAL SECRETARY: I beg to move that lines 45 and 47 be deleted from the word "and" to the word "officer".

The question was put and carried.

Clause 18 (2).

THE HON. THE COLONIAL SECRETARY: I beg to move that this clause be amended to read as follows:—

"If the case does not appear from enquiries to be one to which section 141 and section 143 of the Criminal Procedure Ordinance applies, the magistrate or police officer or other person as aforesaid shall issue a permit for the interment or other disposal of the body of the deceased and shall send a copy thereof to the Registrar."

It should be "or section 143," not "and."

The question was put and carried.

Clause 19.

THE HON. THE COLONIAL SECRETARY: I beg to move the deletion of this clause and its substitution by:—

"No person shall bury, cremate, or otherwise dispose of the body of any deceased person the registration of whose death is compulsory without a permit issued in accordance with the provisions of the two last preceding sections."

LIEUT.-COLONEL THE HON. C. G. DURHAM: Your Excellency, suppose a man dies on safari and his friends want to bury him?

THE HON. THE COLONIAL SECRETARY: That matter will be dealt with in the Rules under this Ordinance which will provide that certain sections of the Ordinance will come into force for certain areas. In certain areas such as the Northern Frontier, some of these Regulations cannot be complied with, so that it is proposed to add to the provisions to enable certain districts to be exempt from the Ordinance.

The question was put and carried.

Clause 20.

THE HON. THE COLONIAL SECRETARY: I beg to move that this clause be amended by the insertion of the following words between the word "particulars" and the word "and" in the 14th line:—

"or who contravenes the provision of the last preceding section."

The question was put and carried.

Clause 22.

THE HON. THE COLONIAL SECRETARY: I beg to move that this clause be amended by the insertion of the words "and deaths" between the words "births" and "registered" in line 28.

The question was put and carried.

Clause 27.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that a new sub-clause to be numbered (1) be inserted as follows:—

"The time within which births and deaths may be notified and registered"

and that the following sub-clauses be renumbered accordingly.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: A's suggestion, would not "period" be better than "time"? The period in which they may be registered.

THE HON. THE ACTING ATTORNEY GENERAL: I think either word is suitable, Your Excellency, I have no objection. I think the meaning is the same.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY: I beg to move that a new sub-clause to be numbered (8) be inserted as follows:—

"The exemption from all or any of the provisions of this Ordinance of any district or township within an area in which the registration of births and deaths has been declared to be compulsory"

and that the subsequent sub-clauses be renumbered accordingly.

The question was put and carried.

KEROSENE OIL (REPAYMENT OF DUTY) BILL.

Clause 1.

THE HON. THE TREASURER: I beg to move that the word "proclamation" be inserted instead of the word "notice" in the third line.

HIS EXCELLENCY: The question is that in Clause 3 the word "notice" be deleted and that the word "proclamation" be substituted therefor.

The question was put and carried.

THE HON. CONWAY HARVEY: Your Excellency, is it not intended to take the Stock and Produce Thefts Bill this morning?

HIS EXCELLENCY: I beg your pardon—I will take it next.

The question is that Clause 1 as amended stands part of the Bill. The question was put and carried.

Clause 3.

THE HON. THE TREASURER: I beg to move the insertion of the new Clause 3 as shown in the draft Bill attached to the Committee's report and then I propose to move that sections 3, 4, 5 and 6 of the old Ordinance be deleted and the new sections 4, 5, 6 and . . .

HIS EXCELLENCY: Let us do one at a time.

THE HON. THE TREASURER: I beg to move that Clause 3 be inserted as a new clause.

HIS EXCELLENCY: The clause is that between Clauses 2 and 3 of this Ordinance. Will the Hon. the Treasurer please take the clause one at a time.

THE HON. THE TREASURER: Your Excellency, the Committee had great difficulty in knowing how to deal with this matter and we decided to redraft the Bill as it stood. The only thing I can suggest, Your Excellency, is that this new Bill be treated as a new Bill and that the old Bill be withdrawn.

HIS EXCELLENCY: That requires twenty-eight days' notice.

THE HON. THE TREASURER: The Committee would be very glad of Your Excellency's advice on how to proceed, because we have taken what seemed to us the best course to take. We had fresh evidence put before us as to the change of procedure and the Committee felt they would not be justified in proceeding with the old Bill, which set out an entirely different procedure, so we have put our views in the form of a new Bill. If it is necessary that notice of the new Bill be given—after all it is not a matter of such urgent necessity to pass it at once—there has already been a delay of five months—there is no reason why it should not stand over until June. But we would desire, as soon as possible, to get the Bill through as the safeguards under the new Bill have been strengthened and we would like to see those safeguards in hand as soon as possible.

HIS EXCELLENCY: If the amendments differ so largely from the old Bill as to constitute a new Bill, the only possible course is to introduce a new Bill and give notice of it. If they do not differ greatly then you should move the amendments.

THE HON. T. J. O'SHEA: I should like to voice my opinion that the amendments suggested do not alter the principles of the Bill in the least. Unfortunately they do recommend different methods for carrying out the Bill.

HIS EXCELLENCY: I understand that the alterations made to the Bill by the Select Committee do not affect the principles of the Bill in any way, but merely affect procedure.

THE HON. THE TREASURER: I am afraid, Your Excellency, they do affect the principles to this extent—that we provide in the new Bill for this rebate to apply only in respect of quantities of forty gallons or over. The suggestion is that rebates shall only apply to purchasers of not less than forty gallons.

HIS EXCELLENCY: I do not think it affects the Bill.

I must really express my strong disapproval of the way in which this Bill has been introduced. Council went into Committee on a Bill which has never been read a second time. The only possible way to

deal with this matter is to deal with all the amendments separately or to proceed with a new Bill. There is no reason why they should not have been moved as amendments.

THE HON. THE TREASURER: I am sorry, Your Excellency; I thought that was what I had done.

HIS EXCELLENCY: The Treasurer must deal with one clause at a time and the Order Paper should show what is being done.

THE HON. THE TREASURER: Your Excellency, I must apologise for the way in which it has been done, but I can only assure Your Excellency that the Committee tried their very best to see that the best procedure was followed.

HIS EXCELLENCY: The business does not lie with the Committee but with the Attorney General.

I understand that the Treasurer wishes to move a new clause in place of Clause 3.

THE HON. THE TREASURER: I beg to move that Clause 4 be substituted for Clause 3 and that Clause 3 be deleted altogether.

HIS EXCELLENCY: The question is that Clause 3 be deleted.

The question was put and carried.

THE HON. THE TREASURER: I beg to move that Clause 4 be deleted.

HIS EXCELLENCY: The question is that Clause 4 be deleted.

The question was put and carried.

THE HON. THE TREASURER: With regard to Clause 5, here again we are up against a difficulty. Clause 5 is instead of Clause 9.

I beg to move that Clause 5 be deleted and that Clause 9 be substituted therefor.

The new clause reads:—

"No stamp duty shall be chargeable upon any Statutory Declaration made under the provisions of this Ordinance."

HIS EXCELLENCY: The question is that Clause 5 be deleted and the following substituted therefor:—

"No stamp duty shall be chargeable upon any Statutory Declaration made under the provisions of this Ordinance."

The question was put and carried.

THE HON. T. J. O'SHEA: On a point of order, Your Excellency, the new clauses substituted for those deleted have not been read out.

HIS EXCELLENCY: I understood that so far we have only deleted old clauses.

THE HON. T. J. O'SHEA: I am sorry—I think the Hon. the Treasurer intended moving Clauses 4, 5, 6, 7 and 8 be substituted for those two that have been deleted.

Clause 3.

THE HON. THE TREASURER: The new Clause 3 reads as follows:—

"3. (1) No person shall be entitled to repayment of duty under the provisions of the last preceding section unless and until he shall have obtained a certificate in the Form A in the Schedule hereto, from the District Officer in charge of the District in which such person resides. For each such certificate there shall be paid the sum of two shillings.

(2) Every such certificate shall be issued annually and shall expire on the 31st day of December of the year of issue."

HIS EXCELLENCY: The question is that Clause 3 be deleted and the following clause substituted therefor:—

"3. (1) No person shall be entitled to repayment of duty under the provisions of the last preceding section unless and until he shall have obtained a certificate in the Form A in the Schedule hereto, from the District Officer in charge of the District in which such person resides. For each such certificate there shall be paid the sum of two shillings.

(2) Every such certificate shall be issued annually and shall expire on the 31st day of December of the year of issue."

The question was put and carried.

Clause 4.

THE HON. THE TREASURER: The new Clause 4 reads:—

"4. Every person desiring to purchase imported kerosene oil for the purpose mentioned in section 2 hereof, shall produce to the person by whom such oil is supplied (hereinafter referred to as "the supplier") the certificate issued to him under the last preceding section."

HIS EXCELLENCY: The question is that Clause 4 be deleted and the following clause substituted therefor:—

"4. Every person desiring to purchase imported kerosene oil for the purpose mentioned in section 2 hereof, shall produce to the person by whom such oil is supplied (hereinafter referred to as "the supplier") the certificate issued to him under the last preceding section."

The question was put and carried.

Clause 5.

THE HON. THE TREASURER: The new Clause 5 reads:—

"5. (1) The supplier shall keep for the purposes of this Ordinance supply forms in the Form B in the Schedule hereto.

(2) Such supply forms shall be in book form, serially numbered, and shall be obtainable by the supplier upon application to the District Officer in charge of the District in which such supplier resides or carries on business."

HIS EXCELLENCY: The question is that Clause 5 be deleted and the following clause substituted therefor:—

"5. (1) The supplier shall keep for the purposes of this Ordinance supply forms in the Form B in the Schedule hereto.

(2) Such supply forms shall be in book form, serially numbered, and shall be obtainable by the supplier upon application to the District Officer in charge of the District in which such supplier resides or carries on business."

The question was put and carried.

THE HON. THE TREASURER: The new Clause 6 reads:—

"6. (1) Upon supplying such oil the supplier shall fill up and sign a supply form in duplicate, and shall give the original form to the purchaser of such oil, and shall retain and keep the duplicate form in the book from which the original form has been issued.

(2) No supply form shall be made out or issued in respect of the supply of any less quantity of oil than forty gallons.

(3) Every book of supply forms issued to any supplier shall be open, at all reasonable times, to inspection by an police officer."

HIS EXCELLENCY: The question is that Clause 6 be deleted and the following clause substituted therefor:—

"6. (1) Upon supplying such oil the supplier shall fill up and sign a supply form in duplicate, and shall give the original form to the purchaser of such oil, and shall retain and keep the duplicate form in the book from which the original form has been issued.

(2) No supply form shall be made out or issued in respect of the supply of any less quantity of oil than forty gallons.

(3) Every book of supply forms issued to any supplier shall be open, at all reasonable times, to inspection by an police officer."

CAPT. THE HON. E. M. V. KENEALY: In regard to the second paragraph, does that mean necessarily that the forty gallons as a minimum quantity shall be supplied at any one particular time. If so, I wish to record my opposition to the suggestion, if it is to be made retrospective.

THE HON. T. J. O'SHEA: I happen to be in the position to reply to that. May I do so, Your Excellency?

HIS EXCELLENCY: Yes.

THE HON. T. J. O'SHEA: The explanation is that oil is being supplied at a special price to users in quantities of not less than forty gallons. The dealer can usually buy his oil for a less price than otherwise, provided he buys forty gallons, and it seems better surely to buy that way and save money than by buying less than forty gallons.

CAPT. THE HON. E. M. V. KENEALY: It is all right that forty gallons should be the minimum quantity in the future, but I think it is inconsiderate to apply such a regulation retrospectively. I feel that there must be people who have bought smaller quantities in the past on the assurance that they are going to get a rebate, and I think it should not be retrospective.

LIEUT.-COLONEL THE HON. J. G. KIMWOOD: May I point out that in Kitale kerosene oil is sold in four-gallon tins or drums—there are no forty-gallon drums as far as I know.

I might say, with reference to crude oil, that is supplied in forty-gallon quantities, but that does not apply to kerosene oil.

THE HON. T. J. O'SHEA: Your Excellency, kerosene oil is supplied in four-gallon tins—ten of those make forty gallons; and in reply to the Hon. and Gallant Member for West Kenya, may I point out that special provision is made for the retrospective point in Schedule A.

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

HIS EXCELLENCY: The question is that Clause 6 be deleted and the following clause substituted therefor:—

"6. (1) Upon supplying such oil the supplier shall fill up and sign a supply form in duplicate, and shall give the original form to the purchaser of such oil, and shall retain and keep the duplicate form in the book from which the original form has been issued.

(2) No supply forms shall be made out or issued in respect of the supply of any less quantity of oil than forty gallons.

(3) Every book of supply forms issued to any supplier shall be open, at all reasonable times, to inspection by any police officer."

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the following new clause, No. 7, be added to the Bill:—

"7. (1) A claim for obtaining repayment under section 2 of this Ordinance shall be made within six months from the date of the purchase of the oil.

(2) For the purpose of making such claim the purchaser shall make and subscribe a Statutory Declaration in the Form C in the Schedule hereto before a magistrate, and shall attach thereto the original supply form or forms to which such Statutory Declaration relates.

(3) Such Declaration, together with the supply forms referred to therein, shall thereupon be sent by the purchaser to the Treasurer, and the Treasurer shall pay to the purchaser, out of such funds as may be provided by the Legislative Council for that purpose, such sum as may be due under the provisions of this Ordinance."

HIS EXCELLENCY: The question is that the following new clause, No. 7, be added to the Bill:—

"7. (1) A claim for obtaining repayment under section 2 of this Ordinance shall be made within six months from the date of the purchase of the oil.

(2) For the purpose of making such claim the purchaser shall make and subscribe a Statutory Declaration in the Form C in the Schedule hereto before a magistrate, and shall attach thereto the original supply form or forms to which such Statutory Declaration relates.

(3) Such Declaration, together with the supply forms referred to therein, shall thereupon be sent by the purchaser to the Treasurer, and the Treasurer shall pay to the purchaser, out of such funds as may be provided by the Legislative Council for that purpose, such sum as may be due under the provisions of this Ordinance."

The question was put and carried.

LIEUT.-COLONEL THE HON. C. G. DURHAM: Your Excellency, is a justice of the peace to be considered a magistrate for the purposes of this Bill?

THE HON. THE ACTING ATTORNEY GENERAL: It would include a justice of the peace.

THE HON. THE TREASURER: I beg to move that the following new clause be added to the Bill:—

"8. It shall be lawful for the Treasurer to make repayments of duty in respect of oil purchased between the first day of January, 1928, and the date of the coming into operation of this Ordinance if and when a Statutory Declaration in the Form D in the Schedule hereto is submitted to him by the person seeking the repayment of such Duty, and provided that such Statutory Declaration is accompanied by receipts for the purchase of such oil in quantities of not less than forty gallons."

THE HON. T. J. O'SHEA: In that clause it will be observed that the retrospective portion does include the forty gallons. It is very rarely that a large user buys less than forty gallons and it was hoped that by insisting on this proviso it would reduce the possibility of fictitious claims.

HIS EXCELLENCY: The question is that the following new clause be added to the Bill:—

"8. It shall be lawful for the Treasurer to make repayments of duty in respect of oil purchased between the first day of January, 1928, and the date of the coming into operation of this Ordinance if and when a Statutory Declaration in the Form D in the Schedule hereto is submitted to him by the person seeking the repayment of such Duty, and provided that such Statutory Declaration is accompanied by receipts for the purchase of such oil in quantities of not less than forty gallons."

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the following new clause be added to the Bill:—

"9. No stamp duty shall be chargeable upon any Statutory Declaration made under the provisions of this Ordinance."

HIS EXCELLENCY: The question is that the following new clause be added to the Bill:—

"9. No stamp duty shall be chargeable upon any Statutory Declaration made under the provisions of this Ordinance."

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the following new clause be added at the end of the Bill:—

"10. (1) If any person knowingly and wilfully makes any statement which is false in any material particular in any Statutory Declaration made under this Ordinance he shall be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding two years, or to both such fine and imprisonment.

(2) Any person who contravenes or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds."

HIS EXCELLENCY: The question is that the following new clause be added at the end of the Bill:—

"10. (1) If any person knowingly and wilfully makes any statement which is false in any material particular in any Statutory Declaration made under this Ordinance he shall be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding two years, or to both such fine and imprisonment.

(2) Any person who contravenes or fails to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds."

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the following new Form A be substituted for the old Form A:—

THE SCHEDULE.
Form A.

This is to certify that for the purposes of the Kerosene Oil (Repayment of Duty) Ordinance, 1928,

of
is the owner and/or user of the undermentioned farm tractor(s), namely:—

Make.

Engine No.

This certificate will expire on the 31st day of December, 19..... Issued this day of 19.....

Fee: Sh. 2.

District Officer.

HIS EXCELLENCY: The question is that the following new Form A be substituted for the old Form A:—

THE SCHEDULE.

Form A.

This is to certify that for the purposes of the Kerosene Oil (Repayment of Duty) Ordinance, 1928,

of
is the owner and/or user of the undermentioned farm tractor(s), namely:—

Make.

Engine No.

.....
.....
.....

This certificate will expire on the 31st day of December, 19..... Issued this day of, 19.....

Fees: Sh. 2. District Officer.

The question was put and carried.

HIS EXCELLENCY: I see no sense in reading out these forms in full.

THE HON. THE TREASURER: I beg to move that the new Form B as shown on the Schedule attached to the Select Committee's report be substituted for the old Form B.

HIS EXCELLENCY: The question is that the new Form B, as shown on the Schedule attached to the Select Committee's report be substituted for the old Form B.

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the new Form C, as shown on the Schedule attached to the Select Committee's report be substituted for the old Form C.

HIS EXCELLENCY: The question is that the new Form C, as shown on the Schedule attached to the Select Committee's report be substituted for the old Form C.

The question was put and carried.

THE HON. THE TREASURER: I beg to move that the new Form D, as shown on the Schedule attached to the Select Committee's report be substituted for the old Form D.

HIS EXCELLENCY: The question is that the new Form D, as shown on the Schedule attached to the Select Committee's report be substituted for the old Form D.

The question was put and carried.

THE STOCK AND PRODUCE THEFT (AMENDMENT) BILL.
Clause 1.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: I beg to leave to move an amendment to line 2 of Clause 1. The figures "1927" should be deleted and "1928" substituted.

The question was put and carried.

Clause 3.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Your Excellency, I beg to move that line 1 of section 3; line 4 and wherever the word "native" appears in that section the word "person" should be substituted therefor.

THE HON. CONWAY HARVEY: Your Excellency, may I ask whether the Hon. and Learned Attorney General looked up the point I raised the other day as to whether this would not conflict with the main Stock and Produce Theft Ordinance more particularly in regard to the penalties provided, which I think make it mandatory that the penalty shall be ten times the value of the stolen property and stress that it can be levied on the individual family, tribe or sub-tribe of the offender. If I am right that may involve complications in the case of a European. The hon. and learned Gentleman promised to look up that point, which I think is of some importance as it is to be read in some relation to the main Ordinance.

THE HON. THE ACTING ATTORNEY GENERAL: I have looked up the Ordinance and that is so, that some of the penalties are very heavy. Possibly, Sir, it would be as well to let this Ordinance stand on its own and not be read as one with the Principal Ordinance.

THE HON. R. W. HEMSTED: I would point out for the information of the hon. Member that before a distress warrant can be levied on the family, tribe or sub-tribe of the offender the endorsement of the Provincial Commissioner is necessary and I hope the hon. Member will consider that sufficient safeguard.

THE HON. CONWAY HARVEY: Your Excellency, I was fully aware of that, but I merely thought that the matter perhaps had not been given full consideration by the Government's legal advisers. I have no feeling in the matter whatever. I have no objection to inflicting the same penalty on a European, Indian or Chinaman as is inflicted on a native in matters of this kind.

The question was put and carried.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: I beg to move that in Clause 3, line 37 should read "practicable" for "practical."

The question was put and carried.

CAPT. THE HON. E. M. V. KENNELLY: Would it not be as well to insert a clause for a warrant of malicious arrest. This gives power for malicious or unjustifiable arrest with nothing under this Ordinance for redress.

THE HON. CONWAY HARVEY: Surely the case is amply met by what occurs in line 34: "have reasonable cause to suspect." I imagine that if he opposes the rights given him under this section the complainant will have ample redress in many other ways.

Clause 4.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: I beg to move that in lines 41 and 43 the word "person" should be read for the word "native."

The question was put and carried.

CAPT. THE HON. E. M. V. KENNELLY: Your Excellency, I suggest in line 41 the excision of the word "under" and the substitution therefor of the word "in" in the circumstances.

HIS EXCELLENCY: The hon. and gallant Member is quite right. The question was put and carried.

Clause 5.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE: Your Excellency, I beg to move the deletion of Clause 5 as it stands, and the substitution of a new Clause 5:—

"It shall not be lawful for any person to sell and deliver any stock or produce in a proclaimed district between sunset and sunrise, and any person so doing and any person buying or taking delivery of any stock or produce which is sold in contravention of this section shall be liable to a fine not

exceeding Five Pounds (£5) or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment:

Provided that this section shall not apply to the registered holder of agricultural land within the proclaimed district under grant or lease from the Crown; or to his duly authorised agent in respect of stock or produce raised on such land or to the purchaser thereof."

CAPT. THE HON. E. M. V. KENYALY: For consideration I suggest that the word be not "and deliver" but "sell or deliver" because the other implies a double-barrelled misdemeanour or action and I think it should be a single-barrelled one.

THE HON. THE CHIEF NATIVE COMMISSIONER: I think the words should stand as they are, because if you had over a bag of maize for posho or a certain amount for food . . .

CAPT. THE HON. E. M. V. KENYALY: To sell and deliver may be at different times and if it can be shown that the actions were spread over a period of time I take it this would not apply unless the word "or" were used instead of the word "and."

THE HON. CONWAY HARVEY: Would not the case be met if the words "sell or" were deleted entirely and it was made an offence to deliver the goods during this particular time. "Deliver" is obviously the kernel of the thing, the matter of sale does not make any difference. It is the delivery that one wants to stop, surely.

THE HON. THE ACTING SOLICITOR GENERAL: If you will look at lines 3 and 4 it reads "buying or taking delivery" so that it should be "sell or deliver" not "sell and deliver" in the first line. The question was put and carried.

THE HON. T. J. O'SHEA: I would ask Your Excellency's indulgence to return to Clause 1, as I am not sure regarding this Ordinance being "read as one with the Stock and Produce Theft Ordinance." Provision is made for that in Clause 1 of this Bill, but I understand from the Attorney General that the two Ordinances should be taken apart.

THE HON. THE ACTING ATTORNEY GENERAL: I think it is certainly better if the Ordinance stands as it is. I was only saying that in answer to the hon. Member for the Lake, but I rather understood that he was satisfied with the explanation of the hon. Nominated Member.

THE HON. THE CHIEF NATIVE COMMISSIONER: May I make an explanation. I do not think it has been understood. The Principal Ordinance which imposes the penalty ten times the quantity of stock stolen applies only to natives.

HIS EXCELLENCY: Before it is moved in Council again I wish to make it clear that I will not take in Committee Bills put forward in this form. If it is taken in Committee it must be taken in the form of clause by clause. To introduce into Committee a new Bill which has not been read a second time is not in order.

THE HON. THE COLONIAL SECRETARY: I beg to move that:—

The Births and Deaths Registration Bill,
The Kerosene Oil (Repayment of Duty) Bill, and
The Stock and Produce Theft (Amendment) Bill, with amendments,
be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that the Births and Deaths Registration Bill, the Kerosene Oil (Repayment of Duty) Bill and the Stock and Produce Theft (Amendment) Bill have been considered in Committee of the whole Council and have been reported to Council with amendments.

THIRD READINGS.

THE REGISTRATION OF DOMESTIC SERVANTS BILL.

On motion of the Hon. the Colonial Secretary a Bill to provide for the Registration of Domestic Servants was read a third time and passed.

THE DRUGS AND POISONS (AMENDMENT) BILL.

On motion of the Hon. the Director of Medical and Sanitary Services a Bill to amend the Drugs and Poisons Ordinance was read a third time and passed.

SUSPENSION OF STANDING ORDERS.

THE HON. THE COLONIAL SECRETARY: I beg to move the Suspension of Standing Orders in order to enable the third readings of the Registration of Births and Deaths Bill, the Stock and Produce Theft (Amendment) Bill and the Kerosene Oil (Repayment of Duty) Bill, to be taken.

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

HIS EXCELLENCY: This question is purely formal and it is with the consent of Council generally.

The question was put and carried.

THIRD READINGS.

THE REGISTRATION OF BIRTHS AND DEATHS BILL.

On motion of the Hon. the Colonial Secretary a Bill to provide for the Notification and Registration of Births and Deaths and other matters incidental thereto was read a third time and passed.

THE STOCK AND PRODUCE THEFT (AMENDMENT) BILL.

On motion of the Hon. the Acting Director of Agriculture a Bill to amend the Stock and Produce Theft Ordinance was read a third time and passed.

THE KEROSENE OIL (REPAYMENT OF DUTY) BILL.

On motion of the Hon. the Treasurer a Bill to provide for the Repayment to Users of Imported Kerosene Oil for Agricultural Purposes of an amount equivalent to the Customs Duty paid upon such oil was read a third time and passed.

ORAL ANSWER TO QUESTION.

GRATUITY TO R.Q.M.S. RABIE.

CAPT. THE HON. E. M. V. KENEALY : On a point of order, Your Excellency, may I be invited to ask the question which you said I might?

HIS EXCELLENCY : Yes.

CAPT. THE HON. E. M. V. KENEALY : I have to thank Your Excellency for allowing me to ask the question at this stage.

" Will Government state :—

- (a) Whether the disability gratuity of £500 voted by this House has been paid to R.Q.M.S. Rabie, and if not, why not?
- (b) Whether R.Q.M.S. Rabie, while described by the Hon. the Treasurer as incapacitated, was at that time actually employed at his work as conductor, and continued so to be employed for months; whether, in fact, the doubts expressed by a Member of this House as to whether this gratuity was merited have been fully justified; and whether the statement made by Government at the time of voting the money was substantially incorrect? "

THE HON. THE TREASURER :—

(a) Under the terms of the recently introduced European Officers' Pensions Ordinance provision is made for the grant of pensions in such cases and a pension has, therefore, been awarded to R.Q.M.S. Rabie in lieu of the gratuity.

(b) It was not stated that R.Q.M.S. Rabie was incapacitated, but that he was permanently disabled. He continued to carry out his normal duties as a conductor for some time after his discharge from hospital and subsequent leave in South Africa, but the Medical Board which examined him certified that he was " in a state of permanent partial disablement." Since his discharge from the Military, R.Q.M.S. Rabie has, owing to his injuries, been unable to resume his civil occupation of bricklayer.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, arising out of that answer, it appears that the statements made in one part of the answer are incompatible with the answers in the other.

HIS EXCELLENCY : The hon. Member must ask a question and not make a statement.

CAPT. THE HON. E. M. V. KENEALY : I am asking whether that incompatibility is as real as it appears to be.

THE HON. THE TREASURER : May the hon. Member point out what the incompatibility is?

HIS EXCELLENCY : Presumably you see no incompatibility?

THE HON. THE TREASURER : I see no incompatibility.

Council adjourned until Tuesday, the 12th June, 1928.

TUESDAY, 12th JUNE, 1928.

The Council assembled at 10 a.m., on the 12th June, 1928, at the Memorial Hall, Nairobi, His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

GILBERT DE PREVILLE COLVILLE, Acting Member for Rift Valley.

PRESIDENT'S ADDRESS.

HIS EXCELLENCY: Honourable Members of Council, amongst the measures which figure in the preliminary statement of business for this session which has been issued is the Local Government Bill dealing with the Municipal Government of Nairobi and Mombasa. I think you will wish that I should give you the earliest possible information about the course which Government proposes to take in regard to that Bill.

As you know, it was the desire of Government that the Bill should be introduced in Council during this session and that after the second reading it should be referred to a Select Committee composed, apart from the Official Members, of equal numbers of the European Elected Members of this Council and the Indian Members. In order that that might be possible, Government proposed to the Indian Community that Indian Members should be nominated to this Council for another year, as they have been for four years past. Without that provision, discussion by a Select Committee of the character proposed would have been impossible, there being available in this Council at the present time only one Indian Elected Member. In making that proposal, Government and the whole Colony were going a very long way to meet the feeling of the Indian community, which desired not to commit itself on the wider question of the common roll, and I very much regret that the Indian community refused it.

The normal constitutional procedure now would be to carry the Bill through its first stages in this Council and to refer it to a Select Committee, even if it were only possible for one Indian Elected Member to be present. But I recognise, and I think that every Member of this Council recognises, that Indian opinion in the Colony has been unsettled in the

past few months by wider issues which have been raised, and I think all are agreed that it is not desirable that a purely Municipal, indeed a purely domestic question like the Local Government of Nairobi and Mombasa should be merged in that much wider field of discussion in which the Municipal question, as such, would be obscured by a number of totally extraneous considerations. Government, therefore, has thought it desirable, even at the eventful hour, to secure a round-table discussion of the Local Government Bill on its merits between the European and Indian communities, and I am very glad that that view has commended itself to the representatives of both communities. I desire to thank all those who have helped to bring about that result. I believe that in doing so they have performed a very real service to the peace and welfare of the Colony.

With the concurrence of both communities, Government has therefore arranged that a Committee shall meet under an official chairman, my hon. friend the Commissioner of Local Government, who was himself a member of the Feetham Commission. It is desirable, I think, that the Committee formed for this purpose should not be unwieldy, but that it should be thoroughly representative. It is also desirable—and all are agreed upon this point—that apart from the official chairman it should contain equal numbers of both the European and Indian communities. On the whole, I think that the best way of securing the result desired, namely, that the Committee should not be cumbersome but fully representative, is to provide that, apart from the Commissioner of Local Government in the chair, there shall be four European members, and four Indian members, making a total committee of nine. It is clearly right, since the Bill is now down in the business of this Council, that the representation of the European community should be left to the European Elected Members of this Council; and I am asking the most representative Indian body, the Central Kenya Indian Committee, to propose four Indian representatives. I think that one member in each of those two groups of four should have been a member of the Feetham Commission, in order that continuity may be preserved.

The object of the Committee—and I want to make this perfectly clear to both communities—is to secure dispassionate discussion on the Local Government proposals on their merits and to ensure that all concerned shall have the fullest opportunity of putting forward their views upon the Bill, so that no relevant consideration may be missed when the Bill comes before this Council. It is essential for this purpose that the Committee should confine itself to the problems of municipal government, and that it should not become a debating ground for wider issues, into which under the White Paper

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of 1923 this Government is not free to enter. It must be clear, therefore, that the deliberations of the Committee are to be governed by that White Paper, the White Paper of 1923, and that Government cannot enter into proposals inconsistent with that document.

I should like once more to express my gratitude to all those—some of them at considerable sacrifice of their own opinions as to the proper course to be pursued—who have made it possible to arrange that this Committee should meet. I trust—and I believe all members of this Council without exception trust—that the Committee now formed may arrive at a settlement of this vexed question, which is of vital importance to the two main centres of population in the Colony.

MINUTES.

The minutes of the meeting of 19th May, 1928, were confirmed.

PAPERS LAID ON THE TABLE.

By THE HON. THE COLONIAL SECRETARY :—

The Report of the Ideal Homes Exhibition.

By THE HON. THE TREASURER :—

Interim Report of the Pensions Committee.

By THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT :—

Report of the Select Committee on the Game (Amendment) Bill.

Report of the Select Committee on the Trout Protection Bill.

By THE HON. THE DIRECTOR OF PUBLIC WORKS :—

Report of the Select Committee on the Scheme to enable European Civil Servants to build their own houses.

ORAL ANSWERS TO QUESTIONS.

CLOSER SETTLEMENT IN THE UASIN GISHU.

THE HON. CONWAY HARVEY, on behalf of the Hon. T. J. O'Shea asked :—

“ What steps are Government taking for the alienation of various areas in the Uasin Gishu district available for Closer Settlement? ”

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : Available Crown Land in the Uasin Gishu District is about to be examined to determine its utility

for closer settlement. Such areas as may be chosen will be suitably sub-divided for the purpose of their inclusion in the "B" Scheme.

COST OF ADVERTISING IN "THE TIMES" SPECIAL EDITION.

LIEUT.-COLONEL THE HON. C. G. DURHAM asked:—

"Will Government ascertain:

(1) What was the cost of advertising the various Eastern African Dependencies and the Kenya and Uganda Railway in the Special Edition of "The Times" published on March 13th last?

(2) How was this cost allocated amongst the various Dependencies and Departments concerned?"

THE HON. THE COLONIAL SECRETARY: (1) The cost to this Government and to the Kenya and Uganda Railway was £1,100 and £900, respectively; (2) Separate arrangements were made for this Colony and the Railway, and no information is available as to the exact amounts contributed by other East African Territories.

POLICE POST AT NARO MORU.

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

"Will Government state when it means to establish the police post agreed upon at Naro Moru?"

THE HON. THE COLONIAL SECRETARY: Government is unaware of any agreement to establish a police post at Naro Moru. The area is regularly patrolled, there were only four criminal cases reported in the area in 1927, the district is in telegraphic communication with the Superintendent of Police at Nyeri, there are only eight farms within a radius of ten miles of Naro Moru and Government is adverse from establishing in such areas African police posts without European supervision.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, arising out of that answer. It was agreed by Government on the Committee . . .

HIS EXCELLENCY: The hon. and gallant Member must ask a question, not make a statement.

CAPT. THE HON. E. M. V. KENEALY: Yes, Sir. Since it was agreed by Government at that Committee that this post would be established at Naro Moru Station owing to the

advent of the railway, will Government say if that decision has been revoked, and if so, why it has been revoked since the agreement was made?

THE HON. THE COLONIAL SECRETARY: I was unaware of any such agreement being reached. The only agreement of which I have any recollection is that the matter would be investigated by Government which has been done and the result is my reply to the hon. Member.

SALE OF LIVESTOCK BY SOMALIS.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE asked:—

"1. To ask whether it is a fact that for many years past and up till and including the present time any and all Somalis who may bring livestock to Lamu for sale in that town are compelled by Government to sell all such livestock in public auction and whether it is the fact that of the proceeds of such sales the Government takes a tax of six per cent. and the auctioneer his legal fee of five per cent., or eleven per cent. in all?

2. If the answer to (1) be in the affirmative, to ask whether Somali livestock sellers are taxed in like manner in any other town or market in Kenya?

3. If the answer to (2) be in the negative to ask (a) upon what legal authority the before-mentioned taxes and fees are being and have been levied, and (b) upon what legal authority they are being levied at Lamu alone?

4. To ask whether (a) in the event of there being no proper legal authority for and/or (b) in the event of these taxes and fees being levied at Lamu alone the Government will take forthwith such steps as to ensure that the Somali livestock trade at Lamu be placed upon a basis of equality with the like trade at any other centres in Kenya?"

THE HON. THE CHIEF NATIVE COMMISSIONER: It is the case that for many years past all cattle brought to Lamu from the Northern Frontier Province by Somalis have been sold by auction and that a tax of six per cent on the proceeds has been collected. Records indicate that this tax was introduced as a commutation of hut and poll tax. The provisions of the East Africa Hut Tax Ordinance, 1903, and the Native Hut and Poll Tax Ordinance, 1910, were applicable to Somalis. The arrangement appears to have been accepted by the Somalis concerned and has been permitted to continue in view of the difficulty of collecting non-native poll tax from nomadic tribes in the Northern Frontier Province.

2. No similar system of commutation now exists in any other town or market in Kenya, but before the cession of Jubaland a similar arrangement was in force both at Gobwen and at Kisimayu.

3. Fresh legislation is at present under consideration to deal with taxation of all the tribes inhabiting the Northern Frontier Province.

THE HON. CONWAY HARVEY: Arising out of that answer, the hon. Gentleman tell us what revenue accrued to Government for the year ended 31st December, 1927, from this source?

THE HON. THE CHIEF NATIVE COMMISSIONER: I am afraid, Sir, I shall have to have notice of that question. I shall have to ask the Treasurer for that information.

HIS EXCELLENCY: Perhaps the hon. Member will put down that question.

THE HON. CONWAY HARVEY: I will, Sir.

NATIVE REGISTRATION.

THE HON. CONWAY HARVEY asked:—

"Will the Hon. Chief Native Commissioner be pleased to cause inquiries to be made into the practice of the Native Registration Department where native employees under contract are signed off without reference to the employer concerned?"

2. Will Government take steps to discourage contracted native labourers who have been recruited at great expense, from joining the K.A.R., the Kenya Police, or the Prison Service before the expiration of their contractual period?"

THE HON. THE CHIEF NATIVE COMMISSIONER:—

1. If the Hon. Member will supply facts in this connection inquiries will be made.

2. Where contractual obligations have been broken by native labourers the remedy appears to lie with their employers.

APPOINTMENT OF RESIDENT MAGISTRATES.

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

"Will Government state what steps have been taken to appoint three Resident Magistrates as provided for in the 1928 Budget?"

THE HON. THE COLONIAL SECRETARY: The appointment to these posts of three officers, who are at present members of the Administrative Service and who have been called to the Bar, has been approved, subject to the concurrence of the Secretary of State.

CAPT. THE HON. H. E. SCHWARTZE: Arising out of that answer. May I ask whether the names of these three persons who have been approved met with the concurrence of His Honour the Chief Justice?

HIS EXCELLENCY: Order, order; I think that is a question on which the hon. and gallant Member is entitled to private information, but it must not be asked in this Council.

FILLING OF HIGHER POSTS IN THE SERVICE.

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

"Is it the general policy of Government to fill the higher posts in the Service with officers already employed in the Service?"

If so, is this policy being followed in the case of the vacant post of Assistant Commissioner of Prisons?

If not, why not?"

THE HON. THE COLONIAL SECRETARY:—

1. It is prescribed in Colonial Regulations that, as regards appointments to posts in the Civil Service the salaries of which exceed £400 per annum vacancies are to be reported when they occur to the Secretary of State. The Governor may recommend a candidate for such an appointment, but it is laid down that the Secretary of State may select another candidate. It is the policy of Government as far as possible to recommend local officers for promotion to the higher posts and to recommend to the Secretary of State that such post should whenever possible be so filled.

2. As regards the post of Assistant Commissioner of Prisons, the claims of officers at present in the Prisons Department were fully considered. The Commissioner of Prisons considered that no local candidate had the requisite qualifications for this post, an opinion in which Government concurred.

3. The post has been filled by the Secretary of State by the appointment of Major Munn, D.S.O., M.C., who has for the last two years been a Governor in H.M. Prisons Service and latterly Deputy Governor, Home Prisons, Manchester.

CAPT. THE HON. H. E. SCHWARTZ : Arising out of that answer, Your Excellency, may I ask whether it is a fact that Major Munn has actually had two years only in the prisons service in his whole career?

THE HON. THE COLONIAL SECRETARY : Your Excellency, I believe that he has had two years in British prisons, but I understand he has had experience in an administrative capacity in other Colonies.

NAIROBI TELEPHONES.

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

"What is the present position of the Nairobi Telephone Switchboard, what steps are being taken to cope with the largely increasing demand for service and whether the suggestion of an automatic switchboard is having consideration?"

THE HON. THE POSTMASTER-GENERAL :—

1. The present position with regard to the Nairobi Telephone Exchange Switchboard is that it is nearing the end of its effective life. To make adequate ameliorative provision for the switchboard will entail :—

(a) A new wing to the Nairobi Post Office ...	£5,500
(b) A new switchboard	20,000
	£25,500

2. Government fully recognises the importance of this work and it is now a matter for the consideration of Government as to whether the provision required should be provided from surplus balances of the year when the time arrives—it is hoped before the end of the year—to examine whether any urgent Public Works Extraordinary can be so met or if not, from provision to be submitted for consideration with the Estimates for 1929.

3. The new switchboard will probably be of the automatic type.

KITALA SCHOOL.

LIEUT.-COLONEL THE HON. J. G. KIRKWOOD asked :—

"Will Government lay on the table papers in connection with the proposed School at Kitale?"

2. Will orders be issued to proceed immediately with the foundations?"

THE HON. THE DIRECTOR OF PUBLIC WORKS : Bricks are being made for Kitale School as rapidly as possible and other material collected. It would not be economical to start construction until sufficient bricks have been made to ensure against the possibility of work being interfered with owing to shortage of bricks. It is expected to start constructional work in the middle of July, and every effort will be made to complete the school early next year.

With regard to papers, if the Honourable Member will indicate what information he desires, it will be given to him.

WATER BORING MACHINE.

LIEUT.-COLONEL THE HON. J. G. KIRKWOOD asked :—

"Will Government state approximate date of Water Boring Machine being available for operations in Plateau North Area?"

THE HON. THE DIRECTOR OF PUBLIC WORKS : Applications for the hire of the water boring machines received from the Plateau North Area do not indicate any considerable demand for water boring in that area. Owing to the great demand for the machines in other areas, it is not possible to send a machine to that area during the current year.

LIEUT.-COL. THE HON. J. G. KIRKWOOD : Arising out of that answer, Sir, may I be informed of the approximate number of applications required before a machine can be sent to a district?

THE HON. THE DIRECTOR OF PUBLIC WORKS : There is no definite number laid down, but we send machines to areas where the greatest number of applications have been received. As regards Plateau North area only two or three applications have been received up to the present.

CONSUMPTION TAX, 1928.

LIEUT.-COLONEL THE HON. C. G. KIRKWOOD asked :—

"Will Government state whether it is proposed to consider removing or reducing the Consumption Tax during 1928?"

THE HON. THE COLONIAL SECRETARY : The answer is in the negative.

BILLS.**FIRST READINGS.****THE SUPPLEMENTARY APPROPRIATION BILL.**

On motion of the Hon. the Colonial Secretary a Bill to Provide a further Sum of Money for the Service of the Year 1927 was read a first time.

Notice was given to move the second reading at a later stage in the session.

THE NATIVE LANDS TRUST BILL.

On motion of the Hon. the Chief Native Commissioner the Native Lands Trust Bill was read a first time.

Notice was given to move the second reading at a later stage in the session.

THE PUBLIC TRUSTEES (AMENDMENT) BILL.

On motion of the Hon. the Acting Attorney General a Bill to Amend the Public Trustee's Ordinance, 1925, was read a first time.

Notice was given to move the second reading at a later stage in the session.

HIS EXCELLENCY: I understand that there is general agreement amongst members of Council that the two remaining Bills on the Order Paper shall be moved by suspension of Standing Orders.

If they are willing to do that I do not know if it is necessary for me to put the question under Standing Orders.

I will ask the Director of Agriculture to move the first reading of the Cattle Cleansing Bill.

THE HON. THE DIRECTOR OF AGRICULTURE: Do you wish me to move the suspension of Standing Orders?

HIS EXCELLENCY: No, it is not necessary.

THE CATTLE CLEANSING BILL.

THE HON. THE DIRECTOR OF AGRICULTURE: I beg to move the first reading of the Cattle Cleansing Bill.

THE HON. CONWAY HARVEY: Your Excellency, on a point of order might I suggest for your consideration that it is necessary to move the suspension of Standing Orders to regularise the procedure which has been adopted?

HIS EXCELLENCY: The hon. Member is quite right. The necessity for not moving the suspension of Standing Orders relates I understand to motions. In this case I understand a Certificate of Emergency is also required.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, on a point of order, would it not be possible to get over the difficulty by moving the suspension of that Standing Order which requires a Certificate of Emergency. I am perfectly serious. I think it is perfectly possible.

HIS EXCELLENCY: I am very unwilling to allow such a breach of the Standing Rules and Orders. As no Certificate of Emergency was supplied to me I thought that the suspension of Standing Orders was not necessary in this case. In the circumstances I think that the Bills must wait until a Certificate of Emergency is supplied.

THE HON. CONWAY HARVEY: May I be allowed to disclaim anything which will obstruct the business of this Council but it would be difficult if anything done was subsequently found to be *ultra vires* and had to be done again.

HIS EXCELLENCY: As a matter of fact the President has power to waive these Rules in any case, but I do not desire to do so nor do I consider it desirable to do so and in this case I do not agree to the introduction of this Bill until a Certificate of Emergency has been laid in due course.

Council adjourned until 10 a.m. on Thursday, the 14th June, 1928.

THURSDAY, 14th JUNE, 1928.

The Council assembled at 10 a.m., His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

SHARIFF ABDALLA BIN SALIM, Member representing the Arab community.

MINUTES.

The minutes of the meeting of the 12th June, 1928, were confirmed.

PAPER LAID ON THE TABLE.

By THE HON. THE TREASURER (MR. R. C. GRANNUM):
Financial Report and Statement for the year 1927.

ORAL ANSWER TO QUESTION.

KITALE WATER WORKS.

LIEUT.-COL. THE HON. J. G. KIRKWOOD asked:

"Will Government lay on the table all papers in connection with Kitale Water Works and state:—

1. Have funds been provided for this work?
2. When it is proposed to proceed with this work?"

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. H. L. IKES) replied:

The question of the Kitale Water Supply is being considered in relation to the provision of funds out of loan. When the scheme is ready it will be submitted to the Loan Works Committee. Until that Committee has had an opportunity of considering the matter the papers available would not be complete. The honourable Member is assured that Government is anxious to provide for the water supply in question as soon as a complete scheme is decided upon and will be glad to let the honourable Member see such reports as are available.

MOTION.

SUSPENSION OF STANDING ORDERS.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. G. V. MAXWELL) : Your Excellency, I beg to move :

" That the Standing Rules and Orders of the Council be suspended in order to enable the second reading of the Native Lands Trust Bill to be taken as the first business of the day."

I understand, Your Excellency, that this procedure meets with the approval of hon. Members opposite.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg to second.

HIS EXCELLENCY : The question is :

" That the Standing Rules and Orders of the Council be suspended in order to enable the second reading of the Native Lands Trust Bill to be taken as the first business of the day."

THE HON. CONWAY HARVEY : Your Excellency, I beg leave to support the motion now before the Council in view of the circumstances which necessitate it, but I do sincerely trust Your Excellency will find it convenient during this Session to finally pass the now Standing Orders. It seems to me a thousand pities that every time we want to do anything we have to move the suspension of Standing Orders, and if I am in order in that connection, I should like to make one final appeal to my colleagues to consider the attitude they have adopted in regard to the sole remaining bone of contention in connection with this matter. It seems to me that there is some attempt to relinquish what appears to be a privilege. I suggest that it is nothing but a will-o'-the-wisp. At the present moment, according to the existing Standing Orders, motions must take precedence of Bills, but it is entirely at the discretion of Government as to whether or not motions shall appear on the Order of the Day at all, and I think that it is very much better that this Council should have a perfectly clear, cut-and-dried arrangement, so that we may know the order in which business is to be dealt with, and more particularly in view of the fact that Your Excellency has definitely decided that Government is not averse to dedicating one or two days a week for the discussion of private motions. On those days private business would have precedence over Government Bills.

HIS EXCELLENCY : The question is :

" That the Standing Rules and Orders of the Council be suspended in order to enable the second reading of the Native Lands Trust Bill to be taken as the first business of the day."

The question was put and carried.

BILL.

SECOND BILL READING.

THE NATIVE LANDS TRUST BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER : Your Excellency, Standing Orders having been suspended, I beg to move the second reading of a Bill to provide for the Reservation of Lands for the Use and Benefit of the Native Tribes of the Colony and for the Management and Control of Lands so Reserved.

On the 18th of last month, Sir, you addressed this Council on the subject of the fundamental principles which underlie the measure which is now before it. Your Excellency dealt with the subject at great length. I trust, however, in view of the very great importance of this Bill—and I think everybody will agree that it is one of the most important that has ever come before this Council—that Council will bear with me if I appear to go over some of the ground again in order to elaborate the statement of objects and reasons which is printed on the copies of the Bill now before this House.

In the course of Your Excellency's speech you dealt, Sir, particularly with the contact of the European settler and the African peasant, and drew attention to the serious economic and political problems which such a contact inevitably brings in its train. The solution of those problems, I think we must all agree, must lie entirely in co-operation between the races which now inhabit this Colony. They cannot be solved in any spirit of antagonism. We must work together, and there must be partnership between the races for the proper development of this, one of the finest of His Majesty's possessions.

The basis of all co-operation with the native races in a Colony of this nature must I think have its roots in the land. Undoubtedly, Sir, the African races of this Colony aspire to take in due course their place—and a very honoured place—amongst the commonwealth of nations which form the British Empire. They can only progress from a state of barbarism to that honoured position through the wise and sympathetic guidance of the representatives of the colonising power. They must be taught to make use, and the very best use, of their possessions. Kenya is primarily an agricultural and pastoral

country, and, for the time being at any rate, the whole of its prosperity must depend upon the development of those resources. Under our dual policy those resources, agricultural, pastoral and forest, should be developed, to the full in both the settled areas and in the native reserves, and the native will need the help of the non-native. We are satisfied, Sir, that the one is complementary to the other.

If I may come down to bedrock, I think that we may say that the whole system of colonisation by England is necessitated by definite circumstances. Quite apart from strategic considerations, it is I submit chiefly because the position and circumstances of the British Isles make them of necessity a centre of manufacture. They have the iron and steel with which to construct and equip factories; they have the coal with which to supply the motive power, but, Sir, the British Isles, rich as they are, have not within themselves the necessary amount of raw materials to keep those factories running and they have not within their own compass a sufficient amount of food to supply the needs of the workers.

England, therefore, looks to her colonies to supply those needs. She looks to her colonies to supply raw materials for her factories, to grow food for the people, to afford markets for her exports, and to furnish an outlet for some of her population, I think it will be admitted generally that it is the most virile of her population which goes out to develop her colonies. Now in order to get the fullest amount of production, all land in the Colony, by whomsoever occupied, should be made as productive as is reasonably possible, and occupiers of whatever race must co-operate towards this end. In this connection, Government will always respect the right of the native inhabitants.

What Britain looks for is the maximum of exports, and those must come from the development of all the Colony's resources not only in the settled areas but also in the native reserves.

It takes, Sir, I submit, four stages or processes to place the exports of this or any similar Colony on the home or foreign markets. We have first to produce the raw material. Next, that material must be converted by local factories into a state in which it can be exported. For instance, if it is cotton it must be ginned. If it is sisal, it must be decorticated. You cannot export produce in the state in which it is taken from the fields. The third process is to negotiate with our buyers or agents overseas to buy or handle our exports. The last process is the transporting and shipping of that produce to the overseas markets. Now, the natives in their present stage of development cannot contribute to any great extent to any but the first process, which is the production of the raw

material. This can be done very cheaply by native peasants in their own reserves and can be done efficiently, provided that they are wisely guided and instructed by the agents of the colonising power. For the other three processes they require, and will require for many years, the co-operation of non-natives. They cannot do without this help.

That brings me, Sir, to the principles of this Bill, because the Bill aims at affording to the natives that security in the tenure of their lands without which we cannot expect them to devote the maximum of energy towards the development of the native reserves.

The chief object of the Bill is to secure to the native tribes of the Colony the lands which Government sets aside for their use and benefit. But in the case of people situated as the African races of Kenya are to-day—people who, in the words of the Covenant of the League of Nations, are unable to stand by themselves, it is necessary for Government to set up an authority in, which will be vested the management and control of those lands, and that authority will be charged so as to administer those lands, so that they may be used for the benefit of the native tribes. A tremendous responsibility will rest upon that authority. In that connection, I should like to quote some words used by His Majesty the King. His words were: "It will be the high task of all my Governments to superintend and assist the development of these countries for the benefit of the inhabitants and the general welfare of mankind."

The Central Board which is being set up by this Bill will consist of the Governor as President, and will include four senior officers of the Government. It will also include four Unofficial Members to be nominated by the Governor. The Bill places no restriction on the Governor's field of choice in the selection of those Unofficial Members. In associating the unofficial community with this important trust, the Government of Kenya is giving effect to the policy recently laid down by His Majesty's Government, which was in the following terms: "While the responsibilities of trusteeship must for some considerable time rest mainly on the agents of the Imperial Government, they desire to associate more closely in this high and honourable task those who, as colonists or residents, have identified their interests with the prosperity of the country." That, Sir, is the basis of the Central Board of Trustees which this Bill seeks to establish.

There has been criticism of the fact that at present the Board does not include an African member. But, Sir, what would be the position? There are at present no Africans that we know of who have all the qualifications that would be

necessary to enable them to represent their fellow Africans on such a Board. In the first place there are very few, if any, who have the necessary educational qualifications. The other point to remember is that Kenya does not contain merely one native tribe, but dozens of native tribes. They all differ in language, customs, systems of land tenure and ideals generally. It would not be possible to include on the Central Board representatives of all those tribes or even of each language group, and the selection of one member to represent the whole of the interests of the African tribes would, I think, lead to a situation which would be found impossible, and would not be acceptable to the other tribes. It is therefore necessary in the first instance that the Central Board should remain without a permanent African member. Provision is, however, made that when any particular matter concerning a specific reserve is under discussion, the Board may co-opt African members from that particular area, and it is also proposed to move in Committee that the Senior Commissioner of the Province concerned should also be co-opted.

In every administrative district there will be set up a Local Board. A Local Board will consist of administrative officers, of a European Unofficial Member nominated by the Governor and of an African member. Its function will be to advise the Central Board on all matters which concern the native reserves in its district and it will be the duty of the Central Board always to seek that advice. Provision is made for the co-option of any European who may be considered to have special knowledge of the reserve and for the co-option of further African members for particular matters. It will be moved in Committee that in making selections for co-option Local Native Councils should always be consulted.

I now come, Sir, to the leasing clauses of the Bill, which I am told have raised a certain amount of alarm. I hear that it has even been suggested to natives that this is merely opening the door to wholesale giving out of native reserve land for settlement. That, of course, is by no means the case. Your Excellency, in your speech on the 18th of May, explained at great length the real reasons underlying the leasing clauses, but I may be permitted perhaps to touch on that subject again. We all know that natives desire trade facilities within their reserves, and the establishment of trading centres. If natives are producing raw materials in any quantity the best market that they can possibly get for those raw materials is a factory erected within convenient distance of their fields to which they can carry their produce and get the best possible prices for it. For instance, how could the natives possibly have made money out of cotton if there had been no ginners? It may also happen, as Your Excellency foreshadowed, that one tribe may have land at its disposal which

for some reason, such as water-boring, has become more productive, and therefore surplus to their needs, and they may wish to make arrangements with a neighbouring tribe for the utilisation of that land. On the other hand, they may wish to have the land utilised by non-natives in other ways when they see that a direct benefit will accrue to the tribe from such utilisation. Again, it may be that certain land is incapable of development without the capital which can only be supplied by non-natives. For all these reasons it is absolutely essential that a measure of this nature should contain machinery whereby, after full investigation and reference to the natives concerned, leases may be given out for such terms as may be agreed upon and considered suitable. Without such provisions the Ordinance would merely lock up the native reserves indefinitely and would prevent their proper development, for there could be no co-operation between the races. Such an omission would I think seal the fate of any Ordinance. The Bill, as drafted, contains the most stringent safeguards and these were alluded to by Your Excellency. No lease or licence in respect of any land can be granted unless the Central Board is satisfied, after reference to the appropriate Local Board that certain conditions have been complied with. Firstly, that the proposal for a lease or licence has been brought to the notice of the natives concerned and that the natives have been given an opportunity of expressing their views on the proposal; secondly, that the natives concerned will derive special benefit, apart from any revenue which may accrue, from the issuing of the lease or licence; thirdly, that the land which it is proposed to lease is not required for the use or support of the tribe, and is not likely to be so required during the currency of the lease. Those are very strong safeguards indeed.

The first condition applies also to licences which may be issued for the removal of timber, stone, murrum, or whatever it might be, from the reserves. But the condition as to special benefit cannot very well apply there, because if there is a stone quarry in the reserve and a non-native desires to utilise that stone and to pay a proper royalty to the native funds, it cannot be said that the native will derive any special benefit from the removal of the stone other than the royalty.

Those safeguards I think must be acknowledged to be the most careful that can be devised.

The next important provision in the Bill is the expropriation clause. It is absolutely necessary to safeguard the interests of Government and of the Colony by preserving the right to acquire land and to expropriate for specific public purposes. That, Sir, is inevitable and must apply to native land just as it applies to anybody else's land. We cannot get away from it. But there again we have careful safeguards

and the provisions for compensation are not only just but generous. It is also provided under that section that in the case of large expropriations of land which natives still wish to retain they have a right of appeal to the Secretary of State against the expropriation.

It is proposed, and will be moved in Committee, that the provisions which exist in Clause 22 relating to communal rights of user and to occupation licences shall be omitted from the Bill. It is felt by Government that such a very important question as this, involving the whole question of native customary land tenure, should not be the subject of the present Bill, but that there should be further investigation into the question before any legislation on the subject is introduced. It is the intention of Government to institute those investigations as soon as this Bill is passed, and, when it is in a position to do so, to introduce, if necessary, further legislation in the light of those investigations. In the meantime, it is proposed to preserve the power which already is vested in the Governor in Council under the Crown Lands Ordinance to make rules on the subject. That is necessary so that if on investigation it is shown that there are certain outstanding principles which could conveniently be made the subject of Rules, there will be the power to do so.

I can perhaps speak with a little experience on this aspect of the question. It was my duty in another Colony for nine years to do nothing else but hold investigations into land tenure and native tribal customs, and to settle tribal boundaries, and after those nine years I think I know and can realise very fully what a very, very difficult task it is, the extraordinary difficulties which one confronts and the complications which arise, and I know that these things cannot be taken lightly or too hurriedly.

It is proposed to refer this Bill to a Select Committee and there are a number of amendments which I hope to lay before that Committee. They do not in any way undermine the principles of the Bill as presented to Council, I might say that they rather dot the "I's" and cross the "T's" of what was already intended in drafting the Bill.

Finally, Sir, I commend this Bill to the consideration of Council as a measure which has been carefully framed with a view to affording to the native population the greatest measure of security in the use of the reserves while at the same time avoiding a situation which would preclude the co-operation of other races—a situation that would sooner or later seal the fate of any Ordinance. I believe that the enactment of this measure will be a notable landmark in the progress of native development. To use some of the words of the prayer which

is daily offered in this Council, I believe that a just and wise administration of the provisions of the Bill will indeed promote the peace, prosperity and welfare of this Colony and Protectorate and of all those whose interests have been committed to our charge.—(Hear, hear).

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT,
LANDS AND SETTLEMENT: I beg to second.

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

HON. CONWAY HARVEY: Your Excellency, as one of the Members of the Land Tenure Commission which was appointed by the Government in 1920 to consider all problems relating to land tenure in Kenya, I cannot suppress a slight feeling of gratification that at last one of the recommendations of that Commission has been exhumed from a dishonoured grave. I trust that my gratification will be shared by the three other Members of the Commission who are at the present time Members of this hon. House, and I feel sure, Your Excellency, that in this more enlightened age, in the very near future, that many other recommendations of that Commission will be brought into the limelight. That Commission, which was composed of a majority of Unofficial Members, stated as one of its recommendations that a Native Land Trust should be established, that this trust should have considerable power and should administer the trust funds derived from the reserves; that the trust should have power to grant leases for land in reserves to non-natives without reference to the Secretary of State. The governing principle of such alienation being the direct benefit to the native and the treatment of native produce being so designed to cover such purposes as posho mills and sugar factories. I suggest, Your Excellency, that the second portion of that recommendation cannot appropriately be included in the present measure, but I do sincerely trust that Government will most seriously address itself to consider the advisability of delegating to this Central Board the administration of Native Trust funds and many other matters of that sort which are now being attended to by various bodies. I think it far better that all such work if possible should be concentrated in one central body. I do not admit for one moment, Your Excellency, that natives have ever been under any serious disadvantage so far as security of their land is concerned. I made it my business in connection with one of the bodies with which I was concerned to call for a statement a few years ago as to the precise alienations of land from native reserves which have taken place for the last thirty years. I was urged to do this by the mass of evidence from all the native reserves given

before the Land Tenure Commission, in which they complained most bitterly of land which had been taken for a great variety of purposes, chief amongst which in the very early days was in order to satisfy the demands of missionaries and others. Whether the natives themselves consented in connection with such alienation, I know not, but I do unhesitatingly affirm that the work of many of those missionaries has been of the noblest possible character.

There is one remarkable feature about this measure which I think deserves some emphasis. It seems to me quite remarkable that all bodies of opinion who really know the native, both lay and missionary in Kenya and elsewhere, are quite unanimously of the opinion that this Bill is a fair and just and reasonable one, and in the face of that, Your Excellency, it is equally remarkable that individuals can still be found who criticise the action of Government in connection with this matter and accuse Government of an effort to encroach still further on native rights in favour of an extension of European settlement, and in this connection I most strongly deprecate a letter which appeared in *The Times* a week or two ago over the signature of Mr. Linfield, who was a member of the Parliamentary Commission, under the Chairmanship of Mr. Ormsby Gore. Now, I travelled with Mr. Linfield for hundreds of miles through the native reserves of Kenya and it was apparent to anyone with eyes to see that the natives had ample land for their requirements for generations to come, provided that land is economically and efficiently utilised. I think no one can be found to quarrel with the principle that if some land at present in native ownership is not required by natives for their own use, it is only fair, just and reasonable, and quite proper on numerous grounds that that land should be leased to non-natives or others who are willing to work it entirely in the interests of the native owners themselves.

As Your Excellency has stated, Government cannot divest itself of responsibility for native lands and their welfare generally, but I suggest that Government's efficient discharge of those responsibilities in this connection are most likely to be enhanced by the assistance of four Unofficial Members. I think it is well to emphasise what the hon. Member mentioned in his opening remarks, that there is a final appeal to the Secretary of State for the Colonies if any native feels aggrieved at any alienation of land, whether in the form of a lease or a licence, or where land is taken for an essential public service. As the Hon. the Chief Native Commissioner stated, Your Excellency, the disabilities of leasing land for essential public services is not peculiar to natives. It is shared by owners and occupiers of land throughout the whole of the civilised world and in addition to those disabilities in Kenya, European owners

of land have many others which are not shared by natives, but I wish to make one criticism, Your Excellency. I must frankly admit I do not like section 18, and I sincerely trust that the Select Committee when they go into the matter and take evidence will agree with me, as to the impropriety of investing the Chief Native Commissioner, either as trustee or landowner or anything else with powers in connection with native legislation which are denied all other owners of land throughout the Colony. I suggest that in such matters legislation must be administered in the best interests of the Colony as a whole, absolutely irrespective of race or creed. Water is a communal asset which should be developed in such a manner that the maximum results are obtained, wherever that water may be situated.

In regard to section 22, Your Excellency, I notice that it is stated in the draft Bill that the Governor with the advice and consent of the Central Board, may make rules for the management and control of water, forest and timber in native reserves. My remarks in regard to water apply equally, Sir, so far as timber is concerned. I do not consider that the native should enjoy any special privileges not enjoyed by other races in connection with this matter, and if the best results are to be obtained from the natural forests at present existing in native reserves, to my mind it is of vital importance entirely in the interests of natives themselves that that forest land should be dealt with by technical experts, and I consider that the Forest Department should be charged with that sole responsibility for the administration of all forests, wherever they may be situated—in the case of native reserves entirely in the interests of natives themselves.

Your Excellency, there is one other matter to which I wish to allude. I quite agree with Government as to the inadvisability of overloading the present very simple measure with anything so complicated as provisions providing for individual tenure, but I do suggest in all seriousness, Your Excellency, that communal ownership of land never leads to the effective development of such land. There is no incentive to the individual to become agriculturally or industrially efficient under the communal system. I realise that the task of arranging for individual tenures in the various native reserves is an intensely complicated problem, but the problem does not become any simpler or easier of solution with the passage of time and I do most seriously suggest that Government will address themselves to the problem and consider to what extent individual tenure can be granted at least in certain reserves in the very near future.

In conclusion, Your Excellency, I trust that the principles of this Bill will be accepted as a genuine effort on the part of Government to render the natives of Kenya secure and unaffected by political pressure or interest in the occupation, development and enjoyment of the enormous areas of land which have now been definitely dedicated to their use.

THE HON. THE SENIOR COMMISSIONER, COAST (LIEUT. COLONEL O. F. WATKINS) : Your Excellency, since I made the first of my occasional appearances in this House, now some eight years ago, I can remember few occasions on which I have felt the difficulty of the situation so acutely as I have done over this Bill, and if I seem to criticise any of its provisions, I trust Your Excellency will recognise that I can see no alternative except to state some of those difficulties frankly before this Council.

Your Excellency, I am an ardent supporter of the principle of a Native Lands Trust Bill. I was a member of that Land Tenure Commission which advocated it some years ago, and for some years before that some such Bill had always appeared to my mind to be the only solution of our very difficult situation in this country. But I am not convinced that this Bill, without considerable alteration, or at any rate, some alteration, is absolutely the right way to do it. I think that one of my fundamental difficulties lies in the words " Crown Lands." When we came to this Colony we found some of it occupied by natives and some unoccupied. Unoccupied lands were made Crown land, but what of lands actually in native occupation? We made them Crown Lands, too. We were asked why, and we gave the answer that it was done to prevent the native from divesting himself of his land for ridiculous consideration. At a later date when the question arose of raising a loan for this Colony and hypothecating the Crown Lands for this purpose, it was maintained and it was upheld that in this sense the Native Lands were not Crown Land. We have since then in all our legislation of late years put it down as Crown Lands. I have always hoped and thought that these were only temporary measures which would some day be put right. We have to recognise that our legislation has gone far above the head of the native. His understanding of what was happening was no greater than the understanding of the cattle in our fields or the children in our house. He has been neither a participant nor a protestant; he has neither negatived nor acquiesced; and the reason why is that he has not cared because he has not understood. But he will understand and he will care and he will have the right some day to come to you and to ask for an account of your stewardship;

to ask why during his long minority, we in any way divested him of any of his ancestral rights or of any of the appurtenances belonging to his ancient freehold,

I am not dogmatising, Your Excellency. I fully recognise that there is another point of view which may be upheld, that the native is only one community, only one member of the body politic, and that it is for the good of the Colony as a whole and for the best administration of the lands that we should put it all on one basis and treat it all as Crown Lands. I know that view to be honestly held by many hon. and learned Members of this House. I have not myself been able to hold it, but I recognise that if we in this Council decide that this is the right course, it is a perfectly logical and reasonable attitude to take. But, Sir, I do feel that if you do take this course we should exercise the very greatest care that the Board should be absolutely free and independent to sue and to be sued, particularly to sue and be sued by the Government of the Colony. I cannot feel that the Board as at present constituted entirely fulfils that condition. It is to my mind unthinkable that a Board, of which the Chairman is the Governor, and of which the Colonial Secretary and the Commissioner of Lands are members, and the legal adviser is the Attorney General, should be able to sue or be sued by a Government of which the head is the Governor and those distinguished officials are members and the Attorney General is again the legal adviser.

Your Excellency, I have stated my difficulties quite frankly, but I wish it to be clear that I am an ardent supporter of the principle and of the greater part of this Bill, and I think that in the main it should go through. I think that the amendments which I should like to see could, with the approval of the Select Committee, be easily effected, and I trust that that Select Committee when it comes to the responsible task that is about to be laid upon it will bear in mind my words to-day. (Hear, hear.)

REV. CANON THE HON. H. LEARBY : Your Excellency, I would like to begin my speech this morning by offering my thanks to yourself, Your Excellency, and to those who have prepared this Bill, because I am convinced that its purpose as expressed in paragraph 2 is indeed for the retaining of the Native Reserves for the use and benefit of the natives for ever. When I first began to read it I was delighted to think that at last such a Bill was going to be passed. However, I must confess, after reading right through it, that in common with many others, I became somewhat alarmed, for really it seemed to me almost as if the Bill was rather intended to regularise the methods by which land might be taken away

from natives for the use and benefit of non-natives. I have again to thank Your Excellency for the patient way in which you have listened to deputations dealing with various clauses which seem to be rather dangerous from the native point of view. I wish to thank also the Hon. Chief Native Commissioner for giving an interview and listening to what those who felt with me had to say with regard to many clauses in the Bill. Now, Sir, I wish, if I may, to give some reasons why natives have had some cause for alarm with regard to their lands. I am not going to weary this Honourable Council with hundreds of cases of real hardship, and instances of their gardens being taken away from them through ignorance of the circumstances by which they possess them. Of course these things have happened as I have already said by ignorance and not with deliberate intent to defraud. May I be allowed presently to give one instance of those hardships which I trust this Bill will forever stop. I myself must plead guilty to being party in a way to what has happened in the past. Over twenty years ago several people came out to this country with introductions directed to myself or through others to me, and I deliberately walked about the Kikuyu country with those people suggesting to them suitable places for settlement. We saw a patch here and a patch there of cultivated gardens in what appeared a great waste of bush and coarse grass land, and all this we were told by Government officials was Crown land, and that all that the natives required was to be compensated a few rupees for the ground actually under cultivation and the huts. We never realised for one instant, for we had no idea that in those days that every inch of that land had been purchased for large numbers of sheep, goats and cattle. These mistakes have been made in the past; mistakes which cannot be remedied now. It is just like a motor car accident, when a person is crippled for life by the mistake of another. But, Sir, I do believe that this Bill is going to so amend matters as to make such a state of things impossible again. Some years ago Administrative Officers began to get alarmed at the way the Kikuyu country was being nibbled at in all directions by European settlers. A halt was called, and I myself was assured by high officials of the Administration that this would now come to an end. Furthermore, I was more than once asked to be the spokesman and to pass on to the natives concerned this information. Shortly after this definite announcement had been made the case which I wish to cite as an example occurred. It was as follows: There were four clans living at my very doors, on land which I had been assured, in writing, would be retained exclusively for native use. This land was selected by the then Director of Agriculture for the starting of an experimental Government farm. The District Commissioner of the district, the late Mr. J. O. W.

Hope, and his assistant at the time, Mr. Hastings Horne, strongly opposed it. Yet such pressure was brought to bear that the land had to be taken over, and all the natives living upon it, after receiving a small money compensation, were told that they must go elsewhere. Two clans were fortunate to be able to retain a part of their land as it was on the other side of the river which bounded the land being taken over *pro bono publico*. For these it was not so serious, as it only meant that they must now close up a bit, and live on a more economical plan. The two other clans, however, had absolutely no land left them on which to settle, and when they asked what they should do they were merely told to "go over there." Your Excellency, this was an advising of Smith to go and settle on Jones' or Robinson's land. We know now that this simply can no more be done in Kikuyu than in England, and they were very soon obliged to accept the hospitality of an Mbagathi settler, who gave them gardens to cultivate. A few years later this gentleman sold his property and they were told by the new occupier to remove themselves. The District Commissioner at Ngong in Masai land then told them he would welcome them to cultivate some land attached to his boma. Of recent years, owing to necessary changes there, they have been informed that they must now move back again across the border into the Kikuyu country. And now, for certainly over one year, they have as a clan been trying to find a spot somewhere to cultivate and upon which to build their huts, but without any success. I have reported the matter, and it has I believe been taken up by the Senior Commissioner for Kikuyu, but people do not realise how difficult it is to find land inside the reserve for those who can claim no right by purchase or heritage within that reserve. It appears equally difficult to find land for native cultivation in the bordering Crown land. It may appear easy at first sight, but when a place has been selected, maybe the Chief Conservator of Forests, under whose authority it is, says he cannot possibly spare that spot; or a stretch of land, looking green at the time it was suggested, proves to be a waterless waste in a drought; or, again, an unoccupied stretch of land which appears attractive to the eye, proves to be impossible as it has been tried over and over again, and it has been found that any food planted there is devastated by troops of baboons which the natives have no guns to destroy. Only the evening before last three middle-aged men, looking the picture of abject misery, presented themselves at my door, and I recognised them as robust young men of long ago who when they lived close to me years ago used constantly to work for me. These were some of the homeless wandering clans in question. They declared that they had absolutely no place to cultivate or to build huts for their families. It is cases of hardship such

as this that I trust the Bill before us will render impossible to occur again. If land must be taken—*pro bono publico*—then "contiguous land" (or, as I believe Your Excellency has agreed to, "suitable" land elsewhere) must first be found for the persons who have had to be evicted.

I have been speaking up to the present as a missionary whose lot has been cast in the very midst of a native tribe, and who has got to know a good deal about their ways, their land tenure rules, etc. Now, I desire to speak as a settler. For in addition to having lived in Kenya for over a quarter of a century, I have bought a piece of land of some fifty acres, where I hope, if God spares me, to live with my wife and sons and daughters, all of us working in some way for the good of the land we have adopted and love so well. As a settler, therefore, I would appeal to my fellow settlers on this Honourable Council and ask them to vote for this Bill after it has been amended in those places where it does not appear to sufficiently safeguard the Africans with regard to the retention of their land. I know that it is Your Excellency's wish that this Bill should not be forced through against the wish of any settler. I entirely endorse Your Excellency's desire that it should become law by the unanimous consent of the Legislative Council, be he Elected Member representing the Settler community, or Government official. We settlers by passing such a Bill with unqualified approval have the opportunity of proving to the world that we are not a horde of Ahabs and Jezebels casting greedy eyes upon every fertile spot in Naboth's vineyard. It is cases of hardship such as I have cited which give gist to the mill of authors of books like "Kenya" and "Kenya Within," both of them by friends of mine. It is also injustices which have undoubtedly occurred in the past that have given just cause for complaint to the Anti-Slavery and Aborigines Society with regard to the treatment of natives in Kenya. Now, it appears to me, Your Excellency, is our chance of stopping the mouths of all who would imply that we grudge the Africans the retention of such land as they still have, by heartily supporting the amended form of the Native Land Trust Bill which must, which shall, retain the reserves, as demarcated, for the use and benefit of the native races for ever. As it stands before us I feel I could not give it my vote, but should it be amended by the Select Committee along the lines which Your Excellency has approved of I would gladly give it my heartiest support.

THE HON. THE SENIOR COMMISSIONER, KIKUYU (MR. R. W. HEMSTED): Your Excellency, as an old Administrative officer and a prospective settler, I think I may say, that I can look at this Bill from a reasonable and dispassionate point of view. The one question which does agitate the minds of the

people—at all events, the Kikuyu people—the chiefs and peasants, educated and uneducated, the rich and the poor people, is the security of their holding in the land, and everything fades into insignificance beside it. Only Administrative Officers, Your Excellency, in close and constant touch with the natives in their own reserves can realise how deeply the natives feel in regard to their land. Their nervousness is shown in a great many ways, often to a degree which seems ridiculous and is exasperating to those who are working among the natives for their good. Every attempt to secure land for the benefit of the natives, such as schools, agricultural demonstration plots, hospitals and other important objects, is often met with the greatest suspicion. They say to their Administrative Officers, this is the thin end of the wedge, and our land will be gradually taken from us. Even such a proposal as the registration of births and deaths is discussed from the point of view that it is a device to take their land away from them. A missionary who wishes to plant fruit trees and other trees on his school site is obstructed in doing so on the grounds that the planting of these trees will give him a claim to that land. Your Excellency, I hope it will be realised therefore that Administration officers are sometimes placed in a very difficult position, and I think I may say on their behalf that they will welcome any legislation which will not only enable Government to obtain land for the benefit of the native community but at the same time will relieve native anxiety in regard to their land.

Your Excellency, I think it will be impossible to frame any legislation which would satisfy the natives as a whole, and it is I think too much to hope that this Bill will immediately allay native suspicion in regard to that matter. But I do think when it has been working for a year or two, and they understand that it gives them adequate security and provides for compensation for land required for public purposes, that opposition to it will in course of time subside. But, Sir, we must prove to them that our aims are high-minded. I am glad to hear the Hon. the Chief Native Commissioner say that the Provincial Commissioner or Senior Commissioner will be co-opted on the Central Board whenever any land questions affecting the Reserves of his particular Province are being considered. I should like to see that section amended by the addition of one Provincial Commissioner.

THE HON. THE CHIEF NATIVE COMMISSIONER: That has been done.

THE HON. THE SENIOR COMMISSIONER, KIKUYU: I think, Your Excellency, that the natives generally realise that all land that has been previously alienated from them cannot be

restored to them, and I think that so long as they understand that the land which has now been reserved for them will be theirs for ever and will be safeguarded, they will be satisfied.

THE HON. T. J. O'SHEA: Your Excellency, I regard this Bill as the most important of any brought forward at a session of this Council which will probably loom largely in the future constitutional history of the country. I think it must be greatly regretted that the Right Honourable Member for the Rift Valley should be absent on this very important occasion, because if he were here I feel sure that his views on this Bill would be listened to with much interest, and the opinions he would have expressed would have been a source of surprise to many of his critics, more especially those who credit him with the obsession of wanting to slice land from the natives at all times and on all occasions for his own personal benefit or for the benefit of others. But his absence gives me an opportunity of saying publicly in this Council that I owe him a debt of gratitude for his having been the first to make me think seriously on this all-important problem. I forget his words on that occasion, but the Right Honourable Member did make me realise how important this problem was to the future development of Kenya and how equally important it was that the problem should be solved on lines that would be absolutely fair and just to the natives of this country. From that day I have thought much of this problem and I think anybody who takes an intelligent interest in Kenya's problems cannot but realise that it does lie at the basis of our future. It is a measure on which it is very necessary that members on this side of the House should express their personal opinions, whatever they may be. Not altogether because of the value of those opinions as such, but because they are expressive of the minds of the immigrant races in this country. We have been credited with ambitions and designs that I do not think we are entitled to, and on an occasion like this it is most important that we should do for ourselves what Your Excellency did for Government a few weeks ago, that is put ourselves right with the greater audience overseas. My own personal views may differ somewhat from those of the majority, because I happen to hold that the future of the native in Kenya may be seriously jeopardised by the fact that our efforts to civilise him are based upon theological Christianity and political democracy. That, perhaps, is a view that is not widely held at present, but is, I believe, one which will be more widely held in the future. Apart from that, I think my views on this problem are clearly expressive of the views held by the majority of white settlers in this country. I welcome the introduction of this Bill because it

will settle for all time our attitude towards the native in relation to his landed possessions. I shall support this Bill, even without modification, because I believe that even as it stands it gives the natives a security of tenure which is certainly not enjoyed by the white immigrant races under the title by which that race holds its land from Government.

It seems to me unfortunate that we should of necessity have to use the term "for ever" in the Bill. It is impossible—it is inconceivable—that man may legislate "for ever." It is a contradiction in terms to make any human legislation for ever and ever. But the Bill is a conscientious effort, in my belief, to give the native security of tenure for such a period of time as it is possible for us to contemplate. The last speaker has emphasized the wonderful attachment of the native to his land. He has said that the native carries it so far that at times it must appear ridiculous to more civilised people. But I can very well understand it, because I spring from a race that carried on a war for several hundred years in defence of its possessions, and I certainly do not undervalue the attachment of the native of this country to his land. I realise very fully how necessary it is to the peace and welfare of the country that the native should be rid of any anxiety or any feeling of insecurity in regard to his land. But I think that sufficient notice has not been taken of the developments that are likely to take place in the future that may make the land of less value to the native than it is to-day. I believe it is a biological law that the higher the development the greater the complexity. That law, I believe, applies to sociology as well as biology. The native to-day is in a primitive state of civilization. To-day in his primitive stage the land may be all that is necessary for his needs, but if he is going to be civilized on the lines of theological Christianity and political democracy, the native in the future is going to require very much more for the maintenance of that civilization than his land. I believe in the course of time his lands will be of less interest to the native than many other things he will wish to acquire and can only acquire outside the native reserves. These landed possessions and his present methods of agriculture may be sufficient to supply the needs of his present very primitive state, but it is inconceivable to me that the civilized native will be able to exist in those native reserves under the conditions contemplated by those who wish to see him kept there. I do not see how it is possible for a native to be civilized without his coming outside those reserves and making his home elsewhere. His present methods of agriculture are altogether too primitive and it is most unlikely with the communal life of the reserves that it will be possible for him to build up an organization which will maintain a higher form of civilization. That is one of the reasons why

one might understand there need be no anxiety as to the position the native will be left in if in the process of time he is deprived of portions of those areas. The hon. Member, in the course of his address, quoted from a speech of, I believe, His Majesty the King, in which His Majesty expressed the opinion that these countries should be administered for the welfare of their inhabitants and the general welfare of mankind. Well, my attitude towards the native reserves is the same as my attitude towards land held by other peoples outside the reserves, that they have no claim to the sole possession of these lands unless they are administered in the general welfare of mankind. Under this Bill, the native is being protected in his individual rights to an extent that the white man in this and other countries overseas is not at present protected, because to-day we have a different conception of the responsibilities of owners of land from what they had generations ago.

In the address which Your Excellency made to this Council a short time ago, you said, Sir, that there were two points in connection with this Bill that in your opinion outweighed all others. In the first place, the measure must be one which will stand the test of time. Well, Sir, I believe that this measure will stand the test of time because it has taken cognisance of the changes that must inevitably take place and has made allowances for them. It has indeed the element of statesmanship in that it has not done the obvious and most popular thing—guaranteed without any reservations whatever these lands to natives for all times. It has, I say, the element of statesmanship. It is inevitable that in the development of this country changes will take place that may necessitate the expropriation of portions of those areas for the general welfare of mankind, including the natives themselves. I say that it is only possible to draft this Bill on lines that will stand the test of time if it makes allowance for these inevitable changes. The civilization based on the agricultural stage of development of all races is lower than that which can be founded upon a more developed civilization based upon mechanical industry. At the present time we know of little mineral wealth in this Colony, but it seems to me inevitable that in the course of our investigations in the next year or two we shall find mineral wealth in those reserves which will have to be exploited. I do not see how it is possible for it to be exploited under the communal system of civilization at present prevailing in the reserves, and I cannot believe that the generations of the future will deprive mankind of that hidden wealth out of consideration for the people who happen to live on the land. If this Bill were so drafted that it became impossible under it to exploit any mineral wealth, why then this Bill would inevitably go. The

laws of nature are stronger than the legislation of man and when it comes to a conflict between man driven by economic forces and man-made laws conceived in a short-sighted spirit, the pressure of economic forces will prevail. I think it would be idle for me (or any other man) to say that I regard this Bill as other than an honest and conscientious effort to secure to the native the fullest possible security that can be given to him by man-made legislation. But it is not in our power to secure him against man driven by economic pressure in the future.

Your Excellency, in your address the other day you made some remark about relieving the natives of any possibility of being serfs to be driven out of their reserves to labour for the immigrant races. Now, Sir, as one of the immigrant people of this country who regard it as their home and a home for the future of their children, and who feel that they have as great a claim upon it as any native in it, I should like to express emphatically my opinion that no appreciable number of the white immigrant race of this country contemplate the future of the natives as one of servitude. We are not so short-sighted as to think that our interests lie in the servitude of any other people. We are realising more fully every day that there is a community of interests between the races in this country and it is only by the development of and co-operation between the races and of one helping the other that the future of any is secure.

The Hon. Member the Senior Commissioner for the Coast has expressed his doubt as to the wisdom of this Bill. He has warned us that posterity will challenge our administration of the trusteeship which we are endeavouring to administer. Sir, in no egotistical spirit I say, and I say it not as a holder of the belief of the present President of the British Association, that all ceases after the destruction of the mind, but I say it as one who thinks of the future, that I am certainly not afraid to stand at the bar of posterity and answer for the administration of our trusteeship. The question that we shall be asked to answer is not whether we have reserved to the native every acre of land that he happened to be in possession of when we came to this country, but whether in our administration we have so studied his interests that he derived advantages by our occupation that far outweighed any disadvantages: whether we have honestly and conscientiously endeavoured to do our best for him in view of all the circumstances of the case. I refer largely to the address which Your Excellency made the other day because you, Sir, which Your Excellency made the other day and in one portion fully covered the issues involved in this Bill and in one portion of it you made an appeal to the settler, and you reminded him that he must not only safeguard his own possessions

and maintain the standards of his race, but he must also learn to appreciate the native problem in all its aspects. Well, Sir, when I was first contesting a seat in this Council, I, with some justification, adopted an attitude that the native already had sufficient friends in the country without it being necessary for me to look after his interests particularly. I made that declaration in ignorance of the position which prevailed in this Council. I regarded myself as possibly coming into it as one of a purely critical opposition. I have since learned to appreciate the big advantages that have been brought to this country under our present unsatisfactory system of Government by an understanding which is generally expressed as government by agreement. I consider one of the greatest advantages that the country derives from that method of working is that it has compelled members on this side of the House to study the problems of the country in a way they certainly would not have done had they resolved themselves into a merely critical opposition and I believe that the benefits we are deriving from participation in the Government of the country are being passed on to our people to a steadily enlarging extent and to-day the white settlers of this country appreciate to the full the gravity of this problem and the necessity of solving it in a way that is absolutely just and fair to the natives.

I have spoken at length on the necessity that must inevitably arise in the future for expropriating in the interests of the community as a whole portions of the lands which have been now set aside for the benefit and use of the native for ever, but, Sir, I should like to conclude by emphasizing that I sincerely hope in my lifetime it will not be necessary, that we shall not be driven to, exercising those powers. I pledge myself should I be associated with its administration in any way directly or indirectly after the passing of the Bill, to endeavour to assist in the administration of that law in a spirit of honesty—entirely in the interests of and for the benefit of the natives, and I pledge myself that no action of mine arising out of this Bill will be decided from any other point of view. That is a pledge, Sir, that may sound egotistical, but I think it necessary for a man in my position to give it, and I give it gladly and freely.

Council adjourned for fifteen minutes.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I rise to support this Bill because I believe it to be a sound and a fair Bill. It has been dealt with very thoroughly by previous speakers and so I do not propose to delay this hon. Council for long. I should just like to emphasize one point in support of what my hon. friend the Member for Plateau South has just said. People are frightened that

this Bill does not give sufficient security to the natives for their land. Presumably the danger is from the settler community in this country who wish to encroach further into the native reserves. We have been likened to Ahab and Naboth's vineyard, and I must own that when one travels through that rich Kikuyu Reserve certain temptations come to one to break the tenth commandment. Many of us believe that the rich highland lands can from an economic point of view be best developed by the brains, enterprise and capital of the white races, supported by the native labour, because the natives have not yet gone through a long enough stage of education and experience to be able to do it sufficiently themselves. But, Sir, we realise that there is a much more important factor with regard to the development of this country as a whole—the necessity of co-operation and goodwill between the different races. We realise that that co-operation and goodwill as far as the natives are concerned can only be obtained if they feel that they have security for their lands. We, however, as representing the settlers of this country, have willingly foregone any possible temptations to wish to get more of this good land for white settlement because we believe that the other factor—the factor of goodwill between the races, is a far more important one, and we do wish to act towards the native tribes in this country in a really fair and just way, and I maintain that those who are frightened of the dangers of this Bill should realise that the best security for the natives against such danger is that this Bill is being actively supported and agreed to by the representatives of the settler community in this country.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, although this is a Government measure it actually was suggested by the settlers—it is really a Settlers' Bill. It has been suggested by the settlers and it has been approved and formulated by Government on the representations of the settlers. The reasons why the settlers suggested that native reserves should be formed were not entirely selfish ones, although it has been suggested that it was with the desire to increase the area available for white settlement that the settlers made these proposals. That is not entirely true. There are one or two fundamental points of principle in this Bill which one must criticise. Now the present age or the present time does not represent the summit of wisdom or of honesty. It may represent the summit of smugness—that is a matter of opinion, but it certainly does not represent the summit of wisdom or of honesty, and if it is suggested that it is now desirable to pass legislation for the future because the future is likely to be less honest or less wise than the present day, that suggestion I think is a ridiculous one. It is impossible and it is *ultra vires* to legislate permanently for the future by

legislation that can only be effected by an alteration in the constitution of the country. Now, Sir, in this Bill there are certain idealistic principles stated, but I would rather see less idealism and more common sense. It is not definitely stated that these reservations shall be dominated by the ordinary law of the greatest economic utilisation. That is a law which is irrefragable, and if any area in any country is isolated with the intention of preventing the application of that law, that area will automatically perish, because the application of economic principles cannot be prevented by any such isolation and any peoples or tribes who oppose the application of economic principles must die.

There are one or two points of detail which are also points of principle. Now, Sir, it is possible that there may be certain declining tribes. There may be certain tribes in this country whose numbers are decreasing and tribes whose numbers are increasing. There is no provision in this Bill for the permanent transference of land from one tribe to another. There is only provision for the leasing of an area of land to another. I suggest that that represents a failure to recognise facts and possibilities. Now, Sir, another factor, and a very important factor indeed, is that there is no provision insisting on the maintenance of good behaviour by the native tribes. I think there should be such provision. If a native tribe is well-behaved it should have absolute security of tenure for its land, but if any native tribe happens to be rebellious or ill-behaved, it is essential that the State should maintain the right to deprive that tribe of its land. That right exists between nations, and since the rights that exist between nations are recognised as being just, that right should also exist between a Government and a tribe. A State demands that all its subjects shall behave themselves and if a general rebellion occurs, the State should have the right to punish the tribe guilty of a general rebellion and deprive it of its land (wholly or in part). That would be the most effective way of punishing such a tribe and one has got to consider such possibilities.

There are one or two points of detail I should like to remark on. There does not seem to be any general recognition that the ordinary principles of the ordinary laws of the country shall unless otherwise stated apply also to all those reserves. That apparently is not stated. Certain exceptions have been made. The hon. Siren for the Lake has already mentioned a matter of water legislation, but there are also other matters as well. There are road, railway, general safety and other provisions which should be considered. According to Clause 16, it is necessary to publish all notices in the Gazette—Regulations or decisions dealing with certain matters. It is highly desirable that that principle shall as a general

rule apply, but it is not always possible to legalise or regularise such a proceeding in case of emergency, such as for instance prior to declaration of martial law, it might be necessary to utilise a portion of a native reserve for defensive or offensive purposes, and it would be absurd to submit such a decision to the procrastinating elements of this clause. I feel that this is one of the matters which should be considered and provided for in this legislation.

Another factor is that there is no alternative form of compensation other than land compensation for land considered in the Bill. That, Sir, I think, demonstrates that the matter has not fully been gone into. There are several other forms of compensation more reasonable, more just and more desirable than land for land.

There are other minor points of detail which when this Bill reaches the Committee stage I shall comment on. I suggest that we should not attempt the impossible when idealistic policies conflict with common sense in a Bill of this kind, and there are some here. Let us give the native tribes of this country a real security of tenure and not merely a picturesque and superficial one. We can do that by making some alterations of a material nature in some of these clauses. One of the minor ones with which one disagrees is that a native member of a District Board can obstruct the findings and the decisions of the Central Board. That is contrary to common sense and procedure.

Your Excellency, I support the principles of this Bill.

THE HON. THE SENIOR COMMISSIONER, MASAI (MR. S. F. DECK): Your Excellency, I should like to refer in the first place to the remark made by the Hon. Member for West Kenya about confiscation of land being the best form of punishment for a rebellious native tribe. I submit that it would be the very worst form of punishment, and with the creation of a landless native tribe you will create a most tremendous social problem in the future. Apart from that, there are two essential intentions in this Bill which I think require emphasis. The first is the intention on the part of Government to bring about co-operation between non-natives and natives to make the guardianship of native lands effective. The second is the intention on the part of Government to break down unnecessary barriers between non-natives and natives, and to encourage co-operation between them in the development of native reserves. I think that this spirit of co-operation is all essential to the future welfare of all races in this country, and this Bill does undoubtedly introduce provisions which tend to foster that spirit. There are also in connection with this Bill one or two points on which natives

have expressed wide apprehensions. The first of these points is the fear that without title deeds of some sort they can have no real security for their land. They have, of course, had their land guaranteed them by notices in the Gazette, but that does not carry much weight in their minds.

I hope it will be possible under this Bill, and I believe it will be possible under this Bill, to give title deeds, for a native to get his title deeds, provided the Local Board of his area approves his claim after it has been thoroughly investigated. The more sophisticated and progressive native certainly understands the thing better. The old saying that "The magic of property turns sand into gold" applies here, and I do not think that development of land will take place until the native has some sort of individual tenure and right to his land apart from the ordinary communal tenure which is at present the system in the reserves.

The second fear I think on the part of the native which requires a certain amount of attention on the part of the Government is that non-native capital may under this Bill be introduced into native reserves and vested interests be so created or created to such an extent that at the end of the lease the resumption of the land so leased will be difficult if not impossible. That is a very grave fear in the minds of the natives in connection with this Bill. There is no doubt about it that this fear is based on ignorance; the natives are not aware of the benefits that can be conferred on them by the introduction of non-native capital. They cannot know of the benefits, for instance, that have been conferred on the natives in the Sudan, in connection with the Sudan Plantation Scheme where non-native capital has been introduced into the native reserves. I think that every possible step should be taken to enlighten the natives on that particular point. I submit, moreover, that it should be made perfectly clear that under this Bill there is no danger whatever that native lands leased to non-natives will be permanently alienated from the reserves owing to vested interests or any other interests. With the native the proof of the pudding is in the eating. His suspicions have been aroused for a long time past, and they are certainly aroused to-day, and his suspicions will not be allayed until this Bill has proved in practice effective in preventing the alienation of his land. I have no doubt it will be eventually effective in allaying such suspicions. It must not be considered, however, that this expressed suspicion need retard the passing of this Bill, as I think it is in every possible way framed to further the native's interests.

THE HON. A. H. MALIK: Your Excellency, I beg in the first instance to congratulate my hon. friend the Senior Commissioner for the Coast for the insight and foresight that he

has displayed in the matter before us. Coming to the principles of the Bill—I have studied very thoroughly this very important question and I think that this Bill which apparently states that it is a safeguard for the native is most unjust, most unnecessary at the moment, uncalled for, and, I can say, most iniquitous.

The hon. Mover of the Bill tried to impress upon the Members of this Council that the constitution of the Board which does not contain any African representatives was simply for the reason that the African at this time is not fit to represent his own interest. But after a few moments he says that the native representation is secured, that power is given to the Board to co-opt a native member whenever they think necessary. Well, Sir, under this latter safeguard in co-opting a member on the local or Central Board, or whatever it may be, if a native is fit to act, is found to represent his own interests, I see no reason why the same native who is fit to represent when he is co-opted on the Central Board should not be a permanent member and able to look after his own affairs. Much has been said by the supporters of the Bill about the safeguards supposed to be fair to the native. It says that the Central Board will be the sole authority and is supposed to look after the real interests of the native. As it appears in the Bill at first sight this seems quite safe. Now what is this Board? The Governor of the Colony is head of the Board and his subordinate officials are the members on the official side, and then four unofficial members besides the Government. The hon. Mover has explained and tried to make most of by saying that there is no restriction whatever in the choice of these four unofficial members; we all know on whom this choice is going to fall, because we know the race which is concerned in the measure most has been thrown out at the very outset, stating that no native is fit to be represented.

Who are going to be those unofficial members? I can say without fear of any contradiction that they are going to be the European settlers. What are their relations especially with regard to land and natives. We all know that. And I will simply pass over by making this observation—and before that I would say that it is suggested that it would be a very good thing when this Bill is put into practice and shown that there is good work and harmony between the immigrant European race and the native population. It will be a thing to look forward to, but is it possible? It is equally nice to know that the lion and the sheep are living together and will continue doing so, and anybody who can bring these two animals together to live together in harmony is a wonderful being. But is it possible? Could you set a cat to watch the interest of a mouse.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, is the hon. Member in order in referring to the European settlers of this country as lions and cats in relation to sheep and mice?

HIS EXCELLENCY : I do not think that the hon. Member meant any personal imputation against the European settlers of this country. The allegory of the lion and the lamb is well known.

HON. A. H. MALIK : Coming to the principles proper of the Bill, Your Excellency, the most important thing to be considered is the present state of the native races, they are in a state of minority, and I beg to submit, Your Excellency, that they should be treated as minors. I was surprised to listen to a remark made by the Hon. Member for the Lake, when he said that a few years back when he travelled with a certain gentleman throughout the native reserves and he came to the conclusion that the land available and set apart for the native for native use was so enormous that it was sufficient for them for generations to come. Perhaps it is so. I say, Your Excellency, that if by any chance a minor is a legatee to millions and thousands of pounds, will it be just, and fair for any sane-minded man to say : " Well, the minor is (perhaps) only two years of age and this vast wealth is far too much for him and his requirements. Let him have, say, £10,000, which is quite sufficient for him and take the rest away." That will be wrong and every sane man must agree with this that there is no justification, in spite of the vastness of the wealth of the minor, to take away any part of his wealth. It is equally iniquitous on this plea to say that because the extent of the native reserves at the present time is far in excess of the demand, therefore we think the surplus should be usurped and confiscated. Another most important point, to which I should like to direct the attention of Your Excellency and the hon. Members on this side of the House, is to the sacred pledge that has often been repeated and given by His Majesty's Imperial Government; not only by them but also by the present civilisation to the primitive races. The Archbishop of Canterbury a few years back, when Kenya was the subject of debate, quoted in his speech the Covenant of the League of Nations and said " in regard to races which are not fully developed there should be applied: 'The principle that the well-being and development of such people form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.' "

Your Excellency, this sacred trust has not only been acknowledged by the British Government—His Majesty's Imperial Government—but has also been acknowledged by all civilised Governments.

In 1923, I will not be long in dwelling upon this White Paper of 1923, but merely quote it in most unequivocal terms and most forceful possible words :—

" But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of African population, and they are unable to delegate or share this trust the object which may be defined as the promotion and advancement of native races."

" This paramount duty of trusteeship will continue, as in the past, to be carried out under the Secretary of State for the Colonies by the agents of the Imperial Government and by them alone."

This Bill, Your Excellency, advocates that it is for the good and benefit of the native. This policy declared in 1923 to which I have just referred, clearly states that, whatever the object, or whatever the intention of the legislators may be, this sacred trust is not to be shared with anybody but carried out only by His Majesty's Imperial Government, through their agents. The introduction by Government of this measure, in spite of the White Paper of 1923, which has not been superseded, has not been cancelled as yet even by the White Paper of 1927, I consider that sharing this trust with European settlers is a great violation of the sacred pledge given six years ago. If the intentions are good and the real object is to protect the native rights and interests, the Bill should have referred to the individual natives by publishing it in various native languages; but the hon. Member will pass over this by simply saying that not one native is fit to understand the problem, what is the good of this course? Then, I say, why not wait for an opportune moment until the natives are fit to understand their position and are able to have their say. But I assert in the strongest possible terms, that the natives of this country are fit to understand land problems. I am convinced that the native in this country whose only occupation is agriculture understands this better than any other even better than the European settler. The most important thing, the most important provision, which is necessary to make, is only this, that land tenure should be secured to the natives, not a communal or tribal but an individual one and I think that this land tenure, this individual land tenure, should not be controlled or granted by local legislators but by the direct Act of Parliament so that no temptations enter into the minds of the local communities to encroach upon the lawful and hereditary rights of the natives of this country.

I do not feel, Your Excellency, that I can go in detail into the clauses and the provisions of the Bill because as I have said this Bill is premature, not necessary, uncalled for,

and I do hope that the hon. Members of this Council will take the matter very very seriously from the humane point of view and in fairness to the millions of natives who are ignorant at the moment vote against this Bill in great majority. I do expect all will vote against and disassociate themselves from this uncalled for measure.

Your Excellency, and the Members of Your Excellency's Government, and Hon. Members on this side of the House, I appeal to you in the name of the millions of natives who, you will admit, are ignorant at the moment, they do not know what is being thrust on them, they cannot understand what is happening; in the name of these millions of natives and in fairness to your own names you will disassociate yourselves from this Bill. Let not our names go to posterity as perpetrators of this iniquitous deed but as honourable trustees.

In connection with this Bill, Your Excellency, I have been handed over a copy of a telegram, a cable, which has been sent to certain gentlemen at home who are Members of the House of Commons and the House of Lords. It is from the Kikuyu Central Association and for the information of Your Excellency I would like to read it. It states:—

"Kikuyu Central Association representing whole Kikuyu tribe strongly opposes Native Land Trust Bill. Shocked hear Anti-Slavery Society's reported support."

Your Excellency, before I sit down I trust that hon. Members will realise the effect of what they are doing and realise that the most honourable part they can play is to reject the Bill unanimously.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, in replying to this most interesting debate, I should like to express the intense gratification of Government at the very helpful speeches, and the very striking speeches, which have been delivered by hon. Members in this House, particularly by my hon. friends opposite, in support of this measure, and at the general approval with which the measure has met. There has been just one notable exception, which I think is deeply to be regretted. My hon. friend who has just spoken (Mr. Malik) has referred to the measure as unjust, unnecessary, uncalled for and iniquitous. He then proceeded to a serious of imputations against the faith of Government, and against the faith of the still unknown gentlemen who may be called upon to serve upon the Central Board, and I think that those imputations would appropriately bear the epithets which he himself has used. He refers to a minor and his wealth. Does he suggest that a minor who has great wealth would have no guardian? It would be a most unfortunate

position for the minor. Can he suggest any better form of guardianship than that which has been suggested in the Bill? He merely attempts to destroy without offering one single constructive suggestion. Such criticism, Sir, is unhelpful and it does no good to anybody; on the other hand, it does a great deal of harm. He has condemned the Bill as premature, but I do not know what he would put in its place. I think he has entirely missed the point with regard to the African Member on the Central Board, and suggests that, because African Members can be co-opted on Local Boards, a man who can give specific information about land in the Reserve in which he happens to live is *ipso facto* equally competent to discuss the complicated problems of the whole land administration of the Colony with which the Central Board would have to deal. I think in that he is entirely mistaken.

I now come to certain points of detail which have been raised in the debate.

My hon. friend the Member for the Lake raised the very important questions of water and of forests. Those, Sir, I think are very important questions. It is proposed to refer this Bill when it has passed the second reading to a Select Committee and I think those questions should then carefully be considered by that Committee.

My hon. friend the Senior Commissioner for the Coast still apparently holds that the Crown should divest itself of all its rights. I can only refer him to Your Excellency's speech of the 18th May, in which I think that you convincingly showed this Council what an abject abnegation and abdication by the Crown would be entailed and how impossible it is for the Crown to divest itself of its duty of guardianship.

I do not quite understand what my hon. friend meant by a Board that could sue and be sued.

My hon. friend the Senior Commissioner for the Kikuyu Province, has referred to the necessity of the security of individual holdings by natives. That, Sir, is fully recognised and I am sure that he recognises, as everybody does, that this must be the subject of very full investigation, which it is proposed to hold.

I cannot help regretting that my hon. and reverend friend Canon Leakey searched back into a very ancient tome of history and turned over some very old pages of it, which, as he himself confessed, he was unable to read and which cannot now be rewritten. I think, Sir, the whole object of this Bill is to turn over a new leaf and give the natives complete security for their land, and to achieve the very objects which, I am sure, my hon. Friend has at heart.

I do not think that one can really take into serious consideration the insertion of provision into this Bill whereby natives who do not happen to behave themselves in some particular manner should have their land confiscated. That does not apply to any other of His Majesty's subjects, and I do not think that it can be done here.

I should like, if I may, to offer my congratulations to the hon. Member for Plateau South for one of the best speeches to which I have ever-listened in this House. I entirely agree with him when he says that the last words of His Majesty which I quoted are as important as the first, that is to say, that it is the high task of all His Majesty's Governments to superintend and assist the development of these countries both for the benefit of the inhabitants and for the general welfare of mankind. That is extremely important. The security of native lands, to come back to this question, cannot be entrusted to men of narrow experience. The main points which must underlie the whole administration of the native lands in this country must be, firstly, sympathetic guidance by the administrative officers. We must, secondly, have the goodwill of the settlers and of the missionaries. The third and most important point, is the guardianship of native interests by the Imperial Government through the King's representative, who brings to the study and protection of native rights a greater knowledge of the world and a wider political experience than can possibly belong to those whose experience is limited to local knowledge. Such an experience as that cannot be found among people whose study—and very well-intentioned study it is—of native problems is confined to the conditions which apply only in one territory. They must have the knowledge of similar problems and similar conditions elsewhere. The problem of security depends not only in dealing satisfactorily with the narrower problems of this Colony. It depends on establishing sound and progressive relations between this Colony, with all its wealth and all its races, and the great unresting world outside with its vast problems of development, which must affect all races and countries.

Before sitting down, I should like to mention one point which I have omitted to reply to. My hon. friend Mr. Malik criticised severely a failure to comply with the terms of the White Paper of 1923. I would like to remind him of two things: Firstly, that the Government of this Colony are the agents of the Imperial Government; secondly, that the words which I quoted as to the association of other races in the trusteeship were taken from a Command Paper which was laid before the Imperial Parliament at a subsequent date.

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

The question was put and carried.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move that this Bill be now referred to a Select Committee, and that that Select Committee should consist of myself, the Hon. the Commissioner for Local Government, the Hon. the Acting Attorney General, all the Elected Members, the Hon. Canon Leakey, and the Hon. the Indian Member; also the three Senior Commissioners.

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

HIS EXCELLENCY: The question is that this Bill be referred to a Select Committee of this Council.

The question was put and carried.

HIS EXCELLENCY: I understand that the Select Committee just defined by the Hon. the Chief Native Commissioner will meet the wishes of all parts of this House, and a Select Committee of that kind will therefore be selected to deal with the Bill.

I think the hon. Mover of the first resolution on the Order Paper has left the House. Would it meet the convenience of hon. Members on the other side of the House if we adjourned to 10 a.m. to-morrow morning?

THE HON. CONWAY HARVEY: Yes, Your Excellency.

(Council adjourned to 10 a.m. on the 15th June, 1928.)

FRIDAY, 15th JUNE, 1928.

The Council assembled at 10 a.m., on the 15th June, 1928, His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.—

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of 14th June, 1928, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. H. L. SIKES) :

Third Report of the Roads and Traffic Committee.

BY THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

(a) Certificate of Emergency in respect of the Cattle Cleansing Bill.

(b) Certificate of Emergency in respect of the Fencing Bill.

BY THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE) :

Report of the Select Committee on the Criminal Law (Amendment) Bill.

NOTICE OF MOTIONS.

THE HON. THE COLONIAL SECRETARY : I beg to give notice that I shall move the following motions in the course of this Session :—

LATE MR. J. O. W. HOPE.

" 1. That the Council approves a sum of £2,587/10, being the sum which would have been payable to the late Mr. J. O. W. Hope or to the heirs of his estate had he exercised his option to commute his pension, being now paid to the heirs of the said Mr. J. O. W. Hope."

CORYNDON MEMORIAL.

" 2. That the Council approves a contribution of £3,000 being paid on behalf of the Colony towards the Coryndon Memorial, subject to the plans being approved

by Government, and of a further sum of £2,500 being paid to the Natural History Society as compensation for disturbance for the surrender to Government of their present building and the plot of land on which it is built, provided that the sum be spent on objects connected with the Coryndon Memorial."

ORAL ANSWERS TO QUESTIONS.

REPORT OF ROADS AND TRAFFIC COMMITTEE.

THE HON. CONWAY HARVEY asked:—

"When is the Report of the Roads and Traffic Committee to be laid on the Table?"

THE HON. THE COLONIAL SECRETARY:

The Third Report of the Roads and Traffic Committee has now been laid. The Traffic Bill will be published shortly in the Gazette for introduction into Legislative Council.

LOCAL NATIVE TRUST FUNDS.

THE HON. CONWAY HARVEY asked:—

"What was the total amount standing to the credit of Local Native Fund Accounts on 31st December, 1927?"

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. G. V. MAXWELL):

The total amount standing to the credit of Local Native Fund Accounts on the 31st December, 1927, was Sh. 1,107,189 Cts 29 = £55,359/9/29.

MOTIONS.

HOUSING SCHEME FOR CIVIL SERVANTS.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. H. L. SIXES): Your Excellency, I beg to move the motion standing in my name on the Order of the Day:—

"That the Report of the Select Committee appointed to consider the Housing Scheme for Civil Servants be adopted."

I will refer very briefly only to the principal amendments which the Committee recommend. The others may perhaps be regarded as self-explanatory.

It is thought that the unofficial representation on the Board appointed to administer the scheme should be stronger, and it is proposed by amendment of clause 1 that there should be two unofficial members instead of one and that of these only one need necessarily be a member of Legislative Council.

It is considered desirable that the time during which the scheme should be open for applications should be limited, so as to avoid the possibility of holding up unduly the sale of any plots which might be reserved under the scheme in anticipation of their being required in the future and for which there might be a public demand. A limit of two years from the date of the commencement of the scheme is therefore recommended as an amendment to clause 3. The alternative proposal that Civil Servants who desired to participate in the scheme should bid at auctions for the plots which they desired did not commend itself to the majority of the Committee and was, in fact, abandoned by the minority in favour of the time limit.

Provision is made by amendment of clause 6 for the delimitation of the sizes of plots by the same authority as if they were to be auctioned and by amendment of clause 7 for the fair capital value of plots in Nairobi to be determined by a Board consisting of the Surveyor General, a member of the Municipal Council and a member of the Town Planning Authority; and in places other than Nairobi by the Surveyor General or his representative and two members of a local body or local bodies.

In new clause 9 acceptance by the Board of an eligible official, as participator, who desires to purchase a plot in private ownership is provided for.

The Committee had the advantage of hearing two members of the Council of the European Civil Servants' Association, and those gentlemen expressed their concurrence with the amendments which the Committee decided to recommend.

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

THE HON. CONWAY HARVEY: Your Excellency, I am in substantial agreement with the majority of the recommendations in this Report with one exception, and I desire, Sir, to associate myself with the opinion expressed by the Hon. Member for Nairobi North. It seems to me, Sir, that it is not quite fair that members of the Service should be placed in an advantageous position in connection with the selection of sites as compared with other sections of the community and it does appear, as the recommendation stands, that there is a very great danger that they can go round and select the very best sites available within a radius of ten miles from Government House. I do not consider, Sir, that they should be given that exclusive privilege.

THE HON. W. C. MITCHELL: Your Excellency, I did not speak in regard to this scheme when it first came before this Council because I felt that any points I wished to have

amended could be dealt with when it was considered by the Select Committee. My objections to the scheme as it originally came before Council were mainly two. One was that it appeared to provide facilities for the alienation of land to Government officials at prices which might have very little relation to current market values and I feel that alienation by auction could impose no hardship on anyone and so provide for a method of alienation which has been approved in other cases throughout the Colony for many years past. The second objection was that putting such a scheme into effect would involve holding up land for which a normal demand existed in order to meet a quite indefinite demand which may be anticipated under the scheme. The restriction of the scheme to a period of two years does to some extent reduce my objection to it on that point, but it does not remove it entirely and I feel most strongly that some provision should be made to meet the demand for land for other sections of the community as well as Government officials.

There is one other small point which I mentioned in Select Committee in connection with the maximum advances to be made in clause 15 to officials drawing certain salaries. In the case of officials on the scale £200 to £400 per annum I work out that with the amount it will be necessary for them to contribute monthly to meet interest and capital redemption it will only leave an amount of about £20 per month on which to live for the first two or three years. That sum seems hardly adequate in the case of a married man, and, Your Excellency, I feel that it will be a mill-stone round the necks of those officials who are drawing £300 to £400 per annum.

THE HON. T. J. O'SHEA: Your Excellency, I should like to support my colleagues in the objections they have raised to this scheme and again to repeat my objection to the proposal to advance up to 100 per cent. on the property. I see no reason why that extreme advance should be given. Any man who is contemplating the purchase of a property must be assumed to have some idea of thrift and it is reasonable to assume that he would have accumulated some small proportion of the purchase price before he actually enters into the transaction. I think it is unnecessary and undesirable that Government should agree to advance up to 100 per cent. of the value of the property. I should also like to ask whether any alteration has been made in the scheme so as to extend it to other townships than Nairobi. There are other parts of the country where we are beginning to get men who are likely to be stationed permanently in the Government service in those townships and it seems to me unfair that they should not have the advantages of the scheme. If this scheme is confined

exclusively to Nairobi it will obviously be the wish of all members of the Service to be settled in Nairobi and will give further support to the belief widely held that if you want to get on in the Government service you have got to remain at the capital.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS: Your Excellency, I would strongly urge, Sir, that the scheme be either amended to include and give an opportunity for railwaymen to build their own houses, or that the Government agree to a subsequent resolution giving railwaymen that opportunity. (Hon. Conway Harvey: Hear, hear.) There is no class of men that I know of who it is so desirable to encourage to stay here permanently as the class representing what is known as the railway subordinate staff, the works staff. It is, Sir, essential that we ought to attract them in every way to remain here permanently, because it is from the children of this particular class that we shall obtain not only the employees but the artisans of the future. This has been the experience, Sir, in most European colonies and I strongly urge the Government to make an amendment or allow a resolution to be moved subsequently for the participation of the railwaymen in the scheme.

As far as the question of advances of money are concerned the Railway funds will have to make these advances and, as far as the Railway is concerned, I would like the scheme extended to places like Nakuru and Eldoret.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I think the points mentioned by the Hon. Member for the Lake are amply safeguarded by the fact that there would be two unofficial members on the Board and by the method for selecting and fixing the sizes of plots.

I am sorry that the Hon. Member for Nairobi North has raised additional points which were not expressed in Select Committee, as I understood he was entirely satisfied with the Committee's recommendations. The question whether the maximum advance was too high was considered by the Committee, but it was felt that there were circumstances which made it desirable not to curtail this maximum. Some officers might, for instance, be in receipt of a salary of £1,000 per annum and

THE HON. W. C. MITCHELL: On a point of order, Your Excellency, I was not referring to the maximum advance of £3,000, but to the advance of £1,000 to officials drawing salaries of between £300 and £400.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, that matter was fully considered by the Council of the European Civil Servants' Association, and I think their opinion on this point should carry weight. It was the Hon. Member for Plateau South who expressed the opinion that the maximum advance of £3,000 was too high. As I mentioned in my speech last month on this subject, it is distinctly to the advantage of Government that officers should enter the scheme, because in addition to saving the difference between rent and house allowance, Government would save furniture allowance. On the average, Government would save £56 per annum for every individual who entered the scheme who was not drawing house allowance at the time. An officer might be drawing £1,000 per annum in pay. His house allowance would be £150 and his total emoluments, £1,150. If we accepted Mr. Basden's principle that a salaried man is on the average entitled to live in a house having a capital value of double his salary, that man would be entitled to a house having a capital value of £2,300. The plot of land might be worth £200 bringing the value of the property to £2,500. Exceptionally he might have four children and require a European nurse. Two additional rooms, a passage and bathroom would be requisite and would be likely to cost not less than £500, bringing the total capital sum required to be advanced to £3,000. Provision was made in the scheme for the extension of the scheme to townships other than Nairobi at the option of the Board.

With regard to the remarks of the Hon. General Manager, I fully concur with him that the scheme should be open to railway officials. That could be achieved by the insertion of the words "or the Kenya and Uganda Railway" after the word "Colony" in the second line of clause 3, and by the inclusion of provision for a representative of the Railway on the Board under clause 1.

HIS EXCELLENCY: Does the Director of Public Works move that as an amendment to the motion?

THE HON. THE DIRECTOR OF PUBLIC WORKS: Yes, Sir.

HIS EXCELLENCY: If that is the case, members are entitled to debate that addition.

THE HON. THE TREASURER: I beg to second.

HIS EXCELLENCY: The question is that in the report of the Select Committee referring to clause 3 the following words be added at the beginning—after the word "Colony" in the second line insert the words "or of the Kenya and Uganda Railway."

THE HON. THE GENERAL MANAGER: Your Excellency, I am afraid that the amendment will not quite meet the case, because in another paragraph the scheme is stated to be for members of the permanent and pensionable staff. The officers I have in mind are not on the pensionable staff, but there is a provident fund, and I would suggest that it would be wiser to leave this and, so far as the railwaymen are concerned, to accept the principle by a further resolution at some future date, because it would be most unwise to make this applicable to one section of the staff and not the other.

HIS EXCELLENCY: If hon. Members desire to discuss the principle of the inclusion of railway servants in the scheme, they can do so at this moment.

THE HON. W. C. MITCHELL: Your Excellency, I should oppose it if it came forward in the form of an amendment. I should oppose it partly because of the reasons given by the Hon. the General Manager, partly because the question of security for the advances is affected and because of the fact which I have already emphasised that it will increase the danger of locking up land. We were told in Select Committee that the demand for these plots would in all probability not be very great. That was one of the arguments used when I brought forward the contention that it might be locking up land against other sections of the community. If we are going to extend the principle to the members of the Kenya and Uganda Railway—and I have no objection to extending it—presumably they would get the same treatment as Government officials, but I am opposing it because it will tend to increase the danger of locking up still further areas of land when there is a demand from every section of the community, and indeed if the scheme is going to be extended, there is no other way of alleviating it than to put up the plots to public auction and allowing everyone to bid in the open market. It is only by public auction that you will arrive at the fair market value of the land and it seems to me that an auction is the only way of arriving at a fair value where a limited quantity is available, and I shall oppose it on those grounds.

HIS EXCELLENCY: I think it will probably be to the convenience of this Council if Government arranges to submit the question of the inclusion of railway servants in the scheme to the Select Committee which sat upon this scheme, with the addition of the General Manager of the Railways, and that in the meantime the amendment moved by the Director of Public Works be withdrawn. If the Select Committee agree to amend it, it may be brought to Council again. Is that course acceptable?

THE HON. CONWAY HARVEY: I think it is an admirable course.

HIS EXCELLENCY: I understand the Director of Public Works will withdraw his amendment.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Yes, Sir, I will withdraw the amendment.

HIS EXCELLENCY: The amendment is by leave withdrawn.

The question is:

"That the Report of the Select Committee appointed to consider the Housing Scheme for Civil Servants be adopted."

The question was put and carried.

INVESTIGATIONS INTO HUMAN AND ANIMAL NUTRITION.— MOTION OF GRATITUDE.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. J. L. GILKS): Your Excellency, I beg to move:

"That this Council desires to express its gratitude to the Imperial Government for the investigation in human and animal nutrition now being undertaken in Kenya under the auspices of the Empire Marketing Board and the Civil Research Committee with the good offices of the Rowett Research Institute and the Scottish Board of Agriculture."

Your Excellency, I am very fortunate indeed that it has fallen to my lot to move a motion of this nature, because I am perfectly certain that there will be no dissentients to it from the other side of the House. It might with equal propriety, possibly more propriety, be moved by my hon. friend the Director of Agriculture, but I know that he has no feelings in the matter and I know that he is going to second it. This, Your Excellency, symbolises the goodwill of co-operation which has characterised the work which has been undertaken in both branches. Of course the work which has been undertaken was not primarily for the benefit of Kenya, it was for the benefit of the Empire at large, but, as will be manifest when the Report is available, Kenya will obtain peculiar advantages in view of the fact that the work has been conducted in Kenya. The value of it will not be completely estimated by the results which have been obtained. The methods by which the whole of the investigations have been conducted is of the utmost importance. The fact that special workers from home, paid

from Imperial funds, have worked out here with the closest possible co-operation and harmony with the local officers gives enormous promise for the future development of science and scientific research work generally. The liaison which has been obtained with science in England by this work and which, it is hoped, will continue is fraught with great economic possibilities.

THE HON. THE DIRECTOR OF AGRICULTURE (HON. A. HOLM): I have much pleasure in seconding the motion. I think it is proper that the Government and the public of Kenya should express their appreciation of a valuable service rendered at comparatively small cost to the Colony, and opportune that the motion should come when the completion of the first stage of the experimental work has been reached.

The results, which were obtained at comparatively small expense, are a fine example of the manner in which experimental methods can be applied successfully in testing the findings of scientific research.

These nutritional experiments on cattle and sheep in Kenya though comparatively simple in themselves were based upon a large amount of analytical work done on Kenya pastures at the Rowett Institute and a study of research and experimental work carried out in other countries.

The value of the experimental work will not be confined to Kenya—it will be found to be of Imperial importance—*c.g.*, since these experiments were started we have had a request from a Graziers' Association in Australia to be furnished with particulars. The value of the interchange of scientific knowledge is well illustrated by these experiments. New Zealand research workers (Ashton, Reakes and others) found that iron was a deficiency in certain pastures and their finding prompted Dr. Orr, after a study of the conditions at Nakuru, to test iron deficiency as the cause of Nakurutitis. Immediately positive results were obtained. Again, in the Union of South Africa, feeding tests, made by Theiler and his associates, showed phosphatic deficiency. That has been confirmed in some of the Kenya experiments.

In discussions at the Imperial Agricultural Research Conference held last year the importance of research work on animal nutrition was realised and emphasised, and one of the recommendations made was that an Imperial Bureau of Animal Nutrition should be established and attached to the Rowett Institute at Aberdeen.

I may mention, however, that research work on animal nutrition is also being carried out at the School of Agriculture, Cambridge University, in the closest association with Dr. Orr.

and when animal husbandry in Kenya has advanced beyond its present stage the work of Professor T. B. Wood and his staff at Cambridge will doubtless prove to be of great value to stockowners in Kenya.

I mention that, and the establishment of the Imperial Bureau on Animal Nutrition, to show the wide range and application of research work which is being conducted with the assistance of grants made by the Home Government, in one case through the Scottish Board of Agriculture, and in the other through the Ministry of Agriculture in London—work from which Kenya and other parts of the Empire will derive much benefit.

I should like to take this opportunity of saying that Kenya is indebted to the liberality and public-spirited action of certain stockowners who supplied stock and the use of land for purposes of the experiments. They were the Rt. Hon. Lord Delamere, Mr. W. G. Dawson, Mr. J. K. Watson and the Keringet Estates.

The Department which I represent is glad to have had the opportunity of being associated with Dr. Orr and his staff in this work, and I am glad to be able to testify to the cordial spirit of co-operation which has existed throughout.

HIS EXCELLENCY: The question is:—

"That this Council desires to express its gratitude to the Imperial Government for the investigation in human and animal nutrition now being undertaken in Kenya under the auspices of the Empire Marketing Board and the Civil Research Committee with the good offices of the Rowett Research Institute and the Scottish Board of Agriculture."

THE HON. CONWAY HARVEY: Your Excellency, there can be no two opinions about the extreme importance of scientific research, especially in young colonies, and I suggest that enormous sums of money would have been saved if in the early days the social and economic development of human, animal and plant life had been based on scientific data collated by competent authorities. However, "better late than never," and I am quite sure that everyone in this Colony will desire to associate themselves with the terms of this motion, and I should like to express the thanks of my colleagues and myself to those gentlemen who have so successfully brought the needs of Kenya to the notice of these generous institutions. I do trust, Sir, that the extreme importance of working in the closest possible co-operation with adjacent territories will not be overlooked and that each branch of scientific research will

be domiciled in that area best suited to the particular work it is undertaking. I suggest, to illustrate my point, that nutritional experiments might possibly be concentrated in Kenya; Uganda may appear to be the most suitable area for investigations into the ravages of sleeping sickness, while the microbe responsible for the breeding of exclusiveness might possibly be concentrated in Tanganyika. (Laughter).

HIS EXCELLENCY: The question is:—

"That this Council desires to express its gratitude to the Imperial Government for the investigations in human and animal nutrition now being undertaken in Kenya under the auspices of the Empire Marketing Board and the Civil Research Committee with the good offices of the Rowett Research Institute and the Scottish Board of Agriculture."

The question was put and carried.

SUSPENSION OF STANDING ORDERS.

HIS EXCELLENCY: In order that the Bills on the Order Paper may be taken it is necessary to move the suspension of Standing Orders. I understand that that can be done by general agreement. The Clerk will read the Certificates of Emergency.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, a Certificate of Emergency having been read, I beg to move the suspension of Standing Rules and Orders in order to enable the first and second readings of a Bill to Provide for the Cleansing of Cattle to be taken without due notice, and at the same time to move for similar reasons the suspension of Standing Orders for the first and second readings of the Bill to make provision for the Fencing of Farms and other Holdings also to be taken without due notice.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): I beg to second.

HIS EXCELLENCY: The question is that Standing Rules and Orders be suspended in order to enable the first and second readings of the following Bills to be taken immediately:—

Cattle Cleansing Bill.

Fencing Bill.

The question was put and carried.

BILLS.

THE CATTLE CLEANSING BILL.

FIRST READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been suspended, I beg to move the first reading of a Bill to Provide for the Cleansing of Cattle.

THE HON. THE ACTING CHIEF VETERINARY OFFICER (MAJOR BRASSEY-EDWARDS): I beg to second.

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

The question was put and carried.

SECOND READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been suspended, I beg to move the second reading of a Bill to Provide for the Cleansing of Cattle.

It will be within the knowledge of this House that a comprehensive Bill dealing with this subject was passed by this Council in 1920, and its principles were accepted with no dissentient voice.

The reason why that Ordinance remained inoperative was chiefly because provision was not made for advances for the erection of dipping tanks.

Since the passage of that Bill considerable experience has been gained in this Colony in connection with the dipping of stock and this House has had the advantage of hearing recently an admirable review of the position by the Rt. Hon. the Member for Rift Valley when he introduced a motion urging that "effective dipping and fencing laws should be passed."

When the first Stockowners' Conference took place last year, it was made abundantly clear in the discussion that a considerable measure of "local option" would require to be given in any measure commonly known as "compulsory dipping" if acceptance by those directly interested in the live-stock industry was to be secured. It will be agreed that in a matter of this kind it is essential that the support of stock-owners should be behind the measure, otherwise its successful administration and application in practice will surely fail.

I may be allowed to mention at this stage that certain Bills, viz., the proposed Land and Agricultural Bank, the Fencing Bill and this Cattle Cleansing Bill are in some respects complementary and supplementary one to the other.

Both are designed to combat and control the spread of stock diseases, notably East Coast Fever. Experience not only in this Colony, but elsewhere in South Africa, shows that dipping without fencing and fencing without dipping are not completely effective. In the one case the movement of stock carrying disease cannot be controlled, and in the other the most effective of all measures, namely, the destruction and reduction of tick life, is not secured.

In the Union of South Africa and Rhodesia great difficulties have been experienced in controlling the spread and in eradicating East Coast Fever notwithstanding the expenditure both by Government and by stockowners of enormous sums of money. In the speech to which I have referred the Noble Lord dealt with the varying conditions which obtain in this Colony as compared with South Africa and conditions here have been much more favourable to the spread of the disease, indeed it is remarkable that in a country where the disease is enzootic, where the surreptitious movement of infected stock, chiefly native-owned, is not uncommon, where there is practically no fencing and where the number of farms on which dipping is carried out systematically and efficiently is comparatively small—it is remarkable that the spread of infection has not been much greater and that greater losses have not been suffered.

But these losses have been sufficient to shake the confidence of farmers in the cattle industry as shown in the Agricultural Census returns:—

Year.	Total Cattle.	Increase or Decrease.
1927	215,650	+1.04
1926	213,423	-1.46
1925	216,589	+2.46
1925	Dipping Tanks (Cattle)	184
1921	ditto.	221

It therefore becomes necessary to adopt strong measures to combat the disease and to endeavour to restore confidence in the industry.

Risks will remain for a long time to come and some losses will be incurred, but only along the lines embraced in the Fencing and Dipping Bills can they be reduced, and can stock breeding be pursued with a reasonable amount of security.

There is much to be said in favour of a more extensive application of an Ordinance of this kind than that provided in the Bill and it is the departmental view that a Bill calculated to secure tick eradication would ultimately prove

the best policy, but it is recognised that the desired movement may have to come step by step and it is hoped that this measure may be the beginning of systematic dipping throughout the country.

I now propose to refer to salient features of the Bill itself. The principle underlying it is one of "local option" as provided in section 3, but I should explain that notwithstanding this limitation of application of the Bill, power remains with the Chief Veterinary Officer to prescribe the manner in which cattle on an infected farm shall be treated, whether by dipping or otherwise. That power is conferred under the Diseases of Animals Ordinance.

In section 4 the delimitation of a "district" by the Chief Veterinary Officer is important, and it is indicated that there will be consultation with the interested parties resident therein.

In section 5 provision is made for the creation of "guard areas" for the better protection of the "clean" areas, and in the same section it is proposed to restrict the movement of cattle from either a "dirty" area or a "guard" area and to transport cattle immune to East Coast Fever.

Sections 8 and 9 mean the compulsory dipping of cattle in areas in which cattle cleaning is obligatory and exemption is not allowed although the cattle may not be tick-infested within the meaning of the Act.

In section 10, however, temporary exemption is contemplated under certain exceptional conditions, e.g., "weather, drought or condition of cattle". I recall that this particular point received the close consideration of the Select Committee which sat on the Bill in 1920 and its recommendation is now embodied in the Bill now under consideration.

An important section is that of 11 in which the owner of land in which native-owned cattle are kept is called upon to provide facilities for dipping them. It should be noted also that landowners or occupiers are required to keep a register containing complete information with regard to the native-owned cattle so dipped.

Succeeding sections provide for the compulsory construction of dipping tanks in an obligatory area.

Section 14 contemplates that advances will be made by the proposed Land and Agricultural Bank to owners of land or cattle in an obligatory area for the purpose of defraying the cost of dipping tanks, and I have Your Excellency's authority for informing the House that it is proposed to add to the Bill some such wording as "or from such other

sources as the Governor in Council may approve" so that in the event of the Land Bank Bill being unduly delayed progress may be made with the administration of the Ordinance.

I think it is likely that an additional clause may be found necessary to cover the case of dipping in township areas.

The Bill also includes sections dealing with the analyses of dip samples and the usual claims with regard to inspection, also penalties which I would submit do not err on the side of severity having regard to the serious consequences which may follow breaches of the law.

The additional cost of operating this Bill is estimated at £5,000 per annum and I would explain that in anticipation that a Bill of the kind now under consideration would be introduced early this year, this Hon. Council approved, on the 1928 estimates, an additional Veterinary Officer and 6 Stock Inspectors to carry out the services necessitated by the Bill.

In conclusion I cannot refrain from mentioning what seems to be a somewhat remarkable circumstance. In the short space of eight years there remain in this House only five Members who were here when I was privileged to introduce the first Bill in 1920, and of these only one—the Rt. Hon. Member for the Rift Valley—represents a constituency, and he is now unfortunately absent.

These changes remind me of a return which my hon. friend the Hon. Postmaster General had published in the Press a few days ago. I noticed that a communication addressed "Rapidity, Nairobi" was commented on as "unknown". Now I should not care to enter into a discussion with my hon. friend as to whether "rapidity" is known in Nairobi or not—his workshop is in Sixth Avenue and mine is not and he is therefore in the better position to judge—but at least there has been rapidity of change in this Hon. Council. Whatever hon. Members may think of it so far as this side of the House is concerned, for my part I would deplore too frequent change among Members who have so heartily co-operated with those of us whose duty it is to promote a Bill of the kind now before this House.

In this connection I would mention that for the drafting of this Bill the Stockowners' Consulting Committee together with the Elected Members and several Heads of Departments held several meetings and the Bill now before the House embodies their recommendations. I therefore hope and believe that the principle of the Bill will be heartily supported by the whole House and if Hon. Members desire to see alterations and amendments made to it, I suggest that they can

with the greatest advantage, he dealt with by a Select Committee to which I hope the Bill will be referred if the Second Reading is passed.

THE HON. THE ACTING CHIEF VETERINARY OFFICER (MAJOR BRASSEY-EDWARDS) : I beg to second.

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

THE HON. CONWAY HARVEY : Lord Delamere, Your Excellency, about a fortnight ago

HIS EXCELLENCY : Order, order.

THE HON. CONWAY HARVEY : I beg your pardon. The Noble Lord dealt so extensively and comprehensively with this subject a fortnight ago, that it is extremely difficult to think of any new aspect of the matter, or anything new to say. But there is no doubt whatever in the mind of any one who has studied the subject at all that if the downward trend of the pastoral industry is to be arrested, some measure on the lines of this Bill is absolutely essential. I do not think everybody realises that the efforts of a very large number of progressive farmers who have erected dips and who have been dipping for a large number of years are almost valueless, unless their neighbours are called upon to do their share towards the eradication of tick-life, and nothing can be done effectively in connection with cattle cleansing unless it is supported by a proper system of fencing and a proper check being imposed on what the hon. the Director of Agriculture described as a surreptitious movement of stock, especially natives. There is one difficulty which occurs at the moment, and that is this, how are farmers who are compelled to expend money in the erection of dipping tanks and fences to do so unless financial provision is made in the establishment of a Land and Agricultural Bank, or from some other source. Perhaps the Director of Agriculture in replying to the debate will indicate a source by which this work can be financed at a reasonable rate of interest until the Land and Agricultural Bank comes into being.

THE HON. G. DE P. COLVILLE : Your Excellency, I rise to support the principles of this Bill, which is of great interest to the stockowners as a whole and indeed there is grave danger of the industry declining unless something is done at once. From resolutions passed at the Stockowners' Conference it was very clear that the farming community as a whole was desirous that Government should take some such steps as are set out in this Bill.

With regard to opposition, Your Excellency, there is bound to be a certain amount of opposition to any Bill of this sort, but I think that this must not be taken undue notice of, as, if we waited for total consent by every farmer, nothing would be done at all in regard to the cleaning up of the country.

I hope, Your Excellency, that this can be looked upon as merely the first step towards dealing with East Coast Fever in the country, not only in the settled areas, but in time also in the Native Areas.

The question of closer settlement is undoubtedly bound up with this question of East Coast Fever. Until East Coast Fever is controlled, it is hardly fair or possible for closer settlement to make headway. No country in the world can ever become a large stock country without fencing, and there is no reason to suppose that this country will be an exception. The same applies to ticks. Such countries as were infested with ticks have had to undertake their control and extermination. America is practically the best example of this—the Southern States of America were over-run with ticks, which caused Texas Fever. They undertook the elimination of these—not by taking the whole area as a whole and trying to do it by starting from the north. They worked southwards taking belts at a time, putting them into quarantine, cleaning them up and taking successive steps.

I would like for one moment to go into the question of the Rift Valley. The part of the country originally inhabited by the Masai was the Rift Valley, Laikipia, North Kenya, West Kenya, and these parts were clean as regards the East Coast Fever when we first came into the country, and there is a very widespread belief—an opinion which I believe is still held by a very small section of the community—that the East Coast Fever could not live in those areas. We have now learned that it was not so much a question of the country but the method under which it was farmed. The Masai were a nomadic people; they were very scattered, and if they lost cattle in one place, without really quite knowing why, they moved elsewhere. The country was left uninhabited, the grass was burnt in the dry weather, with the result that the ticks died out. Under our method of farming, that is absolutely impossible, and infection once introduced on a farm remains indefinitely unless steps are taken immediately to clean it.

With regard to local option, the proposal I understand put forward by Lord Delamere in his speech was that the clean areas should be taken for the purposes of voting as a whole area.

With regard to section 5, I must say that I did not agree with it at the time, but I have been converted and I now see that it is so absolutely necessary that this section should be applied and the dirty patches in the clean areas must be cleaned that I am prepared to agree that the local option in those dirty areas within the clean areas should be applied, and that it should be compulsory.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I rise to support this Bill. I believe it is an excellent measure and I should like to qualify my support by saying that, provided it is not made operative until the Land Bank is brought into existence or that funds are made available for implementing the financial part of the Act. At the Conference of Elected Members and the Stockbreeders' Association, this matter was gone into very fully. I was one of the minority that was of the opinion, which I still hold, that the so-called clean area should not be left to local option. It should be made compulsory, and I believe by those means so-called clean areas can be improved and they would be a fine example when the results are made known to the rest of the Colony that the remaining districts would have no hesitation in going in for compulsory fencing.

But I do not wish to labour the point—I am in a minority, and a very considerable minority.

The Hon. Member for the Lake stated that there was very little to say with regard to this Bill, but there is one clause—clause 3, line 30,—the words from "provided" right to the end of the paragraph should be taken out altogether. As I read it, it means that a group of fifteen farmers by application to an authority can have their fifteen farms declared a district. If this is applied to an endemic area we will get, to my mind, astounding results. You would have first to consider whether you are going to amend clause 5 so as to bring in the "guard area."

If you are going to do that, you will find you are going to make the fencing compulsory in an endemic area and not an option, and you are going to take away one of the principles of the Bill that are embodied therein at the moment. I would ask that that point be carefully considered, because I think it is affecting the whole question of local option in an endemic area.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I think it is essential for the success of this Bill that it should be compulsory for all dirty areas within the clean areas, and it must be optional for the other dirty areas in the

country, and as far as I remember the Noble Lord pointed out that in section 5, in clean areas, the provisions of the Ordinance shall apply to dirty areas. So I gather in that case there is no local option and in order to make it a success I think it should be compulsory.

With regard to the dirty areas, I do hope very much that this Bill will by degrees be applied in certain cases and that its success will be an illustration to others how well worth while it is to the country in order to eliminate the spread of disease, and with reference to that I cannot agree with the hon. and gallant Member for Plateau North, to cut out the latter part of clause 3. I hope very much that it will be left in. I think that if you get fifteen farmers in any district who want this to be applied to a district it is going to be of the very greatest help to try and clean up parts of the dirty areas. As an objection, I do not think it applies, because, as I read it, it says in a clean area the surrounding farms are to be declared "guard areas." It is a dirty area until it is properly cleaned up. If it is properly cleaned up, then I hope they will make the surrounding districts "guard areas" and so make the provisions of the Bill spread.

Going into small detail, I think it will be necessary to devise some method to get the two-thirds majority, which I think is going to be a little difficult.

There is one other point brought to my notice by somebody who has a great deal to do with cattle in a dirty area, and that is that—

"... tick infestation" shall mean having ten or more engorged ticks on one, or five or more engorged ticks on each of five or more head of cattle, not being bont (*amblyomma hebraicum* or *caragatum*) or bont-legged (*hyalomma aegyptium*) ticks."

In his opinion that is not nearly strong enough. Perhaps the Hon. the Acting Chief Veterinary Officer will take that into consideration when the Bill goes into Committee. It would be a great pity if the definition of tick infestation would be made so lax as to frustrate the objects of the Bill.

There is one other point. There will be cases I think in the country of individual farmers who may wish to clean up their farms. There may be one, or two, or three, but not as many as fifteen, and therefore they cannot come under this Bill. I do hope that when the Land Bank is formed that it will help those farmers with their fencing and dipping as much as if they were coming under this Bill. I think people

will be very much encouraged, and I think they will be of great use in illustrating the advantages of dipping and fencing to their surrounding neighbours in the dirty areas.

Then there is the other point—the question of absentee owners. We feel that absentee owners who come into the voting of two-thirds should be taken automatically as voting for it. If they had a vote they would probably vote against it, as they would not wish to go to the expense. (Laughter). I certainly do not think this Bill ought to be held up by such people who do not deserve much consideration.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, on a point of explanation, in answer to the Noble Lord who has just spoken, I should like to say that I quite realise that at the moment that section 5 only applies to the clean areas, but I see the possibility where a district of fifteen farms is turned into a district in a dirty area that those farmers would eventually want further protection from the adjoining farms becoming infected and so nullify the effect of their fencing. I think it wants very great consideration, but I believe, as I have said before, that it will do away eventually with local option.

LIEUT.-COL. THE HON. O. F. WATKINS (Senior Commissioner, Coast): Your Excellency, I understand the Bill is going to a Select Committee, and there are only two small points which I want to make.

I am sure it will be introduced and welcomed with interest if the native under this Bill is going to be allowed to use the Agricultural Land Bank for the construction of necessary works. But I think provision will have to be made in the Bill authorising the Agricultural Land Bank to issue money, because in the Agricultural Land Bank Bill the operations of the Bank are limited to specified purposes. I presume something will be done about this, and that the Fencing Bill will be brought within the scope of the Ordinance.

Also, I am not quite clear as to who would be the owner of a Native Reserve, and I do not think the definition is absolutely clear in the Bill.

THE HON. THE ACTING CHIEF VETERINARY OFFICER: (MAJOR BRASSEY-EDWARDS): Your Excellency, I am of the opinion that the presentation of this Bill before this hon. Council is a measure which has been long delayed, as its application must bring to a halt the progress of tick-borne diseases by the cleansing of cattle by dipping.

I fear the provisions of the Bill as originally drafted have been so altered, as the result of representations from local stockowners, that the actual compulsory cleansing of cattle of ticks generally in certain areas, only now represents an attempt to eradicate the East Coast Fever-infected tick in certain areas, and that dependent on a district option.

The Stockowners' Conference have made the position clear by resolutions in Committee and certain members on the opposite side of the house have declared their alarm at the rapid spread of tick-borne diseases and have expressed doubts in regard to the present methods of control.

Sir, Southern Rhodesia and parts of the Union of South Africa have recognised the seriousness of these diseases years ago and have spent huge sums of money on preventive and eradication measures.

There is no doubt that tick-borne disease is spreading at an alarming rate in this Colony and the annual mortality among cattle keeps the dairy industry at a standstill and the continued prevalence of these diseases is retarding any progress in the stock industry in this Colony.

Any system of control which aims at the eradication of tick-borne disease must be based on the prevention of its spread, and the best system known to-day to veterinary science is a combination of compulsory fencing and compulsory dipping.

The dairying industry in this Colony must be encouraged as the ranching value of this Colony will be without doubt established when the menace of cattle diseases can be controlled by systems giving the necessary protection.

Your Excellency, although the present Bill does not give the fullest scope desired by the Veterinary Department, they are prepared to accept the principal of the Bill which will allow the system of the cleansing of cattle to become law, as they feel, once the benefits of dipping, with fencing, are generally recognised it is hoped a compulsory system will be adopted by the stockowners in the ranching districts of the Colony.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. G. V. MAXWELL): Your Excellency, I had not intended to take any part in this debate at the present stage, although I entirely welcome this Bill on behalf of the natives of the Colony because it is absolutely necessary that the stock industry should be brought under protection with regard to disease.

The hon. Mover and Seconder of the Bill are far more competent to deal with that aspect of the question than I am, but the point having been raised by my hon. Friend the Senior Commissioner for the Coast as to the Land Bank, I think I should explain to this Council what the situation is. The whole basis of the Land Bank, I believe, is that individuals will pledge their individual titles to the land as security for advances. Now, as I endeavoured to explain yesterday when I was speaking on the Native Lands Trust Ordinance, although it may come, and it is quite likely it will come, that individual natives may later on have individual occupation rights and licences, it is not possible to provide for that until a very much fuller investigation has been made by Government into the actual situation in the Reserves of the actual native customs of user and occupancy. It has therefore been considered by Government that it is better to omit from the present Bill relating to the Land Bank all provisions relating to natives until some means can be devised whereby proper security can be offered for any advances that may be made. I had not overlooked that point in looking at this Bill and in discussing it at the Stockowners' Conference, but as I knew that the Bill would very likely go to a Select Committee, I was reserving the discussions on this point until I could make some definite proposals to the Select Committee. I think that where it is found necessary to erect a communal dip in the Reserve the necessary funds can be far more easily got from the Local Native Council, who are in a position to levy rates and raise funds in that manner for all purposes which are necessary for the communal benefit.

CANON THE HON. H. LEAKE: Perhaps it may be considered that my proper job is the saving of souls and that I should not have anything much to do with the dipping of cattle. As a matter of fact, I am particularly interested in the cattle industry and many years ago looked upon it as a hobby. It is a fact that fencing without dipping or dipping without fencing is perfectly useless. It so happened that owing to another disease, not East Coast Fever, I was compulsorily fenced in. I thought "now I shall be safe from East Coast Fever." However, it was not so, and soon East Coast Fever drew away my cattle. Later, I had access to a dip, and said to myself "now, I think I will try again." But it had the same result. However, I wish to say with regard to the natives that I am convinced if we can prove to them on European farms that East Coast Fever can absolutely be kept down by dipping and fencing; they will again take courage and get rid of this terrible pest of East Coast Fever. Therefore, I will gladly support any Bill which is to bring about fencing and dipping.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I think that, excepting in one direction, there has been no criticism from any part of the House in connection with the principles of this Bill, and that one exception is dealing with the advantages to be made for the purpose of erecting dipping tanks. I am authorised, Sir, to say that it is proposed to introduce the Land and Agricultural Bank Bill on Monday and to deal with the second reading of that Bill on Wednesday, when it will probably be referred to a Select Committee and that Committee will take some time to procure evidence. There may, therefore, be some delay in starting the Land Bank, but it is hoped that Council will in connection with any principles embodied in this Bill accept the position and look at it from this point of view, that advances may be made under this Bill for the purposes specified. Such advances as may be made by the Land Bank Bill on its being established and subject to their being treated as advances under the same conditions as this, that would be embodied under Land Bank Regulations.

With regard to the other points raised by hon. Members, I suggest that that can be well dealt with in Select Committee to which it is proposed this Bill should be referred. I do not think it can be profitably discussed in detail in this Council, and I hope hon. Members will be fully satisfied with that course.

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

The question was put and carried.

Council adjourned for 15 minutes.

On resuming.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, the Bill having been assented to, I beg to move that it be referred to a Select Committee.

HIS EXCELLENCY: Is it proposed that the same Select Committee should deal both with the Cattle Cleansing Bill and Fencing Bill? If so, it would be simpler to move this later when both Bills have been considered.

THE FENCING BILL

FIRST READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Orders having been suspended, I beg to move the first reading of a Bill to make provision for the Fencing of Farms and Other Holdings.

THE HON. THE ACTING CHIEF VETERINARY OFFICER: I beg to second.

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

SECOND READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been suspended, I beg to move the second reading of a Bill to make provision for the Fencing of Farms and Other Holdings.

No less than twenty years ago a Fencing Bill was passed by this hon. Council, but it remained inoperative until finally it was removed from the Statute Book when the Revision of Laws took place. In the light of experience the attempt to introduce fencing legislation at that time may have been premature, but to-day the position is wholly changed. I do not doubt but that had the great war affecting progress and putting up costs of fencing materials inordinately high at least for a time—had that war not intervened this Colony would have had, ere this, a Bill of the kind now under consideration.

I will not repeat the remarks I made under the Cattle Cleansing Bill in regard to the points of contact between this Bill and the proposed Land Bank Bill and the Cattle Cleansing Bill.

The Bill now before the House is not only definitely related to the control and spread of disease but it also opens the way to agricultural progress and development. In every country agricultural advancement, whether in stock or arable farming, is closely connected with fencing in some form or another. Crops require to be protected from the trespass of animals and man, and the best use of pasture can only be made by systematic grazing coupled with resting periods. For these reasons alone and apart from any question of disease control, it is hoped that this Colony will now adopt a forward policy in respect of fencing, and let me add that the more intense the development and the smaller the holdings, the greater will be the need for sub-division of the farms into areas suitable for different purposes.

This Bill is framed on the examples of similar Acts in the Union of South Africa and Southern Rhodesia, where a measure of this kind has been successfully operated for many years past.

As in the case of the Cattle Cleansing Bill so in that of this Fencing Bill it is proposed that advances should be made by the proposed Land Bank towards the cost of erection

(see section 3) and the remarks which I made as to "alternative means" in introducing the Cattle Cleansing Bill apply equally in the case of this Fencing Bill.

A full measure of "local option" is provided for in section 5, but the Director of Agriculture is empowered to require an owner to fence a holding in a dirty or guard area, in order to prevent the spread of stock diseases in a clean area. These provisions are contained in Part II of the Bill, section 12 onwards. There will be noted that the cost of fencing under this head has to be defrayed out of moneys specifically appropriated by Legislative Council for this purpose. That is referred to in section 13.

In the event of adjoining owners failing to agree as to their respective share of the cost of fencing, the provisions of the Arbitration Ordinance apply. That is clearly set forth in section 4 and the procedure to be adopted in respect of the claim of one owner against another is stated in section 7.

Section 6 empowers the Chief Veterinary Officer to define the boundaries of the district in connection with which it has been intimated that "local option" has been exercised. That is done again in consultation with the owners and occupiers in the district.

In section 10 it is provided that the Government shall bear its share of the cost of fencing when a holding which comes under the operation of section 5 adjoins a native reserve, or a forest area or other Crown land, and in section 43 the liability of the Railway Administration or the local or other authority for contributing to the cost of fencing in certain circumstances is set forth.

The same principle is applied to the fencing of land abutting on a native reserve or town lands vested in or controlled by a local authority when compulsory fencing is carried out to prevent the spread of disease in a clean area. In the one case the native male adults bear their share of the cost and in the other one-half of the cost is payable by the local authority (sections 15 and 16).

Again in order to prevent the spread of disease in a clean area the Director of Agriculture is empowered to erect buffer fences, again out of moneys voted by the Legislative Council for the purpose, but in this case no contribution is required from owners.

These are, I think, Sir, the main provisions embodied in the Bill. In addition there are sections dealing with the type of fencing, maintenance and repair, inspection, offences, legal proceedings and so on, but I do not think that I need

occupy the time of this House by further reference to these detailed provisions. They can I think with advantage be discussed by the Select Committee to which it is proposed that the Bill should be referred.

I would mention, however, that the operation of the Bill will commit Government to some expenditure in sharing the cost of fencing and in the erection of fencing, some of which will be recoverable. It is difficult to estimate what provision may be required, but it is thought that a sum of about £7,000 per annum will cover the requirements.

In addition I am of opinion that it will be necessary to add to the establishment of the Department by one responsible officer of higher clerical grade to assist in the administration of the Bill.

Sir, at the Stockowners' Conference held last year Government was requested to introduce fencing legislation and as in the case of the Cattle Cleansing Bill, the Bill now before the House has received the consideration and approval of the Stockowners' Consulting Committee, certain Heads of Departments interested in this matter and also Elected Members. I am therefore confident that hon. Members will approve the principles of the Bill and that they will regard the measure as one calculated to secure agricultural advancement and progress.

THE HON. THE ACTING CHIEF VETERINARY OFFICER: I beg to second.

THE HON. CONWAY HARVEY: Your Excellency, I do most cordially support the principles underlying the introduction of this Bill, and should like to add that when I first came to Kenya as a settler, about twenty years ago, nothing struck me more forcibly than the almost complete absence of proper fencing. When the first four or five fences I put up were flattened out by the gambols of exuberant zebra, I appreciated the fact that the introduction of any comprehensive fencing measures would have been at that time decidedly premature. Quite apart from the aspect of fencing in relation to control of animal diseases and tick eradication, I think there are many other advantages not only to the pastoralists, but also to agricultural farmers. We are inconvenienced in connection with thousands of things every day, Your Excellency, owing to the fact that farm boundaries are not completely defined, and I suggest that the erection of fences will also be very greatly appreciated in that connection. It will help us very greatly in connection with the administration of the Trespass Ordinance, and the Police and Administration will also be very greatly assisted in the work they have to do.

I am very glad indeed that a very careful provision is made for the clear definition of liability to neighbouring farmers inasmuch as they have to contribute towards the cost of the fence from which they derive benefit and which has been put up by someone else, and I consider that no hardship could possibly be imposed on any individual in regard to the provision which exists, first of all for local option, and secondly for arbitration in the case of any difference of opinion arising.

THE HON. T. J. O'SHEA: Your Excellency, I welcome the introduction of this Bill and I think that the progress which has been made in the development of public opinion regarding the objects of it gives it some reasonable chance of success.

I am sorry that public opinion is not yet sufficiently enlightened to justify Government making the measure compulsory through the country.

The principle of local option being allowed in the Bill I hope will not result in the Veterinary Department taking a passive interest in its application after it has become law.

The Veterinary Department has now made up its mind that Cattle Cleansing and Fencing are necessary to the country. In that case I hope the Veterinary Department will conceive an effective way of carrying out an active educational campaign for the application of this Bill throughout the country. I feel quite sure that they will have the hearty co-operation of all Members on this side of the House and of the leading people in the cattle industry and of many cattle farmers in this country who share their view that this measure is necessary to the future stock industry of Kenya.

In this connection I would again like to repeat that absentee owners of land should be taken as having voted in favour of the application of this measure to their districts. It is only fair to those people who have by their efforts increased the unearned increment of the absentees owners' land. (Hear, hear).

THE HON. THE ACTING CHIEF VETERINARY OFFICER: Your Excellency, in supporting this Bill as a measure to prevent the spread of animal disease, my only criticism is that there is no clause in its provisions which makes the fencing of farms and other holdings compulsory.

Fencing is a sound, but by no means a perfect way to keep a stock farm free from infection of disease and trespass of stock which may be diseased.

I affirm, that if farms were fenced, the majority of the outbreaks of animal disease could have been prevented.

Numerous cases can be cited where trespass of native and trade stock on farms have caused outbreaks of disease and great losses.

The easiest way to combat animal disease in this Colony is to prevent its spread, as the adoption of the alternative immunising or medicinal processes are costly and not generally applicable on account of the vast numbers of stock to be dealt with.

I am also certain, that better stock farming can be done if the land is boundary-fenced and paddocked, because they are the means of conserving the grazing; there is a security against trespass, and, if the land is infested with ticks, it can be cleansed by an absolute de-stocking or by a concentration of dipped stock on the various fenced paddocks.

If a farm is fenced and more or less secured from animal disease, then the ranching value of the land will increase and the losses of stock must diminish. The ultimate success of the dairying industry of this Colony is largely dependent upon closer settlement and the encouragement of intensive dairy farming which will undoubtedly be assisted by the operation of this Bill. (Hear, hear).

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I do not think there is any point of principle to which I am called upon to reply. I would like, however, to say that I am grateful to hon. Members for the favourable reception given to this Bill.

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

The question was put and carried.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, the second reading of this Bill having been assented to, likewise that of the Cattle Cleansing Bill, I now beg to move that these two Bills be referred to a Select Committee consisting of the Chief Native Commissioner, the Commissioner for Local Government, Lands and Settlement, the Acting Chief Veterinary Officer, the Acting Solicitor General, together with the Elected Members for the Lake, West Kenya, Plateau North, Rift Valley, and Ukamba, with the mover as Chairman.

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

HIS EXCELLENCY: The question is that the Cattle Cleansing Bill and Fencing Bill be referred to a Select Committee consisting of:—

The Director of Agriculture, in the Chair.
The Chief Native Commissioner.
The Commissioner for Local Government.
The Acting Chief Veterinary Officer.
The Acting Solicitor General.
The Hon. Members for the Lake,
West Kenya,
Plateau North,
Rift Valley,
Ukamba.

The question was put and carried.

BUSINESS OF COUNCIL.

HIS EXCELLENCY: I think that it might be, for the convenience of Council if the Colonial Secretary makes a statement about business before we adjourn.

THE HON. THE COLONIAL SECRETARY: Your Excellency, it is proposed that in order that hon. Members shall have the time to serve on the various Committees which are now being formed that the business of Council on Monday shall be restricted only to purely formal business and that formal business will be the first reading of the Land Bank Bill.

It is proposed that there shall be no sitting on Tuesday, and that the Committee dealing with the Native Land Trust Bill should meet immediately after the close of the formal business on Monday. It will, of course, be necessary to obtain a quorum for the first reading, but hon. Members serving on the Committees can take their places here so that they can meet in Committee immediately after the first reading has been taken on Monday morning.

The Commissioner for Local Government is holding a meeting with regard to the Local Government legislation on Tuesday.

The business for the rest of the week will consist in taking the two Bills dealing with trout and game, the Supplementary Appropriation Bill, the second reading of the Land Bank Bill and the third readings of Bills which have already been before Council.

With regard to a number of motions which will appear in the Order of the Day, it is hoped that hon. Members will agree to precedence being given over these on Wednesday to

the second reading of the Land Bank Bill. The Land Bank Bill will be referred to a Select Committee of Council for consideration and also in order to take expert evidence with regard to the principles of that Bill. It is proposed also that the report of that Select Committee should be forwarded to the Secretary of State before any further action is taken with regard to the Bill.

THE HON. T. J. O'SHEA: May I ask, Your Excellency, whether the second reading of the Land Bank Bill will be taken on Wednesday morning.

HIS EXCELLENCY: Yes, at 10 a.m., on Wednesday morning. It will be the first business of the day.

Council adjourned to 10 a.m., on Monday, the 18th June, 1928.

MONDAY, 18th JUNE, 1928.

The Council assembled at 10 a.m. on the 18th June, 1928, His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 16th June, 1928, were confirmed.

PAPER LAID ON THE TABLE.

By THE HON. THE ACTING ATTORNEY GENERAL:

Report of the Select Committee appointed by Legislative Council to enquire into the Shop Hours (Amendment) Bill.

NOTICE OF MOTIONS.

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

"That a Select Committee of Legislative Council be appointed to consider the feasibility of Government building on to the Memorial Hall in order to make it a permanent Legislative Council Chamber."

By THE HON. THE COLONIAL SECRETARY ON BEHALF OF THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS:

"Be it resolved and it is hereby resolved that this Council approves of a loan of £668,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided to be appropriated and applied to the purposes specified in the schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the schedule of a Specific Loan Ordinance of such amount as it may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

- | | |
|---|-----------------|
| 1. Additional deep water quays (750 feet) with double-storied shed, Kilindini ... | £600,000 |
| 2. Oil quay, Kilindini ... | 68,000 |
| | <u>£668,000</u> |

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

"That in the general interests of both the pastoral and agricultural industries the railway rates on salt be reduced."

HANSARD.

CAPT. THE HON. H. E. SCHWARTZ : On a point of order of procedure, might I ask Your Excellency the position which has arisen with regard to the question of the Hansard. When the increased staff for Hansard was agreed to and provision made in the Estimates and the Report of the Select Committee in that respect was approved it was understood that Council would not meet in the afternoons, the reason being I understand that the following morning, or the one after, Members' remarks might be before them for immediate correction. That practice did obtain for a few days last Session. I think, but has not obtained this Session, and to-day I see the uncorrected proofs of the 8th to the 19th May. I want to make it clear that I do not suggest anything against the hard-working reporting staff, but I wanted to know if it was intended to drop that practice of the day or the day after so that Members' remarks may be read by them and corrected, or whether it is intended to keep to what was the original idea.

THE HON. THE COLONIAL SECRETARY : Your Excellency, the hon. Member is perfectly correct in regard to the procedure we are anxious to adopt in this Council, but we are labouring under difficulties. One of the shorthand reporters has broken down and has been unable to attend. A telegram has been sent by Your Excellency to the Secretary of State asking that a reporter be sent out immediately. The difficulties have been considerable and I am sorry the uncorrected proofs have not been available earlier.

I would like to say on behalf of the staff that they have worked extremely well and have endeavoured to meet the difficulty. I trust that it will be possible to be up to date in future.

BILL.

FIRST READING.

THE LAND BANK BILL.

On motion of the Hon. the Commissioner for Local Government, Lands and Settlement, the Land Bank Bill was read a first time.

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

Council adjourned until 10 a.m. on the 20th June, 1928.

WEDNESDAY, 20th JUNE, 1928.

The Council assembled at 10 a.m., His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.) presiding.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY : There is no notice on the Order Paper of a communication from the Chair, but I think I should take this, the first opportunity afforded me, of informing hon. Members of Council that at the request of the Secretary of State the Native Lands Trust Bill will be referred back to him with the Report of the Select Committee before it is read a third time and passed. Hon. Members are aware that every clause of the Bill as introduced in this Council had received the prior approval of the Secretary of State. I understand, however, that the Hilton Young Commission have asked to be given an opportunity of considering the Bill and the Report of the Select Committee upon it in connection with their own Report, and I am sure that no one here will have any objection to that course, provided that the delay is short.

I am informed that the Select Committee have already completed their consideration of the Bill and the taking of evidence. The Bill with the Report will therefore be forwarded to the Secretary of State immediately and should be in the hands of the Commission by the middle of next month. I regret as much as any one the delay involved in this procedure, for I know that there is a practically unanimous desire throughout the country to see the Bill made law. I give a definite assurance to all concerned in it, and particularly to the Native Tribes of the Colony, that Government will do its utmost to make the delay as short as possible.

THE HON. CONWAY HARVEY : Your Excellency, on a point of order, may I say, Sir, that to everything human comes satiety at last and the people of Kenya consider it very unfair that at the conclusion of an honourable peace the enemy should be provided with a new arsenal. We are, Sir, bitterly disappointed at the eleventh-hour postponement of this important measure; we consider it to be distinctly discourteous to Your Excellency, insulting to the people of Kenya and grossly unfair to the natives. It is absolutely wrong to my mind, Your Excellency, that the first intimation should come through the

columns of the Press to the people of Kenya and Members of this hon. Council. I suggest, Sir, with very great respect, that had the Hilton-Young Commission desired to make representations regarding the postponement of this measure such representations might well have been made some considerable time ago. We have no alternative but to believe that their action has been influenced by the intrigues of certain busybodies who have no knowledge of the subject, Your Excellency, and whose efforts are clearly calculated to undermine native confidence in the sense of justice and honour of the British Government. Natives, Your Excellency, do not understand the ramifications of political intrigue and a promise to a native, as to a child, should always be regarded as a most sacred obligation.

HIS EXCELLENCY : I quite understand the feeling expressed by the hon. Member, particularly in regard to the fact that this announcement appeared in the Press before Government had any opportunity of making it to this Council, but I am sure he will understand that there was no intentional discourtesy on the part of the Secretary of State—I am sure it was due to some sort of delay or accident.

MINUTES.

The minutes of the meeting of the 18th June, 1928, were confirmed.

NOTICE OF MOTIONS.

By **THE HON. THE TREASURER** :

"That this Council hereby approves of the expenditure for the purposes specified in the Schedule hereto of the amount accruing as interest, estimated at £395,000, on unexpended balances of the Imperial £3,500,000 (free of interest for five years) Loan.

SCHEDULE.

Additional Locomotives and Rolling Stock."

THE HON. W. C. MITCHELL : Your Excellency, might I enquire without giving notice when the new Film Censorship Rules are going to be laid on the table. I understood they were going to be laid this Session.

THE HON. THE COLONIAL SECRETARY : They are not in my hands at present, but I hope they will be laid before the end of this Session.

ORAL ANSWERS TO QUESTIONS.

LIMORU AND KYAMBU ROADS.

LIEUT.-COL. THE HON. C. G. DURHAM asked :

"In view of the rapidly increasing settlement and development of the Limoru and Upper Kyambu areas, will Government as a matter of urgency consider the allocation of a sum of money, as unanimously recommended by the District Road Board, in 1928, for the purpose of making one all-weather road through the district.

2. Alternatively, will Government :—

- (a) Close one route to all heavy traffic during the rains;
- (b) Establish dual roads?"

THE HON. THE DIRECTOR OF PUBLIC WORKS :

A sum for the continuation of the metalling of the "A" route will be considered by Government in connection with the Draft Estimates for 1929. In the meantime, the Central Roads Committee will consider, at its next meeting, whether it will be possible to allocate any sum from the Loan Provision for Roads to this road.

LIEUT.-COL. THE HON. C. G. DURHAM : Arising out of that answer, Your Excellency, may I get an answer to questions Nos. 2 and 3—if that money is not voted?

THE HON. THE DIRECTOR OF PUBLIC WORKS : That portion of the question does not arise because it is desirable to consider whether financial provision for the continuation of the road can be made in the first instance.

FIRST-AID APPLIANCES ON THE RAILWAY.

THE HON. CONWAY HARVEY asked :

"What first-aid appliances are available at Railway Stations and on trains between Nakuru and Kisumu?"

THE HON. THE GENERAL MANAGER, KENTA AND UGANDA RAILWAYS AND HARBOURS :

Ambulance boxes equipped with first-aid appliances are available at all depot stations and on all trains conveying passengers.

THE HON. CONWAY HARVEY : Arising out of that answer, Your Excellency, may I ask on what date this service was introduced?

THE HON. THE GENERAL MANAGER: For a considerable time, Your Excellency—some years.

COMMUTED HUT TAX, LAMU.

THE HON. CONWAY HARVEY asked:

"What Revenue has Government received as a result of the tax of six per cent. on proceeds of stock sales by auction at Lamu during 1927?"

THE HON. THE TREASURER:

The Revenue received as a result of the tax of six per cent. on proceeds of stock sales by auction at Lamu during 1927 amounted to £573/13/03.

ROLLING STOCK, KENYA AND UGANDA RAILWAY.

THE HON. W. C. MITCHELL asked:

"Who is responsible for the specification to which the new passenger rolling-stock has been constructed?"

2. Is it considered satisfactory?

3. If not, is any alteration to the design of the coaches considered desirable and, if so, what will be the probable cost?"

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS:

(1) The new passenger rolling-stock was designed in detail by the Crown Agents after general directions from the Administration as to type, accommodation, etc.

(2) So far as the interior of the saloons is concerned, a number of minor alterations have been made locally with satisfactory results.

The under-frames, however, are giving serious trouble. They differ from our old standards and our present opinion is that the frames are too light for local running conditions.

(3) A modified type of corridor compartment is being embodied in three additional saloons now on order which it is expected will increase the popularity of such saloons with the travelling public. It is not expected that the cost of this modified type will be greater than those placed into traffic.

So far as the under-frames are concerned, strengthening experiments are being carried out, both in England and here, but it would be premature to make any definite statement at this stage.

THE HON. W. C. MITCHELL: Arising out of that answer, Your Excellency, might I enquire if the Crown Agents for the Colonies are going to bear the cost involved?

THE HON. THE GENERAL MANAGER: Your Excellency, I am not aware that the Crown Agents for the Colonies have any funds to carry such costs, nor are we prepared to say at the moment what the real cause of the trouble is. We think the frames are too light but as I said in answer to the main question we are not prepared to say anything very definite at this stage until all our experiments are completed.

LOCUSTS AND CATERPILLARS.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT asked:

"To ask the Hon. the Director of Agriculture—

(1) Whether he considers the steps his Department is taking to deal with the locust menace are likely to be efficacious in stamping out the menace?

(2) Will he state how many officers of his Department are employed on this duty, and with how many sprays are they provided?

(3) What steps is his Department taking to deal with the pest of caterpillars which has already destroyed hundreds of acres of crops?"

THE HON. THE DIRECTOR OF AGRICULTURE:

1. I consider that with the support of owners and occupiers of land the steps taken by the Department of Agriculture will prove efficacious.

2. Two responsible officers of the Department have been detailed for this service. Government has made arrangements for others to be temporarily employed on locust investigation and destruction in Native Reserves. Up to date eleven sprayers have been available.

3. The best-known measures of dealing with the pest of caterpillars have been communicated to the Press, to Farmers' Associations in infested areas, and directly to individuals concerned.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Being one of the individuals concerned, I failed to receive.

HIS EXCELLENCY: Will the Noble Lord put his question?

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: I would be glad if the Hon. the Director of Agriculture will let me have those instructions?

THE HON. THE DIRECTOR OF AGRICULTURE: I should be delighted to do so.

MOTIONS.

SUSPENSION OF STANDING ORDERS.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move:

"That Standing Rules and Orders be suspended in order to enable the second reading of the Land Bank Bill to be taken as the first business of the day."

This course, I understand, will meet with the approval of hon. Members.

THE HON. THE DIRECTOR OF AGRICULTURE: I beg to second.

The question was put and carried.

BILL.

SECOND READING.

THE LAND BANK BILL.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT: Your Excellency, Standing Orders having been suspended, I propose now to introduce the Land Bank Bill. I propose, Sir, with the permission of the House to give the briefest introductions for two reasons. In the first place this Bill and its objects and its meaning have been explained in a lengthy memorandum which was circulated at a previous Session. It is true that since that date certain modifications have been made but I think they are not very important modifications with one-exception which I will explain later.

Again, I think probably all Members will be in sympathy with the principles of the Bill, and it is usual on occasions like this to expound. I propose therefore to take the immediate opportunity of asking for the appointment of a Select Committee to consider the details of the Bill, which of course are much more debatable probably than the general principles. I should therefore just state this, that it is of course a Bill to provide for the financing to individual farmers on first mortgage and to Agricultural Societies through agricultural credits. That is the broad object of the Bill. Of course, there is the question of the financing of Government funds as at present contemplated. The Bill allows for alternative methods, either for the use from loan funds or for the use of cash balances available to the Colony. Which of these alternatives is to be adopted is I think at the moment not yet

decided. It is proposed that the Bill, after it has passed its second reading, should be sent home to enable I think perhaps two objects to be attained, which it will be difficult to attain within the Colony. The first object is of course the decision on the point as to the financing of the Bill, and the second is to obtain the sort of advice which probably we can only obtain at home. In this respect I should just like to refer to the fact that it is only a few weeks ago that an Agricultural Credits Act was brought in at home, and I have no doubt that the knowledge which went towards the making of that Act will to some degree be available to give us advice in respect of this Act here.

Now Sir, there are a number of obviously contentious points in the Bill. It may be even a matter of doubt as to whether it would not be feasible to finance the Bill from sources other than the finances of the Colony. I have heard that suggested, and I think that matter should be gone into.

The control of the Bill at one time was to some degree involved with the existing machinery of Government, and on the advice of the emissary we sent to South Africa to consult Mr. Herold and the present organizers of the Land Banks in South Africa and Southern Rhodesia, it has been considered better to make it an entirely separate organisation. The composition of the governing body is left open and it should therefore be noted that a liaison with the settlement organisation of Government is provided for in so far as the Director of the Land Bank would be a member of the Central Land Board controlling settlement. That Board, Sir, I will refer to at a later stage in dealing with the Land Settlement Scheme. I think, Sir, it would only be prudent, when the Select Committee is formed, for that Committee to make known to the public that it is prepared to listen to advice and take evidence from any member of the public, bankers, business people and others who may have comments to make or advice to give us, and I suggest therefore, that that course be adopted.

I beg formally to move the second reading of this Bill.

THE HON. THE DIRECTOR OF AGRICULTURE: I beg to second the motion.

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

THE HON. CONWAY HARVEY: Your Excellency, the necessity for a Land and Agricultural Bank, which is regarded as an essential feature of agricultural development in any country has been urged on Government for years and its introduction is bound to stimulate agricultural development on sound lines.

I think, Sir, as we are all in complete agreement in regard to the principle of the Bill it might be appropriate if I respectfully suggest to my colleagues, that at this stage, in view of the fact that we have an enormous accumulation of business to get through in a short period of time, that they should confine any observations they wish to make to main principles only in order to avoid unnecessary duplication of work when the Bill is considered in Select Committee.

Financing such a speculative venture as farming is a matter of considerable difficulty, Your Excellency, and requires special training and experience, but up to now the banking institutions operating in Kenya have risen to the occasion and I venture to suggest that when the history of the economic development of Kenya comes to be written a most glowing tribute will be paid to the very worthy part played by the banks operating in Kenya.

It is important, however, Your Excellency, to bear in mind that taking the average cost of production and marketing spread over a period of years the farmer cannot afford to pay such high rates of interest as many industrial concerns and that the State will benefit in many ways if the maximum capital is made available for increased production. I consider it absolutely vital that the Land Bank should be run on strictly business lines and that no money should be advanced without adequate security.

The advantages of a Land Bank, Your Excellency, over ordinary commercial banks are primarily an Agricultural Bank operated by the State does not attempt to make dividends for shareholders and it should therefore be in a position to conduct its operations at the minimum cost. Equally with commercial banks, Your Excellency, the Government has to pay the usual interest on borrowed money but I suggest my first point clearly indicates a very great advantage to be derived by borrowers from an Agricultural Land Bank as compared with borrowing from an ordinary commercial bank.

A Board charged with responsibility for the administration of a large sum of public money, Your Excellency, must take no risks whatever and I would emphasise the paramount importance which should be attached to the provision of ample security and the best security of all in this connection, Your Excellency, is land. Hitherto, as I have said, Sir, agricultural development has been financed by banks and private capitalists but, Your Excellency, there is no doubt whatever that the money so borrowed has not always been spent to the best possible advantage. That again is a very great advantage attached to the operations of this Bank inasmuch as very careful supervision will be exercised by qualified experts over the

expenditure of the money which is so advanced and these experts, Your Excellency, are likely to be very helpful indeed in guiding the borrower, especially the new settler who we hope will be very shortly introduced from overseas, in the expenditure of his capital on the best possible lines.

I do not think, Your Excellency, that the interest charged for money borrowed from the Land Bank is likely to be very much less than the interest which is charged in many cases by banking institutions, but I have indicated some of the advantages which to my mind would accrue from the utilisation to the fullest possible extent of the Land Bank. It seems to me, Your Excellency, that one per cent., or anything in the region of one per cent., is a very optimistic figure to allow for all the administrative charges and the cost of inspection in connection with the work of this Bank.

We must also admit the possibility, Sir, that interest will not always be paid which will necessitate the employment of a very large amount of capital. But to my mind it is as well to make a start, more especially on lines which have been so conspicuously successful in Southern Rhodesia, the Union of South Africa and many other countries.

THE HON. T. J. O'SHEA: Your Excellency, it gives me great pleasure to welcome the introduction of this very important Bill, but I am afraid, Sir, that I must express my surprise that it has been introduced in such an off-hand fashion by Government. I am doubly disappointed to find that neither the mover nor the seconder of the motion felt fit to explain, not alone for the benefit of this House, but for the country at large, the attitude of Government toward the principles embodied in the Bill which it has introduced.

I welcome the Bill, Sir, however unsatisfactory it may be, in fact so unsatisfactory that it is my intention to vote against it unless it is very seriously amended, but I welcome its introduction because it shows that Government does intend to embark upon the innovation of the State taking a direct financial interest in the agricultural industry of the country. It is a very serious innovation and I think it is very necessary that we should define what is likely to be our policy that innovation having been adopted.

It is certainly necessary that we on this side of the House should do so, Sir, because it seems to me inevitable that there will be very big developments from this innovation and unless the people clearly understand our attitude toward it we may unwittingly be involved in developments we would rather not encourage.

The main principle of the Bill is that in future the State will take a direct financial interest in the development of the agricultural industry of Kenya. Now, Sir, the proposals start off in a very modest way, but even in that modest beginning expectations will be raised and we should take cognisance of this and let the people know if they are justified in the sort of expectations which are likely to be aroused by this Bill.

It is very common for the agriculturists, not only of this but of other countries, to consider themselves a class apart, to speak of themselves as "the primary producers" on whom all others depend. They consider because of the particular functions they perform in the development of our primary resources that they are entitled to consideration from the State to which no other part of the community is entitled. As I know that that idea is very widely held in this country I think we should define our attitude towards it.

Now, Sir, I hold the opinion that the agriculturist is not a class apart, nor has he any very special claim on the State as apart from any other section of the community. He speaks of himself as the "primary producer on whom all others depend" but, Sir, I hold the view that the agriculturist in no country differs in his functions from any other section of the working people and that in this country so far from having created a producer he is just as much subject to criticism as any other. I have also heard him spoken of as a robber rather than as a giver. The agriculturist in this country to a very large extent robs the soil of its wealth rather than produces wealth from the soil by his own efforts.

I have dilated on that aspect of the case, Sir, because I think it is necessary to emphasise that although the Government in this Bill is rather agreeing that the agriculturist has some particular claim for credit facilities which may be denied to other sections of the community, that he is not a class apart and there are limitations to his claim upon State credit facilities. I think the greatest justification for the State setting up machinery for giving him credit facilities is that unlike most other sections of the community he is restricted to a once-a-year turnover. He has to expend, he has to pay out for the best part of the twelve months and only at the end of the twelve months does he get any return on his expenditure. In view of that peculiar nature of his industry the State recognises that the agriculturist has some special claim on the country.

Now, Sir, when it comes to the manner in which Government endeavours to apply the principles underlying this Bill to our particular conditions I must confess that I am extremely

disappointed that after all the talk and all the investigation that has been made in connection with this Bill that it should be drafted on such very unsatisfactory lines. As I said at the outset, the Bill is drafted in such a way that were it pressed in its present form, much as I would like to see a Land Bank established in Kenya I should have to vote against it. I am immensely pleased to learn that it has been decided by Government to refer it back to their advisers in London so as to give them an opportunity of seeing whether they cannot recommend its financing on different lines from those contemplated in the Bill as at present drafted.

I have been told over and over again that the Land Banks established on the lines of this Bill in other parts of Africa have been very successful, but Land Banks on altogether different lines have more recently been established in other countries and I must confess that that later development showing co-operation between the State and the established banking interests appeals to my commercial instincts. I cannot help thinking that the bank in its management would be greatly strengthened by having behind it the support, prestige and traditions of the banking interests. That would not in any way jeopardise the essential functions of the bank because under that arrangement Government retains control of the policy by not alone having an equal number on the Board but by having the chairmanship of the Board of Directors.

The initial finance of the bank is intended to be the sum of money set aside by Legislative Council, that sum I understand to be £750,000 which was voted for the purpose by this Council some few weeks back. But, Sir, Legislative Council having agreed to that amount of capital it seems to me that as at present drafted the Bill permits of the management of the Bank increasing its capital very appreciably without any further reference to Legislative Council. I may have misinterpreted the clause of the Bill dealing with that, but if that be the case I should like an assurance from Government that it is not the intention to allow of the management of the Bank swelling its capital appreciably without Legislative Council giving its further sanction.

The section of the Bill which strikes me as most dangerous and not alone likely to jeopardise the success of the bank but also to jeopardise the success of the proper development of this country is that shown on page 11 dealing with advances to co-operative agricultural companies. Now, Sir, I am very anxious to see a Land Bank established in Kenya on sound lines. I believe it is necessary to the development of our agricultural industry. I am equally certain that the development of the co-operative movement among agriculturists is equally necessary for that development. For that

reason I am extremely critical of this section of the Bill because I believe that as at present drafted it would result in this well-intentioned effort of the Bank being the possible cause of a collapse of another movement equally necessary for the success of the agricultural industry. It is provided in that section, Sir, that advances may be made to co-operative agricultural companies for any of the purposes for which they are by law established and on referring to the Memorandum and Articles of Association of undoubtedly the biggest co-operative agricultural company in the country one finds that it may not alone carry on business directly connected with agriculture, but it can also engage in banking business, shipping, owning a railway, in railway construction even, and they even go so far as to finance political undertakings.

It seems to me essential, Sir, that portions of this section should be very largely curtailed and unless that is done I am afraid it will result in encouraging such societies to enter into undertakings involving very great risks to their capital and to the success of their undertakings.

One thing I regard as essential in that connection, and that is that the maximum amount of loans to any such companies should bear some direct relation to the amount of their subscribed capital.

I think it is not right from any point of view that the State should advance to any such concerns very large sums of money much greater than the amount of capital that the people themselves directly interested in those undertakings have thought fit to provide for those purposes.

The hon. Member for the Lake in dealing with the principles of the Bill referred to the importance of credit in relation to the agricultural industry. Sir, I have had quite a lot to do, perhaps I should put it differently—but during the last ten or fifteen years I have been brought into such close touch with the agricultural industry, in its business relations in this country, that I think I am justified in saying that the trouble with the agricultural industry in Kenya is not shortage of credit, but an excess of credit, (hear, hear), and that what this bank should aim at is not still further extending the amount of credit obtainable by agriculturists in the country but to direct and control that credit.

It may not be realised by the drafters of this Bill that the average agriculturist in this country not alone starts off very often with a mortgage over his land, but he obtains credit from various other sources and in four cases out of five,

I go so far as to say the average farmer in Kenya has already more credit than his position justified, and more credit than he is wise in accepting.

Under the section dealing with security, I should like to suggest for consideration that chattel mortgages might be considered. The Bill at present confines the securities to a mortgage over land. Arrangements are also made in certain circumstances for advances against notes. Now, if it is intended that the people already on the land should have the benefit of the funds of this Bank to any extent, I think it will be found on investigation that their land is already so mortgaged that they are not in a position to pass it over as security to the new Bank. As against which you may find that it might be desirable in a good many cases to give advances to these people for specific purposes and they may not be able to obtain those advances because of the nature of the security demanded in the Bill as at present drafted. I am not urging acceptance of that view—I am just suggesting that investigation might be made into it.

We, of course, Sir, have been thinking of this Bank as starting off with a capital of £750,000. That being so, some of us have asked ourselves to what extent that amount of money is likely to be of use for the various purposes that we know are in the minds of people who are looking forward to the establishment of the Bank. That amount has got to finance the two measures recently passed regarding the fencing of farms and the cleansing of cattle. It is also intended to finance the settlement schemes with which we have recently been dealing. It is also intended to provide facilities for co-operative agricultural societies for the purchase of farming requirements and for the financing of the export of their crops. Now, Sir, I should like the hon. Members responsible for the introduction of this Bill to quote us some figures, and show some enquiries as to the amount of that Government has made some enquiries as to the amount of money likely to be involved for these purposes. The impression I got from a study of the Bill is that though it starts off with only a mere three-quarters of a million, the Bill is providing for the subscribing and spending of millions, and the people who are spending those millions have a very remote idea indeed of what is meant by the sums of money with which in the abstract they have been dealing.

Has Government ascertained what is the average amount of money lent out on mortgage by private lenders in this country? That is one question I want an answer to. Has Government ascertained approximately the amount of money on overdraft from the Banks to farmers in this country, and

have they any idea of the amount of money that will be involved in the financing of our exports, as contemplated in this Bill?

In the case of the maize crop which is handled by one of our big co-operative companies, I find on investigation that in the slackest time of the year the commitments of that particular concern in the way of credit are £70,000. The value of our maize exports is about half a million pounds. Presumably, therefore, something in the neighbourhood—I shall be on the conservative side—of something like £250,000 will be required in the season in connection with the export of maize. Is it contemplated that this Land Bank will be in a position to provide these finances? If not, is it suggested that the concern will find its borrowings from the Land Bank, and also from some other source? Again, if an effort is made to assist in the financing of our maize exports, is it not reasonable to assume that other sections of the farming community will look for the same facilities and that the Bank may be called upon to finance the exports of our coffee industry, which again amount to a very considerable sum?

Have those who are endeavouring to assist in financing the exports of our maize and coffee taken into consideration the fact that it is reasonable to assume that we shall be called upon by the dairy farmers, too, to assist them in the storage of dairy products during the plentiful season to provide against the shortages, about which there has been so much complaint.

These aspects of the measure give me the idea that although we propose starting off in a very modest way in the establishment of this Bank, that in a very short time we shall be involved in a very large financial business indeed, and for that reason it seems to me that we cannot go to too great lengths in order to have the very soundest advice given us as to how this Bank should be established.

I have the feeling that the investigations of Government made in connection with this Bank have not been as widespread nor as deep as they might have been and as they should be, and while I should regret that any action of mine would result in the postponing of this Bill, still I think it really necessary for me to say that I would much prefer to see it postponed further than that the Bank should be started on insecure foundations. It is because I think the Bank so very necessary—a Bank on sound lines so very necessary—to the country that I advance that point of view.

In conclusion, Sir, may I issue a warning to those who have been basing great expectations on the passing of this Bill. I should like to warn them of two things; the first that

its finances will not be sufficient to give them their requirements in full and that the security asked for will be such that many will not be able to avail themselves of its facilities, and secondly that the cost of the capital to the Bank will be such that the borrowers from the Bank cannot expect, I am afraid, any material reduction in the rate of interest.

One of the reasons why I was so keen, and am so keen, to see the banking interests identified with the Land Bank, is that I believe that with the co-operation of banking interests it would be possible to obtain funds for the Bank at a lower rate of interest than would be possible under the scheme outlined in this Bill, and it is a mere platitude to say that the Bank can be of comparatively very little value to the community unless it can raise the money at a lower rate than can be secured by other means.

THE HON. CONWAY HARVEY: In explanation, Your Excellency, I did not say that the Kenya agriculturalists found it difficult to raise money by credit. What I did attempt to emphasise was that it was of the utmost importance that money should only be advanced for approved expenditure and that careful supervision should be exercised over that expenditure by proper authorities.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I support this Bill, but I think that there are certain matters in it which should be qualified. I think, Sir, that it is essential to provide money for agricultural requirements in certain order of precedence. I think, Sir, that the money should be available first for purely agricultural and pastoral requirements already existing, then it should be available secondly for settlement and thirdly it should be available as required by other factors, such as financing and assisting co-operative and similar organisations and societies and also that this Bill in making such advances to such societies and organisations should curtail very materially the activities of these organisations because I do not think they are all sound.

Now, Sir, in the past the road system of this country has been so bad that the individual farmer has been called upon to utilise quite large sums of money from his original capital in road communications. Under the present system, however, such drains upon him—and that was only one form of drain upon him, there were many others of a similar nature—will cease and he will be able to devote all his capital to proper farming operations. Now, Sir, in the order of precedence that I have suggested it is essential to maintain that order because after all it is we who supply the money, we—the average man of this country, not the man who is assisted

under a settlement scheme, and I do not think it is proper to suggest that we should supply the money and supply it wholly for the use of others.

I agree, Sir, that it is desirable that the Bank's constitution and management should receive further consideration. We have had a very interesting lecture from the hon. Member for Eldoret and Plateau, but, Sir, I suggest that he has said definitely that either the banks or the business people—and I suggest that the hon. Member comes into the latter category, I do not know if he comes into the former, but certainly the latter—is responsible for the optimism the farmer has manifested in utilising credit. I do not think it is a proper thing to urge that the credit of the average farmer has been expended uneconomically on the opinion of the average farmer, it has been expended on the opinion of the banks and the average business man of the country. Now, Sir, on other point. I suggest that instead of making mechanical rules governing the granting of advances and making certain disabilities preventive in their application, preventing persons from getting loans from the Bank, I suggest, Sir, it is highly desirable that the management of the Bank should investigate the actual values of the assets proposed by individual borrowers. The management surely will be competent to judge themselves whether the assets suggested by the borrower are real or not. I suggest it is wrong that there should be any mechanical elimination of persons by reason of mortgages or other disabilities which exist. I feel, Sir, that more discretion should be given to the Bank's management.

I support the principles but hope that these modifications will be incorporated in the Bill.

LTJENT-COL. THE HON. J. G. KIRKWOOD: Your Excellency, on the general principles I am in favour of the Bill, a measure which has been advocated for many years and I think it is most desirable. I do not agree with the details of the Bill and trust that they will be seriously altered in Committee. On reading through the Bill I have come to the conclusion that it appears to be more to assist closer settlement and agricultural companies than the present producers in this country. I think that that is an opinion which is widely held. The Bill has raised hopes amongst agriculturalists, but personally I feel they will not materialise. The money available is a very small amount and will not go very far. I also note in section 27 that the Board cannot make advances or take over an existing mortgage without first having obtained the sanction of the Governor in Council. I do think it is a mistake to take away the authority from the Land Bank Board.

As regards agricultural companies, I suggest it wants very careful consideration and I maintain that this Bill as drafted is more or less taken from other countries where the ruling conditions there do not obtain here and for that reason they also require a great deal of alteration. It is very regrettable that existing companies or companies to be formed are to be financed with Government money to compete with private enterprise in the country which has already given adequate service.

The question of agricultural companies is a very difficult one. I think we all realise the difficulties of a Board as against an individual. I will illustrate the point by referring back to a company that was started on the Plateau some years ago. It was started without a single penny of capital and over a period of about three years it accumulated profit to the extent of about £5,000 leaving all its assets clear in addition and after certain alterations on the Board within twelve months there were £4,300 scattered to the winds and some 3,000 bags of maize are still wandering about between Kittle and Mombasa. The results warranted that company amalgamating with another company, its only chance. It is a question purely and simply of management, one management was able to build up funds from nothing and the other in a short space of time dispersed the whole capital. I suggest, Your Excellency, that the paragraph in reference to agricultural companies wants very serious consideration. It requires that the Committee which is appointed should not only endeavour to protect Government for the money to be advanced, but they should also protect the companies themselves. I notice in one paragraph 35 that individual members of agricultural companies will be liable for the acts committed by their manager or secretary or both. I think, therefore, that the individual has got to be considered and it wants very careful consideration. I agree a good deal with what has already been stated and will not take up the time of this House by entering into any further details. The question requires very serious consideration and I hope when the Bill does emerge it will be of very great value to the Colony.

THE HON. W. C. MITCHELL: Your Excellency, I do not wish to take up the time of this hon. Council by useless repetition. To a very large extent I agree with the speech of the hon. Member for Plateau South and I do feel being the representative of a commercial constituency that the only point that really calls for emphasis from me is in connection with the proposal for advances to co-operative societies. I feel, Your Excellency, that to-day the commerce of the country is, if anything, being over-provided for by private concerns and I think the demands made upon the capital of

the Bank for purely agricultural development will be such that for a long time to come no application for assistance from co-operative societies ought to be made.

THE HON. THE DIRECTOR OF AGRICULTURE: I regret to say that in the stress of work during the last week or two I have not been able to prepare a speech on this Bill. I believe my hon. friend the Commissioner for Local Government will be in a position fully and adequately to deal with the whole subject, but the hon. Member for Plateau South has suggested that I should speak on the Bill, and if in doing so I not only refer to certain observations that have been made by hon. Members on the other side of the House I hope that at the same time I will not entrench unduly on the reply, which will doubtless be made by my hon. Friend, to the debate.

I would first like to make this general observation, Sir. I think it will be correct to say that no country is ready for the establishment of a Land and Agricultural measure until the land values in that country have come to possess a real value and have become somewhat stable. My opinion is, that in only perhaps the last three or five years has this Colony been ready to accept a measure of this kind, but I do believe that land values have become real in this Colony during recent years, and have come to possess a considerable measure of stability. That has been secured owing to the proof of the productive capacity of the Colony and of the establishment of markets and market connections for its trade and produce. The hon. Member for the Lake referred to the advantages to be derived from the establishment of the Land and Agricultural Bank, but in my opinion he did not refer to the chief one. My opinion, and it is the result of experience of other countries in the world where an organisation of this kind has been suggested, is that the greatest advantage to be derived is that of long-term credit, long-term loans. Farmers are then in this position when they are called upon by their bankers or other people from whom they have obtained loans. These loans are called up at an inconvenient time and farmers have a greater sense of security if they have secured a long-term loan from an organisation like the Land and Agricultural Bank than if they had obtained an overdraft from their local bank or from some private body.

The same hon. Member referred to the position of the banks in this Colony and what they had done for the farming community. I am glad to do so, Sir, and I would like to endorse that view. Several years ago when I was in association with the banks on the subject it was brought forcibly

to my notice and I would like to say this: that in the introduction of this measure by Government there is no suggestion that the banks in this Colony have not acted fairly towards their creditors and have not been reasonable in all the circumstances in respect of such charges and conditions, provided always that the security and the personal factor have been satisfactory.

I would like to make this point too as agreed to and put forward by the banks themselves. It is not proper and ordinary banking business to finance the farming community for development and production in the way it has been done by the banks in this country during past years.

I would like, too, if I may, to urge the point of view already expressed that if this Land Bank is to be successfully managed in this Colony great caution and a policy of safety will have to be exercised otherwise the Bank will find itself seriously embarrassed from time to time.

Opinions are so varied in this Colony with regard to the value of the land that the Central Board of management will require to exercise great caution and sound judgment. I do not doubt but that a measure of this kind would contribute greatly and substantially to the development of the Colony, to the prosperity not only of the farming community, but of all other collateral interests in the country.

Now, Sir, having made these general observations I would like to refer to one or two of the points made by Members and here I hope I shall not entrench upon my hon. friend the Commissioner for Local Government. I regret to find some hesitation on the part of some hon. Members in giving their support to this Bill. The hon. Member for Plateau South made a strong point of organising this service in some way that would bring about State co-operation and banking interests. Well, I would like to say that the banking interests have always had an opportunity of putting forward any proposals they would like to make to enter into co-operation with Government in a matter of this kind, but as far as I am aware they have failed to do so. It is within my knowledge, however, that a big lending company elsewhere has made proposals of this kind, but on examination they were found to be quite impracticable. I think we should be satisfied, Sir, to rely upon the experience of other countries in this same Africa and to apply in a service of this kind their methods as they have proved to be found satisfactory.

Again the same hon. Member made a strong point of the need for credit to be under control. I entirely agree, but it is proposed in this Bill that such credit will be entirely under

control. He referred also to the credit obtained from other sources even than banking. I took it he meant from commercial interests who were trading with the creditor. My reply to that point, Sir, would be this. That if you place the farmer in a position to pay such a debtor cash for whatever he buys, whether it be a harvester or fertiliser or dip or fencing or whatever it may be, he should be relieved of a considerable extra charge which would appear on his monthly bill on a credit system and I think that would be greatly to the advantage not only of the farmer but of the trading community in Kenya.

Reference was made by hon. Members to the proposal that the bank should take over existing mortgages. Now, Sir, I have not been able to study closely the provision in the Bill itself and doubtless it will go before a Select Committee for discussion in detail, but I think I am correct in saying that the principal adopted by Land Banks elsewhere in this connection is this. They do not undertake to take over a loan of this kind unless in the opinion of the Central Board the conditions are onerous and I think if we acted along these lines in this country we should act wisely and we should not have calls made on the Land Bank for taking over mortgages which can remain and should remain in the hands of existing mortgagors.

The hon. Member for Plateau South also referred to the large sums of money that would be required for financing exports. I think that is so. I suggest, Sir, that in that case the financial arrangements would be for short-period loans and not for long-term loans which would come under the ordinary finances of the Bank and that difficulties are not likely to exist in practice in the Bank providing short-period loans are granted for financing these exports.

In these few and general observations, Sir, I would like in conclusion to say that I hope this Bill will receive the support of the House, that it will be passed into law and I have no doubt that if it is wisely administered it will prove a great success.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT:
Your Excellency, I must apologise to the hon. Member for Plateau South for the shortness of my introduction to this Bill, but that shortness, as I said when I delivered that introduction, was deliberate. I did not want to take up an unnecessary amount of time in this Council in what would amount to repeating an exposition which had previously been made. Also, perhaps I relied, and have been justified in so doing, too much on my seconder.

Now, there are only one or two points which I have been left to deal with. They have mostly been dealt with by my friend the Hon. the Director of Agriculture, and I only wish to make a couple of observations.

The first is that I would ask hon. Members to realise that this is primarily a Land Bank, and as hon. Members opposite have observed, it is designed primarily to consolidate and increase settlement on the land. Well, Sir, that may be right or it may be wrong, but that is the main object of the Bill, and the Bill is therefore drafted in that form in consequence. It may be, as the hon. Member for Plateau South has suggested, that all sorts of additional and increased demands will arise which will justify a great increase of capital and the extending of the scope of the Bill. If that is so, time will show, and no doubt, if that demand is reasonable and sound, it will be to the advantage of this Colony to provide the necessary funds. But I would ask hon. Members at the present stage to think of this Bill primarily as designed to consolidate and increase settlement on the land.

I think such small points as have been brought up by hon. Members can be better dealt with in Select Committee.

The Hon. Member for Plateau South has asked for figures to justify the amount of three-quarters of a million which is the authorised issue capital of the Bank. Well, Sir, it is very difficult indeed to justify any particular figure, taking into account the fact that this Bill is not primarily designed to take over existing mortgages. If the Bill was designed to take over existing mortgages a definite figure could be found which would naturally have a decisive influence in the striking of a total amount of capital. What we have, I think to think of more is the amount of capital—the amount of loans—which farmers require to carry on long-term leases in order to carry on their normal business. Future farmers, as well as, of course, existing farmers, would be in a position to take first mortgages.

Well, Sir, I think it is obvious the striking of a total of such requirements is very largely a matter of guesswork, and the figures which may have been used, in striking this total will be made available, for what they are worth, in Select Committee.

I propose to move later that the Bill be put into Select Committee.

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

The question was put and carried.

Council adjourned for fifteen minutes.

Board in London. How far this Board will take the place of the existing Committee is a matter for consideration, but I think probably there will be a number of matters of less indirect land and more direct economic importance which this Committee might deal with. That, of course, is a matter for Your Excellency.

I do not propose to go further into the details of these schemes, and I have very little more to say on the general principles of them, except that I would like to emphasise this particular point: These proposals are not in any sense complete proposals. That is to say, they are complete in so far that they only attempt to lay down the lines on which settlement in future can be developed. In fact, there are a certain number of farms to be cut out under these proposals, which merely represent the commencement of the process which I think will be a matter of annual repetition, and I do therefore ask hon. Members not to be too hard on these suggestions.

There are a number of small farms in each category, and I would ask hon. Members to remember that this is the first initial effort in this direction, and it is all-important that they should be carefully handled in order that they may be a success so that the process can then be developed with confidence.

Lastly, there is a further matter to which perhaps I may refer, and that is the question of closer settlement on land which is not Crown land. I have already referred to this in so far as I have said that I think there is a natural process in that direction, and at the moment I think all we can do is to give it the support which a Land Bank will provide, and the protection which such legislation as we have been referring to this morning, such as the Fencing and Cattle Ordinances, can give it, too.

I beg formally to move that these proposals be adopted.

THE HON. CONWAY HARVEY: I beg to second the motion.

HIS EXCELLENCY: The question is:—

“That the Scheme for Closer Settlement which has been laid upon the table be adopted.”

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I see one slight objection to adopting the proposals as tabled and that is, Sir, that it seems to imply agreement that the first call on the Agricultural Bank's funds shall be for financing closer settlement and I must reserve acquiescence

in that proposal because I do not think it has yet been demonstrated that that is desirable. The Bank as stated is not a settlement bank but a Land and Agricultural Bank.

First of all I should like to say that in my opinion the whole scheme of closer settlement is a political gesture by the Government and not by the settlers of this country and then, Sir, the question arises as to whether the country itself is desirous of spending such a large sum of money in furthering that political gesture. Now, Sir, we on this side of the House have pressed continually for the furthering of normal settlement by normal persons having a normal amount of capital—persons like ourselves, the average man on this side of the House, who is what I consider a normal man and who conforms to the normal requirements of this country. Now this scheme makes no provision for him and it may be said that this scheme is only a closer settlement scheme, but until the functioning of the normal process of selection for the normal man I think it highly desirable to concentrate on a normal settlement scheme. I believe later on in this session it is proposed to deal with settlement as settlement and if Government will give us an assurance now that normal settlement will be provided for us in the past it has been continually and deliberately hindered then, Sir, one might agree to these proposals with the reservation that the financing of the Land Bank should not be primarily for closer settlement.

It must not be forgotten, Sir, that the Land Bank itself is financed by the farmer of average financial ability, or rather of average financial standing, and in this scheme of closer settlement we shall not increase our numbers of that highly desirable class, but we shall introduce a class which will require continually, anyhow for a certain number of years, require financial assistance; we are not increasing the number of tax-payers, we are increasing our liabilities. We are increasing also our numbers from a political standpoint, which is highly desirable, but we are also increasing our liabilities, the calls that may be made upon the normal man in this country and I view this proposal, Sir, with a certain amount of doubt.

THE HON. W. C. MITCHELL: Your Excellency, I think we can take it for granted that every member of this House on whatever side he may be sitting is anxious to see greater development taking place and more settlers coming into this country for agricultural purposes, and I for one feel very strongly on that point and I regret therefore for that reason I shall be compelled to vote against the adoption of this scheme because I disagree with the conditions under Scheme A. I am disappointed, Your Excellency, in putting this proposal before this hon. Council that no sample budget or anything of that

kind was forthcoming to give some indication as to how applicants under Scheme A would be able to make their living.

The success of closer settlement in South Africa and elsewhere, as far as I know, has been almost entirely dependent upon the fact that at the door exists a market for all sorts of produce on small lines. In South Africa we have tobacco, fruit, vegetables, lucerne and ostriches. I think those are the lines which have been cultivated with success on small holdings. All these items, possibly with the exception of tobacco, would fail in East Africa owing to the want of adequate markets. Tobacco has not yet been proved. I am not going to say that one individual taking up an area of land outside Kitale on much the same conditions as Scheme A would not possibly make a success of it because he would have the local market of Kitale Township. It is easy for one man producing fruit or vegetables or other small crops with his market at his door to make a living, but it is a far different proposition for 48 people trying to do the same thing. The point has been made that in selecting applicants under this scheme that men should be chosen with some trade on which they could fall back or, at which they could earn money during the slack season of the year. The slack season of the year would be the slack season for everybody and at that time the demand for labour would be at its lowest. It has also been suggested that transport or activities of that kind might be used as a means of adding revenue to the small-holder, but whatever way one looks at it the only time available for outside work would be the time when the demand would be at its lowest. We appreciate that the point is made that only the very best men will be chosen to take up land under this scheme. I am sorry that I shall have to vote against it. We want good men in this country, but we do not want good men to be brought into Kenya to have their hearts broken on an almost impossible task. He will not be an argiculturist or horticulturist. The average artisan or tradesman knows very little about either, and would not make a success of it from an agricultural point of view. He might be able to hold his own by revenue derived in other ways, but that would not prove that small farming on the lines suggested would be a success. A model farm would only be of value if it could prove that with the maximum funds as provided by the settler it could make a profit at the end of the year, and even then the expenditure either capital or recurrent is much more than any individual settler could contemplate even when due allowance has been made for the fact that a certain amount of equipment may be available for the instruction of settlers in the neighbourhood.

In regard to Scheme B, I think that comes in a different category. I think it highly probable that quite a measure of success may be achieved under Scheme B and the only criticism I have to offer in regard to that is that the amount of permanent improvement which is to be insisted upon is somewhat too high.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, the hon. Member for Nairobi North has expressed far better than I can the doubts and difficulties I have been feeling in regard to Scheme A. I do not go quite the length he does because I think it hardly right by casting a vote against the proposal to exaggerate one's own fears and difficulties and allowing them to over-rule the opinion of the Kenya Advisory Committee who must undoubtedly have considered these doubts and difficulties and must have come to the conclusion that this scheme can be brought to satisfactory fruition. If Scheme A were to apply immediately to three or four hundred small holdings I should undoubtedly oppose it, but as it is being started in a small way and, like many things in this world, it will prove or disprove itself, and for this reason I would ask the hon. Member to consider well before voting against it. If, like myself, he has doubts as to the outcome of the scheme I would suggest he refrain from voting, but taking everything into consideration I think it would be a mistake on his part to oppose the starting of this scheme in this way only I think it would be a most disastrous thing for this country if settlers were turned by failure of this scheme into poor whites.

LIEUT.-COL. THE HON. C. G. DURHAM: I want to support the remarks made by the hon. Member for Nairobi North. I do not like Scheme A. Personally I do not think a man can make good on an acreage of 250 if he cannot plant such crops as coffee and the like. I also join with the Member for West Kenya in the remarks he has made. But, Your Excellency, I want to make a special plea for those ex-soldiers who in the unholy ballot of 1919 did not get a farm at that time. Many of these people are still in the country and they wait for recognition from Government in the matter of farms.

Your Excellency, in 1919, when ex-soldiers went into that ballot they had to compete with scallywag conscripts that were hauled out by the scruff of the neck. These men who were hauled out by the scruff of the neck, received farms and the soldier of 20 to 25 years got nothing. Numbers of these men are still in the country and are very desirous of taking farms. Many of them are in the position of managers of farms and with the assistance of Government would make most excellent farmers. Others failing to get a Government farm have had to buy one and as they had not

enough money to develop it they have had to take a partner or go to the bank for money. This meant that there were now two men on a farm which was not big enough to support two, but being landowners they could not apply for land again. Again a number of people in the country took up business when they did not obtain farms and a large number of them had been successful. Although they were successful men they were able to get farms now. I fail to see where the difference is. If a man goes and works on a farm and makes good to a certain extent why should he, after taking in a partner to help carry it on, be debarred from a farm to go on himself and leave his partner to carry on the farm he originally obtained. I do hope Government will see its way to give these ex-soldiers the recognition they deserve under this Bill.

THE HON. CONWAY HARVEY: Your Excellency, I am afraid I do not see quite eye to eye with my hon. colleagues who have already spoken.

To refer to the remarks of the last speaker, a previous statement was laid on the table of this Council a few months ago, at an earlier Session, in which it was very clearly stated that ex-soldiers, everything else being equal, would be given preference in connection with their selection for this valuable land, and there was at the same time laid on the table a detailed budget, mentioned by the Hon. the Member for Nairobi North, who was absent from the country at the time. He could bring himself up to date by consulting documents relating to the subject under discussion.

I have no doubt that both the Hon. Member for Nairobi North and the Hon. Member for Nairobi South are competent agricultural experts. Now, Sir, I have been identified with agriculture the whole of my life, and I do say in all seriousness that the land which has been selected for farmers, both under the A scheme and the B scheme—that the plots selected do constitute an economic unit on which a man, if he works his land properly under guidance of the officers who will be appointed for the purpose, can make a very good living for himself and his family, and possibly extend the scope of his operations with the profits that he gets. If you take a 250 acre plot at Kitale alone, quite apart from the fact that the land is admirably suited for the purpose of growing coffee, if one grows a simple crop like maize, a very conservative estimate of the actual profits accruing from 100 acres only of maize from the land is 12 bags per acre per annum; very often it would be 18 or 20 bags per acre per annum, and it can be considered as a perfectly fair figure that on 100 acres the man will get an income of £600 per annum, which I suggest is a perfectly reasonable income for the type of man which it has

been suggested should be placed on this land, and I would ask hon. Members whether it is not a fact that the poor white in Kenya to-day is not the unfortunate individual sitting in glorious isolation in a banda in the middle of 20,000 acres of land without any capital available for developing his land, without any desire or initiative to do so, and without the possibility of ever improving his status. I consider it is far more important to select people as settlers in any agricultural country of the necessary character. Character to my mind is of far greater importance than the mere possession of a certain amount of capital.

I do not know exactly what the Hon. Member for West Kenya meant by normal settlement. I suggest that hitherto settlement in Kenya has been carried out on the most abnormal possible lines, and what could be a more effective way of utilising a comparatively small amount of available Crown land than by dividing up that land into proper economic units and having those farms developed by very carefully selected agriculturists, and so far as the enormous expenditure which one hon. Member mentioned is involved, I suggest that the expenditure involved under this scheme is positively trifling, more especially if considered in conjunction with the fact that very large financial contributions are to be made by the Overseas Settlement Committee and the Empire Marketing Board, and possibly other Institutions.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I wish to support this proposal of Government for settlement because I believe it is an earnest endeavour on the part of Government to try and carry out what we have been urging it to do for a long time. At the same time in conjunction with some of my colleagues I cannot help feeling nervous about the A Scheme and I should very much like to see the acreage slightly increased. The last speaker in referring to it referred to 250 acres, but actually in the proposal it says not more than 200 acres. Personally I should like to see it increased to 250 or 300 acres.

THE HON. CONWAY HARVEY: In explanation, may I say that I was merely repeating the words of the previous speaker and of course he was wrong.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: I still maintain that I think 250 or 300 would be a more economic acreage. Also, Sir, the hon. Member for the Lake quoted £600 as the income to live on, but that is the gross return and not the net return, so I am afraid he was wrong that time. Though I have some doubts of this Scheme A I do feel it has been gone into thoroughly by people very competent

and I do not wish to throw cold water on an earnest endeavour of this sort, but I do hope the hon. Member will deal with that in his reply as I was, like the hon. Member for Nairobi North, out of the Colony at the time it was published and we should like to hear the sort of budget on which it was suggested a living could be made out of these small holdings.

With regard to Scheme B, I support it very strongly. My experience last year at home was that I had interviews with a large number of suitable settlers who would come in under this scheme. They were chiefly sons of farmers in England who had very little capital and were doubtful of coming out here unless they had something to come to. That is the class we want here and I think this Scheme B would help them very much. The only point I would like to agree with my hon. Friend on the right I think the permanent improvement is on much too high a scale. If it can be made a little bit less I think it would help towards success.

Scheme C also I think is a sound scheme. It applies to a different type of persons who would be good citizens of this Colony.

The only other point I would like to say is that the fact of these schemes being brought forward will not interfere with the normal development of settlement in this Colony in the way it has been done in former times, and that people who want to come to settle without necessarily being financed by some such scheme will be able to do so and that there will be as much land alienated for settlement as can possibly be arranged and that it will not be held up because of this particular scheme.

THE HON. T. J. O'SHEA: Your Excellency I welcome the introduction of these proposals not so much because of what they contain in themselves but because of what they given promise of. I shall not criticise their restricted scope because I understood from the introductory remarks of the hon. Member that they need not be taken as hindering in any way what has been described as our normal process of settlement and at a later stage in the session I understand we shall debate a motion urging that other schemes of settlement should be considered.

Scheme B has been generally agreed upon as a sound scheme. Scheme A has, however, been the subject of a lot of criticism and I am in the position of the majority on this side of the House in being doubtful of it, but I am not prepared to carry my doubts about it so far as to turn it down. Had the original idea of 100-acre holdings been persisted in I should have voted against it, but now that it has been increased to 200 I am satisfied that it is a possible scheme and

the Advisory Committee have very carefully considered it—considered it far more carefully than I have and I am prepared to accept their judgment and knowledge on the subject that it is a feasible one and should be given a chance. It is on such a restricted scale that no very great harm can be done and the way things are developing up in that part of the country that even if men taking up these allotments were not successful they would be able to earn their living and there is no fear of their becoming poor whites if they were the right type of man in the first instance.

Scheme C appears to have been overlooked in this debate. I would like to give it a word of praise. I think Government and the Advisory Committee have been very wise in including this scheme. I believe the country will benefit immensely by the efforts now being made to encourage retiring civil servants to make this country their permanent home. At the present time we are suffering, Sir, considerably indeed from the absence of a leisured class in the country and from the loss from year to year of those who have given the best years of their lives to studying the problems of the country and whose experience and judgment would assist us in the problems which we have to consider in this hon. Council from time to time. I must say I do welcome this Scheme C.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I wish to support the Closer Settlement Scheme. On general principles, I think it is very sound, as we do undoubtedly require a very large increase in our population, and I think the scheme, although open to reasonable criticism, will be a step in the direction of further settlement in this Colony. I am not certain, however, about the closer settlement of the smaller farms being located around Kitale. I would prefer to see that land disposed of under normal conditions.

As regards the A Scheme, which has come in for so much criticism, I give that my support and qualification, provided the right men are selected. There is no reason to think that it should fail. I believe if possible, from practical experience, to make a living off a two-hundred acre farm. (Hon. Conway Harvey: Hear, hear.) It depends on the individual, and in that we might as well make a mistake if the selection is not made very carefully; also provided that the people introduced into Kenya do not fall into what has been a common practice of many others, and that is to look upon manual labour in what they call a 'Black Man's Country' as being *infra dig.* for a white man. I do not hold that belief myself, and I trust that the new settlers when they arrive here will take off their coats and get to work, and I am perfectly certain that if they are genuine triers they are going to succeed with these 200-acre farms.

Of course, that might imply that should there be such cases only artisans would do outside work. I think it would be a very good thing if there are a number of such people, but the type we are thinking of is the farmer's son, who is not prepared to sit on his father's farm, but has a knowledge of agriculture in England, who has been brought up on a farm, and at the same time has learned something else, and therefore has a dual qualification. This type of man would be of great value to this Colony. (Hear, hear.)

Of course, I do not propose to do any more than ask such hon. Members as have expressed their doubts to accept the assurance that the points which they have raised will be most carefully gone into before actually the final survey on the grounds is passed and before the final beacons are put in.

I do think that matters of this sort—questions of detail, and the areas allotted—must be left to some body which is properly representative of the interests concerned, and their advice should be accepted.

I do most earnestly ask hon. Members therefore to vote for this motion.

HIS EXCELLENCY: The question is:—

“That the Scheme for Closer Settlement which has been laid upon the table be adopted.”

The question was put and carried.

MEDICAL SERVICES: KENYA AND UGANDA RAILWAYS AND HARBOURS.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I beg to move:

“Be it resolved that this Council approves the employment of an additional Medical Officer and four additional Sub-Assistant Surgeons to be employed for medical work with the Kenya and Uganda Railway Administration on the understanding that the Railway Administration will reimburse the Colony in respect of such appointments in accordance with the Schedule hereto attached, and on the understanding further that the Railway Administration will pay any transport, travelling, subsistence or other similar allowances which may become due to the officers from time to time in accordance with the approved Government scales for such allowances.”

SCHEDULE.

	Medical Officer.	Each Sub-Assistant Surgeon.
Salary (average)	£920	£270
House allowance	132	36
Relief (one-fifth of M.O. one-eighth of S.A.S.) ...	210	38
Pension (15 per cent. M.O., 12½ per cent. S.A.S.) ...	189	43
Passage:		
European, 1 in 3 years	70	11
Asian, 1 in 4 years		
	£1,521	£398

The medical services which are and have been afforded to the Uganda Railway have been part of the ordinary activities of the Medical Department. Since the date when the Railway became a separate administration a contribution has been received on account of these services. However the growth and expansion of the Railway has involved a very great increase not only in personnel but in the extension of its activities to new areas. The old concentration which existed has had to perforce largely to disappear. It has been represented that according to the arrangements that can be made at present, that is to say for the supply to all the departments of Government of medical facilities, a certain amount of delay has occurred and a certain amount of waste of time happens because people have to wait for attendance or have to proceed to a central point. I agree with that Your Excellency. The Railway have put forward that it is necessary, now that they have attained their present dimensions, that they should have a medical officer attached to them personally to deal with the peculiar Railway requirements, not only for the treatment of the sick but for seeing that the Railway is kept in a proper sanitary condition and that it results in an increase and not a decrease in public health in the area in which it is concerned.

It will be observed Your Excellency, that in these proposals to employ this additional staff the whole cost in connection with them will be reimbursed by the Railway to the Colony. I know these points are going to be amplified by my seconded the Hon. the General Manager and I will content myself with merely moving the motion.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS : Your Excellency, I beg to second the motion. The position as explained by the Hon. the Director of Medical and Sanitary Services, is that with the growth of the Railway system it is necessary to extend also the facilities for medical and hospital attention to Railway staff, for ambulance work and the like in connection with the Railway. Many railways have found it necessary to have their own medical organisations but I think, Sir, that it would be a pity in this country to introduce a separate medical organisation for the Railway, and I think as long as we can it is better to have a joint medical service under one control. That medical service must, however, be able to meet the general Railway requirements and the Hon. the Director of Medical and Sanitary Services agrees with me that this is the minimum for the time being.

There is one very important point, Your Excellency, in connection with this proposal and that is the appointment of a distinct Railway medical officer. The object of that is to secure an officer who will study the position on the road; who will get over the line and get in touch with Railway conditions and in addition will establish a medical organisation and the meeting of its requirements. He will deal not only with the medical side but also with the sanitation side and, if I may say so, also with the ambulance side.

Your Excellency, I noticed this morning as I replied to a question in regard to the ambulance equipment on trains, that a smile spread over the face of the hon. Member opposite as though to suggest that my answer was not strictly correct. Of course my answer was based on the normal position carried out by normal men under normal conditions, but I am not going to suggest that there have not been cases in which instructions have not been properly carried out. We have had difficulty in connection with ambulance matters, and almost ever since I have been in the country I have been very much exercised about the ambulance side of Railway work. So far we have had some difficulty in connection with the enormous amount of theft that takes place. It is an extraordinary thing but the theft of ambulance equipment has at times been upsetting to all concerned and at times we have not always been successful in making our men realise the importance of proper attention to ambulance equipment but I am trying to get over that by a system of punishment. A guard goes out and he is held responsible for the safety of the ambulance equipment. But we want more than that. This medical officer should work with the assistance of experienced railwaymen, and to have ambulance training and proper organisation for use in case of

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accidents is one of the objects in having a separate medical officer under the control of the Hon. the Director of Medical and Sanitary Services.

I think, Sir, if this hon. Council will pass this motion without question, realising that it is only the commencement of the adaptation of the services and the Railway Administration must and will willingly pay its own expenditure on medical and ambulance services.

The question was put and carried.

POLICY OF GOVERNMENT TOWARDS NON-GOVERNMENT HOSPITALS.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES : Your Excellency, I beg to move the second motion standing in my name :

1. That where it is necessary to establish a new non-Government European Hospital or to increase the accommodation at a previously existing non-Government hospital, Government should contribute towards capital expenditure at the rate of one pound for every pound supplied locally.
2. That before contributing towards capital expenditure Government should be satisfied that the necessity for expenditure exists, that needs cannot be met without expenditure, that buildings to be erected are of the most suitable type, and that the proposed expenditure is reasonable.
3. That Government contributions towards the recurrent expenditure of a non-Government hospital should be made, as a general rule, only with the object of defraying costs on account of the admission of indigent patients or of patients unable to pay full fees; payment to be calculated on the present system, viz. at a rate calculated to cover the whole of the outgoings plus two-thirds of the overhead expenditure.
4. The only exceptionally should contributions be made by Government to non-Government hospitals with the object of bringing about a general reduction of fees.
5. That the acceptance of Government contributions towards capital or recurrent expenditure when the latter is to be devoted to a general reduction of hospital fees should involve inspection by Government.
6. That in the event of it being desired to institute non-Government Asiatic hospitals the foregoing principles should apply equally as to non-Government European hospitals.

7. That, in this resolution, a non-Government hospital means a hospital which is not maintained by central or local Government funds."

Provision of hospital facilities is part of the general public health responsibilities of Government towards the people that it governs. That I think cannot be denied. The question arises as to how these hospital facilities should be provided. They might, of course, be provided by a Central Government Department under Government rules and regulations and so forth. They might be, and I hope later on they will be, provided as a local Government facility, but Your Excellency, there is a third manner in which hospitals have been provided in the past and which I hope will not, at any rate for a considerable time cease, and that is as the result of local endeavour and local interest but not necessarily by local government interests.

The several parts of the motion before the House at the moment specify the part which Government shall take in promoting the foundation of such hospitals as have been referred to in the last category. We have already two in the country which are run not as Government activities and which I think are certainly not unsuccessful. I suggest, Your Excellency, that the interest taken in these institutions is greater than had they been Government institutions; far greater than if they had been central government institutions and probably a good deal greater than if they had been local government institutions. This lays down the lines on which Government assistance will be formulated in the establishment of such hospitals as these and the extension of such hospitals, should it be shown that conditions indicate that they should be made larger. It will be noticed that before Government contributions are given the whole position has to be examined from the point of view as to whether the hospital is necessary, whether extension is necessary and so forth. The proposals have to receive sanction in order to ensure that they are properly drawn up, that they are economically sound and that buildings are built for the purpose for which they are intended. Acceptance of a Government contribution will automatically ensure Government inspection, not a detailed and particular inspection, but an inspection to see that the institution is being run on right lines and is a benefit to the district which it is intended to serve.

It will further be noted that acceptance of this amount indicates that contributions on the part of Government will not normally be made towards a reduction of the general fees which may be charged to those who may have to seek admission to the hospital. It lays down further the principal

which has been in operation for some time past that Government will hold itself responsible for the expenditure incurred for the admission of persons unable to pay the hospital fees up to an extent to cover the actual outgoings and two-thirds of the overhead charges.

I do not think it is necessary to explain again why that system has been adopted. The motion lays down that the same principles are to apply to non-Government Asiatic hospitals as to non-Government European hospitals and it finally defines what the actual meaning of the term "non-Government hospital" is in the motion.

It will be noted, Your Excellency, that there is no reference in this motion to native hospitals. It is considered that the question of Government assistance to non-Government native hospitals is so especially complex as to require special consideration. It would be a very difficult matter to lay down principles.

I am authorised by Your Excellency to point out that this motion purely concerns hospitals, but that applications for assistance towards the employment of nursing sisters where hospitals cannot be provided, will receive sympathetic consideration in connection with the Estimates. I beg to move the motion.

THE HON. THE TREASURER: I beg to second.

THE HON. CONWAY HARVEY: Your Excellency, I feel sure that everyone will support this motion and I welcome the change of Government policy inasmuch as I think for the first time it is an assumption of responsibility for members of the public other than officials and natives. I am particularly grateful, Your Excellency, to the Hon. the Director of Medical and Sanitary Services for his concluding remarks as I feel it to be of the very greatest importance that the needs of the poor people domiciled in sparsely populated and urban areas should not be overlooked though they themselves contribute indirectly through general revenue to hospitals in the very populous and richer centres, and it is only fair and reasonable that their requirements should be considered, more especially as they have done everything humanly possible to help themselves. District sisters subscribed for by the people concerned have been established. Other districts have been successful in collecting very large sums of money but they require a very small amount of Government support to enable them to get these very essential nurses going in the districts in which they are so badly needed.

The question was put and carried.

GRATUITY TO THE HEIRS OF THE LATE MR. J. O. W. HOPE.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I beg to move the motion standing in my name:—

"That the Council approves of a sum of £2,587-10-0 being the sum which would have been payable to the late Mr. J. O. W. Hope, or to the heirs of his estate had he exercised his option to commute his pension, being now paid to the heirs of the said Mr. J. O. W. Hope."

Under the Pensions Ordinance which was passed in this Council last year power was given for anyone who came under it to commute one-quarter of his pension for a gratuity equal to ten times the sum commuted.

Now the late Mr. Hope came under this Ordinance, which was assented to on June 25th, and came into operation from the 3rd August. Mr. Hope was notified by the Secretary of State on August 6th that he was given six months in which to notify his intention to take a portion of his pension in a round sum. He did not exercise his option, although we all know that it was very clearly his intention to do so. Now under the Ordinance there is no provision for a gratuity to be given in such circumstances. That is the law, but this case is a very exceptional one, because Mr. Hope was one of the first officers, possibly in the Empire, certainly in Kenya, who asked that he might be allowed to commute his pension. It was as far back as May, 1924, that he applied to Government to commute a portion of his pension in order that he might purchase a farm in Kenya. The Secretary of State was addressed in regard to this request, and permission was granted. A farm which is still known, I think, as "Hope's Farm" in the Nyeri district, was to be allotted to Mr. Hope when he retired and commuted that part of his pension which he wished to commute. Unfortunately, Mr. Hope was never able to carry out his desire in this matter, as he died in England on September 15th last.

Mr. Hope was informed that his request to commute had been allowed by Government, and Your Excellency at the Civil Service Association annual meeting made an announcement to the effect that Mr. Hope had been allowed to commute a portion of his pension. At the time when the Ordinance came into force Mr. Hope was very seriously ill, and he died six weeks after the advice was sent to him, and when he was not in a position to deal with business at the time. Under the circumstances, Government feels, and I hope Council will agree, that this is an exceptional case, and that, subject to the approval of the Secretary of State, Mr. Hope's relatives and heirs should get that portion of his pension which Mr. Hope would have commuted, namely, a sum of £2,587-10-0.

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I therefore move, Your Excellency, that this sum be approved.

CAPT. THE HON. H. E. SCHWARTZ: With Your Excellency permission I would like to be allowed to second as I feel very strongly about it.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, since the commutation of this pension was for the definite and sole purpose of purchasing part of Farm 12 in the Nyeri district, Government has made a mistake, and a very big mistake, in dissociating the question of commutation in money from the question of the land concerned. I believe, Sir, that the sum granted is in effect a case of courtesy due to the circumstances of the heirs. That has not been stated in the House but it was suggested in Committee and it is on these grounds alone that I do not oppose this motion.

THE HON. THE COLONIAL SECRETARY: On a point of explanation, Your Excellency, I should like to state that this is not a case of commutation of pension for any definite purpose. Under the Pensions Ordinance an officer is allowed to commute a portion of his pension and he can use that money for any purpose he desires. In this case Mr. Hope had proposed to spend the money on a farm before the Ordinance came into force.

What we are concerned with is whether the power he would have had under the Ordinance should be exercised in this case in view of the special circumstances of Mr. Hope, in that he was not able to deal with business at the time and had already been told definitely that he would be allowed to commute, and the purchase of the farm is an extraneous factor in the case.

The question was put and carried.

CORYNDON MEMORIAL.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I beg to move the motion standing in my name:—

"That the Council approves of a contribution of £3,000 being paid on behalf of the Colony towards the Coryndon Memorial, subject to the plans being approved by Government, and of a further sum of £2,500 being paid to the Natural History Society as compensation for disturbance for the surrender to Government of their present building and the plot of land on which it is built, provided that this sum be spent on objects connected with the Coryndon Memorial."

Your Excellency, I know the feeling of this House is that a fitting memorial should be erected in memory of the late Sir Robert Coryndon, whose distinguished services to the Colony are well recognised and well remembered in Kenya. I think it is also the desire of this Colony that the memorial should be erected as soon as possible, and further that it should be a fitting one to our late Governor and also a memorial that will be worthy of the Colony. There has been some delay with regard to the erection of this memorial, and that delay has been principally due to the difficulty of selecting a site. It is now believed that a site has been found which will be acceptable to everyone, and which will be approved by the Town Planning Authority, and which also, I am sure, will meet with the approval of the citizens of Nairobi. The site is on a plot of ground above Ainsworth Bridge, near to the house occupied by Dr. van Someren. On that plot of ground it is proposed to erect a building which will be known as the Coryndon Memorial. It is proposed that that building should be used as a Natural History Museum, in which will be exhibited objects of interest from the flora and fauna of the country. It is proposed that the building shall not only be a Natural History Museum, but should also include other objects of interest, such as subjects of historical interest to Kenya. It is desired to make this Memorial a monument to the history, development and progress of Kenya.

Now, if such a building is to be erected it should be one in which exhibits can be shown to the best advantage. The museum will be visited by people from all parts of the Empire and abroad, and it is felt that all the interests connected with Kenya should be there closely united. It is proposed that there should be certain rooms set aside where exhibits may be studied, and there will be a section dealing with taxidermy. There should be possibilities for great developments in the future. In no part of the Empire perhaps is there a wider scope for an exhibition of world-wide interest to all lovers of nature and the flora and fauna of Africa.

The sum of £6,500 has already been subscribed and it is now suggested to add to that amount the sum of £3,000 as a donation from Government in order to complete the buildings. Plans have been drawn showing how such a building can be erected for £9,500. It is also suggested that the sum of £2,500 should be paid to the Natural History Society in return for their relinquishing their site, their building and their collections, providing that such sum is put towards the expenses in connection with the fittings or the provision of cases or buildings or other objects in connection with the Museum. Altogether it is proposed that the sum of £5,500 be voted by Government.

It is proposed to vest the control of this Memorial in Trustees, who will include representatives of Government and the management in the Natural History Society, which has already done excellent work for the country in the encouragement of all branches of natural history.

As regards maintenance, at the moment the sum of £300 is voted each year for this purpose, and that of course will have to be increased, but it is hoped that a contribution will be obtained from the Municipal funds as well as from the Government. It is essential that the Museum should be properly maintained.

I am sure we all feel that the building should be erected as soon as possible, and that every care should be taken that the Memorial is a fitting and lasting one to a Governor whom we all wish to be remembered and worthily commemorated. (Hear, hear.)

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

HIS EXCELLENCY: The question is:—

"That the Council approves of a contribution of £3,000 being paid on behalf of the Colony towards the Coryndon Memorial, subject to the plans being approved by Government, and of a further sum of £2,500 being paid to the Natural History Society, as compensation for disturbance for the surrender to Government of their present building and the plot of land on which it is built, provided that this sum be spent on objects connected with the Coryndon Memorial."

The question was put and carried.

LEGISLATIVE COUNCIL CHAMBER.

CAPT. THE HON. H. E. SCHWARTZ: With regard to the motion standing in my name on the Order of the Day, and which I beg to move, reading:—

"That a Select Committee of Legislative Council be appointed to consider the feasibility of Government building on to the Memorial Hall in order to make it a permanent Legislative Council Chamber."

As I understand that Government is prepared to accept this motion, and as the resolution does not prejudice the issue, I do not wish to waste the time of Council and will therefore ask my seconder to second the motion.

THE HON. CONWAY HARVEY: I beg to second the motion.

HIS EXCELLENCY: The question is:—

"That a Select Committee of Legislative Council be appointed to consider the feasibility of Government building on to the Memorial Hall in order to make it a permanent Legislative Council Chamber."

THE HON. THE COLONIAL SECRETARY: The hon. Member is right in his assumption. Government is quite prepared to consider the matter and to appoint a Committee to go into the question, but, of course, it must be understood that that does not commit Government in any way.

The question was put and carried.

BILL.

FIRST READING.

THE ALTERATION OF TIME BILL.

On motion of the Hon. the Treasurer, a Bill to alter the time within the Colony and Protectorate of Kenya was read a first time.

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

MOTION.

THE LAND BANK BILL.

THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT: I beg to move that the Land Bank Bill be referred to a Select Committee consisting of the following Members:—

The Member for Plateau North.

The Member for Plateau South.

The Member for Nairobi South.

The Member for Nyanza.

The Director of Agriculture.

The Treasurer.

The Commissioner for Local Government.

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

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, as I will not be in the Colony when this Committee sits, I think I ought to ask for the Member who is taking my place to be excused, as I know he is pressed for time, and I had difficulty in getting him to agree to take my place.

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THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT: I mistook the points of the compass; it should be the Member for Nairobi North.

The question was put and carried.

Council adjourned to 10 a.m. on Thursday, the
21st June, 1928.

THURSDAY, 21st JUNE, 1928.

The Council assembled at 10 a.m., His Excellency the Governor (SIR EDWARD WILLIAM MACLEAY GRIGG, K.C.M.G., K.C.V.O., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. G. WALSH): Your Excellency, I wish to point out that I was present at yesterday's meeting. I suggest, therefore, that my name be deleted from the list of absentees.

HIS EXCELLENCY: The question is that the name of the Hon. the Commissioner of Customs be deleted from the list of those absent in the minutes of the 20th June.

The question was put and carried.

HIS EXCELLENCY: I declare the minutes, as amended, confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE):—

Proposed Rules under the Stage Plays and Cinematograph Exhibitions Ordinance.

BY THE HON. THE CHIEF NATIVE COMMISSIONER (MR. G. V. MAXWELL):—

Report of the Select Committee on the Native Lands Trust Bill.

BY THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT (MR. H. T. MARTIN):—

Memorandum on the proposed land exchange: Laikipia-Kericho Exchange.

BY THE HON. THE POSTMASTER GENERAL (MR. T. FITZGERALD):—

Abridged Report on the Post and Telegraph Department, 1927.

ORAL ANSWERS TO QUESTIONS.

COAST AREA AND TANALAND.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

(1) What action does Government propose taking with regard to the reported deplorable state of certain native tribes living in the coast area;

(2) What is the number of natives living in Tanaland (including Lamu); what revenue is derived from them;

(3) What is the number of Administrative, Medical, Police and Educational Officers stationed in Tanaland, and are these considered sufficient? "

THE HON. THE CHIEF NATIVE COMMISSIONER :—

It is not clear to which tribes the hon. and gallant Member is referring or in what particular respects their state is reported to be deplorable.

2. It is the case, however, that certain of them, notably the Pokomo, are liable to famine, others, notably the Digo, suffer greatly from helminthic diseases, others, notably the Duruma, are addicted to intoxication while the Coast Province generally suffers from lack of industry or energy on the part of several of its tribes.

3. Assuming that it is to some or all of these defects that the question refers, the answer as to the action proposed by Government is as follows :—

In the Digo and Kilifi Districts it proposes to continue to prosecute with vigour its campaign undertaken in 1927 against ankylostomiasis, for which purpose two medical officers have been detailed for Digo, and the Kilifi staff of one medical officer has been increased to two.

It proposes to continue to give practical encouragement and instruction in native agriculture in pursuance of which it has stationed at the Coast an agricultural supervisor, has inaugurated demonstration plots at a number of centres and has held agricultural shows in the Digo and Kilifi districts.

It proposes to combat intoxication by a vigorous application of the Native Liquor Ordinance, as amended by Ordinance No. 19 of 1927, and by further legislation if such should prove to be necessary.

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4. The number of natives living in Tanaland is as follows :—

Lamu District	17,283
Tana River	...	...	16,746
Total	...	...	34,129

5. The direct revenue from Native Hut and Poll Tax is :

Lamu	...	...	Sh.71,161
Tana River	...	...	Sh.54,216

Sh.125,377 or £6,268

6. It is impossible to give figures for other native revenue as non-natives as well as natives contribute to other items. The total revenue for 1927 from these two districts was as follows :—

Lamu	...	...	Sh.119,213
Tana River	...	...	Sh.60,784

Sh.179,997 or £9,000

7. In Tana River and Lamu Districts there are two Administrative Officers, one at Lamu and one at Kipini; there are no Medical, Police or Educational Officers. It is assumed that this question refers to European officers only. Government trusts that it may be in a position shortly to supplement these staffs.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE: Your Excellency, arising out of the answer given, may I ask whether the condition of the tribes I refer to, particularly those in Tanaland, has improved since the 1925 report. There is no reference to this matter in the 1926 report at all.

THE HON. THE CHIEF NATIVE COMMISSIONER: I cannot say there is any very material improvement at present. One must await the reports of the medical officers who are undertaking these campaigns.

WEIGHING MACHINES ON THE KENYA AND UGANDA RAILWAY.

THE HON. W. C. MITCHELL: Your Excellency, may I enquire when I can have an answer to my question relative to weighing machines on the Kenya and Uganda Railway?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): The reply to the hon. Member's question will be given after the interval.

THE HON. W. C. MITCHELL: I take it, Sir, the Government is weighing its words on the Kenya and Uganda Railway scales. (Laughter.)

COMMUNICATION FROM THE CHAIR.

SHOP HOURS (AMENDMENT) BILL.

HIS EXCELLENCY: I think that hon. Members of Council may be glad to know what action Government proposes to take with regard to the Shop Hours (Amendment) Bill. I understand since the Select Committee submitted its report a desire has been expressed by that Committee and by other people that certain other features in the original Ordinance should also be considered. I propose, therefore, to appoint a representative Committee, which I think had better include persons outside this Council as well as in it, to consider the original Ordinance, and when we have their report combined with that of the Select Committee on the amending Bill, we shall be able to deal with both together and introduce legislation on that basis in this Council.

FILM CENSORSHIP RULES.

THE HON. THE COLONIAL SECRETARY: With regard to the paper which was tabled to-day in respect of Rules for Film Censorship, I understand the Hon. Member for Nairobi North wishes to raise certain questions in reference to these Rules. I would point out that these Rules are only provisional and an opportunity will be given at the next Session to discuss them, if the hon. Member wishes to move a motion then.

MOTIONS.

EXTENSION OF DEEP WATER QUAYAGE AT KILINDINI.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (SIR CHRISTIAN FELLING): Your Excellency, I beg to move the following motion standing in my name on the Order of the Day:—

"That this Council approves of a Loan of £668,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the schedule annexed hereto; and further that this Council undertakes to approve of the inclusion in the schedule of a Specific Loan Ordinance of such amount as it may be necessary to enable the said loan to be raised.

SCHEDULE.

1. Additions, Deep Water Quayage (750 feet)	£603,000
2. Oil Quay, Kilindini	65,000
	£668,000

Your Excellency, I had the opportunity on the 22nd May of giving this Council some information in regard to the increase of traffic at Mombasa Harbour. It is unnecessary for me to dwell at length on this aspect of the question, except that it may be desirable just to reiterate that the traffic at Kilindini increased from 145,934 tons in 1922 to 487,865 tons in 1927. This increase is equivalent to 234 per cent.

In the first three months of 1928 we had again an increase at Kilindini of 14 per cent. over the same months for 1927.

Taking the whole of the Port of Mombasa, the tonnage increased from 592,109 in 1926 to 692,801 in 1927, an increase of 17 per cent. for the year.

So far as shipping is concerned, the number of vessels which entered the harbour in 1927 was 13.60 per cent. above 1926, and the net registered tonnage 17.91 per cent. above 1926.

As far as I can judge now—it is somewhat difficult to make these estimates—the traffic will double again in about five years.

We had, as hon. Members are aware, congestion at the Port early this year. The additional accommodation when the work at present in hand is completed at the end of next year will undoubtedly assist matters, but it will not be enough.

It is quite clear that additional development and therefore the additional capital expenditure, is fully justified by the requirements in sight. Indeed, Your Excellency, I would go so far as to say that after careful consideration of the comparative traffic figures the only reasonable criticism of this proposal by those in close touch with the position at Mombasa, and therefore able to judge, may be that it does not go far enough. My reason for not going further is that I feel we must exercise some caution in regard to capital expenditure at this stage, and before recommending further construction. I would like to see the quay wall and shedding now proposed in full use with free railway working from each end, which would give us a better opportunity of judging future requirements.

I would like to emphasise, Your Excellency, that in the matter of deep-water berths and other harbour development we must look some years ahead. Harbour work takes time, and in my opinion it is absolutely essential to make up our minds now as to what is necessary in immediate continuation of the work now being undertaken. Apart from the urgency of the matter from a traffic point of view, there is the question of cost. A contract placed before September, while the contractors are still busy at the wharfs, should result in a much lower cost than a contract placed later.

Then, Sir, I would also like to emphasise that we have now at the Port a Harbour Advisory Board. Only the Chairman of the Board is a Government official. The other members are commercial and shipping representatives. The motion is in accord with the unanimous recommendation of this Board, which by now has had considerable experience. I would express the hope, therefore, that the advice of the Board, supported by the considered views of the Port and Railway Departments, will be accepted, and above all that theoretical arguments about the relative merits of deep-water and lighterage quays will not be revived in view of the unanimity now obvious at Mombasa. I personally will not go over old ground in that respect.

I had not intended at this stage to say anything about the railway financial position. The Railway and Harbours Manager in this country who attempts to forecast results for the year immediately after the end of what is usually the best revenue-earning season and before the probabilities of the lower revenue period that invariably follows are apparent, takes risks, but as there may be a disposition overseas to question our ability to pay interest and redemption liabilities in the future, perhaps I had better deal briefly with that aspect.

Let me say, first of all, Sir, that the Railway and Harbours Administration has always in mind its liabilities in regard to interest charges, and neither the management nor the Railway or Port Board have made a single recommendation for capital expenditure without full regard to the interest-bearing capacity of the Administration. There is nothing, I think it is fair to suggest, in the history of the past five or six years to suggest anything but soundness in financial policy in this respect.

I am more convinced probably than anyone else of the need for reasonable care in connection with further capital expenditure, and I have said so over and over again in public statements and in my annual reports, but that does not mean that I consider that development should stop. On the contrary, I think it would be a very foolish and short-sighted

policy and that it would react on us financially not to develop in order to handle efficiently traffic actually in sight, and that would happen if we did not go ahead with the Port development.

Quite recently, Your Excellency, the statement was made in this Council that while the Railway deserved every credit for keeping its expenditure down, it should not be given credit for securing increased earnings, because that resulted from increased development in the country. Now, Sir, the individual credit aspect is quite unimportant, but it is of the utmost importance to secure a grasp of essentials, and to justify the necessary capital for sound railway and harbour development. My reply, in fact, is that while the increased railway earnings may have been due largely to increased development in Kenya and Uganda, it has also been brought about largely, perhaps mainly, by the action of the Railway and Harbours Administration in extending the railway lines and extending facilities at the ports, on the Lakes and elsewhere. I suggest, in fact, Sir, that the policy of development by the Railway and Harbour Administration has brought about to a large extent increased earnings, and that a policy of excessive timidity in capital expenditure will have the opposite result.

I contend, therefore, that while every care must be taken in connection with new schemes, involving capital outlay, to stop essential development and deny necessary additional facilities would be the worst possible form of business.

The railway financial position is absolutely sound and there is no justification for questioning its ability to pay the interest charges which will become due on reproductive schemes recommended after careful consideration by the Administration. On the other hand, Sir, I cannot be a party to short-sightedness in development because of ill-founded financial fears or because of difficulties of management which may be encountered.

As I have already stated, I dislike forecasting this year's financial results at this stage, but I will go so far as to say this: that, notwithstanding the extremely substantial reductions in the railway rates, railway earnings this year should be well above the estimate. Up to the present we are £100,000 above the estimate. It is reasonable to assume that by the end of the year it will be £50,000 above the estimate. The railway expenditure, on the other hand, in spite of a much heavier tonnage, will be well below the estimate. Harbour earnings in connection with the changes in the Harbour Tariff will be well above the estimate. Taking the Railway and Harbour Administration as a whole, I am of opinion, Your Excellency, that the net result this year, apart from interest charges, will be at least £200,000 better than is shown in the

estimates. From this £200,000 we have to deduct interest charges on the three-and-a-half million loan for the Uganda extension, which were not provided for in the estimates. This increase is anticipated to amount to £120,000.

The amount shown in the estimates as a probable surplus for contribution to the Betterment Fund was 4154,590. I anticipate now that the amount so credited, after allowing for the additional interest, after allowing for rate reductions, and also for increased port charges, will be at least a quarter of a million, or £100,000 better than estimated, and this after providing for renewals on the very substantial percentage basis adopted for the past five years, and after meeting the much heavier interest and redemption charges. I think, Sir, I am entitled to say emphatically that these figures prove that there is no ground for timidity in necessary harbour or railway work.

As far as we can foresee, with all our commitments in connection with works already authorised, or works recommended, the increase in the interest charges next year will probably not be more than £50,000, and in subsequent years probably less, so that, given reasonable care in the matter of further capital expenditure, we should be able to pay.

As far as can be foreseen now also, Your Excellency, and it is necessary to make this point, the relaying of the main line from the Coast to Nairobi, the re-arrangement of certain depôts and big stations, the building of a large number of houses required, as probably also orders for rolling stock that may be required to be placed in 1929, can be met from Renewals and Betterment Funds. If not, then it will only be either because there is such a slump in traffic as to make stoppage in the improvement expenditure desirable so as to retain heavy reserves, or because traffic increases to such an extent as to make the necessary expenditure too large to be met from these funds, but in that case, of course, Your Excellency, with the increased traffic we could have the revenue to justify further capital expenditure.

To sum up, Your Excellency, I consider that this capital expenditure is absolutely necessary, and that the financial position is sound, and that we should be able to meet the interest charges. But, in saying this, I must add that we must have reasonable restraint in the matter of reductions of rates, in criticism of the amounts set aside in various funds in order to relieve the capital expenditure and in demands for non-paying branch lines. So far as the funds are concerned, it should be clear by now to all concerned here, as it is obviously clear in London, that the strength of our financial position lies in the creation of those reserves from revenue.

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I would like to conclude by saying that we are actually, in addition to paying interest, making redemption contributions on our interest-bearing loans, a charge which the South African Railways, as distinct from the South African Government, do not carry. We are paying our proportion of the cost of raising loans, a charge with which the South African Railways, as distinct from the South African Government, is for the time being debited. We are taking Police and other Government debits, which the South African Railways do not take. In addition to providing for redemption we are providing on a very liberal scale for Renewals under Revenue, and on top of all this we are contributing heavy balances to a Betterment Fund to cover expenditure which would otherwise be debited to capital. I suggest that no railways in young colonies could do much more. In return we ask that necessary capital expenditure on development be permitted and provided, and I feel, Sir, that no authority after examining our traffic and financial results could justify withholding concurrence in this motion, which I therefore submit with confidence. (Hear, hear.)

Your Excellency, I move the motion standing in my name.

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

HIS EXCELLENCY: The question is—

That this Council approves of a loan of £668,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the schedule annexed hereto; and further that this Council undertakes to approve of the inclusion in the schedule of a Specific Loan Ordinance of such amount as it may be necessary to enable the said loan to be raised.

SCHEDULE.

1. Additions, Deep Water Quayage (750 feet), with double-storied shed, Kilindini	£603,000
2. Oil Quay, Kilindini	65,000
	<hr/>
	£668,000.

THE HON. CONWAY HARVEY: Your Excellency, everyone genuinely interested in the development of Kenya cannot fail to be impressed by the admirable statement to which we have listened from the Hon. the General Manager, and it seems to me, Sir, that no eye can be sufficiently keen to detect a chink

in the armour of the unanswerable case with which the Hon. General Manager has surrounded himself. I am sure there is no intention whatever to go into the ancient question of the relative advantages of deep-water piers as opposed to the extension of lighterage facilities. Nine years ago I suggest there was some justification for making that comparison, but the facts are that those responsible at that time drew a bow at a venture and fortunately, Sir, it hit the target, and I am sure we are all now satisfied to accept the situation, and to admit the principle that an extension of the deep-water harbour facilities is absolutely vital if we are to avoid very serious congestion, which might easily mean far heavier expense if the work has to be undertaken hurriedly, when development of the Colony makes it absolutely imperative that such extension should be provided.

I consider Sir, that the soundness of the Railway finances absolutely justifies the expenditure of this sum of money, more especially as its expenditure to-day will give us the facilities we require for a much smaller cost to the taxpayers than would be the case if the work were postponed. Everyone must be greatly impressed with the means of utilising the facilities which exist to-day in the shape of contractors and staff and of the other appliances which are now working, and I suggest, Sir, that the present time is extremely opportune to go to the subscribers themselves who are prepared to advance a further loan. Our experience of the last month or two clearly indicates that the investors of England are impressed with the financial position of Kenya, and I quite agree with the Hon. General Manager that any policy but a bold one in connection with this matter at the present time would be a fatal mistake.

THE HON. THE COMMISSIONER OF CUSTOMS: I beg to support this motion, Your Excellency, though I can add little to the full information which has already been supplied by the hon. Mover. There are one or two points, however, on which I think it desirable that I should give hon. Members an expression of my own opinion as officer in charge of Customs of Kenya and Uganda as chairman of the Harbour Advisory Board, and as one who has been in close touch with the working of Kilindini Harbour for more than fifteen years. Firstly, as regards the necessity for this proposed expenditure. As hon. Members are fully aware, and as the Hon. General Manager has pointed out, it is vitally necessary in the matter of provision of port facilities, to look well ahead, as deep-water quays and works of that sort cannot be planned and built in a day. So far as the proposed oil jetty is concerned, the need is already urgent, because oil importations have increased enormously, and up to the present no facilities for that class of traffic have yet been provided.

The necessity for the provision of an additional berth for handling general cargo depends on the development of the external trade of the territories served by the port, and in this connection I can only give it as my firm conviction that the signs of expansion in all directions are such as to amply warrant the assumption that the need for additional accommodation will be urgent before this additional berth can possibly be completed, even if it is put in hand immediately.

As regards the particular type of additional accommodation required to be provided, the relative merits of deep-water quays and lighterage were fought out years ago, and I do not think anyone with experience of port working can possibly defend anything but the continuation of that policy. The first item is the principal part of the scheme, and if the additional 750 feet of quay wall, etc., is built the scheme for this particular alignment will be more or less complete. The serious disabilities under which the existing berths work will then disappear because the contractors will move from the north end of the site, and there will then be rail and road access from both ends. In addition, the extension of the quay wall by another 750 feet will give a total length of approximately 3,000 feet—2,222 for the first four berths and an additional 750 feet—which will provide space for six steamers of average length. Thus in effect two additional berths are secured and the development scheme is rounded off in a manner which will tend to much greater efficiency in port working generally. In my view, the proposed expenditure is both wise and necessary and, as already stated by the Hon. General Manager, this view is supported by all members of the Harbour Advisory Board.

I commend the motion to the favourable notice of Council.

THE HON. T. J. O'SHEA: Your Excellency, I think the hon. Mover has done well in the course of his introductory address in dealing with the fears of some people in the matter of these increasing demands for harbour construction, because I can well imagine their fears that we are going ahead too fast when one looks back upon the frequency with which the Hon. General Manager has come to this Council during the last two or three years for permission to provide for the service of more capital funds. But, Sir, I think that there can be no question whatever that the less one knows about the position of the railway and the port the more timid one is likely to be and the more one knows about it the securer one feels that the policy being pursued is an absolutely sound one.

Encouraged by the practice of the Hon. General Manager of late years of taking this House fully into his confidence, many of us on this side of the House have found the greatest pleasure in following up that encouragement, and when he speaks to us on these subjects we have to fall back upon a mine of information and an insight on the subject that is of real value to us. Some might say that it is the obvious thing for us to support advances for expenditure of this nature, but I think we are just as ready in doing that now we are in full knowledge of the facts and that we have reason to be satisfied that the policy being pursued by the management of the railway and harbour is absolutely sound.

In his address the Hon. General Manager was generous enough to give me a present. I can return this compliment by saying that I feel that even his most ungenerous critic will admit that the foresight of the Railway during recent years has done a lot to encourage the production by others that has given him his greatly increased revenue.

Sir, in this country we very frequently hear matters of this sort debated between optimists and pessimists. I dread undue optimism just as much as I detest undue pessimism, but I think we may safely claim that the development of this country during the last ten years thoroughly justifies the faith that we have in the future of the country; and examination of the position from every aspect justifies in every way the passing of this amount.

The question was put and carried.

NEW SUPREME COURT.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to move the motion standing in my name as follows:—

"That this Council is of opinion that immediate provision should be made for the erection of a Supreme Court in Nairobi worthy of the Colony and that, provision having been made, work should commence without delay."

Your Excellency, it is not my intention to take up the time of Council at any length this morning for two reasons. First of all, because I understand that my hon. friend the Colonial Secretary will make a statement which will practically accomplish the object of this motion, and, secondly, because to my delight I saw every argument I intended to introduce in the Press this morning, and I do not believe in redundancy.

I would remind Your Excellency, and the Members of this Council that certainly, to my knowledge, nine years ago the question of erecting a Supreme Court was raised and meetings were held of a Committee appointed by Government

to decide on the site. The site battle is still raging. I understand it will be laid to rest in the immediate future, and I do not intend at this stage or in this place to discuss this question. I am informed by gentlemen who have been longer in the Colony than I have that the question of building a Supreme Court was acute in 1910.

Seriously, Your Excellency, the time has come when something must be done. We are trying in every way to make this Colony advance, and to try and make it worthy of what we believe it should be, and we have in Nairobi a building which should certainly be an improvement, but which would be a disgrace to a second-class dorp. It is unhealthy, and it is guaranteed to produce less than 50 per cent. efficiency in anyone who works in it, whether it is an advocate, judge or witness—not that I suggest that the building of a Supreme Court will change a witness necessarily—but the conditions under which one works, the conditions under which the public who have to attend court have to be kept waiting about in the compound or on a verandah, which I am not wrong in saying in some places is unsafe to walk upon. To anyone coming to this town it appears incredible, and to anyone living in this town it appears outrageous, and I do suggest, Your Excellency, that the time has come not to tell us that the matter is under consideration and will be dealt with as soon as possible, but that the public of this Colony, and especially this town can know with some degree of certainty that the matter is going to be dealt with and a start made and we can be told that within some definite limit of time the building will be commenced however long it takes to complete.

I would ask Your Excellency and Government to consider the terms of this resolution and to consider the matter, the urgency of which should not be underestimated.

THE HON. G. G. ATKINSON: I beg leave to second the motion.

THE HON. THE COLONIAL SECRETARY: Your Excellency, Government is fully aware of the urgent necessity for a new Supreme Court in Nairobi and recognises the very great disadvantages under which those who attend that Court at present labour.

As the hon. Mover is aware this question has been before Council not merely as a resolution in regard to the Supreme Court but also in connection with general loan proposals for the Colony, and in 1925 Schedules were brought before this Council and discussed at some length in regard to the works to be undertaken from loan funds, and in these Schedules the Supreme Court appeared in a prominent position. It was

however decided, and I think rightly, that there were more urgent demands that had to be satisfied in the first instance and which were found to be more pressing than the Supreme Court. These works have been undertaken, some of them have been completed and others are in hand.

With regard to the Supreme Court, I may say that a proposal with regard to the erection of a new Supreme Court and central offices was submitted to the Secretary of State and approved by him by the provision of £92,000 in the new loan proposals, which have been approved by this Council, with further permission to Government to continue the work with advances against loan. So that a considerable step forward has been taken for the provision of funds for this purpose. But while I can assure the hon. Member that this matter is not only under consideration and has actually reached the first stage towards financial provision; there are certain points which must be considered. In the first instance there is the question of a site which, as the hon. Member has pointed out, has been a bone of contention and I may say it is hoped in a very short time indeed that this will definitely be settled; the matter is not only under consideration as it should be but is under the immediate consideration of Government.

The second point is that it is no use to ask Government or Council to agree to the erection of a Supreme Court until we have details before us of the cost. This will have to be worked out. There are rough and approximate estimates but something more than that has to be laid before Council.

The third consideration is the question of staff. We cannot take away staff off buildings on which they are employed or upset the loan programme which has already been approved without considerable disorganisation and loss of money. It is necessary in taking up any new public work that it should not mean the transfer of staff already employed until that work is completed or else there may be the necessity for increasing the staff out of proportion to the number of people that may be required on loan works.

I can assure Council on behalf of Government that this matter is regarded as an urgent matter, that it will be taken up as soon as possible and that steps have been taken to settle the question of a site and to decide what the estimate of cost will be.

I would ask in view of this assurance that the hon. the Mover will withdraw the motion as it stands before Council—as I have shown we cannot make immediate provision without a certain amount of delay but that a stage has already been taken towards the provision and the delay will be a short as possible.

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CAPT. THE HON. H. E. SCHWARTZ: In view of the remarks of the Hon. Colonial Secretary and trusting in what he has said and the very real assurance given I will ask the leave of this Council to withdraw this motion.

HIS EXCELLENCY: I understand the motion is by leave withdrawn.

The motion was withdrawn.

HIS EXCELLENCY: Before coming to the next item of business on the paper I think it is desirable that Members should decide whether they wish to take this morning by Suspension of Standing Orders the remaining business which is on the Supplementary Order paper. If they agree it will be unnecessary for the Attorney General to move his motion in connection with the Criminal Law (Amendment) Bill which can be taken in Committee.

THE HON. CONWAY HARVEY: I am quite sure that Members would welcome the proposal of Your Excellency to get through the business if we possibly can.

HIS EXCELLENCY: I therefore suggest that we should move the Suspension of Standing Orders and take the second readings first.

I will ask the Hon. the Colonial Secretary to move the Suspension of Standing Orders to enable the remaining business on the Order Paper to be taken to-day.

SUSPENSION OF STANDING ORDERS.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I beg to move that Standing Rules and Orders be suspended in order to enable the remaining business on the Order Paper to be completed to-day.

THE HON. THE TREASURER: I beg to second.

HIS EXCELLENCY: The question is that Standing Rules and Orders be suspended in order to enable the remaining business on the Order Paper to be completed to-day.

The question was put and carried.

HIS EXCELLENCY: If it meets the convenience of hon. Members, I would suggest the hon. the Treasurer move his motion now and then we can go on to the Bills.

ADDITIONAL LOCOMOTIVES AND ROLLING STOCK.

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

"That this Council hereby approves of the expenditure for the purpose specified in the Schedule hereto of the amount accruing as interest, estimated at £395,000, of unexpended balances of the Imperial £3,500,000 (Free of Interest for five years) Loan.

SCHEDULE.

Additional Locomotives and Rolling Stock."

Your Excellency, it will be remembered that under the authority of Ordinance No. 29 of 1924, this Colony accepted a loan of three-and-a-half million pounds from the Imperial Government free of interest for five years, for transport services, and that that loan was repaid out of the Colony's 1927 five millions loan. The resolution now before the Council refers to the interest accruing on the unspent and invested portion of the Imperial Loan.

The Secretary of State and the Lords Commissioners of the Treasury have agreed, in accordance with the arrangements made in connection with the Parliamentary Loan, that this interest may be used on services of the same character as those on which the Parliamentary Loan was expendable, and that the purchase of locomotives and rolling stock in connection with the Railway Extension in Uganda, is an appropriate item. As, however, the three-and-a-half million loan was a loan to Kenya, and the Colony's revenues were the ultimate security therefor, it is considered that this Council's authority is necessary for the expenditure of the interest earned on the invested portion of the loan. It is to give effect to this view that this motion is before the Council.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: I beg to second the motion.

Your Excellency, as the hon. the Treasurer has explained, this money is interest accumulated—interest on the unspent and invested portion of the Imperial Loan. It is proposed to devote the money to the purchase of rolling stock, because the Railway Administration considers that there will be a further substantial increase of traffic next season and it is considered that it is wise to obtain more rolling stock before the end of the year. We have called for tenders—the tenders are now in my office—for 200 additional covered goods wagons, 200 additional open wagons, 45 cattle trucks, 8 petrol trucks, 6 kerosene trucks and an additional 8 Garratt engines. These

tenders are now in my office and will be accepted to-day if this motion is passed. I feel sure that we could not devote this accumulated interest to a better purpose than the purchasing of rolling stock. I commend the motion to the Council.

HIS EXCELLENCY: The question is:—

"That this Council hereby approves of the expenditure for the purpose specified in the Schedule hereto of the amount accruing as interest, estimated at £395,000, on unexpended balances of the Imperial £3,500,000 (Free of Interest for five years) Loan.

SCHEDULE.

Additional Locomotives and Rolling Stock."

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, may we have an assurance from the Hon. the General Manager of Railways that there will be a sufficient number of cattle and sheep trucks. At present there is a gross deficiency, and under the present, assisted scheme of importing cattle and sheep from overseas it is highly desirable that there should be no check on the arrival of these cattle and sheep.

HIS EXCELLENCY: The Hon. the General Manager can only speak again by permission of Council.

THE HON. T. J. O'SHEA: I should like to know if we are going to get any increase in cold storage.

HIS EXCELLENCY: The Hon. the General Manager of Railways?

THE HON. THE GENERAL MANAGER: I do not know of any country which has a sufficiency of cattle and sheep trucks in the opinion of the farmers of the country. We are doing our best to increase the number, however. As I said just now, we have ordered additional trucks and, of course, there are conversions going on here from time to time but, while the Colony is in its present stage of development, from time to time there will be shortages, because there is a tendency to concentrate the traffic at certain periods.

With regard to the point raised by the Hon. Member for Plateau South, I am making inquiries all over the world for a suitable type of refrigerator, but I have not yet found a cold storage truck which will meet the requirements of this country. In any case, the one truck we have here is very seldom fully occupied for the simple reason that the cold storage traffic is not yet in existence here.

HIS EXCELLENCY: The question is:—

"That this Council hereby approves of the expenditure for the purpose specified in the Schedule hereto of the amount accruing as interest, estimated at £395,000, on unexpended balances of the Imperial £3,500,000 (Free of Interest for five years) Loan.

SCHEDULE.

Additional Locomotives and Rolling Stock."

The question was put and carried.

BILLS.

SECOND READINGS.

HIS EXCELLENCY: If it is convenient to all hon. Members, we will now take the second readings of the Bills.

PUBLIC TRUSTEES (AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE): Your Excellency, I beg to move the second reading of a Bill to Amend the Public Trustee's Ordinance, 1925.

The purposes of this Bill are set out in the Objects and Reasons attached thereto. Under the Public Trustee's Ordinance, as it stands at present, the Public Trustee cannot convert into money immovable property which he is ordered to administer, except in cases when all parties interested in such immovable property consent in writing to its conversion. This necessitates frequent applications to the Court and the Public Trustee has asked that this power to convert immovable property into money shall be extended so as to enable him to convert such property into money without recourse to the Court if the value of such property does not exceed £750 and if the Public Trustee is satisfied that such conversion would be to the advantage of the estate. It is considered that this Bill if passed will save time and expense in winding up estates. I have personally interviewed the Acting Public Trustee, and he informs me that in his view it certainly will be of great help to him and will save time.

I may say that legislation of a similar character was passed last year in Zanzibar.

THE HON. THE ACTING SOLICITOR GENERAL (MR. A. J. MCCARTHY): I beg to second.

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

The question was put and carried.

THE SUPPLEMENTARY APPROPRIATION BILL, 1928.

HIS EXCELLENCY: I do not know whether hon. Members on my left desire to go into Select Committee on the Supplementary Appropriation Bill. If they do, I think the best plan would be to read it a second time now and go into Committee after the interval.

THE HON. CONWAY HARVEY: Your Excellency, the procedure adopted last year, at the suggestion of the Noble Lord representing the Rift Valley, was that as this particular item only represents crossing "t's" and dotting "i's", and that so far as the last year's accounts are concerned they have all been balanced and audited, there was no necessity in the opinion of hon. Members at that time to go into Committee at all. I suggest, Sir, that unless someone sees any serious reason against it, we should follow the procedure of previous years in this instance, too.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the second reading of a Bill to Supply a Further Sum of Money for the Service of the Year Ended 31st December, 1927.

This Bill represents the expenditure for 1927, which has already been approved in this Council on the 1st and 2nd Supplementary Estimates which have been passed by the Council, and also such further expenditure as was not included in those previous statements but which was incurred before the end of the year and which represents further supplementary expenditure. It has been customary to include such expenditure in a Supplementary Appropriation Ordinance and to pass it at as early a date as possible in order to enable the Hon. the Treasurer to make up his financial statement and to let this Council have full particulars with regard to the revenue and surplus balances for the past year.

A statement was laid on the table of this Council on the 17th May, giving the particulars which make up the sum of £92,833 17s. 0dcts. appearing in this Bill.

As the hon. Member for the Lake has stated, it has been customary in the past to take the Bill without putting it into Committee as the expenditure is fully explained by the statement which has been laid on the table, and not to consider it further in Committee, as these sums have been spent and have been included in the votes for expenditure for the year. This year, the Government has had under consideration the dealing with this matter in a somewhat different way by introducing Third Supplementary Estimates which will show all the Supplementary expenditure that has been spent under separate

heads for the whole year. That has not been the practice in the past because as I have said of the urgency in closing the accounts but is possibly the better course as it enables all supplementary expenditure to be taken separately before the Supplementary Appropriation Ordinance is introduced.

I may say that items which have not been covered by the First and Second Supplementary Estimates are set out in full in the Treasurer's statement, where they are set out in detail, as also in the statement to which I have referred as having been laid on the table last month.

I beg to move the second reading of this Bill.

THE HON. THE TREASURER : I beg to second.

The question was put and carried.

THE ALTERATION OF TIME BILL.

THE HON. THE TREASURER : Your Excellency, I beg to move the second reading of a Bill to alter the time within the Colony and Protectorate of Kenya.

The object of this Bill, Sir, is to clothe with the form of law an opinion of this Council which was quite definitely expressed on the 11th May last, when the following resolution was passed after a free vote in the Council by a considerable majority of the Members :

" That the recommendations contained in the Report of the Select Committee on Daylight Saving be and are hereby approved."

Those recommendations, Sir, were as follows :—

- (a) That a measure of daylight saving, on the lines suggested, would be of the greatest advantage to certain classes in Nairobi.
- (b) That such a measure can best be achieved by putting the clock forward half an hour once and for all, *i.e.*, by adopting the zone time of the 45th meridian, 3 hours east of Greenwich.
- (c) That no serious disadvantages can be discovered as regards any other town or district in Kenya.
- (d) That the Committee, therefore, unanimously recommends the early introduction of such a measure.

I am sure, Sir, that every possible argument both for and against the principle of the Bill has already been used in this Council during the many debates which have taken place here while the hon. gallant and persistent Member for Nairobi South and his supporters have been endeavouring to educate our opinions on the subject and hon. Members would, I think, have a just grievance against me if I used this occasion to reiterate the arguments in favour of the measure.

I therefore confine myself to moving formally the second reading of the Bill which in view of the already expressed opinion of this Council has now become a Government measure.

CAPT. THE HON. H. E. SCHWARTZ : I beg to second.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT : Your Excellency, I persistently voted against this measure and since the last discussion on this matter my opinions have been still further fortified. Any one who has studied the Press-will see that so far from it being unanimous in Nairobi, letter after letter from Nairobi inhabitants has been written protesting against it. To get further up-country. In Nakuru it has caused despondency and alarm, especially among that very hard-working and deserving class of which there are a great number—the Railway staff. Arguments on behalf of the Railway were ably put forward by the General Manager the last time it was debated and everything he has said has been proved as being absolutely true and, as I said before, it may benefit a few game-playing people in Nairobi but it is going to be a very big hardship on hard-working people in the Colony and for that reason I shall still vote against it.

LIEUT.-COL. THE HON. C. G. DURHAM : I also would like to add my protest against this Bill. Since the vote was taken the other day, Sir, an enormous number of people have opposed it. They state that they will have none of it, that instead of starting at 7 o'clock, as it is suggested, to get even with the Bill they will start at 7.30 and knock off at 4.30—nobody gains.

There is no doubt that the women in the country and in the towns are utterly opposed to it. Although Your Excellency gave members a free vote on it, and in spite of the vote—though I should not say it—I maintain that a number of them on the other side of the House undoubtedly voted for it simply from selfish motives.

HIS EXCELLENCY : Order, order, the hon. Member is not in order in making personal imputations against any Members of this House. It is entirely against Standing Rules and Orders.

CAPT. THE HON. H. E. SCHWARTZ: It is to be presumed that those who object to a measure make their voices heard in the Press and the fact that twelve or fifteen letters have appeared in the Press is no criterion of what feeling in this town is. I have pressed for this because I genuinely believe it will be for the benefit of people. I have no selfish motive in it, I still believe it is for the benefit of the people and if I did not I would say so. I believe it will benefit people and for that reason, and that reason alone, I have pressed it for all this length of time.

THE HON. T. J. O'SHEA: I agree with the propriety of Government in carrying out the wish expressed by this Council a month or two back. It could not do otherwise than introduce this Bill as a Government measure but since that motion was passed I have heard many more expressions of opinion against this idea of daylight saving than before, but I cannot help being surprised at the lethargy of those who are opposed to it. They had an opportunity during the last month or two to bring pressure to bear upon Government to make their opinions known to Government and therefore I cannot see that Government can do otherwise than to pass this Bill, but I must for the last time give it my last kick. I dislike it more than ever now that it is going through and I believe that in practice it will be found inoperative. If it is going to be enforced upon the country in the mistaken belief that the country wants it—the attitude of the towns will be that those it suits will have it—members of clubs, they will take to it—but the others, the much larger majority will ignore it and I shall not be surprised to find this hon. Council repealing this measure in the course of the next 18 months.

THE HON. W. C. MITCHELL: I would only like to emphasise one point which has been brought up in this rather unnecessary debate and that is the reference made by the Hon. Member for Ukamba that it is for the benefit of a few game-playing people in the Colony. Your Excellency, I view the measure as being for those who have to work extremely hard in this country. I think the average hours worked in the towns, and I do not know it is not the same in the country, are greater than in other parts of the world and the fact that we have no long evenings is the reason that the worker has no time for recreation and I do not think any one at home would say it was right that anyone should work all the hours of daylight and have none for recreation.

THE HON. G. G. ATKINSON: Your Excellency, although I intend to vote for this Bill I do so in the belief that it will prove of no benefit to Mombasa or the Coast, but I would like

to congratulate the Hon. Member for Nairobi South in attaining the object which he has so long fought for. He has, ever since he entered this Council, persistently and periodically forced his views on the Council and at length he has bent this Council to his will. Those of us who have read a book called "Stalky and Co.," will recollect how the young fiends whose doings are chronicled therein were able, by remorseless repetition of question and statement, to force their prey to agree to anything that they wanted. The hon. Member's methods of gaining his end have savoured somewhat of the torture by continuous dropping of water on one spot on the victim's forehead; after a course of that treatment the victim undergoing it invariably agreed to everything the torturer demanded.

It might not be out of place here to refer to a statement made by a very eminent lawyer in one of his better known works which contains the statement that "a Grand Inquisitor is always up to date." Now our Grand Inquisitor is not only always up to date but he has at last succeeded and secured that he shall be, and compelling his victims to be, after the 1st of July, half an hour in advance. Like another Grand Inquisitor he can say after the 1st of July "It is the Law, I made it so"—or he can very nearly say so.

As regards the Coast, as regards daylight saving in the tropics my only experience is derived from Dar-es-Salaam. Dar-es-Salaam is the capital town of Tanganyika, and Tanganyika is a somewhat abnormal country. It was abnormal in its begetting, abnormal in its birth, it is abnormal in its relations to the rest of the world and I think it is abnormal in the attitude it takes towards the clock.

The only effect so far as I can see from three months' residence in Dar-es-Salaam as regards the afternoon was to give people longer time to dally over their tea so that they lose all desire to go out and have exercise and in fact one of my friends to whom I appealed for an opinion on the point, gave it as his reason for being in favour of daylight saving. Another friend of mine in a very large Government department, who is an enthusiastic supporter of the measure, said that his great reason for believing in it was that instead of hurrying home at 4 o'clock to dress for tennis he can spend another half-hour in the office clearing up the odds and ends of the work that were left for him. So I asked him why he did not come back next morning and do that. He said "I can stay until 4.30, I do not come to office until 8.30." That is probably the only argument seeing it was put forward by one of the best brains of Tanganyika. Had it been put forward by anyone in Kenya in favour of daylight saving I should have laughed at it.

There is one advantage which the Bill will confer but I am afraid it is an advantage which Mombasa residents will not enjoy. Many of us have friends up-country who periodically come down—too seldom, I admit, and their stay is too short—and stay in Mombasa and as they will have nothing to do in the afternoon they will have an extra half-hour to enjoy the slumber which is denied to residents in Mombasa. I do not know if the framers of the Bill had that in mind but undoubtedly it is an argument in their favour although I say it does not help Mombasa in the least.

The reasons why, although I am not in favour of the Bill so far as Mombasa is concerned, the reasons why I am going to vote for it—there are two reasons: One is like the Secretary of State in the Coalition Government in 1918 who was bitterly opposed to the extension of the franchise to females but voted for it because he said it was going to have a majority and he preferred to be with the majority. The other reason is that at a meeting of the Mombasa Electors held on the 9th June this question came up for discussion and when it was put to the vote there were twelve voters in favour of it and one against—two of the votes in favour of it were given by an up-country farmer and his wife who were not electors of Mombasa. The meeting was attended by about 80 people most of whom were electors and as the majority of these abstained from voting at all I came to the conclusion that although the ten electors who had voted for it did not in any way reflect that the feeling in Mombasa was in favour, the majority at any rate were not against it, and, like the true philosophers they are, are willing to try it.

LIEUT.-COL. THE HON. C. G. KIRKWOOD: Your Excellency, I oppose this measure. (Laughter). I take this opportunity again of stating this, and I intend to vote against it again. To my mind, the worst feature of the Bill is that it is class legislation. It is nothing more or less and for that reason it should not appear on the Statute Book of this Colony. It does not interest the country generally; even hon. Members who have voted for it and are supporting it admit—as one has admitted—that it is no advantage to Mombasa. The country members on this side of the House tell you that it is a great disadvantage to the country and of no benefit whatever and for that reason I will certainly vote against it.

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

The question was put and carried by 23 votes to 6 on a division.

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Ayes: Messrs. G. G. Atkinson, A. G. Baker, E. E. Biss, Major Bracey-Edwards, Messrs. T. D. H. Bruce, S. F. Deck, Sir Edward Denham, Sir Christian Felling, Mr. T. Fitzgerald, Dr. J. L. Gilks, Messrs. R. C. Grannum, Conway Harvey, A. Holm, Capt. E. M. V. Kencaly, Rev. Canon Leakey, Messrs. A. J. McCarthy, G. V. Maxwell, W. C. Mitchell, Major R. W. B. Robertson-Eustace, Capt. H. E. Schwartz, Mr. H. L. Sikes, Lieut.-Col. O. F. Watkins, Lieut.-Col. R. Wilkinson.

Noes: Lieut.-Col. C. G. Durham, Lieut.-Col. J. G. Kirkwood, Mr. T. J. O'Shea, Lord Francis Scott, Sheikh Ali bin Salim, Sheriff Abdalla bin Salim.

Council adjourned for fifteen minutes.

On resuming:

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move that Council go into Committee to consider:—

The Public Trustee's (Amendment) Bill.
The Criminal Law (Amendment) Bill.
The Supplementary Appropriation Bill.
The Alteration of Time Bill.
The Draft Standing Rules and Orders.

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

HIS EXCELLENCY: The question is that this Council resolve itself into a Committee of the whole Council to consider:—

The Public Trustee's (Amendment) Bill.
The Criminal Law (Amendment) Bill.
The Supplementary Appropriation Bill.
The Alteration of Time Bill.
The Draft Standing Rules and Orders.
The question was put and carried.

In Committee.

THE PUBLIC TRUSTEE'S (AMENDMENT) BILL.
The Bill was considered clause by clause.
THE CRIMINAL LAW (AMENDMENT) BILL.

Clause 2.

THE HON. THE ATTORNEY GENERAL: I beg to move that clause 2 be amended to read as follows:—

"2. Section 354 of the Indian Penal Code as amended by the Principal Ordinance is hereby further amended by the addition thereto of the following subsection:—

"3. Whoever intentionally uses force of an indecent nature to any woman under the age of sixteen years shall, notwithstanding that such woman consents to such force, be punished with imprisonment of either description for a term which may extend to fourteen years, or shall also be liable to a fine: Provided that it shall be a sufficient defence to any charge under this subsection if it shall be made to appear to the Court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the woman was of or above the age of sixteen years."

Sir, if I may just explain shortly, early in this Session, and after the second reading of the Criminal Law (Amendment) Bill, Your Excellency appointed a Select Committee of this Council to consider the provisions of this Bill and if necessary to make alterations thereto.

The object of the Bill, as originally drafted, was to make an assault of an indecent nature upon a young girl under the age of twelve years an offence even if she consented thereto, or even if the Court considered her to be too young to have any maturity to outrage. I think I am right, Sir, in saying that the chief object in appointing a Select Committee to go into this Bill was that it was understood that there was a wide-spread feeling that the age at which a girl might in law give her consent to an assault of this nature should be sixteen and not twelve years of age. It was further considered that twelve years of age was too low an age at which a girl should be able to consent to an assault of this nature.

Well, Sir, your Committee held several meetings and they discovered that the desire for the raising of the age of consent from twelve to sixteen was universal.

Your Committee consulted the East African Women's League and the Central Indian Association, and also Mr. Phindie and both these bodies and Mr. Phindie are strongly of opinion that the age of consent to an assault of an indecent nature should be sixteen years for both Europeans and Indians. All the members of your Committee, amongst whom were numbered the Chief Native Commissioner and the hon. Member representing Native interests, agreed that the age of consent in connection with indecent assaults upon native girls should be sixteen years and it has been found upon enquiry amongst enlightened natives that their opinion is similar. Your Committee also made enquiries from the Minister of Justice in South Africa and ascertained that the age of consent in South Africa is sixteen for all females without distinction of race.

The original Bill has accordingly been altered to make the age of consent sixteen instead of twelve and clause 2 of the original Bill has been re-drafted in a simpler form than it was originally.

With these words, I beg to move the amendment. (Hear, hear.)

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, there is a very small further amendment I would ask the Attorney General to accept—it has only just this minute struck me—and that is that in the proviso the word "or" between "court" and "jury" should be deleted and the words "or assessors" be added. I think it very important that where the question of the apparent age of a native woman is concerned that the opinion of the native assessors who are the best to judge the age of their own race should be taken and I would ask that the words "or assessors" be added. I would ask that the clause be deleted and for the amendment to be moved.

CAPT. THE HON. E. M. V. KENNELLY: May we have an explanation of the legal position in regard to the word "intentional." Does that word carry the ordinary meaning; if the accused pleads a state of intoxication or would that rule him within the application of the word "intentional"?

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THE HON. THE ATTORNEY GENERAL: No, in the ordinary sense drunkenness in law is only an excuse if the person is so drunk as to be incapable of intent at all.

CAPT. THE HON. E. M. V. KENNELLY: Would not that plea put him within the application of this clause? If he was able to plead, I think it is dangerous.

CAPT. THE HON. H. E. SCHWARTZ: In the case of Rex vs. Beard it was decided that drunkenness was no defence and no excuse even if he was so drunk as not to understand what he was doing and I think the law about drunkenness is more strongly imposed in this country than in England. Speaking purely in my own opinion—the hon. Member for Mombasa will agree with me I think—the word "intentional" covers the point and no such danger need be anticipated as the hon. Member for West Kenya has raised.

THE HON. THE ACTING SOLICITOR GENERAL: The word that appears in the Indian Penal Code is "voluntary." In that case drunkenness would be no excuse whatever.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the word "voluntary" be substituted for the word "intentional." The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move the deletion of the word "or" between "court" and "jury" and the insertion of the words "or assessors" after the word "jury."

The question was put and carried.
The amended clause was put and carried.

THE SUPPLEMENTARY APPROPRIATION BILL.

The Bill was considered clause by clause.

THE ALTERATION OF TIME BILL.

The Bill was considered clause by clause.

STANDING RULES AND ORDERS.

HIS EXCELLENCY: I will call on the Attorney General to move certain amendments which I believe have been agreed to, and an opportunity will be given to any hon. Members who desire to raise other points.

Rule 2.

THE HON. THE ACTING ATTORNEY GENERAL: Rule 2 first of all. I would ask that the words "at such time and" be inserted in line 2. Your Excellency, now that the August date has been definitely deleted—which I understand the hon. Member for Nairobi South suggested and whom I have seen about these amendments, I think, Sir, that we should have some such words in here to show that the Council shall be held at such time and at such place. I think my hon. and Learned Friend is in agreement with that.

The question was put and carried.

Rule 14.

THE HON. THE ACTING ATTORNEY GENERAL: Two amendments here. I have to move, there shall be inserted a paragraph to be numbered 8, which provides that after questions there shall be taken any motions, bills, or other business which in the opinion of the Chair precedes the main business of the day. The second one gives the unofficial members a day. I move that after paragraph 7 a new paragraph to be numbered 8 be inserted as follows:—

"(viii) Any motion, bill or other business which in the opinion of the Chair should precede the remaining business of the day."

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, on a point of order, may I ask what we are now agreeing to. Are we agreeing to a draft of this proposal as printed or are we agreeing to the actual thing itself. I do not understand what we are dealing with. I suggest if we are dealing with the thing, if we deal with it in this way, then we come to the question as to the propriety of amending such rules as are now suggested.

HIS EXCELLENCY: The procedure at present being debated is that in the Committee stage such amendments as have been agreed to to the draft Standing Rules and Orders shall be taken, thereafter the rules as amended must be referred to Council and Council must debate a resolution that these draft Standing Rules and Orders come into force. That is the final act to bring them into force. At present we can only deal in Committee with this clause by clause.

CAPT. THE HON. E. M. V. KENEALY: I take it that after this the whole draft will be submitted clause by clause to the Committee.

HIS EXCELLENCY: That has already been done, the Committee has dealt with this clause by clause and we are going into the amendments clause by clause.

CAPT. THE HON. E. M. V. KENEALY: Shall I be in order in speaking against the last amendment?

HIS EXCELLENCY: Yes before I put it.

CAPT. THE HON. H. E. SCHWARTZ: Should it not be "President" and not "Chair."

HIS EXCELLENCY: Yes it should.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I must oppose this suggestion. Now, Sir, in the past procedure has not been obstructed by Elected Members and there is no need whatever in my opinion to alter the procedure as laid down in the old Rules. All domestic legislation has originated in the form of a motion. I suggest, Sir, that all domestic legislation comes from this side of the House and, if the origination of domestic legislation comes from this side of the House, I think, Sir, it should not be subordinated to Government business and this proposal will so subordinate motions by Elected Members to other Government business. It is the direct subordination and differentiation between the business proposed by motion by Elected Members and that proposed by Government which causes me to raise this objection at this stage. Now, Sir, after all, members on this side of the House are actually members of Government, although they do not happen to act in an executive capacity—they are purely advisory at the moment. When, Sir, these hypothetical Sir Erics and Sir Conravs have at any time, as they may do to meet their constituents their constituents will oppose their return. At the present they are at the eastern end of the House and the

HIS EXCELLENCY: I must ask the hon. Member to keep to the discussion. I do not understand his point on the new sub-paragraph we are discussing.

CAPT. THE HON. E. M. V. KENEALY: I hope to show that those members who represent the eastern portion of opinion in this House will in future if they agree with this motion no longer support that hypothetically which may in future become actualities. I feel, Sir, had occurred then we would be forced to agree to this new proposal but, Sir, no case has been made out, no attempt has been made to make out a case and I feel that we should be betraying our constituencies and the interests of the country for a moment's expediency. I must oppose it.

CAPT. THE HON. H. E. SCHWARTZ: So far as I am concerned there is no question of expediency about it nor am I going to be dictated to by any member on this side of the House as to what my

constituents want and do not want. It is my duty to do my best for them and do that without any dictation from members on this side of the House or anyone else. The original suggestion put forth was that these Standing Orders should have Government business put first and then private business which I think was open to objection and wanted consideration. But the position is now materially altered, now there is no question of Government and private business, it is any business which the President considers urgent and it is just as likely that a motion of a private member may be considered the most urgent business and the alteration simply means that it allows the Government to carry on with urgent affairs as first and then less urgent for our own business urgent or not to be taken. I have no hesitation in saying that we are the securers by the transaction.

CAPT. THE HON. E. M. V. KENEALY: May I say this is a matter we have discussed and our leader, the Noble Member for the Rift Valley is very definite . . .

HIS EXCELLENCY: I do not think the hon. and Gallant Member is in order in speaking for an absent member of this house unless he has been requested to do so.

CAPT. THE HON. E. M. V. KENEALY: I was merely quoting a resolution of a meeting of Elected Members.

HIS EXCELLENCY: At a private meeting.

THE HON. CONWAY HARVEY: I do consider that if this is to occupy the House we should concern ourselves on building the House on the soundest foundations and having had eight years' experience of the difficulties with the Standing Orders as they at present exist I consider that this rule will greatly facilitate the carrying on of business and it does not place Elected Members in a more subordinate position than they are at present inasmuch as it merely lays down in black and white the power to be exercised by the President who is my learned Friend that the dedication of one day each week at which private business will be given precedence does represent a distinct gain for Elected Members which gives them privileges which they have not hitherto enjoyed.

HIS EXCELLENCY: I should like to say that the main object of Government in suggesting this amendment was by no means fear of obstruction, or experience of obstruction in the past, but hon. Members are aware that at present it is only possible to deal with business out of order by the suspension of Standing Orders and it is not desirable to suspend Standing Orders every day to deal with business out of order. This is not an arrangement, as one or two hon. Members have pointed out, for Government to have precedence over private business. It may be that private business may be the most important business of the day.

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: In connection with that, I beg to move that the following proviso be added after paragraph (x) of sub-rule (1) of Rule 14—

"Provided that if the Unofficial Members so desire one day during each week of every ordinary session of Council shall be set aside for private business."

HIS EXCELLENCY: The question is that the following proviso be added after paragraph (x), sub-rule (1) of Rule 14—

"Provided that if the Unofficial Members so desire one day during each week of every ordinary session of Council shall be set aside for private business."

CAPT. THE HON. H. E. SCHWARTZ: I would very much prefer it to be worded to say "Provided that one day in each week private business should be given precedence." I do not like "if they so

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desire." We may have two questions or a couple of motions and a mass of other business which may take up the rest of the day . . .

CAPT. THE HON. E. M. V. KENYALY: It is quite possible that motions of hon. Members may not be finished with at the end of the day and no provision is made for such an eventuality arising.

HIS EXCELLENCY: Any motion can be talked out now.

CAPT. THE HON. E. M. V. KENYALY: What would be our position if a motion which was put down for one day's discussion was not completed? Would we have the right to complete the discussion of that motion the following day? There is no provision for that.

HIS EXCELLENCY: There is no provision existing for that at present. It is entirely in the discretion of the President.

CAPT. THE HON. H. E. SCHWARTZ: I understand that an assurance was definitely given that the fact of having precedence for private business on one day did not mean that no private business would be taken on other days.

HIS EXCELLENCY: Yes, absolutely. The hon. and gallant Member is quite right. I suggest that the Hon. the Acting Attorney General withdraws the motion and puts the amendment in that form:—

"Provided that on one day during each week of every ordinary session of Council private business shall have precedence."

CAPT. THE HON. E. M. V. KENYALY: Should not the words "meetings of Council" instead of "session of Council" be used?

HIS EXCELLENCY: No; "each week of every ordinary session."

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the following proviso be added after paragraph (x), sub-clause (1) of Rule 14:—

"Provided that on one day during each week of every ordinary session of Council private business shall have precedence."

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: Sub-rule (2), Rule 14; I am proposing to move the deletion of the word "Questions" in line 5 of that Sub-rule.

HIS EXCELLENCY: I do not think the amendment is an important one. If the question does not exist, hon. Members cannot be informed.

THE HON. CONWAY HARVEY: I think it would be a very good thing to leave in the word "Question," because it avoids duplication very often and people can have supplementary questions.

Rule 25.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that Rule 25 be amended by the addition of the following words:—

"The publication of any written reply shall be at the discretion of the member receiving it."

The question was put and carried.

Rule 33.

THE HON. THE ACTING ATTORNEY GENERAL: Rule 33—there are a good many amendments under this Rule.

HIS EXCELLENCY: Put them one by one.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that in line 5 the words "or questions" be deleted, and that the word "or" be inserted between the word "vote" and the word "resolution."

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that in line 6 the words "dispose of" be deleted and the word "reduce" be substituted.

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that in line 8 the words "such disposition or charge" be deleted and that the following words be substituted:—

"Existing charge upon the revenue."

The question was put and carried.

Rule 80.

THE HON. THE ACTING ATTORNEY GENERAL: In Rule 80 there is one amendment which was overlooked last time when these Standing Rules and Orders were considered. In the second line Rule "77" should read "70."

Therefore, I beg to move that the figures "77" in line 2 be deleted and the figures "70" substituted therefor.

The question was put and carried.

Rule 83.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the figures "81" be substituted for the figures "88" in line 4 of this Rule.

The question was put and carried.

Rule 101.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the figures "95" be substituted for the figures "102" in line 4 of this Rule.

The question was put and carried.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move that these Standing Rules and Orders come into operation on the 1st day of July, 1928. I understand it is usual in this House . . .

HIS EXCELLENCY: It ought to be a resolution. The most convenient way of fixing the date is in a resolution.

CAPT. THE HON. E. M. V. KENYALY: What is the ruling, Sir?

HIS EXCELLENCY: The ruling is that a date should not be fixed now, but that the present resolution before Council should be moved again when the Rules are retabled before as amended to Council.

Simply: "That the draft Standing Rules and Orders should now be adopted by this Council."

Rule 7.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I understand Your Excellency to say that an opportunity would be given for any further suggested amendments.

I would like to move for the consideration of the Committee that Rule 7 be deleted altogether. I suggest no good purpose could be served by a Rule which can in effect be broken.

HIS EXCELLENCY: I am quite prepared to accept the motion to delete that clause. Will the hon. and gallant Member move it?

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to move that Clause 7 be deleted and the subsequent Rules re-numbered accordingly.

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: That will amend the subsections in addition:—all of Rules where such sub-sections appear in Rules?

HIS EXCELLENCY: Yes.

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Rule 27.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, Rule 27. I understood it was agreed that a motion need not in future have forty-eight hours' notice, but only twenty-four hours, in order to facilitate business. If I am correct, then the words "two days" should be washed out. I therefore beg to move that the words "two days" be deleted and the words "one day" substituted therefor.

The question was put and carried.

Rule 30.

CAPT. THE HON. H. E. SCHWARTZ: Rule 30, sub-clause 9, there is a misprint there. I beg to move that the word "the" be altered to "ten."

THE HON. THE ACTING ATTORNEY GENERAL: Yes.

Rule 34.

CAPT. THE HON. H. E. SCHWARTZ: Rule 24. Might I ask whether that Rule means that if somebody gets up and moves the adjournment of Council it is put immediately, but if two Members rise and if it is a matter of public importance then we have a full debate on the motion for the adjournment. If that is so, it is all right. There was a case where Council was adjourned as a protest against an occurrence at Westminster when there was a full debate. If anybody moves the adjournment for no particular reason . . .

HIS EXCELLENCY: I think that the meaning of the Rule is this, that in an ordinary case a motion for adjournment is not debated, but if the President considers that any matter of definite public importance is involved then the motion for the adjournment may be debated and the relevance of the debate will be the subject on which the adjournment has been moved.

Rule 38.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move deletion of the words "moved in Committee." This has been purely for the sake of convenience where we are continually having big Bills.

Rule 34.

HIS EXCELLENCY: If the hon. Member will let me return to this point of 34. The form of motion for adjournment should definitely say so—"move the adjournment of the House for the purpose of considering," that is the form it should take.

Rule 38.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move the deletion of the words "moved in Committee." I do this purely as a matter of convenience when sitting in Committee, especially on big Bills. If the Attorney General or somebody else moves that a word be deleted or a comma be inserted and I suggest that it would save considerable time if they have not to be written out.

I move that the Rule be amended.

THE HON. CONWAY HARVEY: I suggest, Your Excellency, that it is extremely difficult for the chairman of the Committee to know what people want unless it is written. I have had experience of that myself.

THE HON. THE CHIEF NATIVE COMMISSIONER: After "shall" insert "if requested by the President or Chairman."

HIS EXCELLENCY: I think that would really meet the point. I think that amendments of any importance should be put down.

THE HON. THE CHIEF NATIVE COMMISSIONER: I beg to move, that in Rule 38, after the word "shall," the following words be inserted, "if so requested by the President or Chairman."

The question was put and carried.

Rule 43.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move two amendments. First of all to delete the word "out" in the first line on page 8. It is a very small thing.

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: I further beg to move that the last line but two in the second half be altered to read "the votes having been taken the President shall declare the result."

The question was put and carried.

Rule 44.

CAPT. THE HON. H. E. SCHWARTZ: The line coming after (D) (ix) (c). I beg to move the deletion of these words and the substitution therefor of (d) "indulge in personalities." You have agreed what a Member must not do by putting in that personalities must be avoided.

The question was put and carried.

Rule 65.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move the deletion of the words "together with" in line 4 and "statement shall give" in line 8. I move that because they are part and parcel of the same thing. It is complicated as it is, but I think it will be less complicated by leaving out these words.

CAPTAIN THE HON. E. M. V. KENSALY: Your Excellency, shall I be allowed to move consequential amendments or other amendments to the amendments now being proposed?

HIS EXCELLENCY: Yes, certainly.

The question was put and carried.

HIS EXCELLENCY: Do you want to move an amendment?

CAPT. THE HON. E. M. V. KENSALY: I want to move amendments from the very beginning.

HIS EXCELLENCY: This clause?

CAPT. THE HON. E. M. V. KENSALY: Yes. I do not know what the right amendment is. There have been a lot of amendments and I do not know what the amendment is. Can I have it read?

HIS EXCELLENCY: About what amendment is the hon. Member in doubt?

CAPT. THE HON. E. M. V. KENSALY: 65.

Clause read.

CAPT. THE HON. E. M. V. KENSALY: It makes no alteration in the meaning of the clause.

THE HON. THE ACTING ATTORNEY GENERAL: The only alteration is made in the English—the phraseology—which I think is certainly justified.

HIS EXCELLENCY: Perhaps the hon. Member will put his amendments?

CAPT. THE HON. E. H. V. KENSALY: I suggest, Sir, that in this clause that a time should be given for the publication in the Official Gazette. That is not stated.

On a point of order, should I be in order in asking for the re-committal of these Standing Rules and Orders?

HIS EXCELLENCY: The hon. Member has already moved one amendment. I think we had better consider that first.

THE HON. THE ACTING ATTORNEY GENERAL: It is now twenty-eight days, here it is to be fourteen. I presume what the hon. and gallant Member is asking for is that the Bill should be published fourteen days before.

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

CAPT. THE HON. H. E. SCHWARTZ: The old Standing Rules met the point because it stated that "the Clerk shall cause the Bill to be published in the Official Gazette." If the same time is put in that meets the point.

THE HON. THE ACTING ATTORNEY GENERAL: I move that in Rule 65, line 10, the word "also" be deleted and the words "at the same time" be substituted therefor.

CAPT. THE HON. E. M. V. KENEALY: Since it is possible to take the second reading of a Bill after an interval of one day from the first reading, I think it is essential that this time should be extended and not be fourteen days, because it would not give the country time to discuss the matter.

HIS EXCELLENCY: That is filtering the whole principle of the thing. I thought that everybody had agreed with fourteen days?

CAPT. THE HON. E. M. V. KENEALY: I am afraid I am. If it is taken one day after the first and second reading then I think it should be.

HIS EXCELLENCY: The only difference is that the second reading is taken in fifteen days, your proposal is sixteen days.

CAPT. THE HON. E. M. V. KENEALY: Fourteen days prior publication would not allow people to hold meetings and discuss the Bill.

HIS EXCELLENCY: The hon. Member is not objecting to fourteen days, he is asking for twenty-eight days' publication. I thought agreement had been on fourteen. Does not every member support it?

Rule 43.

LIEUT.-COLONEL THE HON. C. G. DURHAM: I think the amendment of the last line but one of 43 requires a consequential amendment.

HIS EXCELLENCY: The Rule should read "The votes having been taken by the Clerk, the President or Chairman shall declare the result and the Clerk shall enter, etc."

The question was put and carried.

Rule 1.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, with regard to the first Rule, should not "Northern Ireland" be included? We did discuss that.

HIS EXCELLENCY: We can only have reference to one set of Standing Orders.

CAPT. THE HON. H. E. SCHWARTZ: I do not think my hon. friend means that. He thinks you describe the House of Commons wrongly. I do not know what the House of Commons is called at Home—I know what it is called outside!

HIS EXCELLENCY: The deletion of the words "United Kingdom" and the substitution of the words "Great Britain and Northern Ireland"?

CAPT. THE HON. E. M. V. KENEALY: Yes, Sir.

HIS EXCELLENCY: The question is that in Clause 1, line 3, the words "United Kingdom" be deleted and the words "Great Britain and Northern Ireland" substituted therefor.

The question was put and carried.

Rule 3.

CAPT. THE HON. E. M. V. KENEALY: Clause 3, first line. How is that "order of precedence" laid down and decided Government Members and Elected Members?

HIS EXCELLENCY: Personally, the only precedence that exists in this House, so far as I know, is official precedence. I do not know the precedence of Unofficial Members is to be determined in the House.

LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT: Is there any official precedence in Council apart from the Hon. the Colonial Secretary?

HIS EXCELLENCY: Oh, yes.

CAPT. THE HON. E. M. V. KENEALY: If it excludes Elected Members, that exclusion should be stated. What is the position in regard to members who are members of the Executive Council and so act not only in an advisory but also in an executive capacity?

HIS EXCELLENCY: I think it ought to be the Governor or in his absence. Surely the words are unnecessary? The Governor always means also the Governor's Deputy. The Governor in all legislation means the Governor or his Deputy.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, this is exactly the same in the present Standing Rules and Orders, and I hope the Hon. Member for West Kenya will not press it. Everybody knows what it means.

CAPT. THE HON. E. M. V. KENEALY: I will press any amendment which assists in clarifying these Rules, which I consider do require clarifying. They are very badly got up.

HIS EXCELLENCY: I think that hon. Members will agree that the words should be "the Governor"—provided the Hon. the Attorney General is satisfied that in any legislation "Governor" means "Governor's Deputy" in the absence of the Governor.

THE HON. THE ACTING ATTORNEY GENERAL: As the Hon. and learned Member for Nairobi South has pointed out, it is the usual in the present Standing Rules and Orders, and I think it must be taken that at the time the Select Committee on the Standing Rules and Orders was sitting, this point was gone into. I think the hon. and gallant Member is quite right.

CAPT. THE HON. E. M. V. KENEALY: If that contention can be sustained, it is peculiar that the obvious is challenged in clause 6?

THE HON. CONWAY HARVEY: Why not leave well alone? It is not advisable to introduce any change at any time unless the need for it is demonstrated.

HIS EXCELLENCY: The meaning of it is perfectly clear. Whether it is necessary to alter it or not, I do not know.

I must ask members of the Committee to decide whether they will continue the consideration of the draft Standing Rules and Orders now or postpone the business.

If the hon. and gallant Member has any more amendments to move, it is impossible to continue.

CAPT. THE HON. E. M. V. KENEALY: If I am in order in doing so, I would like to move that these Rules be recommitted to a Special Committee to consider them. At present they mean nothing as drafted.

CAPT. THE HON. H. E. SCHWARTZ: I am sorry that is so, because a great deal of trouble was taken with the Hon. the Acting Attorney General in the chair, and various other people, including

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the Noble Lord the Member for the Rift Valley, over the drafting of these Rules. Would it not be possible, Your Excellency, to finish these off to-morrow?

HIS EXCELLENCY: I am afraid there is a meeting of Executive Council to-morrow morning.

CAPT. THE HON. H. E. SCHWARTZ: It seems to me a pity not to be able to finish off, as the rest of the business of Council is practically finished. It means that another two days are wasted, and it also means that the Bills will be delayed. It is an expense and a waste of time, Your Excellency, and another half hour would do it.

HIS EXCELLENCY: I am prepared to go on sitting now.

If hon. Members will agree to that course, I will go on sitting now until these Rules have been passed.

THE HON. CONWAY HARVEY: Is there any guarantee, Sir, that half an hour will suffice?

HIS EXCELLENCY: We will see.

CAPT. THE HON. E. M. V. KENYAL: I am afraid I cannot give any guarantee because there are many things which require elaboration.

CAPT. THE HON. H. E. SCHWARTZ: Would it be possible to sit to-morrow?

HIS EXCELLENCY: I prefer this afternoon.

THE HON. CONWAY HARVEY: I quite agree, Sir.

HIS EXCELLENCY: I suggest that Council should resume at 2.15 p.m.

THE HON. CONWAY HARVEY: The Noble Lord the Member for Ukamba and I have another appointment, Sir, with the Round Table people. I hope you will carry on.

Council adjourned to 2.15 p.m.

Council re-assembled in Committee.

CAPT. THE HON. E. M. V. KENYAL: On a point of order, should we not re-assemble in Council?

HIS EXCELLENCY: I have just consulted the Standing Rules and Orders and they lay it down that a Committee only re-assembles in Council at the end of a session and not in the course of the day.

I understand the hon. and gallant Member has some points he wishes to raise?

Rule 3.

CAPT. THE HON. E. M. V. KENYAL: I do not know what clause to start off with. May I have a definite ruling in regard to the action to be taken in regard to clause 3?

HIS EXCELLENCY: Yes, it is to remain as it is.

Rule 6.

CAPT. THE HON. E. M. V. KENYAL: And Clause 6.

HIS EXCELLENCY: To remain as it is.

Rule 11.

CAPT. THE HON. E. M. V. KENYAL: Your Excellency, I suggest that clause 11 should be redrafted. The meaning does not appear to be clear.

HIS EXCELLENCY: If the hon. and gallant Member will move an amendment to show what he thinks the meaning should be, I will take it, but I cannot undertake to redraft clauses myself.

CAPT. THE HON. E. M. V. KENYAL: I suggest, Sir, that the words "for admission" should be incorporated after "orders."

HIS EXCELLENCY: In the third line?

CAPT. THE HON. E. M. V. KENYAL: Yes, Sir.

HIS EXCELLENCY: I see no necessity for that.

CAPT. THE HON. E. M. V. KENYAL: I suggest the addition of the word "for" after the word "accommodation" in the fourth line. That seems to govern both "for comfort" and "for accommodation," which seems to be bad English.

HIS EXCELLENCY: I quite agree with the hon. and gallant Member that the English is greatly to be desired. I think the best way of amending it would be to delete the proviso from "provided" to the end, and to substitute "provided no more orders shall be issued than the available accommodation permits with due regard to the comfort of strangers."

THE HON. THE ACTING ATTORNEY GENERAL: I move that the proviso to Rule 11 be deleted and in place thereof the following be substituted, "provided that no more orders shall be issued than the available accommodation permits with due regard to the comfort of strangers."

The question was put and carried.

CAPT. THE HON. E. M. V. KENYAL: Your Excellency, on a point of order, may I have your ruling on this point, Sir. Is it proper for a mover to move as a substantive amendment an amendment to his original motion.

HIS EXCELLENCY: Yes.

Rule 15.

CAPT. THE HON. E. M. V. KENYAL: To proceed, Sir, section 15. I suggest the interpolation of the words "in writing" in the penultimate line after "correction."

HIS EXCELLENCY: Does the hon. and gallant Member mean in regard to that point whether a mover has a right to withdraw an amendment and substitute another amended form?

CAPT. THE HON. E. M. V. KENYAL: That is the point I want to illustrate.

HIS EXCELLENCY: The usual procedure is to withdraw the amendment and move it in its amended form.

CAPT. THE HON. E. M. V. KENYAL: It is proper for the original mover to do that?

HIS EXCELLENCY: There is nothing to prevent that.

Rule 15.

CAPT. THE HON. E. M. V. KENYAL: Clause 15, interpolation of "writing or orally" after "correction" in the penultimate line, page 3.

HIS EXCELLENCY: Is the object of the hon. and gallant Member to enable a member to move an amendment to the minutes without being present himself?

CAPT. THE HON. E. M. V. KENYAL: No, Sir. I merely suggest that oral provision be made so that without written notice it would be possible to amend what was obviously a mistake.

HIS EXCELLENCY: There is no need for an amendment to be written according to Standing Orders as amended now. I do not think there is any necessity. If an amendment is a detailed one it cannot be put without being written, otherwise there is no need to do so under the present Standing Orders as they are at present. You will remember one this morning.

Rule 19.

CAPT. THE HON. E. M. V. KENYALY: No provision seems to have been made for further action on the rejection of an improperly worded petition. I think it is desirable that procedure should be laid down for presenting the petition after corrections have been made in its wording.

HIS EXCELLENCY: I think that Council has nothing to do with the petition after it has been rejected. It is always up to the petitioner to amend it and present it again.

CAPT. THE HON. E. M. V. KENYALY: It would be in order for them to re-present it?

HIS EXCELLENCY: Yes, certainly.

Rule 23.

CAPT. THE HON. E. M. V. KENYALY: A small alteration in 23 (r) "a question shall not asked." Either "questioner" or "question shall not be asked." I move that amendment.

HIS EXCELLENCY: Surely a question can ask?

CAPT. THE HON. E. M. V. KENYALY: Surely a question has not any means of articulation? May we have medical evidence on that point, Sir?

HIS EXCELLENCY: I think it is perfectly clear. I think the meaning is clear. There is no English academy to whom we could refer. I do not think there is any doubt about the meaning.

CAPT. THE HON. E. M. V. KENYALY: No, Sir, there is no doubt about it, but it may produce comment adverse to the intelligence of this Council.

Rule 24.

CAPT. THE HON. E. M. V. KENYALY: 24, Sir. I feel that it is desirable that the member who refused to answer a question should do so on behalf of Government and not in his own capacity and it should be so stated.

HIS EXCELLENCY: He may be a private member.

CAPT. THE HON. E. M. V. KENYALY: In point of fact are questions ever asked of private members?

HIS EXCELLENCY: Yes, when a private member is chairman of a committee or in any other capacity.

CAPT. THE HON. E. M. V. KENYALY: I suggest that when he is a Government member he should answer on behalf of Government.

HIS EXCELLENCY: All Government members answer on behalf of Government.

CAPT. THE HON. E. M. V. KENYALY: That means a Government member has no discretion if he is a Government member.

HIS EXCELLENCY: No, it is the same in every other constitution, and in the House of Commons he answers on behalf of the Government.

Rule 29.

CAPT. THE HON. E. M. V. KENYALY: 29, second line "at the table" is not a proper phrase.

THE HON. THE CHIEF NATIVE COMMISSIONER: Surely we lay papers on the table?

CAPT. THE HON. E. M. V. KENYALY: Doesn't that imply movement?

HIS EXCELLENCY: It does. What a member does in that case is to approach the Clerk at the table.

CAPT. THE HON. E. M. V. KENYALY: It is a proper phrase, I take it, in your opinion?

HIS EXCELLENCY: Yes.

Rule 30.

CAPT. THE HON. E. M. V. KENYALY: Page 6, Rule 30 (12). In this event, Sir, when the urgency is admitted by the President, does that imply, Sir, that Government members are given discretion in regard to their voting in this mechanical form of registering their votes by rising in their places?

HIS EXCELLENCY: I do not see any propriety in laying down in Standing Orders what instructions Government members may have given to them.

CAPT. THE HON. E. M. V. KENYALY: But, Sir, if the President agrees with the urgency and by so doing . . .

HIS EXCELLENCY: No, he agrees to the urgency as President of this assembly and not as the head of Government.

CAPT. THE HON. E. M. V. KENYALY: Well that would mean, Sir, that only the elected members could rise in their places?

HIS EXCELLENCY: No, Government members can rise in their places unless told not to do so.

CAPT. THE HON. E. M. V. KENYALY: Well, that would mean that one would have to ask a question of the President of Council as to whether there was a Government instruction to members or whether there was any way they could exercise their own discretion. Should that not be provided for in Rules, Sir?

HIS EXCELLENCY: No. These Rules and Standing Orders are not to regulate relations between heads of Government.

Rule 31.

CAPT. THE HON. E. M. V. KENYALY: In regard to 31, Sir, fourth line, "it shall not be debated and shall be considered as withdrawn." That is modified to an extent by Rule 35, which rules out of order any further debate within six months.

HIS EXCELLENCY: What clause is the hon. Member referring to?

CAPT. THE HON. E. M. V. KENYALY: 31 and 35, Sir, they are inter-related, Sir. The fourth line of 31 is modified by the tenor of 35. If a member were absent and therefore unable to move a motion which is down in his name he would be automatically excluded for six months from raising that same question again.

HIS EXCELLENCY: Rule 35 makes it perfectly clear that the matter must be debated and disposed of.

Rule 33.

CAPT. THE HON. E. M. V. KENYALY: I do not know the terms of the amendments to 33, but I see that down as one that requires clarifying.

HIS EXCELLENCY: I can inform the hon. and gallant Member that the words "or question" in the fifth line were deleted and "or" was inserted between "vote" and "resolution." "Dispose of" was

deleted and "reduced" put in its place, and in the eighth line "such" was deleted and "existing charge" was substituted.

Rule 31.

CAPT. THE HON. E. M. V. KENEALY: This, I think, has already been drawn attention to by a member of the Committee which considered it. I am not clear as to that. It appears to be concerned with the motion for the suspension of Standing Orders.

HIS EXCELLENCY: Any motion to adjourn the House.

CAPT. THE HON. E. M. V. KENEALY: In that, Sir, should not the adjournment be for a definite purpose, which purpose should be stated and the subject should be dealt with before any business. Should not that be incorporated in that Rule?

HIS EXCELLENCY: I do not see any necessity to do that. If the motion for adjournment is debated then it only takes precedence of other business. In the House of Commons when a motion for adjournment is moved it is accepted in principle and an arrangement is made for the convenience of members that it shall be adjourned at a given hour. I do not think that that will arise, but it can always be done.

CAPT. THE HON. E. M. V. KENEALY: But, Sir, in this Rule it is necessary to state the reason for the adjournment as proposed.

HIS EXCELLENCY: It is not necessary to state it in the Rule, the motion should state it. You cannot state it in the Rule.

CAPT. THE HON. E. M. V. KENEALY: No, Sir, merely the insistence that it should be stated in the proposal for the adjournment.

HIS EXCELLENCY: There may be motions for an adjournment which are simply for the adjournment of the House, which are simply "that this House be adjourned." Then there are motions which require debate on specific questions. The proper form is that a member is permitted to move an adjournment for the purpose of discussing a definite question, but that does not appear in the motion. The motion is still "that this House adjourn," permission having been given for that motion that governs the debate.

Clause 42.

CAPT. THE HON. E. M. V. KENEALY: 42, Sir. This appears to refer to taxation and prevents any member from voting on any taxation measure, as worded.

HIS EXCELLENCY: I think that a provision of this kind exists in Standing Rules and Orders of all Assemblies. Otherwise no Assembly would be able to vote on any measure on Estimates.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, that is why I think it requires re-defining.

HIS EXCELLENCY: I think the meaning is perfectly clear.

Rule 51.

CAPT. THE HON. E. M. V. KENEALY: Rule 51, page 10, I suggest that the word "vindication" should be altered to "explanation" or some other term.

CAPT. THE HON. H. E. SCHWARTZ: I hope Your Excellency will accept that amendment. "Vindication" rather means that a member has done something *prima facie* blameworthy.

HIS EXCELLENCY: I am quite agreeable to accept that. Will the hon. and gallant Member move it?

CAPT. THE HON. E. M. V. KENEALY: I beg to move the deletion of the words "the vindication" in the fifth line of Rule 51, and the substitution therefor of the words "an explanation."

The question was put and carried.

21st June, 1928

Rule 60.

CAPT. THE HON. E. M. V. KENEALY: Rule 60. I hope that reconsideration will be given to the whole of this clause, otherwise I propose its deletion.

HIS EXCELLENCY: I am afraid I cannot undertake to consider it. The hon. and gallant Member can propose its deletion if he chooses to.

CAPT. THE HON. H. E. SCHWARTZ: I think there is a small amendment. I think the word "chosen" should be deleted and the word "appointed" inserted.

CAPT. THE HON. E. M. V. KENEALY: That, Sir, would take away from hon. Members of this House the right to suggest names.

HIS EXCELLENCY: It only enables a Select Committee to be appointed owing to lack of time before Council adjourns, otherwise business might be very seriously held up.

CAPT. THE HON. E. M. V. KENEALY: Could not some further proviso be made for suggesting further additions to the Committee? Would such suggestions be considered by the Governor? No provision appears to have been made.

HIS EXCELLENCY: You cannot very well put the Standing Rules and Orders back for something which is going to happen outside the Council. I cannot conceive the necessity for putting in these safeguards. Of course the Governor consults all parts of the House.

Rule 63.

CAPT. THE HON. E. M. V. KENEALY: Clause 63—the last line. I suggest the incorporation of the words "and be eligible for consideration on an equal footing with the report itself."

HIS EXCELLENCY: You cannot lay down Standing Rules and Orders. That is purely a matter for the Council.

CAPT. THE HON. E. M. V. KENEALY: The consideration, Sir.

HIS EXCELLENCY: Of course consideration is exactly the same.

CAPT. THE HON. E. M. V. KENEALY: I want to be in a position to quote the terms of a minority report on exactly the same conditions as I quote the conditions of the majority report.

HIS EXCELLENCY: Of course, that is so. They are exactly on the same footing now, except that the minority report is signed by fewer people than the majority report. Otherwise they are on exactly the same footing with other reports made to this Council.

Rule 64.

CAPT. THE HON. E. M. V. KENEALY: Rule 64, Sir. I suggest the excision of the words "a right to." It merely qualifies the right at the moment.

CAPT. THE HON. H. E. SCHWARTZ: Would the hon. Member's point be met if the wording is "That the Committee shall have a right as far as may be to the services of the Clerk to the Council?"

CAPT. THE HON. E. M. V. KENEALY: No. The right cannot be qualified as far as may be, if it is a right that exists. "Have the services of the Clerk as far as may be possible," I suggest.

HIS EXCELLENCY: It might be a contingent right. It is not a matter of great importance, but I am quite prepared to delete the words "a right to."

THE HON. THE COLONIAL SECRETARY: All Select Committees are entitled to the services of the Clerk, if available.

THE HON. THE CHIEF NATIVE COMMISSIONER: There are sometimes several Committees sitting at the same time.

THE HON. THE COLONIAL SECRETARY: In which event the Clerk is not available.

HIS EXCELLENCY: I have no objection to accepting that amendment if the hon. and gallant Member attaches importance to it.

CAPT. THE HON. E. M. V. KENYALY: I beg to move the deletion of the words "a right to" in the second line of Rule 64.

The question was put and carried.

Rule 65.

CAPT. THE HON. E. M. V. KENYALY: May I have the amended Rule read to me, Sir? I have not got it.

HIS EXCELLENCY: I am quite prepared to do it as a matter of courtesy. All the amendments were put quite clearly to the Committee this morning, and I do not think the time of the Committee should be wasted in reading amendments which have already been passed.

CAPT. THE HON. E. M. V. KENYALY: In regard to probable costs—three lines from the end—does that refer to the original application of the measure alone, or does it refer to the current or consequential cost of its application.

HIS EXCELLENCY: It clearly means both. There are both forms of cost.

THE HON. THE ACTING SOLICITOR GENERAL: Your Excellency, I do not agree with this Rule 65 as it stands. I suggest that in line 7, the words "set out" be deleted and the word "shall" be inserted. It does not read quite right to me.

HIS EXCELLENCY: It is perfectly right as it stands. I do not think you have got the amendments quite right.

Rule 106.

CAPT. THE HON. E. M. V. KENYALY: Rule 106, page 17. I thought it had been decided that the policy of publishing preambles to Bills should be discontinued. If that is so, is it advisable to incorporate such a possibility in the Rules?

HIS EXCELLENCY: The preamble to the Bill must be there.

CAPT. THE HON. H. E. SCHWARTZ: The procedure has laid down that the allegations in the preamble shall be actually considered by the Committee. Surely it is usual in a private Bill to set out the preamble as far as possible.

HIS EXCELLENCY: Any further points?

CAPT. THE HON. E. M. V. KENYALY: No, Sir.

HIS EXCELLENCY: Has any other hon. Member any observations to raise in connection with these Standing Rules and Orders?

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move that the following Bills, namely—

The Criminal Law (Amendment) Bill,

The Public Trustee's (Amendment) Bill,

The Alteration of Time Bill,

The Supplementary Appropriation Bill,

together with the Draft Standing Rules and Orders, as amended by this Committee, be reported to Council.

21st June, 1928

HIS EXCELLENCY: The question is that
The Criminal Law (Amendment) Bill,
The Public Trustee's (Amendment) Bill,
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The Supplementary Appropriation Bill, and
The Draft Standing Rules and Orders,
be reported to Council.

The question was put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that

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STANDING RULES AND ORDERS.

HIS EXCELLENCY: I think it would be better to take the resolution adopting the Standing Rules and Orders first.

THE HON. THE ACTING ATTORNEY GENERAL: I beg to move that the Draft Standing Rules and Orders as amended in Committee of this Council be adopted.

THIS-HON. TREASURER: I beg to second.

CAPT. THE HON. E. M. V. KENYALY: Your Excellency, I must oppose this resolution. I feel that if we, after examining the new draft for only a couple of hours, have been able to pick so many holes in it, that it is highly desirable that this should be re-committed. I therefore propose as an amendment that this be re-committed and further dealt with.

HIS EXCELLENCY: The hon. and gallant Member must give notice to re-commit on some special point.

CAPT. THE HON. E. M. V. KENYALY: Must I deal with detail, Sir?

HIS EXCELLENCY: Under some special point. Re-commit for the purpose of doing what?

CAPT. THE HON. E. M. V. KENYALY: For the purpose of incorporating further provisions, for the purpose of clarifying.

HIS EXCELLENCY: I understand that what the hon. Member now wishes to move is:

"That this draft be re-combated for clarifying the provisions."

CAPT. THE HON. E. M. V. KENEALY: And making new provisions.

HIS EXCELLENCY: Does any hon. Member rise to second that motion?

No seconder being forthcoming, in that case the motion is lost.

The question is that the Standing Rules and Orders be adopted.

The question was put and carried.

THE HON. THE CHIEF NATIVE COMMISSIONER: I have to crave Your Excellency's indulgence, but the sixth page of the paper I laid this morning is incorrect.

HIS EXCELLENCY: I thought the hon. Member rose to move the third reading of a Bill.

BILLS.

THIRD READINGS.

THE CRIMINAL LAW (AMENDMENT) BILL.

On motion of the Hon. the Acting Attorney General the Criminal Law (Amendment) Bill was read a third time and passed.

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THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I have to crave Your Excellency's indulgence, and that of this Council, to explain that when I laid on the

table this morning the Report of the Select Committee on the Native Lands Trust Bill, I did not observe that in the hurry of getting the copy cyclostyled to lay on the table this morning the reference of such Select Committee to Clause 24 had been omitted in the typing. I ask the leave of this Council and Your Excellency to substitute an amended page for the page laid.

HIS EXCELLENCY: It is a formal typographical omission. I have no doubt Council will give permission for the substitution.

LEGISLATIVE COUNCIL CHAMBER.

CAPT. THE HON. H. E. SCHWARTZ: There is one small bit of business, that is the appointment of the Committee to deal with the question of this Hall, and I would ask if you would consider it to consist of—

The Colonial Secretary.

The Treasurer.

The Member for Rift Valley.

The Member for the Lake.

The Member for Nairobi South.

HIS EXCELLENCY: May I see it? I would like if I may to consider the Official Members. I am quite prepared to accept the Unofficial Members; if that will meet the hon. Member?

CAPT. THE HON. H. E. SCHWARTZ: There is one other point. I understand there is a question asked by the hon. Member for Nairobi North, who is not here, and which I understand is ready to be answered.

THE HON. THE COLONIAL SECRETARY: I asked the hon. Member in the break in regard to this and he asked to be excused attendance. He stated that he would be quite satisfied if the answer were sent to him in writing.

Council adjourned sine die.

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table this morning the Report of the Select Committee on the Native Lands Trust Bill, I did not observe that in the hurry of getting the copy cyclostyled to lay on the table this morning the reference of such Select Committee to Clause 24 had been omitted in the typing. I ask the leave of this Council and Your Excellency to substitute an amended page for the page laid.

HIS EXCELLENCY: It is a formal typographical omission. I have no doubt Council will give permission for the substitution.

LEGISLATIVE COUNCIL CHAMBER.

CAPT. THE HON. H. E. SCHWARTZE: There is one small bit of business, that is the appointment of the Committee to deal with the question of this Hall, and I would ask if you would consider it to consist of—

The Colonial Secretary.

The Treasurer.

The Member for Rift Valley.

The Member for the Lake.

The Member for Nairobi South.

HIS EXCELLENCY: May I see it? I would like if I may to consider the Official Members. I am quite prepared to accept the Unofficial Members; if that will meet the hon. Member?

CAPT. THE HON. H. E. SCHWARTZE: There is one other point. I understand there is a question asked by the hon. Member for Nairobi North, who is not here, and which I understand is ready to be answered.

THE HON. THE COLONIAL SECRETARY: I asked the hon. Member in the break in regard to this and he asked to be excused attendance. He stated that he would be quite satisfied if the answer were sent to him in writing.

Council adjourned sine die.

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