

# KENYA NATIONAL ARCHIVES

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**KENYA GOVERNMENT ARCHIVES**  
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SECTION 7

**CONTINUED FROM**  
**REEL No.**

3

THURSDAY, 20th DECEMBER, 1928.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Thursday, 20th December, 1928. His Excellency the Acting Governor (Sir JACOB WILLIAM HARTH, Kt., C.B.E.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The minutes of the meeting of 7th December, 1928, were confirmed.

#### THE KING'S HEALTH: BULLETINS.

HIS EXCELLENCY: There are two bulletins about the King which hon. Members would like to hear. The morning one is: "The King has had a restful night. The slight improvement noted yesterday continues." The one issued last night is as follows: "The King has had a quiet day. Both general and local conditions are continuing to make slow progress."

#### PAPERS LAID ON THE TABLE.

By THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE):

Report of the Select Committee on the Subordinate Courts (Separation and Maintenance) Bill.

By THE HON. J. E. S. MERRICK:

Report of the East African Dependencies, and the Grocery, Provision, Oil and Italian Warehouse and Allied Trades Exhibition and Market, September 22nd to 28th, at the Agricultural Hall, Islington, London.

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

Report of a Preliminary Survey of the Sea Fisheries of Kenya Colony.

#### ORAL ANSWERS TO QUESTIONS.

APPOINTMENT OF VETERINARY OFFICER, PLATEAU NORTH.

LIEUT.-COL. THE HON. J. G. KIRKWOOD:—

"Will Government favourably consider the demand for the appointment of a Veterinary Officer for Plateau North?"

THE HON. THE DIRECTOR OF AGRICULTURE: It is not proposed to station a Veterinary Officer in the Plateau North area, and it is considered that the existing staff arrangements meet present requirements.

## MOTIONS.

COMPASSIONATE GRATUITY TO THE WIDOW OF THE LATE  
MR. C. S. DE SOUSA.

THE HON. THE TREASURER (MR. R. C. GRANNUM): Your Excellency, I beg to move the motion standing in my name, as follows:—

"In consideration of the destitution of the widow of the late Mr. C. S. de Sousa, who, after rendering 17 years, 10 months and 15 days' satisfactory service in the Public Works Department of this Colony, retired on the 22nd of August, 1921, on a pension of Sh. 2,077/72 a year, and died in Goa on the 5th of March, 1924, 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 retirement."

This resolution, Sir, is self-explanatory. The only thing I would add thereto is that the husband of this unfortunate woman was unable to make provision for her—as is now possible to members of the Civil Service—through the Widows' and Orphans' Pensions Scheme, because of the fact that no such fund existed in those days. The destitution of the widow has been enquired into and has been guaranteed by the British Consul at Goa. This unfortunate woman has four children dependent upon her.

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

The question was put and carried.

## KENYA AND UGANDA RAILWAYS AND HARBOURS.

## ESTIMATES FOR 1929.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GENERAL RHODES): Your Excellency, I beg to move that the estimates of revenue and expenditure of the Kenya and Uganda Railways and Harbours for the year 1929 be approved.

Your Excellency, there are two occasions during the year when the General Manager of the Railways and Harbour Administration has an opportunity of communicating to the public full statements dealing with railway and harbour matters. The first of these occasions, Sir, is the annual report, which gives a very full statement of the previous year, and the results of working for that year. The second occasion is the presentation of the annual estimates to the Kenya and Uganda Legislative Councils for approval for the coming year. These

two occasions are of the utmost value to the Railway Administration. The Members of the Legislative Councils concerned and the public of the two Colonies are, in fact, shareholders in their state railway, and these opportunities therefore give the General Manager an opportunity to explain to his shareholders the policy and working of the administration. With the indulgence of hon. Members therefore I propose to follow this custom, and to give you now, as briefly as possible, a resumé of railway and harbour progress since the beginning of the year; that is, since the end of the period covered by the last annual report; and an explanation of the financial policy indicated in the estimates for the coming year.

It is usual, Sir, for this statement to be made first to the Kenya Legislative Council and then to Uganda. On the present occasion, owing to unforeseen delays in legislation in Kenya, the procedure has been reversed, and I was given an opportunity a fortnight ago to make a statement to the Uganda Legislative Council. There are, possibly, certain advantages in that procedure, because it gives me an opportunity of enlarging on certain points which were not sufficiently explained, and it also gives Members an opportunity to institute further questions and ask for further information.

Dealing with the work done since the beginning of the year, I would first of all like to state how honoured the Railway Administration has been in being privileged to carry as its guests Their Royal Highnesses the Prince of Wales and the Duke of Gloucester. His Royal Highness the Prince of Wales has now travelled by rail and steamer from the coast to Nairobi and Kisumu, across Lake Victoria to Entebbe, over a portion of Lake Albert and the River Nile, and finally from Tororo via Kitale, Eldoret and Nakuru, back to Nairobi. The Prince of Wales has therefore now travelled over a very large portion of our system. All arrangements made in connection with his movements were carried out, I am glad to say, without a hitch of any kind, and His Royal Highness expressed himself as very pleased with the arrangements made for him.

Also connected with the Prince of Wales' visit were the Races and the Agricultural Show, which were both held in the same week. This involved a considerable strain on certain parts of the Administration, in view of the fact that we had to carry a tremendous number of animals—cattle and horses—within a very limited period, and with limited reserves. At the same time a considerable number of native special trains were run from all parts of the Colony, bringing natives to the capital to be reviewed by the Prince of Wales. In connection with this programme, I should like to say that it would have been impossible for the Acting Superintendent of the Line to

carry out the arrangements made by him if he had not been fully supported by the secretary and the committees concerned and by the general public.

In connection with the general railway position, so far as it is known at the present time, I have to state that we anticipated that the revenue would exceed our estimate by the end of the present year by approximately £30,000. At one period we hoped that the figure would be somewhat greater, but owing to drought and locust troubles, I am afraid the figure will not be as great as we expected. At the same time, we have been able to make considerable economies on the expenditure side, amounting to approximately £58,000. As near as we can estimate it at the present time, it is anticipated that there will be a net benefit at the end of the year of something like £90,000. At the same time, I am very glad to be able to say that at the Port we have also had a very satisfactory year. It should be remembered that we budgeted for a loss of £90,000. Actually, as closely as we can estimate it at the present moment, we anticipate that the loss at the end of this year will not be more than £50,000. This, of course, is due to the introduction of the new port tariffs, combined with the excellent work of the Port Manager and his staff in organising a comparatively new organisation at the Port. We frequently get letters of appreciation from captains of vessels and people on board to say it is now one of the most up-to-date ports of its kind on this coast. As a result of the combination of these two factors, railway and harbour funds will benefit to a very considerable extent over the amount which we originally estimated. Owing, however, to the decision this year to cover the £3,500,000 Cotton Loan, which was not interest-bearing until 1929, by a new loan which will be immediately interest-bearing, we have to provide for a further sum of £120,000. That will be dealt with later on in the Supplementary Estimates. It will be understood that this will largely absorb the extra revenue that we hoped to obtain, but in spite of that we hope to have a net revenue over our Estimates of some £30,000 or £40,000. The position therefore may be considered, I think, as satisfactory, and fully justifies the opinions expressed by the late General Manager on many occasions regarding the general soundness of the financial position of railway and harbour organisation.

I have statistics here which I think I will leave out, because they have already been published in the paper. I will only say that the total traffic for the period ending September, 1928, has been 8 or 9 per cent. greater than for the similar period of the previous year.

The most important work in connection with the main line has been the relaying of the line from the Coast towards Nairobi. Our programme last year was as far as Makindu, and this year we have a programme up to M'agadi Junction. This work is proceeding very satisfactorily, and the programme is well in hand. At the same time we are re-ballasting the whole of the section from the Coast which has been involved in this relaying programme. Our programme for next year includes the completion of this work to Nairobi. We shall then have a section of 330 miles over which we can run our heaviest locomotives right up to the capital, and this will be a great advantage in handling the traffic. I may say that these locomotives were, at the time they were built, the heaviest locomotives of their type which had ever been built for a metre gauge railway.

The ballasting, I hope, will not only improve the running conditions on the line, but will, I hope, materially decrease the dust nuisance in dry weather, although I do not think it will completely eliminate it.

Another work, Sir, which several hon. Members will have probably already seen is in connection with M'rapa Causeway. We had some slight delay owing to the non-arrival of the girders. These are now commencing to arrive in the country, and I hope the bridge and causeway will be ready for traffic some time in March or April of next year. I am not quite sure whether it will be available for road traffic for that date, but we are hoping that the road will also be completed.

Considerable credit is due, I think, to the Resident Engineer and his staff for the very efficient and creditable way in which he has carried out this work.

The next thing I should like to refer to, Sir, is the headquarters offices. Honourable Members will have noticed that excellent progress has been made, but no roof has appeared on this building at the present time. That is due to the fact that there has been a delay in the arrival of roof trusses, that were ordered earlier in the year. But these have now been ordered and we had hoped to occupy this building by about March or April, but I think, now, in view of this delay we shall not be able to get into them until nearly June.

The Thomson's Falls Branch is making steady progress, and we hope to complete the whole line in May or June of the coming year. Oleondo Station has already been opened under construction arrangements. I recently held meetings with the local district organisations to decide finally on the sites for Lesirko and Thomson's Falls Stations. There has been some

delay due to shortage of labour, but I think in spite of that it will be carried out satisfactorily by about June or July of next year.

The next branch is Kisumu—Yala. Tenders were called for early in the year, and contractors are now at work. That work, we expect, will take eighteen months to complete.

The next branch I would like to refer to is the Soroti Branch. The first section was opened early in the year to carry cotton traffic. That section has now been handed over to open line. The rest of the line as far as Soroti is making very rapid progress, and the last bridge of any magnitude, that at Kipiri, crossing an arm of Lake Salisbury, is now completed but for the girders. The Resident Engineer in charge of that work is to be congratulated on the fact that he has I think constituted a record as regards continuous plate-laying. In one week he completed over 11 miles of track, and in two months over 53 miles. We expect to open a temporary railhead close to Soroti about the middle of next month, which will enable us to carry part of the coming season's cotton traffic by this route.

Next is the Jinja—Kampala Line. Sanction has recently been received to commence that extension, and arrangements are now being made to carry out that work. I participated in a small ceremony last week in Kampala, where the first sod was cut by the Kabaka, the King of the Uganda Province, through whose territory this railway passes. It is hoped by the Uganda Government that the line will be constructed entirely with local labour, and it is hoped that the action of the Kabaka in taking part in this ceremony will have a considerable effect on the recruiting arrangements.

With regard to the Port, excellent progress has been made with berths 3 and 4 and their sheds. We hope to take over the first of these, No. 3, with its shed in a few weeks' time, which will materially assist us during the coming season. Sanction has also been given for the construction of another berth, No. 5, with a double storey shed, and the contract has been let to Messrs. Paulings, who are making arrangements to commence work immediately.

An addition to our equipment at the Port is the second tug, called the "Marie Pelling," which arrived a few days ago. Unfortunately, in bringing it out, the makers ran the tug ashore on the coast, and before we can take delivery it has to be examined. That I am afraid will delay making use of this tug for possibly seven weeks, as it may have to go down to Durban. The cost of that accident will have to be borne by the makers. Further sidings have also been made and the

jetties and sheds at Mbaraki have been reconditioned and enlarged, and everything possible has been done to equip the Port to enable us to deal with the coming season's traffic.

So far as new construction is concerned, no other work has yet been sanctioned. Reconnaissance surveys and investigations have been conducted in connection with other branch lines in Kenya, such as the proposed Donyo Sabuk Line and the proposed Naru Moru—Nanyuki extension. These projects will in due course come before the Branch Lines Committee for final recommendation to Government. In Ruindi we have been investigating the possibility of opening up the Kagera River. In that district, at the back of the river there is a considerable quantity of trade which could be opened up by railway communication, and it is hoped we shall be able to get through traffic there. We are very anxious to open up lake traffic in every possible way.

I propose during the coming year to carry out two other small surveys. The first is in connection with the heavy grades between Mombasa Island and Mazaras to see whether we can reduce those grades to an appreciable extent. We are going to make an effort to see if those grades can be reduced. If so, a proposal will be put forward in due course to improve that part of the line. A further improvement of the main line will have to come up for consideration between Nairobi and Nakuru over the Escarpment. During the next few years we shall have to consider the possibility of relaying that section, and it may also be advisable to lay a second line. We are not in a position to say very much about that until a further survey has been carried out, and reconnaissance has shown that an alternative line is possible. If that line were built it would enable us to run our heavy trains straight through from Nakuru to Nairobi, and so cut out the climbing of the Limuru-Kikuyu Escarpment. It will not involve in any way closing down the existing line; that will still have to be maintained.

Turning now to rate matters, these are perhaps of more direct interest to hon. Members, and to the general public. It is an easy matter to make rate reductions, but although rate reductions in the past have amounted to many hundreds of thousands of pounds it is seldom that they attract any considerable notice. During the past year there have been rate reductions amounting to no less than £140,000, which have followed upon a comprehensive programme of rate reductions in the past. Judged, however, by references to this matter in the Press and other places, one might imagine that no rate reductions had taken place for a considerable time. In order,

however, that memories might be refreshed, I would like to make a summary of the principal reductions that have taken place since December, 1927:—

1. December 1, 1927: The Administration abolished the old Class 9 rate, and the then highest rate, and transferred the commodities in that class to Class 8, plus 25 per cent. This represented an estimated annual sacrifice of £28,000.
2. On the same date, the rate on kerosene was reduced from Tariff 3 to Tariff 1, plus 10 per cent., the reduction being estimated to represent a loss of £27,000.
3. On the 1st April, 1928, a revised classification and scale of rates was introduced, which involved an annual sacrifice of £65,000.
4. On June 1st, the rate on maize for local consumption was reduced from Class 8 to Class 9, and the maximum from Sh. 1/40 to Sh. 1/- per 100 lbs. The annual cost of this reduction was estimated at £15,000.
5. Other minor reductions have also taken place, involving a loss to revenue of £5,000.

Now, Sir, I come to the question which is of considerable interest to this country and to Uganda. It will be remembered that when the Tanganyika Railway authorities built their branch line to Mwanza, it was stated by the Secretary of State that the building of branch lines between the two systems would necessarily mean that there would have to be a complete assimilation of rates to avoid competition. It will be remembered that during last year there was considerable prominence given to the rate war on certain rates. Although the term "rate war" is hardly applicable, the Secretary of State did wish to avoid all occurrence of that sort, and he gave instructions that a further conference between the Tanganyika authorities should be brought about. Very satisfactory progress was made at this conference and considerable reductions in our own rates were made, but in connection with this matter I would say that the conference was forced to the unanimous conclusion that complete assimilation could not be brought about except by the abolition of the country produce preferential rates.

Now, Sir, I should like to make the position in regard to that matter quite clear, so that it will be fully understood. First of all I should like to say that this question was not brought about directly by this conference, although it was one of the matters which it had to consider. It has been brought up on many occasions and has again to be considered by the

Uganda Government. Also we have had a direct request from the Associated Chambers of Commerce to reconsider our preferential rates. For these reasons, Sir, these matters will have to come before the Railway Council next session. I do not want to go into the merits or demerits of the policy of preferential rates. That can be argued from many points of view, but I should like to say that the Railway Administration and the Railway Council does not appear to have the machinery to debate that policy. These things should be discussed far more in public, so that we shall know what is being done.

It has also been suggested that technical officers should not raise these awkward questions, but for reasons that I have given we were forced to bring these points to the notice of the Tanganyika authorities, who had direct instructions from their Government that any assimilation of rates would have to depend on the abolition of the country produce preferential rates. I would also say that the Secretary of State has also pressed us to consider this matter from time to time, and therefore it is a question which cannot be avoided.

The Uganda Government and territory is in disagreement with the preferential rate policy; Tanganyika is also in disagreement, and part of this Colony, Sir, is also in disagreement. Therefore it is an impossible position for a railway administration to deal with, and for that reason we have had to suggest that the question of preferential rates should be left out altogether from discussions on tariffs.

In putting this question forward to the Railway Council, Sir, the Railway Council has recognised that it does involve a certain amount of discussion on existing policy, and they have therefore advised the High Commissioner that if such rates are to be brought in, plenty of time should be given to the Governments concerned to make alternative suggestions. The date suggested is the first of July next year. I hope shortly to send the minutes of the Council to the High Commissioner with complete statements showing the effect of the proposals, and I am going to ask the High Commissioner to pass this information on to the Governments concerned so that they can deal with this matter in any way which they think fit. I think that also complies with the undertaking given by the High Commissioner before he left that he would give the Council an opportunity of discussing it before it is introduced.

There is one other point, Sir, which is rather important, and that is in regard to export rates. The country produce preferential rates have nothing whatever to do with export rates. Export rates were originally introduced and designed to enable produce grown in this country to reach foreign markets at a reasonable cost, and at a price which will enable

it to compete in foreign markets. Actually, it was not intended in any way to interfere with the policy of protective rates. One or two anomalies have crept in in this way. The actual working of this rate is that produce so assigned for shipment overseas should be allowed at export rates. Shipment overseas has been taken to mean shipment to neighbouring ports. That was not the original intention of export rates, and the fact is that produce has been shipped to places like Tanga and Dar es Salaam and reimported back again into the Colony. That is not what was intended. We have now got through communication with Tanga through Moshi and Mwanza, and these places do not enjoy export rates. It is recommended therefore that export rates to any ports in East Africa should not operate, but that export rates should refer to what was originally intended, that is, for overseas markets. At the same time, the Railway Council suggests that there should be reductions on certain local produce commodities. Also, the rates on provisions will be reduced under the same process, and I think therefore the general recommendations will involve a considerable reduction in the cost of living, which is a very important matter.

Now, Sir, with these remarks, I should like to turn to the Estimates themselves. Although these Estimates bear my signature, I should like to explain that they were originally drafted by the late Sir Christian Felling, and minor alterations in detail only have been made. The Estimates as a whole therefore are the considered policy of the master mind, and I trust they will be accepted by this Council in the same way that I knew they would have been if they could have been presented by Sir Christian Felling himself.

There is no need to take these Estimates in detail. They have been through the usual process of being approved by the Railway Council. They have been printed with the fullest possible explanations attached, but I shall be only too glad to give any further information that I can, and answer any questions that may be raised by hon. Members opposite. But there are two or three main points to which I wish to draw attention.

Now, Sir, I would like to say a word in regard to loan charges, which during the coming year will amount to £550,000, while with the Port they will be £723,423, growing steadily until 1931, when they will reach the figure of £884,000. It will be recognised that with an expenditure of this magnitude in front of us, the financial position will have to be most carefully watched, but I hasten to add that the financial results of the working will be completely adequate.

Another point is in regard to depreciation: Now hitherto this amount has been calculated at an average rate of 3 per cent. on the original value of our wasting assets. This is a policy which received the cordial support of the Treasury at home and also from business people as being a very sound procedure, but it has been found that this rate is probably slightly in excess of what is actually required, and in the Estimates for next year it has been decided to reduce the rate to 2 per cent., and we anticipate that this will be sufficient to meet our requirements in coming years, and that rate is also supported by experience in South Africa, where they have a much bigger concern. It is not a reserve fund; it is a definite liability, and will gradually grow into a large sum. At the same time, as we have suggested a reduction in depreciation rate, we have felt it necessary to recommend the institution of an Interest Reserve Fund. The management has always had to bear in mind that, in a growing country such as this, drought and disease and such things are liable to interfere suddenly without warning with our revenue, and we have been repeatedly pressed from home and other directions to endeavour to institute an Interest Reserve Fund, and Sir Christian Felling considered that the time had now come to institute such a reserve, and we have therefore shown in our Estimates a sum of £100,000 contribution to the Interest Reserve Fund. I think this will have a very good effect the next time the Colony is in the London market, as in the past we have had criticism of our estimates and financial position because we have had no Interest Reserve Fund in case of a slump in trade.

Another point I would like to refer to is in connection with the betterment programme. As hon. Members are aware, this Railway was in a derelict condition in 1921, and we had to have very heavy expenditure in an endeavour to bring the line up to the condition to carry the traffic. That programme will be brought up-to-date with the completion of our next year's programme, and we should then be in a better position to reduce our contributions to the Betterment Fund. It will be noticed that the date of this change of policy coincides with the somewhat heavy increase in loan charges to which I have referred, and it is for that reason chiefly that I have stated that there need be no apprehension that we shall not be able to meet our loan charges in full.

It will be seen from an inspection of Appendix I on page 102 of the Estimates, that at the end of 1929 we anticipate having a total of some £747,000 in the Railway section of the Renewals Fund, out of which there is an estimated programme for the year of £377,000. In the Railways Betterment Fund



we anticipate a total of £711,000, with a programme of expenditure of £411,000. I do not think therefore that our reserves in these two funds can be considered excessive, as they amount to less than one year's programme. I referred to one minor amendment in the Railway Estimates, and I must move that on page 101 the item, "New Steamer for Lake Albert," be altered from £42,740 to £48,357.

The Port Estimates do not call for any special comment. The estimated loss on next year will be about £39,000. This of course will be slightly higher than the £30,000 estimated loss this year. The reason for that is that we shall be taking over the new berths and therefore will become responsible for further interest charges. The combined net revenue of the Railways and Harbours shows a final balance transferred to the Railway Betterment Fund of £215,879.

I want to say one word about profits. One hears, from time to time, "Should a State Railway be allowed to earn profits?" The question that I should like to ask is where the supposed profits of this Administration are in evidence. Out of our profits we have to arrange for depreciation, we have to provide for renewals. It is also recognised that we have to find money for our loan and interest charges, and we have not had a single penny in any other reserve. We have provided, as I have explained, £100,000 for next year for an Interest Reserve Fund, but hitherto any surplus money has been given back to the public in the form of reduced rates. I think I have referred already to the question of dividends to shareholders. Although we have of course interest to pay and interest charges on loans, I think, however, that our record in regard to rate reductions shows that our policy of not-accumulating reserves has been properly carried out.

Looking to the future, I think our position—given care and judgment—is essentially sound. I think that our biggest need at the present moment is for a policy of consolidation. Our growth in the past five years have been phenomenal, and we have felt the strain in many ways. Although we have carried out the work and transported everything that has been offered, our methods have to some extent been rough. It is essential that we should now with better organisation get down in greater detail to what might be called the refinements of transportation, now that our financial position is sound.

Our staff has been a mixed community of Europeans, Asiatics and Africans, but taking them as a whole, I do not think any Administration could be served by a more loyal and hardworking staff than we have under our control. At the same time, however, it must be recognised that more complete training is necessary in all directions. It appears to me that

this perhaps is the most vital need at the present time, and I think we shall have to incur some expenditure in that connection.

In regard to future construction, it is probable that most of our attention will be directed towards Uganda, where extensions to the Belgian Congo will, sooner or later, require consideration. The whole situation will have to be closely studied during the construction of the Jinja—Kampala Line.

Politically, the future points to a more close connection with the railways of the neighbouring territory of Tanganyika. It is not known yet to what extent the Hilton Young Commission will accelerate this process, but our own experience shows that the two transportation administrations are rapidly coming into closer touch with each other. The recent conference to which I have already referred stressed this fact particularly, and we have recommended that General Managers' conferences, supported by technical officers, should take place from time to time to discuss questions of standardisation in every possible direction, such as the through booking of passengers and goods. In regard to the checking of goods between the two territories, there has been a slight difficulty in regard to customs formalities, but I think we have been able to suggest a solution to that.

Now there is one problem to which I would like to refer, and that is the problem of the corridor rolling stock. There have been many complaints against this type of stock and yet, on the other hand, I have received many opinions welcoming their introduction. I personally have an open mind on the question. They have obvious advantages for long-distance travelling and where dining cars are in use. There are, however, disadvantages owing to the type of passenger who sometimes travels in them. In regard to the dining car, the staff are new to this type of stock, and undoubtedly require further experience before we can get the best service. We have ordered now another type of coach which will more probably meet the needs of the travelling public, and perhaps, when they arrive, we will be able to decide what type of coach should be the standard in future.

Another problem is the question of cleanliness. Supervision will not entirely meet the case, although the supervision of our carriage-cleaning staff has been considerably tightened up. We have written to South Africa and India to try and find out a more satisfactory type of disinfectant. South Africa employs a rather dangerous type of acid, which I do not think would be altogether suitable in this country, but we are corresponding with other countries to see whether some suitable remedy cannot be found.

I would like to point out that, even with the most efficient type of disinfectant, a coach can become reinfected within three days, so it will be realised that it is rather a difficult problem to deal with.

Another question we must consider is the question of road competition. This matter has received a considerable amount of prominence, and one sees it referred to in the technical Press. A Committee, presided over by the Director of Public Works, has recently been sitting in this connection, and has put up proposals with regard to licences on certain roads. These suggestions do not involve increased taxation, and the purpose of the suggestion, if adopted, is that it will enable the Central Roads Committee to prevent competition on roads running parallel with the Railway. At the same time, Sir, I would like to say that if we do get protection of this sort, it must be recognised that the Railway must in its turn provide all reasonable facilities.

In conclusion, I would like to state that our relations with the general public have never been better than they are at present.

Now, Sir, before I sit down, there is one more subject to which I wish to refer, and that is malaria. As this country so well knows, this Railway has cause to remember malaria. We have lost our chief from this disease, and we know that many of our employees suffer from its effects.

It is even stated that we spread the disease by our trains carrying mosquitoes; I can find no direct evidence of that. Mosquitoes are to be found in most places—a few more or less cannot affect the situation at all. Moreover, malaria has spread just as rapidly in other parts of the country not served by the Railways. If there is any danger at all from this direction, it is far more likely to be due to the fact that the majority of our passengers, especially native passengers, are already infected.

Now, what is the duty of the Railway Administration as regards malaria, and what has been done?

Firstly, it is our duty to keep our own areas reasonably clean and drained. For years now I have been in close touch with the Deputy Director of Sanitary Services in these matters. We have spent thousands of pounds on draining and clearing, but much remains to be done. Particular attention is being given to the matter, and to help us there has recently been appointed a full-time Railway Medical Officer, and I hope that with his help, and with the co-operation of the staff, great improvements will be made.

In our coaches we have placed sprays which are available to the passengers if mosquitoes are found in the compartments and notices have been posted up asking passengers to keep their gauze windows closed in mosquito areas.

Further, the Railway has spent large sums in improving the housing, feeding and sanitary conditions of its employees and labour, in an attempt to improve their standard of living, and so increase their resistance to disease, and in this connection we have had considerable success. We have had compliments paid to us from many parts of Africa on the design of our native locations, and we have been frequently asked for copies of our plans.

In close connection with this matter, I would like to refer hon. Members to the Medical Journal for November, which contains a striking article on malaria and includes a summary of the conclusions come to by a Commission of the League of Nations.

I think, Sir, that I have taken up sufficient time here in dealing with the Estimates before this hon. Council, and I now therefore beg to move their adoption, subject to the minor amendment to which I have already referred.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLJO) : Your Excellency, I beg to second.

THE RT. HON. LORD DELAMERE : Your Excellency, I have been debating in my mind very much in the last few minutes whether I would ask Your Excellency to adjourn this debate until to-morrow, because anyone in the position of the official opposition, or whatever you like to call it, is at a great disadvantage in answering a statement which, after all, has been prepared—and quite rightly and properly prepared—beforehand. That does not, as a rule, matter at all, because the subjects which come up are not of any very great moment from a political point of view. But on the whole, Sir, I have decided in my own mind, so far as I am concerned, to try and go on with this debate, because we have been working very much over time for a long while, and it is very necessary to get this debate finished by to-morrow; and if we put off this debate to-day, to-morrow, probably, we shall have too much to do.

Sir, may I say first, before I say anything on the matters put forward by the hon. the Acting General Manager, that I personally cannot express the sorrow I feel that our old friend, Sir Christian Felling, is not in his place to introduce this Railway Budget. But from the point of view of the Budget itself, my hon. friend General Rhodes has told us that these

Estimates were drawn up by Sir Christian Felling himself, and we must congratulate ourselves, I think, that owing to his foresight we are enabled this year to have a continuity of finance and policy, and time to turn round before we go any further. The one thing I should like to ask the hon. the Acting General Manager when he replies is, for how long has a skeleton estimation been laid down by the late General Manager, how far we are going to have the advantage of that skeleton estimate in future years, or whether it only applies to this particular year? I think, perhaps, when he answers he will be able to give us that information.

May I be allowed, Sir, to congratulate the Acting General Manager on his introduction of the Railway Budget, which has been put forward in what, to me, at any rate, is a very clear manner; and also to congratulate him on the figures of the Railway as they stand this year, because I think the fact that the receipts are not so high above the estimate as usual is an understandable factor after the years we have had. But it is a very encouraging thing to hear that the expenditure has been brought down to the extent of £58,000, which I think was the figure which he gave.

The figures for the Port are also very satisfactory, and I think we should congratulate ourselves upon them. Altogether the picture given is that, for the time being, at any rate—provided care is taken, as the Acting General Manager himself said—the picture given is one of, at any rate, quite comparative safety. It appears to be one of absolute safety, but we never can tell in new countries such as this, and I must say, as far as I am personally concerned, I must congratulate the Railway on having started a Reserve Sinking Fund for the meeting of the very large sums of interest and sinking fund, in the case of drought and other things which cut down the amount the Railway has to carry.

The Acting General Manager mentioned how much had been done in relaying the main line, and we must all feel how much that is going to do in the future to bring down expense, when that has been brought through to Nairobi. After all, there is no doubt that the one policy to pursue is to get the best grades you can get, and the biggest rails in reason, so that you can carry the heaviest loads, and thereby cut down the overhead charges per ton enormously.

There are a number of very difficult questions which have been brought up, and which are arising gradually in the policy of the railway system of the two Colonies—really three Colonies, because we do connect in certain places now with the Tanganyika system through the Lake at Mwanza, and through Taveta and Kilimanjaro.

As I said before, I think it is very difficult at a moment's notice, after listening to a speech of this sort, to speak on all these subjects, and one can only say something in quite a general way. For instance, the Acting General Manager brought up the question of building certain lines in Uganda. I am sure that hon. Members in this House will want to know shortly how far, for instance, the branch line—principle is being applied to Uganda, and in what instances it is going to be applied; and I hope in answering this debate the hon. the Acting General Manager may be able to give us some idea as to what is a main line and what is a branch line in Uganda; how much, in fact, the general administration of the Railway is going to carry in interest and sinking fund in the future, and how much the Colony in particular is going to carry. I hope, Sir, nobody will take this as being in any way an attack on Uganda. It is the last thing I should think of doing on a subject of this sort, but the general agreement and the general policy on which we work is that if the line is important to the Colony, but is not in the general system which is required for the opening up of the Colony, it should be taken as a branch line. If it is taken as a branch line it is considered to be on a different basis from the main lines of the Colony. It has different rates, and in all instances, unless it is likely to pay, the interest and sinking fund has to be found by the Colony in question and not by the Administration of the Railway. Further, if there is likely to be a loss on that branch line, that again has to be covered by the Colony in question. I am quite sure that Uganda would be the first to admit that that policy has been carried out in the Colony of Kenya. We have already done that in the case of one branch line—the Thomson's Falls Railway—and we are adopting it in the case of other lines, which may even be a bigger load on this Colony, and which may mean, in addition to interest and sinking fund, that we have to pay against loss as well. I hope the Acting General Manager will give us some idea of what that policy is; what are the main lines in Uganda, and what are going to be the branch lines.

There is one minor question which I should like to ask. I notice the hon. the Acting General Manager said that there was delay in the delivery of roof trusses for the new general offices and of girders for the Muecupa Causeway. I should like to know whether that is owing to the fact that we are dealing through the Crown Agents.

Everybody must congratulate the Railway with the way they are getting on with the Thomson's Falls Railway and with the berths at the Port. Everybody who goes there now must consider what a very fine Port we are building up.

There was one point in regard to that which I did not quite understand. The Acting General Manager said he estimated that in 1929 the loss on the Port would be £30,000, as against an actual loss this year estimated at £30,000, and he gave as a reason for that the fact that we were opening new berths. Well, Sir, we are opening new berths, but in addition we are also opening new ones beyond that. Is it estimated that the berths we are opening now are going to deal with a full tonnage? If that is the case, why is that increase expected in the loss on the working of the Port? Every berth that you add which deals with a full tonnage must rather tend surely to bring down the loss because the overhead charges are divided over a larger number of berths. I am sure there is some very good explanation, but I should like to hear the explanation of that matter.

Now, Sir, the Acting General Manager said that we had reduced rates during the last year by £140,000. That is a very big sum indeed, and I am sure we shall all be very glad to take advantage of that reduction. On the other hand he did say that the finances of the Railway—because of the very large amounts in interest and sinking fund which have to be met in the next few years—had to be very carefully watched. I am quite sure that if the Railway Council makes these rate reductions itself, it does appear to me that the position is a rather difficult one. You have pressure from the Secretary of State, pressure from two other countries, and all sorts of things going on which may lead to a reduction at a rather faster rate than may be actually safe in the interests of the Railway system. I should like an assurance that that is not the case in any way; that political pressure is not affecting that position to an extent which may be in any way dangerous to the Railway finances, because, after all, it has to be remembered that Kenya has to carry a very much greater burden than any other of these Colonies if anything goes wrong with its finances, because Kenya has done practically all its railway development, whereas these other countries are only just beginning. In the case of Uganda, railway development has only just started. In the case of Tanganyika, apart from a line built by the Germans, all they have done at present is to build a competitive line to the Lake and Mwanza, and none of these Colonies has anything like the interest in seeing that the railway pays its interest and sinking fund charges that this Colony has.

Now, Sir, in regard to rates. Nobody is more pleased than I am to see that these rates have been reduced, but there is a further question in regard to rate assimilation. It is quite evident that that is a matter—especially as far as the preferential rates on the railway for country produce is concerned and

many other matters in regard to rates—which can only be finally settled by the countries themselves, and not altogether by the Railway itself. I think the hon. the Acting General Manager said that that is going to be the case up to a point with these protective railway rates. I understand that he meant that the matter was to be referred back to the Legislatures of these particular countries. I would point out, Sir, that the original orders, such as they are, given by the Secretary of State, were that assimilation of rates should take place at points of contact. I do not quite know how you do that, but at any rate it shows that the Secretary of State does not want any more than is necessary to upset the whole fiscal policy of these countries so far as rates come into that policy, but only to bring about some working arrangement for the time being. That is what it looks like to me, and surely that seems a very reasonable point of view when you think that the Hilton-Young Commission is going to report shortly. It is presumed by everybody that one of the first questions they will go into in their report is the amalgamation of these railways, and it does seem a pity that when an authority is going to be set up to deal with these matters that we should start a sort of war at the present time between these Colonies before an authority that can act for the three Colonies is set up.

There is no doubt, Sir, that the position of this Colony in regard to that matter is an entirely different one from that of other countries. This Colony has gone in for a policy of protection on certain products which were introduced into a highland country where the settlers of this country had to start from the grass roots upwards, and where protection was required in their opinion in order that these crops and new activities—which had not been done in this part of Africa before—might be introduced and carried on. That policy might be right or wrong. I do not think it has anything to do with this particular question. There is a great deal to be said on both sides. I personally have the very strongest opinions on one side, but one thing which is quite certain is that if you have run one kind of fiscal policy for a great many years people have built up businesses and productive industries and other things on this policy, and you have not the slightest right at a moment's notice, through some secret body such as the Railway Council, to alter the whole of that fiscal system, by altering the protective rates on the railway, which form part of the protection of this country. If you are going on with a policy of protection you have to find some other way of putting on those protective rates, either through the customs or in some other way. It is impossible to take those off without completely breaking down the protective policy of this country. I have the very strongest opinion on this matter that it is absolutely wrong that the High Commissioner of Railways and

the Secretary of State should have allowed a resolution to be put forward to the Railway Council—which was going to be put forward undoubtedly unless we had found it out—which would forthwith have done away with these preferential rates to country produce on the railway. I think, Sir, it is an extraordinary position. We have had an undertaking from the Governor on this matter. I must say, Sir, in that matter he has taken up a rather curious position. He has said that as Governor of Kenya he can give no undertaking, but that as High Commissioner he will. What does that mean? If it means anything it means—as we have heard from the Acting General Manager—that the people from Tanganyika Territory came to the Railway Council meeting with strict orders from their Government that these preferential rates on country produce were to be done away with. On the other hand, the people of our country would have gone to this Railway Council without any such orders of any sort regarding the matter. As far as I am concerned, Sir, I am perfectly willing that the policy of protection should be properly debated, provided plenty of time is given, but I cannot believe that any government or any Railway Council has the right to alter rates—which are part of the fiscal policy of this country—without due notice being given of proposed alterations for quite a long time beforehand.

Although Members on this side of the House are in disagreement to a certain extent about protective duties they all agree that a thing of that sort should not be done at a moment's notice without the Legislature and the Elected Members of this Colony knowing anything about it. Of course, Sir, the position is now rather different. There is going to be time given for this matter, and it will be properly debated.

Sir, I see that in two ways the railway is going to provide for increased interest and sinking fund payments which are coming upon them shortly. One is that they are going to reduce the sinking fund on their wasting assets from 3 per cent. to 2 per cent., and the other is that they are going to reduce their contribution to the Betterment Fund. We are all agreed, I am sure, that provided the railway administration is satisfied that these are safe steps this should be done. Everyone knows that during the last few years a great deal of betterment has been going on on the railway. Consequently, in order to get the money available and provide for the time when these big interest charges have to be met, I can only hope, at any rate in regard to sinking fund, that the Acting General Manager is quite satisfied that that is quite a safe step, because, as I have said before, the whole of our finance in this Colony depends on the railway. If that interest

and sinking fund is not paid by the railway it will come on this Colony, so that we, above all other Colonies have to be careful that the finance of the railway is on an assured and sound basis. I must say, in saying that, Sir, that it does seem to me that the railway is in an extraordinarily good position financially.

There are one or two other points, Sir, which are smaller ones. The Hon. the Acting General Manager said that we ought to go for a policy of consolidation; and go in for improving our traffic arrangements and refinements in our traffic organisation. I think the question of these corridor carriage arrangements is a very difficult one. It is almost impossible to make them a success here.

With regard to cleaning carriages, if it is necessary to use a poisonous thing in order to keep the carriages clean, I suggest that we might introduce a few natives or other people from South Africa, where they understand it, because I think it is important that they should be cleaned, as there is a suspicion that disease is carried by dirty carriages and dirty rickshas.

There is another point brought up by the Hon. the Acting General Manager (the question of competition of the roads. I am very sorry myself that my hon. friend on my left (the Hon. Conway Harvey) did not ask the Government to "tread on the gas" with regard to that particular Bill instead of the one which it passed.

THE HON. CONWAY HARVEY: I did, Sir.

THE RT. HON. LORD DELAMERE: I beg your pardon. I withdraw. We do not want to have to pull down the Tsavo Bridge. It is very much better it should be done properly in some legal manner.

When you have a State railway it seems to me quite absurd that private motor tracks and things of that sort should compete with it on the highest priced articles only. It stands to reason that a railway, as a common carrier, has got to carry everything, and if somebody else comes along and leaves the railway to take the milk it can carry off the whole of the cream. Undoubtedly it would be able to compete. The sooner we get that Bill into operation the better, and I am quite sure that the particular method of dealing with it—that the licenses have to be got to carry goods or passengers—is the right way to do it. It is very much better than trying to cut these people out at business and things of that sort.

There is one last subject, and that is malaria. The Acting General Manager said something I cannot altogether agree with. He said that a few mosquitoes brought to places where there were already many millions did not matter very much. Now, Sir, that is not the point. The point is whether the trains bring infected mosquitoes or special brands of malaria. I was very glad to hear him say that although he expressed that opinion that he was going to take every possible step, by fumigation and otherwise, to prevent any mosquitoes being carried in railway trains. He said he did not think there was anything to show that mosquitoes were carried in goods. That is what I understood him to say. If so, I can assure him that I had some boxes up from the Coast the other day and when they were opened a lot of mosquitoes came out of them. Those mosquitoes might have been infected. Although Mombasa tells me it is clean, I slept in an hotel there the other day and I was bitten all the time. I do think the most careful steps should be taken. It is not a question of one safeguard—not one but hundreds of safeguards are involved in combating malaria. I think this particular question has got to be taken seriously just as much as the others.

I have nothing more to say on the Railway Budget except to congratulate the Acting General Manager on the figures, and say I hope there is no idea in the minds of the railway authorities—I am sure there is not—that when this sort of amalgamation of railways is going on it is possible to pass things through a body like the Railway Council which affect the main policies of the countries involved. I do not think it is a proper way of doing it, whatever their opinions may be on this particular matter, and I personally would give the strongest opposition to anything of that sort. If the policy of this country has got to be altered it has got to be altered by the Legislature and by the Government; not by some body which, after all, has no political standing at all.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, there are three hypotheses which have been stated to-day or at any rate they have been generally accepted, though they are fallacies.

THE RT. HON. LORD DELAMERE: They were not stated by me.

CAPT. THE HON. E. M. V. KENEALY: The first one, Sir, deals with the Reserve Fund; this is an entirely new departure, but it cannot be differentiated from any fund such as the Renewals Fund or Betterment Fund. This Reserve Fund is a means of absorbing money which would otherwise revert to

reduction of rates and whether it is desirable or not is possibly questionable; but the very reason that the Railway itself calls for the desirability of having this Reserve Fund, is because in a bad year it might not be possible for the country to raise the money through the ordinary carriage of goods and so it should have a fund to draw upon. But, Sir, it is the country and not the railway which decides upon the terms of interest and if we had long terms of interest for railway loans—far longer than they are at present—the provision which is made for that purpose would be more than sufficient without any extra provision of Reserve Funds to meet Railway obligations; that is one of the fallacies.

One of the other fallacies—and the one which is dominant to us—is that our protective policy, which is the policy of the country, and although it is possible that the Government of the country may at the moment run away from that policy, the representatives of the producers on this side of the House are unanimous in supporting this policy of protection. The policy in regard to that, as exemplified by Railway policy, is that country produce rates are antagonistic to that policy. Now, Sir, country produce rates are supplementary to that policy.

Our policy of protection has been criticised by Tanganyika Territory and Uganda because, Sir, that policy has not been carried out to the logical and ultimate end which is to produce and distribute goods produced in this country—and which are required for distribution in the other two countries—more cheaply than is done at the present moment. The country produce rates are wrong because they are not low enough. The criticism we have had has been based on their being low, but, that criticism would dissolve if they were still lower, they would have no foundation. The third fallacy, Sir, deals with the Renewals and Betterment Fund. These two funds are entirely different in their meaning, and there should be separate funds for Renewals and Betterment, because, Sir, the fund which is used for renewals is to maintain in a state of efficiency—which is considered essential—capital invested in a certain way, whereas a betterment fund is definitely to increase our capital assets and that sum of money which is voted for increasing our capital assets incurs a further liability in renewing the subsequent value of the capital assets, and so it is essential also that this third fallacy also should disappear.

It has been suggested, Sir, that the Railway policy should be divorced entirely from Colonial policy—or rather it has been stated definitely in the constitution of the Railway Council that no fiscal policy of the country should be carried into effect through railway rates. That, Sir, is an anomaly; it is not only an anomaly, it is a contradiction, because, Sir, the mere

fact that rating itself is based on what the goods concerned can stand denies that policy, because what the goods can stand is an economic question and that economic question is itself based on a political foundation. We have been given a lot of hypotheses and none of these hypotheses can be sustained; and I hope the Railway and the Government will abandon them, having demonstrated the fallacies existing.

We have been told, Sir, that the Railway pays no dividend to any shareholder, that is true, but, Sir, the country is rather concerned with the fear that the railway shareholders are represented by the railway employees, and it is quite possible that in the desire of the railway management to ensure the comfort and well-being of their employees it will lose a sense of proportion in regard to its own employees as compared with the employees of the other departments of the country. Although there are no definite shareholders, Sir, the country would like a demonstration that the employees are not considered the shareholders of the railway.

In this country, Sir, we have to a certain extent by country produce rates subsidised industry, but in doing so we have ensured the employment of the railway in carrying the produce. It is possible, Sir, in other countries, that the roads are used and money is devoted to these roads so that these roads can compete against the railway carrying country produce; and it is quite possible that has a greater injurious effect on the railway than our policy, which is rather to exclude the roads in favour of the railway.

Some months ago, I put down a rate motion proposing a rate reduction on salt. I would like an opinion from the Hon. General Manager of Railways as to the disability of that motion in Council generally, and not on the particular railway discussion, because, Sir, it was in Council generally that this motion was found unacceptable. I do not know if the situation has been altered by reference to the Secretary of State, but, Sir, I do feel that it is essential that Kenya should have the opportunity of passing an opinion on such things as salt for the stock industry.

There is one question I would like to ask, Sir, and that is the number of European foreign employees in the Railway and whether that number could be reduced by substituting Britishers—Europeans.

I think, Sir, that the term "assimilation of rates" really means uniformity or approximation of rates, but I am not quite clear as to whether it means that or not and I should like a statement on that question.

THE RT. HON. LORD DELAMERE: Your Excellency, on a point of order, when was this ruling given that it was impossible for the legislature to adopt a motion dealing with rates or any other railway matters.

HIS EXCELLENCY: I am afraid I shall require notice of that question.

CAPT. THE HON. E. M. V. KENEALY: It was in the form of a motion.

HIS EXCELLENCY: It appeared to arise in the form of a motion.

CAPT. THE HON. E. M. V. KENEALY: May I explain, Your Excellency.

HIS EXCELLENCY: Yes, if you can (laughter).

CAPT. THE HON. E. M. V. KENEALY: Well, Sir, I put down a motion moving that in the opinion of the hon. Council the railway rates on salt should be reduced and I tried to demonstrate that there would not be any interference with the revenue accruing, and the question was found inadmissible. Perhaps I did not make a very good case in regard to that point when I brought it up before. I raised it again at the Mombasa Session and I was ruled out of order but I was promised that the matter would be referred to the Secretary of State.

HIS EXCELLENCY: I will make enquiries.

THE RIGHT HON. LORD DELAMERE: I think it is within the power of this hon. Council to give an opinion on the matter, Sir.

HIS EXCELLENCY: That is my personal opinion, but I should like to refer to the correspondence on this particular question.

THE HON. T. A. WOODS: Your Excellency, I would like first of all to join with the Noble Lord in his expression of very great regret that we do not see opposite us to-day that familiar face of the man who was undoubtedly one of the best friends this country ever had, in that he took over the biggest business organisation we have in this country, and put it on a sound basis. And I would add that I hope that when the Hon. Acting General Manager replies he will be able to tell us how far that skeleton is going to be made use of in future working.

Appropos of the remarks made by the Noble Lord in regard to branch line policy, I suggest—I believe—the position is that although the Railway administration is to some extent divorced from this Colony, this Colony has every right to hear what capital expenditure is proposed in regard to the Railway, at any point in the Colony or any points in Uganda; and this Legislature has a perfect right to discuss and if necessary to submit it to the Secretary of State for decision, if they disagree with the other partner in the concern.

I would also beg to disagree in some respects with what the Noble Lord had to say in regard to the relationship between fiscal policy and railway policy. He admitted that there was disagreement on this side of the House in regard to that. I know that; but I must endeavour to make the position perfectly clear, happening to be a member of a body referred to by the Hon. Acting General Manager as having requested a change of policy.

I believe I have been in this country as long as most people, but I have never heard it said that the Railway as a commercial organisation should be used to further the fiscal policy of the country it is running through. The real facts are that some six years ago, when our fiscal policy was controlled by outside sources, in the form of the Berlin and Brussels Acts, under which we were unable to raise our rates, we calmly made use of the railway organisation to adjust the position, but I for one never said it was right and I am not going to admit that it is right. All that I am in agreement with is that in this country, if they are wedded to this fiscal policy, and if it is the view of the majority, then they must be given an opportunity to adjust the position—but they have no right whatever to put the brake on the Railway when it is moving in the right direction.

The Hon. Member for Kijya has given us one of his usual dissertations, which are invariably a very long way over my head, but there is one point that he makes which I should like to refer to. When he suggests provision for a sinking fund for a loan, which has to be normally paid off and provision made for that purpose, without any reference to the need for payment of the interest on that loan while it continues, then I have nothing further to say!

The Noble Lord referred to delays in the arrival of mails. He put the very point I wanted to put myself and which I heartily endorse.

I trust the Hon. Acting General Manager will be able to reassure us on the point of delays in the arrival of railway material. I am perfectly convinced that this is a question

which must be looked into. The Government appears to be buying in a bad market. I remember it is something like twelve months since the Port Advisory Board made certain recommendations, which I trust have been carried out, to alter the type of bridge construction and to give head room in the passage beneath. That was twelve months ago. I also know of firms such as Dorman, Long, and others, who cater for such works, who have 10,000 tons at least of girders and other material in stock. I also know that Government have been advised that they could be delivered in this country. We have advanced the argument on numerous occasions that local enterprise should be given an opportunity. I know that in the case of another contract, I believe also for goods to be delivered to the Railway, the Crown Agents refused to give these people in the old country an opportunity to tender, although they advised their people that such a tender was in the market. I can refer Government to the necessary proof for this statement. (Hear, hear).

Your Excellency, there is just another point on which I would like the Hon. Acting General Manager to reassure us. When he was up in Uganda this question arose in the form of a question by one of the Members of that Legislature. It is quite ancient history in this country, but Uganda often thinks that we are doing them down. It was a particular reference to a loss on the Magadi Railway. Now personally, Sir, I do not believe that there is a loss on the Magadi Railway, and I am quite sure that the Hon. Acting General Manager will be able to reassure us that there is no loss and that the Railway is not carrying a burden.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I do not want to deal in detail with the Railway budget—I have a motion which will come on later and which will give me the opportunity of saying what I wish to say under that head. I would like to emphasise at the start that I thoroughly endorse the Noble Lord's remarks as regards the fiscal policy and the policy as it affects the Railway. I think we have a most peculiar position to face inasmuch as we have a railway once known as the Uganda Railway and, I presume out of consideration to our feelings, it is now called the Kenya and Uganda Railway. We also presume that, so far as that railway travels through this Colony, it is the property of this Colony, but I would like to assert that we have not full control over the railway itself so far as it affects this Colony. We have an anomaly, to my mind, inasmuch that we have a Governor—Sir Edward Grigg—of this Colony who is also High Commissioner. I think it is a most invidious position to put anyone in, to ask them to serve two masters, and the usual result arises that at least one of these masters is dissatisfied.



and I think that before very long—even already there are many in this House who are considerably dissatisfied with the present situation. So far as I see it, there is a strategic movement being started to out-flank the policy of this country.

THE RIGHT HON. LORD DELAMERE: Hear, hear.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Its fiscal policy. I read only this morning that a certain member in Uganda had state in London—broadcasted his opinion—that certain things affecting the fiscal policy of this country had got to go. I have heard myself from hon. Members on the opposite side of this House remarks on this question which have led me to the conclusion that they have prejudged the situation, and generally I would say that to my mind the situation has been prejudged from the other side without giving this side of the House an opportunity of discussing the matter and contributing their advice and conclusions on the subject.

The Hon. Member for Nairobi has differed—or at any rate expressed difference with the Noble Lord—but I think he will admit that even if we disagree or are likely to disagree on the fiscal policy as affecting the railway, the least we can ask is that the subject should be debated in an amiable manner between the countries concerned, before any definite conclusions are arrived at, and I think that is the danger at the present moment.

HIS EXCELLENCY: Before calling on the Hon. Acting General Manager to reply, I would like to associate myself with the remarks that have been expressed at the absence of Sir Christian Felling at these deliberations. The whole country is, I am sure, suffering on account of his untimely death. And I should like to congratulate the Hon. Acting General Manager on the very lucid way in which he put the motion before this House. In regard to the preferential rates, I am glad that the Railway Council are not considering the abolition of these rates before July, and before they are abolished, I think I may say—I think I can assure this hon. House that this Government will explore very closely the possible effect on the fiscal policy of any such reduction. I am quite convinced that no one feels the undesirable position of serving two masters more than does the Governor of this Colony. In that regard, and in regard also to the question of preferential rates, I am convinced in my own mind that we shall see some solution from the Report of the Hilton Young Commission and I think that before that report is received and discussed, it would be very unwise to interfere with any rates which are now in operation.

Another question touched on in the course of the debate is that of competition between roads and the railway. It has been suggested that the Government should speedily get on with that Bill but I will give you an assurance that every step will be taken to expedite that measure. It is, in my opinion, better to deal with that sort of thing in its infancy when you have not got vested rights, rather than later on when such rights become established. I will now ask the Hon. the Acting General Manager to reply.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: May I first of all thank Your Excellency and Members opposite for their references to my late chief, Sir Christian Felling. I, perhaps, in my position, knew him as well as anybody on the Railway. In losing him I lost a chief I was able to respect and look up to and learn from, and I therefore very much appreciate, on my own behalf and also on behalf I am sure of the railway employees all the references to him.

The next point I would like to assure hon. Members opposite on is that the system which has been laid down by the late General Manager—and which has been worked to for the last three or five years—will be adhered to and followed out. It is a system which is understood by us all on the railway and with which we are all in full sympathy. The actual figures of cost under the different heads will vary from time to time, but the policy will remain in force as long as I have anything to do with it.

Reference has been made to branch lines. I may say, Sir, that in Uganda they just as jealously watch the branch line question as we do here in Kenya; they are in full agreement with the branch line policy which has been accepted here and by the Kenya Government—that is, that all branch lines should receive a guarantee where necessary from the Government. That, of course, is comparatively a recent policy, which has not been in force for all our branch lines here, but it is in force for the Thomson's Falls line and the Yala line. In Uganda, at the present time, the extension to Kampala is considered as part of the main line, and has been treated as such. That question was debated very fully last year when Sir Christian Felling was here, and in connection with the Hilton Young Commission, Sir George Schuster agreed that it should be treated as part of the main line. On the Soroti branch line which has now been opened, branch line rates are being charged. At present there are no other projects in Uganda which have yet reached a concrete stage, but branch line policy is fully appreciated and fully understood, and when branch lines are being put forward in Uganda that policy will be followed.

THE RIGHT HON. LORD DELAMERE: Is the Uganda Government responsible for the interest and sinking fund on the Soroti Branch line?

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: No, Sir, on that particular branch we have not received guarantees from the Government concerned, the reason being that it was authorised before the Railway Order in Council had full effect. We have several branch lines in this country in a similar situation. Another reason in connection with the Soroti Branch is that it was built with loan money which was not bearing interest at the time.

While I am speaking about branch lines, Sir, I should like to refer to the question raised by the Hon. Member for Nairobi. The particular point raised in the Uganda Legislative Council was more in the nature of a request for information as to what our position was in regard to the Magadi branch. I am able to state that that branch is financed entirely by the Soda Company—that is, the capital was provided by the Soda Company. It is being operated for them by the Railway at certain rates and I can safely state that we do not suffer any loss on that branch.

Another question, the question of placing orders through the Crown Agents at home, and delays to certain materials, is a rather difficult matter. The whole question is one which will no doubt in future require very careful study. We feel in the particular case of the trusses for the headquarters office that ample time was given for the preparation of detailed plans and drawings, and calling for tenders and the shipping of these trusses to this country. We have taken up the matter with the Crown Agents and they have given us several reasons why they met with delays. With regard to the girders, the same question applies, but apart from these details, Sir, any system that would have to be inaugurated if our dealings with the Crown Agents were to be abandoned would have to be very carefully gone into. It would involve, not only setting up a rather larger designing office in this country than we have at present, but it would also involve a very considerable increase in our inspection staff to test materials. We should also have to have an office at home where an inspection staff would have to be maintained at our expense. I am convinced that those services, as carried out by the Crown Agents, are carried out more cheaply than we could do it ourselves. On the other hand, we are sometimes subjected to these delays.

The question of why there should be an increased loss at the Port for the coming year is due to the fact that although we are taking over these two berths during the year the traffic passing through them will not be developed during the year to

the full extent. Although we have authorised the construction of a further berth that is not because we are already overwhelmed but that we want that berth to be ready in time for increases in trade which will take place during the next two or three years.

With regard to the question of reduction of rates, I am glad to hear that a note of warning has been sounded. The Railway Committee and the Railway Council watch that question very closely indeed and reductions in rates are not authorised until they are completely satisfied that it is safe to do so. Working as we are without any reserve at present it is obvious that we must be very careful in this matter. The moment rates are reduced it is very difficult to get them up again.

With regard to the protective rate, referred to by the Noble Lord, I would like to make one point quite clear. There was no intention in any way of rushing this matter. One reason perhaps why this appears to have been the case is this; that our conferences at Tanganyika really were held at the end of October. We anticipated that the Railway Estimates would come before this Council within the next week or two following and I had proposed to make a full statement then. Unfortunately that was not possible and I think therefore a mistaken impression has been created on that account. The Railway Council fully realises that the proposals effect a fiscal change in one of the Colonies concerned, and it was for that reason that they recommended that at least six months from the first of July should be given to enable both colonies to consider fully the proposals put forward, and I think that should give ample time to have the matter debated. I would just point out, in connection with that, that as an administration we are in a somewhat difficult position. We are neither Kenya nor Uganda. We have to serve both colonies impartially, and where we cannot get unanimity of policy from those two colonies it places us in a very difficult position, and therefore, from a railway point of view, we do press that all questions which cannot be agreed upon should be removed from our sphere of action, and it was for that reason that the railway representatives in both colonies felt that this matter should be dealt with by the Legislative Councils of the countries concerned. If the amalgamation of the territories, or the amalgamation of the railways were to take place, or if the Hilton Young Commission could devise some system whereby we could look to a central federal council, or body, of that nature, then the position would be simpler so far as we are concerned.

With regard to the question of internal rates, I would say that although the question of similar rates at contact points is by far the most important, it was generally an instruction that we should try to bring our two systems of rates into closer alignment. It is not possible, of course, to bring that about completely. The one thing that we must bring about completely is the question of assimilation at contact points. But it is necessary to consider the question of preferential rates in favour of country produce because we cannot get assimilation even at contact points unless that principle is agreed to.

With regard to reduction in Renewal Fund, and the question of interest and sinking fund, we make full allowance for our interest, and we are making full allowance for our sinking fund, as laid down. The only fund in which we are suggesting a reduction is in our Renewal Fund. As a fund which accumulates there is an absolute distinction kept in our books, and, I think, reflected in the Estimates, between the Renewal Fund and the Betterment Fund. The amounts are shown quite distinctly and quite separately, and our system of allocating works between one or other of these funds is quite clear.

I am very glad also to note the support given the question of road competition by the Noble Lord and also to hear that this matter will be dealt with as expeditiously as possible by Government.

I think I have nothing more to add about malaria. As I say, I am not at all convinced that the railway, as such, has a greater influence than other forces of transport in the spread of malaria. But I have explained, and I will repeat that we shall do all that we possibly can to make our own areas thoroughly clean and sanitary and maintain them in that condition.

A question was asked by the Hon. Member for Kenya with regard to the number of European foreigners employed by the Railway. I have not got that information at the moment, but if required I will get it; but I would just say that as far as I know there is no eligible Britisher who is kept out of a post on this account. After all, these European foreigners are inhabitants of the country and are entitled to be employed to the extent of their efficiency.

With regard to the point raised by the Hon. Member for Kitale with regard to Government control, I will only say this, that when this Government had full control of the Railway I do not think its financial position was anything like so satisfactory as it is at present.

I think, Sir, that deals with all the points which have been raised, and therefore I hope that the Estimates will now be approved.

His EXCELLENCY: The question is "that the Estimates of revenue and expenditure of the Kenya and Uganda Railways and Harbours for the year 1929 be approved, subject to the deletion of the figures £42,740 in Appendix L, 'New Steamer for Lake Albert,' and the substitution thereof of the figures £48,357."

The question was put and carried.

## KENYA AND UGANDA RAILWAYS AND HARBOURS.

### FIRST SUPPLEMENTARY ESTIMATES.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: Your Excellency, the next motion standing in my name is that this Council approve the First Supplementary (Railway) Estimates, 1928, as printed and laid on the table.

The reason for the necessity of these Estimates, Sir, has been mentioned in my previous address, and has been due almost entirely to the fact that the £3,500,000 loan, which was not interest-bearing till 1929, has been replaced by a loan bearing interest immediately. I think that the explanations given with the Estimates are sufficiently explanatory, and I therefore move that they be approved.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

THE RT. HON. LORD DELAMERE: I see there is a matter of £150,000 extra in interest charges, which, I understand, is because the Cotton Loan has departed from us, and that loan having been free of interest for so long has been replaced by a consolidated loan, and this consolidated loan started to pay interest at once. As far as I am concerned, I am very glad the Cotton Loan is out of the way, but I do think it is rather in keeping with the way things are done from home, that we should have been suddenly faced, at a moment's notice, with this extra interest.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: I think there is little to be said except that I entirely agree with the remark of the Noble Lord. If our finances had not been in the sound position they are, we should have had very great difficulty in meeting it.

**THE RT. HON. LORD DELAMERE :** I think it might be wise, Sir, if we make this Reserve Fund a reserve fund against excursions by the Secretary of State, or something of that sort.

**HIS EXCELLENCY :** The question is :—

"That this Council approve the First Supplementary (Railway) Estimates, 1928, as printed and laid on the table."

The question was carried.

### BILLS.

#### SUSPENSION OF STANDING ORDERS.

**THE HON. THE ACTING ATTORNEY GENERAL :** Your Excellency, I beg to move that Standing Orders be suspended for the purpose of introducing and passing through all its stages a Bill to amend the Dangerous Petroleum Tax Ordinance.

**THE RT. HON. LORD DELAMERE :** I beg to second, Sir.

**HIS EXCELLENCY :** The question is :—

"That Standing Orders be suspended for the purpose of introducing and passing through all its stages a Bill to amend the Dangerous Petroleum Tax Ordinance."

The question was put and carried.

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

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

The Bill was read a first time.

**THE HON. THE ACTING ATTORNEY GENERAL :** Your Excellency, I beg to move the second reading of a Bill to amend the Dangerous Petroleum Tax Ordinance. The object of this Bill is to reduce the petrol tax from twenty-five cents per gallon to fifteen cents per gallon as from the 1st January next year. Under the new Traffic Ordinance, which is to come into force on the first of January next year, owners of motor vehicles will, in a number of cases, have to pay rather more in taxation on these vehicles, and Government thinks it is only fair in compensation for any increased taxation of motor vehicles which there may be under the new Traffic Ordinance to reduce the petrol tax, so that, to use a vulgarism, what is lost to the public on the swings shall be gained on the roundabouts.

Your Excellency, the petrol tax is collected from importers of petrol, that is, the big oil companies here. Now I understand on high authority, Sir, that all these oil companies have the same prices and all the retail prices are controlled from the headquarters of these various oil companies. I may say that I think Government has had an assurance from the representatives of one of the biggest of the oil companies here that, so far as that company is concerned, the public will get the benefit of the reduction in the petrol tax, and, seeing that the companies all have the same price, what applies to one, Sir, applies to all, so that I think we can regard it as a certainty that the public will get the benefit of the reduction in this tax.

I will leave it to my hon. friend the Treasurer, who is seconding the motion, to deal with the financial aspects of the matter.

**THE HON. THE TREASURER :** Your Excellency, the only financial aspect of this question is that something more will be gained by the public on the roundabouts than they will lose on the swings. The reduction of this tax will reduce the revenue of the Colony under the item "Petrol Tax" by about £16,000, whereas the estimated increase under the item "Licences under the Motor Ordinance" will be reduced by £9,000.

I beg leave to second the motion.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD :** Your Excellency, my deduction from these remarks is that apparently the open vote on the Traffic Bill has cost the Government about £7,000.

**THE HON. CONWAY HARVEY :** Your Excellency, I would like to take this opportunity of congratulating Government on its somewhat belated response to the sustained popular demand. This action is no new one. As a matter of fact, as early as 1925, a recommendation on these lines was made to Government by the Economic and Finance Committee, and, we may have been unduly optimistic, but we have been confidently anticipating ever since then that some action such as this would be taken by Government, and there is no doubt whatever, Sir, that this optimism was shared by those Unofficial Members of the Traffic Committee who recommended a change of incidence in motor car taxation.

There is, however, one aspect of some importance which has been alluded to briefly by the hon. and learned Mover of the motion. I would like to know whether Government has

approached in any way the vendors of petrol, and I would like to know whether they agree that the benefits will be passed on to the consumers of petrol.

THE RT. HON. LORD DELAMERE: Your Excellency, I do not think that I really need add any more to that.

THE HON. T. A. WOOD: Your Excellency, my hon. friend the Member for Kitale is apparently in a hurry to get away for lunch. All I want to say is that I would like to congratulate Government on having taken a seat on the stool of repentance at this late hour, and I trust that, at a later stage, they will alter their decision to increase the flat rate on cars and decrease the rate of petrol tax, which is going exactly opposite to my point of view on this particular subject.

I was the responsible party who moved a motion about the year 1921 on this subject. My argument is that the 1st of January of any year is a terrible date for all of us, because you concentrate all your taxes on this date. Please do let us have a lower rate on this particular day, and spread the burden over the rest of the year; pay as you go. That is my criticism. We are reversing that procedure, which I always understood met a very popular demand. I regret we are taking this retrograde step. I quite well appreciate of course that no Government can pass a Bill and then five minutes afterwards amend it. I presume the best description would be "Gilbertian," and I quite appreciate their point of view in regard to that, but I sincerely hope that at a later stage Government will get back to the old principle which I proposed in 1921, and which I still think is the best.

THE HON. LORD FRANCIS SCOTT: Your Excellency, on a point of order, have we passed the first reading?

HIS EXCELLENCY: The Bill has been read a first time. The Bill has been introduced with the object of removing any doubt that Government wishes to impose any extra taxation next year.

It is, I believe, the policy of Government that no extra taxation should be imposed. This Bill, in fact, goes rather further. It makes a diminution in taxation, corresponding with the increase which will be imposed by the Traffic Ordinance. It goes further than replacing that diminution by making a flat reduction of ten cents, which is estimated—as the Treasurer has just told you—to result in a loss under this item of the sum of £16,000. It is only an estimate, and it may be of course that the lower price of petrol will increase consumption and the loss will be correspondingly reduced.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I would like to say that in the circumstances that the big oil companies control the retail price, it was thought sufficient to approach them in regard to fixing the price, and undoubtedly, as I have already said, the public will get the benefit of the reduction.

HIS EXCELLENCY: I would like to say that the head of the Shell Oil Distributing Organisation informs me that there is no doubt that the reduction will be passed on to the consumer.

THE HON. T. A. WOOD: Your Excellency, on a point of explanation, I am not in any way interested in the distribution of petrol, but I do not think that the reduced price can come into effect on the 1st January. I think that consideration must be given to certain stocks that have gone through the Customs and have paid their duty.

HIS EXCELLENCY: I think that is obvious.

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

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move that this hon. Council do resolve itself into a Committee of the whole House to consider this Bill clause by clause.

THE HON. THE TREASURER: I beg to second.

*In Committee:*

*Clause 2.*

THE RIGHT HON. LORD DELAMERE: Your Excellency, may I just say one word. I do wish to disassociate myself with any particular blame on Government in this respect, I think that if anyone is to blame we all are, and I think, Sir, that we have found rather a good roundabout way out of a bad job.

THE HON. THE ACTING ATTORNEY GENERAL (MR. BRUCE): Your Excellency, I beg to move that the Bill be reported to Council without amendment.

The question was put and carried.

*Council resumed its sitting.*

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

On motion of the Hon. the Acting Attorney General the Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General, the Trading with the Enemy Ordinances (Repeal) Bill, 1928, was read a third time and passed.

On motion of the Hon. the Acting Attorney General, the Widows' and Orphans' Pensions (Amendment) Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General, the Asiatic Widows' and Orphans' Pensions (Amendment) Bill was read a third time and passed.

On motion of the Hon. the Acting Attorney General, the British and Colonial Probates (Amendment) Bill was read a third time and passed.

On motion of the Hon. the Acting Commissioner for Local Government, Lands and Settlement (Mr. Logan), the Public Health (Division of Lands) Bill was read a third time and passed.

*Council adjourned until 10 a.m. on 21st December, 1928.*

FRIDAY, 21st DECEMBER, 1928.

The Council reassembled at 10 a.m. at the Memorial Hall, Nairobi, on Friday, 21st December, 1928, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, Kt., C.B.E.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The Minutes of the meeting of the 20th December, 1928, were confirmed.

#### PAPERS LAID ON THE TABLE.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, I beg to lay on the Table the Estimates of Revenue and Expenditure for 1929, incorporating the Report of the Select Committee on the draft Estimates, together with the Report of the Select Committee on the draft Estimates.

THE HON. J. E. S. MENNICK: Your Excellency, I beg to lay on the Table the Third Supplementary Estimates, 1928.

#### ORAL ANSWERS TO QUESTIONS.

"T" BOMA, PLATEAU NORTH.

LIEUT.-COL. THE HON. J. G. KIRKWOOD:—

"Will Government favourably consider the demand for a 'T' Boma in Plateau North?"

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): On his visit to the Trans Nzoia a few days ago, the Chief Veterinary Officer enquired into this matter. The Trans Nzoia District Committee is now examining the question of a suitable site in consultation with the Veterinary Officer for the district. When full information is available the case and the need will be considered by Government.

#### ANTI-MALARIAL CAMPAIGN, UP-COUNTRY DISTRICTS.

LIEUT.-COL. THE HON. J. G. KIRKWOOD:—

"What steps have been taken with respect to an Anti-Malarial survey and campaign in up-country districts?"

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS) : The steps which have been taken are as follows :—

(1) Mosquito surveys have already been instituted both in the Trans Nzoia and Uasin Gishu Districts. These surveys are supplementary to work already carried out in 1927 and 1928.

(2) A whole-time Medical Officer of Health was appointed in 1928 for the area comprised by the Uasin Gishu and Trans Nzoia Districts, and the contained Townships.

(3) A whole-time European sanitary inspector has been appointed for Eldoret, and a European overseer for Kitale.

(4) Routine oiling has been instituted in Kitale and Eldoret.

(5) Provision has been included in the programme of works from surplus balances for certain preliminary drainage works in Kitale and Eldoret, and for the filling of borrow pits and other excavations.

(6) An anti-malarial engineer has been engaged by Government, and he will shortly visit Eldoret and Kitale with a view to reporting on the permanent anti-malarial drainage which may be necessary.

(7) Arrangements have been made for the inception of a general health campaign on farms early in 1929 by an experienced Medical Officer. This campaign will be directed towards—

- (a) The raising of the resistance of the native labourers and squatters and their families to malaria by treatment for debilitating diseases such as intestinal worms;
- (b) Improving general sanitation on farms by personal propaganda among labourers and farmers alike;
- (c) Providing information to farmers with regard to—
  - (i) The treatment of malaria and other diseases among labourers;
  - (ii) The siting of labour lines and European houses;
  - (iii) Making the house unattractive to mosquitoes;
  - (iv) Personal prophylaxis where necessary.

(8) The sale of quinine at cost price has been arranged for.

(9) Arrangements are being made to provide general information with regard to the improvement of health conditions generally by means of propaganda. The most important of these arrangements are—

- (a) The provision of a travelling farm medical officer, who will carry out personal propaganda among Europeans and natives;
- (b) Hygiene teaching in all schools by the School Medical Officer;
- (c) General propaganda among Europeans and natives by means of health weeks, exhibitions, locally-made cinema films, etc. This last is subject to the approval of the 1929 Estimates as now framed.

(10) The appointment of two European nursing sisters to the Eldoret Native Hospital, in order that full advantage may be taken of that institution to provide exact information with regard to the communicable diseases from which natives suffer, and for the initiation of health activities, especially among the native women and children of the town. This is also subject to the approval of the 1929 Estimates as now framed.

#### TRANS NZOIA : EUROPEAN OCCUPATION.

LIEUT.-COL. THE HON. J. G. KIRKWOOD :—

“ Is it correct that a responsible Government Medical Officer reported that the Trans Nzoia would in the course of a few years become unsuitable for European occupation? ”

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES : Government is not aware that any Government Medical Officer has reported that the Trans Nzoia would in the course of a few years become unsuitable for European occupation. In this connection, Government would direct attention to a statement of a directly opposite nature which was made by the Deputy Director of Sanitary Services and published on page 251 of the Kenya and East African Medical Journal for November of the current year. The statement, which was made with the concurrence and approval of the Director of Medical and Sanitary Services, is contained in the following quotation :—

“ But has the settler placed his family in a land which they cannot develop? Personally, I for one, am well satisfied that he has not done so: the future still lies with himself to make what he will with it, and malaria need not stop him—if only some trouble be taken and a wider view of the task of development and of the business which lies to our hands and his.”

The whole tenor of the paper from which the above quotation is made is to the effect that malaria of necessity regresses as the result of well-directed development.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Arising out of that reply, Your Excellency, may I be supplied with a copy of the report—the full report—of the Medical Officer who was sent to the Trans Nzoia some time ago, and who submitted a report to the Hon. the Director of Medical and Sanitary Services?

**HIS EXCELLENCY:** Is that possible?

**THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES:** I rather gather, Your Excellency, that the hon. Member is speaking about the report of the entomologist; but there is no reason why that report should not be circulated if desired or laid on the table. Is it your wish that the report be laid on the table, Sir?

**HIS EXCELLENCY:** I think it would be advisable.

#### KITALA WATER SUPPLY.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:**—

“Will Government give instructions to proceed immediately with the Kitale Water Supply?”

**THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES):** Government cannot incur expenditure on this work until the schedules of works against 1927 Surplus Balances have been passed and approved by the Secretary of State. Indents for the material have been despatched to the Crown Agents and a cablegram will be sent to them to place the material on order when the Secretary of State's sanction to the Estimates has been received.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Arising out of that question, Your Excellency, may I ask whether it is possible to issue a Certificate of Emergency to allow that order to be placed, and, secondly, will the Hon. Director of Public Works consider putting the pipe line required out to tender.

**THE HON. THE TREASURER (MR. GRANNUM):** Your Excellency, with regard to the first part of that matter, I see that a motion is on the Order Paper to-day asking this hon. Council to approve this expenditure.

**THE HON. THE DIRECTOR OF PUBLIC WORKS:** With regard to the second part of that supplementary question, Your Excellency, I do not think that it is desirable to put the pipe

line out to tender. On the only occasion we let a pipe line out to tender in this country, the work was not efficiently done, and we had a great deal of trouble over it. Such work is entirely concealed, and it means that the very closest supervision has to be carried out over the contractor if good results are to be ensured.

**THE HON. T. A. WOOD:** Arising out of that last reply, Sir, may I point out with respect that the hon. Director of Public Works has misunderstood the question. The question was “Would the supply of pipe line be put out to tender”—that is what the hon. Member for Kitale intended.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Your Excellency, on a point of explanation. What I wanted to get at was whether the supply of the material could not be put out to tender as against being supplied by the Colonial Agents in London.

**HIS EXCELLENCY:** I do not think the supplementary question was entirely clear. Perhaps the hon. Director of Public Works will answer that.

**THE HON. THE DIRECTOR OF PUBLIC WORKS:** I am sorry, Your Excellency, I misunderstood the hon. Member. I don't think it is desirable to invite tenders locally for the supply of such material as pipes. Piping is a material which requires to be inspected very thoroughly and subjected to certain tests. The best way of obtaining the best results in that respect is to put the matter into the hands of the Crown Agents and get the piping supplied to the Crown Agents' specification, and have it subject to the special test by the Crown Agents' inspecting engineers.

**THE HON. T. A. WOOD:** Your Excellency, arising out of the last reply, may I ask the hon. gentleman if he is aware that the local Municipality have never imported any piping except those supplied by the agents of the only decent firms in the world who make piping, and who, presumably, would take care that the quality was up to their name?

**HIS EXCELLENCY:** Perhaps the hon. Director of Public Works will answer that question.

**THE HON. THE DIRECTOR OF PUBLIC WORKS:** Your Excellency, I was not aware that the Municipality invited tenders for all their piping, but I am aware that there is a lot of piping on the market here which is not up to the Crown Agents' specification and we have no means of testing that



pipng here. Good makers make pipes in various qualities, and you cannot be sure that the piping is up to the standard required even if it is made by good makers.

LIEUT.-COL. THE HON. C. G. DURHAM : Your Excellency, surely if you ask them to submit the best pipe they have got they will do so.

CAPT. THE HON. H. F. WARD : Arising out of that last reply, Sir, is the hon. gentleman aware that specific supplies of piping will be supplied to any form of specification, that they will conduct any test they are required to, and will supply a certificate with the shipment that such a test has been carried out?

#### DEFENCE FORCE.

THE HON. CONWAY HARVEY :—

" With reference to the replies given to two questions on the 24th August last, on the subject of the Defence Force Bill, will Government be pleased to state precisely which sections of the Bill it is intended to reconsider and to make a general statement in regard to this matter?"

THE HON. J. E. S. MERRICK : On reconsideration of the provisions of the Defence Force Ordinance, Government has decided not to amend the Ordinance in any way at the present time.

In the circumstances no general statement in regard to this matter seems to be required.

#### SURVEY OF CROWN LANDS AT KITALE FOR CLOSER SETTLEMENT.

LIEUT.-COL. THE HON. J. G. KIRKWOOD :—

" Will Government state when it is proposed to survey Crown lands at Kitale for closer settlement?"

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. LOGAN) : It is anticipated that the survey of closer settlement farms will be commenced early in 1929.

CAPT. THE HON. E. M. V. KENEALY : Arising out of that reply, Your Excellency, does it apply to closer settlement generally, or only to the Kitale area?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : Your Excellency, it is anticipated that the survey first to be undertaken will probably be in the Thomson's Falls area.

#### DISPOSAL OF RESIDENTIAL AND BUSINESS PLOTS, KITALE TOWNSHIP.

LIEUT.-COL. THE HON. J. G. KIRKWOOD :—

" Will Government expedite the disposal of residential and business plots in Kitale Township?"

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : It is anticipated that a sale of residential and business plots in Kitale will take place early in February.

CAPT. THE HON. E. M. V. KENEALY : Arising out of that question, Your Excellency, will the same procedure take place elsewhere in the country?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : The answer to that question, Sir, is that the only other township plot sale which we have in contemplation at the moment is at Nakuru, and that sale will take place early next year.

THE RT. HON. LORD DELAMERE : Your Excellency, on a point of order—this is not a catch in any way—I would like to know what has happened to my motion.

HIS EXCELLENCY : I have made the same inquiry. It is to appear in a Supplementary Order Paper.

#### SELECT COMMITTEE ON MEMORIAL HALL.

Hon. Members will probably remember that a motion, reading as follows :—

" 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 a permanent Legislative Council Chamber";

was adopted in this House in June, 1928. That Select Committee has not yet been appointed, and the names I propose to suggest are :—

The Hon. the Director of Public Works (Chairman),

The Hon. the Postmaster General,

The Hon. Conway Harvey, and

The Hon. T. A. Wood,

to go into the matter.

## MOTIONS.

## REPORT OF SELECT COMMITTEE ON ESTIMATES.

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

"That the Report of the Select Committee on draft Estimates for 1929 be adopted."

The Report, Sir, is a lengthy and comprehensive document and I am authorised by the Committee to express our appreciation of the very able and the very expeditious manner in which the Clerk condensed our views into the form of a draft report for our consideration.

The net results of the Committee's recommendations are recommendations for a decrease in the revenue estimates of £4,192, an increase of £71,038 in the estimate of recurrent expenditure, a decrease of £30,146 in the estimate of non-recurrent expenditure and a decrease of £45,081 in the estimated surplus for 1929.

The decrease in the revenue estimate is mainly due to the reduction of £16,000 which it is estimated will occur in the item "Petrol Tax" consequent upon the passing yesterday of the Bill under which, from the 1st day of January next, the rate of the tax will be fifteen instead of twenty-five cents per gallon. Against this reduction must of course be placed the estimated increase of £9,000 in the item "Licences under the Motor Traffic Ordinance," consequent on the passing of the new Traffic Ordinance.

It will be remembered that draft Estimates, as laid before this Council by the Hon. the Acting Colonial Secretary in November, provided for a surplus in round figures of £122,000. The surplus now budgeted for by the Select Committee is, in round figures, £77,000. In both cases, Sir, the estimated surplus is calculated to include a sum of £75,000 which it is proposed to use for reducing the cost of living in the Colony.

The Government proposals to this end, which were placed before the Committee, were that an all-round percentage reduction should be sought in the Customs duties leviable on articles of common consumption amongst all communities, other than articles of luxury.

It is clear to the Committee that—at the conference which would have to be held with the neighbouring East African Governments before such a proposal could be brought into operation—the question of protective duties is bound to be raised, and it was agreed, therefore, that before proposals could be put forward regarding the instructions which should

be given to the Kenya representatives at such a conference, the most careful consideration will have to be given in Kenya to the whole question of Customs Tariffs and cognate matters of fiscal policy. Consequently it is recommended in the Report that the whole matter be referred to a Committee of which all the Elected Members of this Council will be members, and it is further recommended that any Tariff Conference that may be arranged shall defer sitting until after the publication of the Report of the Hilton-Young Commission, which is likely to refer to questions of such inter-territorial concern as the Customs union and railway policy.

It is recognised that some delay will necessarily result from the adoption of this procedure, but the Committee feels that the issues arising from a general consideration of the question of Customs Tariffs—including the question of protective duties—of such vital importance to the welfare of the Colony, that such delay must be faced.

The Committee did not confine its attention to Government's proposals for reductions in taxation, but it felt that, until the question of the Customs Tariff had been disposed of, satisfactory progress could not be made regarding the possibility of making reductions in other forms of revenue.

Without going into details regarding the other recommendations of the Committee, I will refer briefly to the more important of them.

The recommendations in regard to anti-malarial measures are outstandingly the most important additions to expenditure which are proposed in the Report. These recommendations include provision in the 1929 Estimates of a one-line vote of £3,000 to ensure that money is available to procure the services of an expert on this subject, the provision of a sum of £10,146 for recurrent expenditure, and a sum of £10,234 for non-recurrent expenditure from revenue to assist in the carrying out of the comprehensive scheme of anti-malarial measures submitted for the consideration of the Committee by the hon. the Director of Medical and Sanitary Services, full particulars of which are given in the Report, and for some loan expenditure amounting to £74,033. This latter amount is intended to cover the cost of four new hospitals at Digo, Kericho, Kiambu, and in the Kerio Province, the housing accommodation for the additional Medical Officers, Nurses and Sanitary Inspectors to be appointed under the scheme, and the erection of a new Medical Laboratory in Nairobi.

A separate resolution authorising these loan charges will be submitted to the Council in due course.

A comparatively small but very important addition of £3,084 is recommended under the head "Police." This will enable the number of Police in the Northern Frontier Province to be sufficiently increased, over and above the garrison at Marsabit—for which provision was made in the draft Estimates—to allow a satisfactory redistribution of the troops in that Province, after the reduction of the King's African Rifles by one company has taken place.

The Report expresses the Committee's agreement with a proposal to appoint a Land Advisory Board, consisting of two Official and two Unofficial Members, whose functions will be to advise the Governor in the following matters affecting land:—

- (a) Proposals for the alienation of land under ordinary conditions.
- (b) Schemes for the development of undeveloped areas, e.g., water-boring schemes, proposals for offering land for tender, etc.
- (c) Closer settlement proposals, and all matters in connection therewith.
- (d) Applications for direct grants of land, and for adjustment of farm boundaries.
- (e) Alleviation of development or other conditions in leases of farms.

The Committee expresses the opinion that the development of rural telephone facilities is a matter of prime importance to the Colony, and recommends the appointment of a Committee, consisting of the Treasurer, the Commissioner for Local Government, Lands and Settlement, the Postmaster General, the Commissioner of Police, the Hon. Lord Francis Scott, the Hon. Mr. Conway Harvey, and the Hon. Col. Durham, to consider the whole question of rural telephones, the terms on which they should be installed and operated, and of their connection with trunk lines.

A very important increase in the Estimates of expenditure which is recommended by the Committee is the provision of £5,000 to enable concerted action with the coffee planters to be taken in respect of *Stephanoderes*.

The Committee has recommended the employment of two assistants in the Game Department on a month to month basis to work on game and vermin control, and, where necessary, their destruction. The additional cost of these two temporary posts is estimated at £1,000, but, as a set-off against this expenditure and as a result of it, it has been considered

possible to increase the estimate of revenue in respect of ivory and confiscated goods by an equal amount, which means that this very important service is expected to pay for itself.

Another important new service which is recommended is the guarantee to the Railway Administration against loss in connection with the working of the Thomson's Falls branch railway. The Committee recommend the sum of £5,500, on a tentative estimate put forward by the hon. the Acting General Manager, but the Colony's actual liability cannot be determined until construction is completed.

An increase of £5,773 is recommended under Public Works Department, mainly to enable staff to be provided to operate four additional drills to be used for water-boring, and to allow of bonuses being paid to water-boring foremen, with a view to extending this important branch of operations and removing the difficulty experienced in obtaining an adequate and satisfied staff of drill foremen, and to enable this work to be proceeded with with increased vigour, and, it is to be hoped, with success.

A very important addition is recommended under Public Works, Recurrent for maintenance and improvement of roads and bridges.

As regards Public Works Extraordinary, the Committee has found it necessary, in order to maintain a surplus on the Budget large enough to provide for a decrease in revenue of £75,000 with a view to reduction in the cost of living, while at the same time meeting the proposed additions to expenditure under other heads, to recommend that the provision under this head be reduced from £83,000, the amount included in the draft Estimates, to £43,420. This amount added to the sum which it is recommended should be spent on works from the surplus accumulated at 31st December, 1927, and from the expected surplus of the current year, gives a total works programme in the immediate future of £206,200, of which no less than £88,500 will, if the Committee's recommendations are adopted, be spent on roads and bridges, and £40,500 on water supplies and drainage.

Important recommendations are made regarding the Trade, Information and Publicity Bureau, with the object of equipping it to deal more adequately with activities other than those on the trade side.

I have left to the end of my remarks the recommendations of the Committee regarding surplus balances. This question has been receiving the consideration of a Committee for several months, and the Select Committee has found, it possible to adopt the recommendations of the earlier Committee *in toto*.

The definition of "surplus" on which the proposals are based is that it is the sum of money which represents the accumulated excess of revenue over expenditure at any time. The surplus at 31st December, 1927, was £693,000, and the Committee recommends that this surplus be dealt with as follows:—

	£
Provision of a working balance ... ..	50,000
Unallocated stores ... ..	110,000
Reserve—10 per cent. of actual net revenue for 1927 ... ..	230,000
To be used to assist the development of the Colony through a Land Bank ...	200,000
To be expended on Public Works as detailed in the Report ... ..	103,000
	£693,000

A separate resolution to authorise specifically the expenditure of the last-named amounts will be moved in due course.

A footnote, signed by myself, is attached to the Report, in which I express my personal views on the subject of votes.

Your Excellency, I beg now to move the adoption of the Resolution that the Report of the Select Committee on draft Estimates for 1929 be adopted.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

THE RT. HON. LORD DELAMONT: Your Excellency, I have nothing to add at all to what the hon. Treasurer has said, except to support in every particular the draft Report of the Select Committee.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, the mover of this motion has commented on the Government's proposals for dealing with the £75,000, which has been used to buy Elected Members over to sell the protective policy of this country for £75,000. That is what it amounts to—that is Government's proposal.

THE HON. CONWAY HARVEY: Your Excellency, on a point of order, is the hon. and gallant Member in order in imputing unworthy motives, which are distinctly *ultra vires*?

HIS EXCELLENCY: I was just going to state that what the hon. and gallant Member said is not the Government's proposal at all. There is no attempt on the part of Government to bribe anybody—Elected Members or anyone else.

CAPT. THE HON. E. M. V. KENEALY: I did not suggest that the Government was bribing Elected Members. It might be quite proper for the Elected Members to sell their protective policy for £75,000; it is a matter of opinion. But, Sir, it is well to know the offer which is made for our protective policy. I trust, Sir, that any proposals which have been put forward for the utilisation of this money will be adopted by Government—that it will not be utilised through Customs manipulation to abrogate a policy which we have found essential and satisfactory, but that the money will be used to further settlement, and that that policy will ultimately result in a permanent decrease in taxation and a permanent decrease in the cost of living in this country.

Now, Sir, I feel it is absolutely essential to comment on the land policy suggested in this Report, because, Sir, the land policy is, or should be, the dominant policy in Kenya. In the Report, Sir, it says that the recommendations made are agreed to by a majority of the Committee. Well, Sir, I consider it is absolutely improper for Government to force on the country a policy such as this which is not supported unanimously by Elected Members. Now, Sir, the reasons that these proposals have not been unanimously supported by Elected Members are several, and I should like to enumerate them.

First of all, Sir, the recommendation of the Land Tenure Commission that a statutory body, with executive powers, should be established, has not been carried out.

I do not know whether that Report has yet been adopted. It is very unlikely that it has been, because Government has consistently evaded any definite issue arising on any recommendation in regard to it in this country. Government has consistently obstructed land alienation, and therefore the development of this country. Now, Sir, in this Report the statement is made that the recommendations of that Committee have not been carried into effect. No explanation has been given as to why they have not been carried into effect. The recommendations made by that Land Tenure Commission of 1922 are more urgently required now than they were then.

In this country, Sir, it is essential, before anybody is given any powers—even advisory powers—that the principles guiding the policy of such a committee should be debated and approved, and that that committee should be an instructed

committee. Now, Sir, in this country no suggestion whatever has been made in regard to the principles of land alienation, and it is high time these principles were debated and accepted, and that any committee functioning under the requirements of the land alienation proposals should be instructed as to what principles they were to advise upon. It is proposed, Sir, that this committee should advise the Government as to how it is to dispose of land. Supposing the committee does recommend certain ways in which it can unanimously recommend the disposal of land, it does not follow that these proposals will be carried out. It may be that the Governor of this country will be prevented by political considerations from carrying out that policy. He will be sheltered from criticism from this side of the House, but, Sir, we shall not be protected.

What does this committee consist of, Sir? Is it responsible to anybody? It certainly is not responsible to Elected Members, and therefore to the country; because, Sir, it consists of only one Elected Member, and he in this matter is a free lance. He has no instruction as to what policy is to be carried out. The other members are members of the Convention of Associations, and although they may be, and probably are, admirable in that capacity as representing that particular portion of the political activities of the country, still, Sir, they are not responsible to the electorate, and they should be. This committee, Sir, is founded on a recommendation of a committee which has a status even possibly less admirable and certainly less endorsed by Members on this side of the House. Well, Sir, I think it is highly unlikely that so inefficient a father could produce so efficient a child. It is responsible to nobody, not even to the principles of alienation which have been accepted. We do not know whether alienation is to be by selection, by lot, or by auction. It is essential that this committee should be instructed, and after being instructed it should be responsible. Surely, Sir, one of the first principles of land alienation is that the land should be utilised to its greatest economic advantage. That principle has not been accepted because it has not been stated.

Another principle is that land, having once been alienated for a particular use, should be put to that use and maintained in that use. But, Sir, what do we find in this country? We find that a quarter, and possibly even a third, of the total land which has been alienated in the country is not utilised for the purpose for which it was alienated. Is this committee likely to alter that? No, not the least bit likely to, because it is an irresponsible committee. What, Sir, has the Kenya Advisory Committee done? Has it alienated any land in the past? It has alienated practically no land. Its activities have

been to co-ordinate the recommendations made by the local district committees. It has succeeded in preventing the alienation of land; not in furthering it.

Why, Sir, were Elected Members not consulted as to what this committee should consist of, and what its duties should be? Because, Sir, the committee is a blind. We are told, Sir, in this report that on the 4th May, 1928, a policy was approved by His Excellency of direct alienation of Crown land for the cultivation of sisal. That is mentioned as "C" Scheme, and, Sir, we have had a direct alienation of land for the cultivation of sisal. But, Sir, that is in direct conflict with the stated policy of Government; presumably the Governor of the Colony is a responsible Member, and he definitely stated in this House, Sir, that the policy of Government was to encourage such forms of farming as do not make large calls upon the labour supply of the Colony. But, Sir, what do we find? The only form of farming for which land has been alienated is in direct conflict with that policy. We find that the only land on any scale which has been alienated is sisal land, which makes the largest, or nearly the largest, call upon the labour resources of the country. And this Land Board, Sir, acquiesces in that demonstration of its irresponsibility. How will it be possible, Sir, for the people of the country to criticise this Board? The Board will merely say its advice has been given, and its advice may or may not coincide with the desires of the people of the country. It will be impossible to criticise because it is not responsible to us, or to the Government, or to the country, in so far as it makes recommendations to the Government. It is only if those recommendations are acceptable to Government that those recommendations will be carried out, and it is hoped that the majority of its recommendations will not conform to the requirements of Government. If its recommendations do take that form I am convinced that the Government will oppose them, and no one will know where the check has occurred.

One of the suggestions, Sir, for land alienation in the country is that the advice of the local district committees should be taken as to the areas in which land shall be put up and as to the terms of alienation. Could anything more futile and absurd be suggested—that a Land Advisory Committee should accept the opinion and advice of a local authority? It is too laughable to suggest seriously, and yet, Sir, that is one of the serious suggestions which has been made. Surely, Sir, land being a national asset is worthy of a national analysis, and is worthy of the policy for its disposal being publicly debated and publicly agreed to.

Why, Sir, has this Land Board no executive capacity? I do not think there is any need to press that question. Everybody knows why it is, and everybody knows why it must fail.

We have heard a great deal about closer settlement proposals. Closer settlement proposals, Sir, entail the financing of persons by persons already in the country. The closer settlement proposals, Sir, will impose a burden on other settlement proposals, because, after all, it is the settler in this country who provides the maximum and dominant sum in taxation, directly or indirectly. And, Sir, the closer settlement proposals will still further impose a tax upon industry. I am not suggesting that the closer settlement proposals are not possibly sustainable, but, Sir, it will be well for the country to recognise that and establish a basis between ordinary settlement—which introduces capital to the country—and closer settlement, which utilises capital already in the country, and imposes a drain upon it.

THE RT. HON. LORD DELAMERE: On a point of order, Sir, the closer settlement proposals have been already passed by this honourable House.

CAPT. THE HON. E. M. V. KENEALY: Further to that point of order, Sir, closer settlement proposals are mentioned in this Committee's Report, and I suggest, Sir, that I have the right to comment on them.

HIS EXCELLENCY: You have the right to comment on anything which appears in the Report.

THE RT. HON. LORD DELAMERE: I am sorry; I withdraw.

CAPT. THE HON. E. M. V. KENEALY: Now, Sir, is there any lack of applicants for land in this country under the ordinary settlement proposals? There is not. We can get these people. The only way in which we can possibly meet our future commitments and reduce taxation is by increasing the number of producers. That is the only way. If we do not increase the number of producers we are going to increase the burden on each producer, and therefore, Sir, I do not apologise for making a tremendous deal of the settlement proposals in this Budget, because, Sir, they are inadequate, and I fear, Sir, they are insincere.

There is no competition in these proposals, or generally between European settlement and native rights. That competition has been definitely excluded by the demarcation of native reserves, and it is impossible to raise any substantial reason for not proceeding with the rational scheme suggested and urged by the country.

I am not alone, Sir, in my desire to have the land settlement proposals reconsidered, nor, Sir, am I alone in my criticism of the constitution and personnel of this Board; nor, Sir, in my criticism of the way in which this Board has been created. There are a certain number of Members on this side of the House; but, Sir, in the country generally there are a great number of persons who agree with me on this point. Sooner or later we are bound to prevail; sooner or later the rational policy of land settlement is bound to win through, and if I do not get support from hon. Members of this House now I know I shall later.

THE RT. HON. LORD DELAMERE: Your Excellency, might we ask the hon. Member to put up an amendment or something?

HIS EXCELLENCY: He does not wish to put up an amendment.

THE HON. T. A. WOOD: Your Excellency, I am rather concerned about this question of anti-malaria. I cannot but think that we are overdoing it. I am all out for the establishment of these hospitals in native reserves, but there are several sections of the proposed programme; and there has been so much ventilation on this subject that I doubt if it is doing the country the amount of good expected. I rather think it is the reverse, and I cannot help thinking in my mind that in this country we have forgotten the history of this particular disease in other parts of Africa. I happen to have been one of the fortunate, or unfortunate, people conversant with these conditions in South Africa before we had this wonderful discovery that the mosquito was a carrier. I remember the construction of the railway from Delagoa Bay to Pretoria in particular. I knew Delagoa Bay when it was known as the "White Man's Grave" on the east side of Africa, and I believe to-day that is entirely removed by the development which has taken place there. I was actually living in Barberton in the days when it was—apart from the epidemic of two years ago—a far worse place than the Nairobi. One does not hear of that to-day, and I would ask Members of Government, if they agree, and the public generally, to endeavour to pour a little oil on the troubled waters of this malaria question in the general interests of the country. After all, I speak on this subject because of the fact that I have lived here longer than a great many people. The Noble Lord came here before I did, but I am in my 29th year. I per-sonally do not like it. I have never had malaria in my life, and I do think we are overdoing it.

There is another question arising out of this motion on the Estimates, and that is this vexed question of the Auditor's Report. I must say, on behalf of the commercial community, that they view the present-day position adopted by the Government with very great disfavour. One thing they do not understand is that while Government prepares a law for a limited liability company—in which I think there is a definite clause that the accounts must be audited annually, and the auditor's report submitted at the annual general meeting, and, having submitted it, every or any shareholder can call for it and demand it—and yet we find the Government adopting the attitude that the Auditor's Report has nothing to do with the shareholders. It is stated definitely that it is addressed to a gentleman in the City of London, who is the head of his department, and it is suggested that we are not concerned with it. I should like to enter a protest on behalf, at any rate, of the commercial community, against this attitude.

As usual, I have got dragged into the question of protection by my friend the hon. Member for Kenya, when he made a rather peculiar statement that we were trying to bribe somebody with £75,000 to give away the protective policy of this country.

CAPT. THE HON. E. M. V. KENEALY: On a point of order, Your Excellency, I did not say that.

HIS EXCELLENCY: The hon. Member did not say that in so many words, but he gave that impression, I think.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, the word "bribe" is not really a dignified word to apply either to a Government or to a country, and certainly it is not a word to apply to Elected Members, and therefore I carefully refrained from using such a word.

HIS EXCELLENCY: Will you repeat the exact words?

CAPT. THE HON. E. M. V. KENEALY: If I can remember, I used the word "bought" and not "bribe." One may sell, because no lack of dignity is thereby involved, but a bribe is in a different category.

HIS EXCELLENCY: I appreciate the hon. Member's distinction. (Laughter.)

THE HON. T. A. WOOD: Your Excellency, I am prepared to withdraw the actual word "bribe," and leave it to the sense of the House. My point is this, that as far as I know very few people in this country have initiated this movement.

The friction against protection arises more from the fact that part of our business is to run a partnership with two other people, who, in point of fact, contribute a share in the carrying trade of the Colony to the extent of about six millions sterling per annum. I have no time personally for the attitude of certain people who are inclined to say, "To blazes with these people; it doesn't matter what they contribute." I think it is six millions sterling more or less which they contribute, and we are adopting an attitude of absolute indifference to their demands, which I think is entirely wrong.

There is just one other point which the hon. Member for Kenya made. He said that the growing of sisal made the largest, or one of the largest, calls on the labour of this country. Well, Sir, I am not a farmer—I am a producer, in a very small way, unfortunately—but I have investigated sisal undertakings, and my impression is that they utilise machinery to the largest possible extent, and therefore reduce the call on manual labour to the largest possible extent commensurate with their industry.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: First of all, Sir, I resent just as much being told that I have been bought as that I have been bribed, and, as the remarks of the hon. and gallant Member on my right may lead to misapprehension in the country, I would like to emphasise the exact position of this £75,000 which I think was very clearly and accurately explained by the hon. Treasurer when he moved this motion.

£75,000 has, I understand, been put aside for the reduction of taxation, but the method of its use has been postponed until the committee has gone very carefully into the question as to whether it is to take the form of tariff reductions, or some other form; that is the position, and we have not committed ourselves to anyone; and we have not been paid to give up the policy of protection for £75,000.

On the subject of protection, I am not going to enter into an argument on that, but I would like everybody to realise that we have one basic industry, which is agriculture, and unless agriculture is put on a sound basis and made profitable everything is going to fall down.

I would like to associate myself, Your Excellency, with my hon. friend the Member for Nairobi, in regard to the Auditor's Report, and I do trust that Government will reconsider their attitude in this matter and allow this Auditor's Report to be made public.

Your Excellency, I have signed this Report, and therefore agree with it, and it must seem strange that there is an amendment standing in my name on the Order of the Day. The Report as printed is not quite the same as I tabled the motion. I did not wish to delete the words "the Director of Agriculture"; all that I proposed was the deletion of the word "Chairman," and that the Colonial Secretary should be added to the Committee and that he should be the Chairman instead of the Director of Agriculture; I did not propose that the Director of Agriculture should be taken out of the Committee.

Your Excellency, I have two reasons for making this proposal. The first is that, since we signed the Report, fresh information has come to our knowledge. During the course of a discussion in the Branch Lines Committee, I understood the hon. Director of Agriculture to say that, owing to his Deputy having been seconded on special work in regard to locusts, he was very overburdened with work in his office, and therefore found it impossible to spare any officer in his department to undertake any special economic survey work; and therefore it seems very unwise from the Committee's point of view and the country's point of view and unfair on the Director himself to burden him with the extra work of being Chairman of this Committee, which, I understand, will entail a lot of extra work.

In regard to the other reason, I consider that the Colonial Secretary, or whoever holds his post at the time, is the senior administrative officer in this country, and on similar committees, such as the Economic and Finance Committee, he has always been Chairman, and I think that, from the Government's point of view, he should be the Chairman of this Committee, and be in direct touch with everything going on.

In regard to the amendment, the words I wanted to use were that the words "Colonial Secretary" should be added, and the word "Chairman" be deleted after the words "Director of Agriculture." I do not want him deleted, as I consider that he will be a very useful member of this Committee.

One of the appendices refers to the destruction of locusts, I think. Now, Sir, I do not know if I am in order, but it would be very interesting to this side of the House if the hon. Director of Agriculture could give us an opinion as to how this campaign against these swarms of locusts, which are, I understand, still in the neighbourhood of Kitui and further north, is progressing; I understand that there are enormous numbers of hoppers in these areas and perhaps the hon. Director of Agriculture will tell us how they are progressing in this campaign.

CAPT. THE HON. H. F. WARD: Your Excellency, on the question of closer settlement and allied questions, I have nothing further to add to my addendum to this Report.

In regard to protection, Sir, I would like to associate myself with the words used by the Noble Lord, the Member for Ukamba, and, on the general question, I feel quite certain that if the resolution, which I understand is to be brought before Council, is passed, the Committee, that will be instituted under that resolution, will very definitely settle the question as to the value of protection to this Colony.

In regard to the Auditor's Report, may I support what has already been said on this subject on this side of the House, and for another reason, a further reason. I understand—I have nothing very much to go on—that this system of audit is to be extended to municipalities and other bodies coming under the Local Government, and, if this is so, and if these communities are not going to be able to get at the Auditor's Report when issued, a great deal of harm will be done.

I would rather like to say one word, Sir, in regard to the movement for an inquiry into Government expenditure and allied questions. For myself, Sir, whilst I am all in favour of any question of that sort being fully ventilated as often as it is possible, I cannot myself see the reasons for such a demand, except perhaps the possibility that members of the general public have no time definitely to understand the position, as it is put forward in this Council and in the Press.

I cannot myself, in reviewing the work of the Select Committee, see any justification for any feeling of nervousness or any feeling of doubt on the general position of the Colony.

I would like, Sir, to outline the position as it appears to me. We first of all have definitely instituted a reserve which, so far as it is possible to see, is amply sufficient to meet unforeseen eventualities and that reserve is definitely invested in easily realisable securities. A further part of the policy is that a very large amount of Government expenditure is taking the shape of a programme of works which has been arranged for, on the basis that it can be diminished or cut out as revenue requirements of the Colony may, at any time of the year, justify. It is a very large and substantial addition to the reserves—I think the hon. Mover of this motion mentioned the sum of £200,000 of which some £80,000 was for roads.

Finally, Sir, the estimates of Revenue are still framed on a basis of extreme caution and with every possible margin. In fact they are framed on a really conservative basis and they are so framed that, with the exception of very exceptional and unforeseen contingencies, they must add to the reserves of the Colony at the end of the working year.



The general expenditure of the Colony is framed largely towards the assistance and improvement of production.

As I said just now, however, if there is a general feeling that this matter should be inquired into—though it strikes me that the request is made by those who probably are too busy to go into the question as debated here—and I do not think that if such a Committee sat, they would pay any further attention to the subject.

LIEUT.-COL. THE HON. C. G. DURHAM: Your Excellency, I only want to refer to one point in this budget, and that is the King's African Rifles Transport.

I am not at all happy in my mind about this, and I am going to ask the Government to instruct the Officer Commanding Troops to very carefully consider the expenditure for next year in his department.

As the Member who asked for the much debated Auditor's Report, I should like to endorse the remarks made by the various Members on this side of the House, and I trust that Government will find it convenient to lay it before the public and not only before the House.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I would like to take this opportunity of saying that I think this Budget as a whole discloses the fact that the finances of this country are in a very sound position.

It has been my first experience on the Budget Committee—unfortunately for reasons out of my control last year I was absent from the Colony. It has been, I confess, quite an education to me and a pleasure. I think the general principle underlying the Budget, is that every provision has been made to keep down expenditure with due regard to the efficiency of all the services.

On the question of fiscal policy which has been raised, I would just like to say for myself—and I think most Members on this side of the House will agree—and that is that we are not raising the details of the fiscal policy of this country at the moment, but what we do object to is that outside this Colony, and in certain quarters in it, it does appear that the issue has been prejudged by the actions of certain individuals.

Now, Your Excellency, all I ask for and all that this side of the House is entitled to ask for it that it is unfair to prejudge this issue without discussion in Committee by all concerned, and that is the point which I object to.

Mention has been made of the Land Settlement Committee. I have expressed myself very strongly—at least I hope so—but I would like to state my expressed opinion in this House that I think it is wrong that Government should appoint members from the Elected Members organisation on such a Committee as the Land Advisory Committee, without consulting the Elected Members organisation; (hear, hear), and as one member of that organisation, I state definitely that I am not bound by the opinions, whatever they are, which may be held by those members; and I think it is wrong that, because we have a member of that organisation on that Committee, this side of the House is going to be bound by his actions, and it is for that reason that I suggest that for the future this organisation should be consulted. It is not a personal matter at all, it is a question of principle with me only, and I suggest it is a serious matter and will probably have serious consequences in the future.

Very adequate measures have been taken by Government in regard to the locust campaign, and I think it is just as well to say so that the public who really know think due recognition of that menace has been recognised by Government.

The malaria issue is a very big one, and I am very much afraid that the political side of it has over-shadowed the economic and medical side, and I honestly think that far too much credence has been given by the public to this menace.

I myself have had some malaria experience—thirty-three years in Africa. I have lived in the Trans Nzoia since 1920—a district, for reasons I do not wish to go into, I believe has been labelled, if a district can be labelled, by certain people in this town. There is very little justification for the rumours which are spread throughout the Colony and throughout the greater part of the Empire in regard to that particular district as well as this Colony.

In the whole ten years I have lived there I have not used a mosquito net, and I do not do so now. I have taken the precaution every year to keep records of that district, and I challenge anybody to prove my figures inaccurate. I will do so again at the beginning of next year.

I maintain that the district is a perfectly healthy one, so far as any district can be that is on the Equator. We have got to remember our geographical situation; we are bound to be associated with malaria; it is nothing new, and why we should get this particular scare going at the present moment I do not know. It is a political question at the moment, rather than an economic and a medical question. No doubt it will die down, and I hope that conditions also will improve.

I have no wish to prolong this session; it has been a very arduous one, and has already taken seven weeks. It is not realised by the public; they imagine, and probably rightly so from their point of view, that Legislative Council does not sit except when it is reported in the papers; but the time spent on committees is not so reported, and therefore they are apparently not aware that we have been six or seven weeks on this Budget, and I think the Budget is a credit to the Colony.

Just one word, Your Excellency, before I sit down, and that is I would like to draw attention to the fact that there is provision made in the Budget for increased payments to Elected Members. I have always advocated payment of Elected Members on the grounds that we are a very small community and the selection therefore is not a very large one, and by payment of Members I believe and I sincerely hope that it will induce capable and competent people—we have them in this country—to come forward and take up the burden of the Elected Members in this Colony at the next election.

HIS EXCELLENCY: The amendment proposed by the Noble Lord the Member for Ukamba has not yet been seconded.

THE RT. HON. LORD DELAMERE: Your Excellency, I beg to second it, for the reasons given by the Noble Lord.

It does appear from what he said and from what we know that, if it is impossible for the hon. Director of Agriculture—owing to the amount of work he has got to do—to spare the time necessary to survey the Yatta Plateau for three days, it must therefore be quite impossible for him to find time to sit as Chairman on this Tariff Committee.

I entirely agree with the Noble Lord, too, that the proper person to be in the chair is the Colonial Secretary, because I think he should know exactly what is going on in this particular Committee, so that when Government issues instructions to its representatives on any Inter-Colonial Tariff Conference, he should be in a position to know the whole of the facts.

HIS EXCELLENCY: I think this will be a convenient place to rise, but before rising I would like to read the latest telegrams regarding His Majesty the King:—

“A consultation has taken place in order to make a progressive survey of His Majesty's present progress and to discuss lines along which treatment in immediate future had best proceed. The condition of right side of chest has improved and there is evidence of more normal

respiratory. The healing of the empyema with its severe local infection although must of necessity be a lengthy process. The heart is slowly gathering power, and whilst exhaustion remains profound a slight access of general strength is noticeable. The future course of illness must from its nature be slow and not without difficulty but we are happy to state that the King's progress is now established on a firm basis.”

Council adjourned for fifteen minutes.

On resuming:

HIS EXCELLENCY: Does anyone else wish to speak on the motion?

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HODGKIN): At the request of the Noble Lord the hon. Member for Ukamba, I am very glad to be able to give the House information in regard to the locust position and progress of the locust campaign.

There are at present 54 temporary Locust Officers in the field, and their efforts are supplemented by about 40 other workers—administrative officers and others, together with about 20,000 natives. These locust officers are stationed as follows:—

- 4 in Suk-Turkana;
- 5 in Kamasia;
- 14 in Northern Frontier Province;
- 14 in Kitui;
- 8 in Voi;
- 3 in Kwale;
- 5 in Kilifi;
- 1 in Taland.

These officers are placed at the disposal of the Administration, and in conjunction with the labour supply of the district to which they are posted co-operation in the work of destruction is effected.

The method of operation is firstly to discover laying areas, to arrange supplies of water, labour and equipment, to move people with cattle to the area, or to get people with pangas to dig up eggs; then to beat hoppers, and finally to dust or spray the remainder or the older hoppers.

The Noble Lord also asked for information in regard to the present position of locusts in the Colony. I do not know how far I am justified in replying at length, but I would say that paragraphs have been sent to the Press and full information should appear in to-morrow's papers.

Shortly put, the position is as follows :—

In Suk-Turkana further hopper areas have been discovered and considerable destruction of hoppers is taking place daily. Staff requires augmenting.

*Kamasia Njemps.*—Hoppers are now hatching. Numbers of natives are employed in beating. Organisation complete. The field work in this area is under direction of an energetic officer, Mr. Evans, District Commissioner, specially seconded for this work.

*Meru, N.F.P.*—Destruction of hoppers taking place at Isiolo and in Barsaloi area. Party at Ngoinbe Crater. Report of further hopper areas in the direction of Garba Tula. Infestation severe.

*Kitui.*—Further hopper areas discovered, also laying areas. Work of destruction proceeding apace. The organisation is most complete and very encouraging reports are to hand. An effort on a truly enormous scale has been made and is continuing in this district.

*Voi.*—Further discoveries of laying areas and operations on hoppers have commenced. Organisation nearing completion.

*Digo.*—Laying grounds still being marked. No hoppers as yet.

*Kilifi-Malindi.*—Hoppers hatched but on the Sabaki River. Destruction taking place. Heavy laying in Sokoko plantations. Land being ploughed and harrowed.

*Tanaland.*—Hoppers appearing on banks of river. Destruction is taking place in the Kipini area.

It is anticipated that districts in settled areas will require attention in January. A meeting is to be held at Nanyuki this evening. Tanganyika reports swarms, damage and laying, and measures are being taken to forward destruction.

In conclusion, Sir, I would add that the expenditure by Government on locust campaigns until the end of this year will amount to approximately £25,600, some of which is capital expenditure. The department has 20 trucks at work, of which 12 are specially-fitted cattle trucks for conveying and spraying poison, and more poison trucks are in hand at the present time. Twenty-seven tons of arsenic are either in the districts or are in store, and twenty more tons are in preparation or in transit to the Government.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN) : Your Excellency, I do not propose to take up the time of the

House at any length in a discussion of the general land policy. Explanations of land policy have been made on previous occasions by the Commissioner for Local Government—who is now acting as Colonial Secretary—and that officer at Mombasa, when speaking on the motion before the Select Committee, indicated quite definitely that the Government would not bind itself to any one form or method of land alienation. The Hon. Member for Kenya is, I believe, the greatest advocate of one particular form of land alienation and of no other. The Government holds, on the other hand, that cases must be treated on their particular merits, and in certain cases alienation by auction is definitely desirable. In other cases alienation by public tender, or by direct grant, have equally as much to be said in favour of them, and it proposes to follow that policy in regard to land alienation in this country generally.

I will confine myself to two points which have arisen in the remarks of the hon. Member opposite (Captain Kenealy) in regard to the Closer Settlement Scheme and in regard to the Land Board.—As regards Closer Settlement, the present scheme has been put before this House and has received its approval, and no alteration of it will obviously be made without further reference to this House. The Kenya Advisory Committee have recently considered certain evidence which was submitted to it with reference to a case for amending parts of this scheme. Having given that evidence the very closest consideration they gave their opinion that the scheme should stand unamended, and when further evidence becomes available from time to time that it is desirable to amend the scheme, then I will say that the Kenya Advisory Committee will give that also the closest consideration and advise the Government on such evidence.

As regards the Land Board, two points of major importance were stressed by the hon. and gallant Member for Kenya, one in regard to the powers of the Board, and secondly in regard to the constitution of the Board. He appeared to think that it was a weakness in the functions of the Board that it had no definite executive powers. The Land Tenure Commission considered the constitution of the Land Advisory Board, and they recommended that certain statutory functions which are at present in the Ordinance exercised by the Governor in Council should be delegated to a Land Advisory Board in order to relieve the executive government of a certain number of routine duties and to expedite business. In making these recommendations that powers be granted to the Land Advisory Board that point was carefully considered, and I think the hon. Member, if he will look through the Crown Lands Ordinance, will find that there are a certain number of functions imposed upon the Governor in Council, some of

which do not occupy any time, and others which it would be quite improper for the Governor in Council to delegate to any body other than itself. For these reasons, and because the work of land administration—which does involve the time of the Executive Council—is not referred to it because of statutory necessity, we recommend that the powers of the Land Board should be purely advisory.

As regards its composition, the hon. Member is aggrieved that there is no person on that Board who is definitely responsible to Elected Members. I may remind him that under the constitution of the Board the whole body is responsible to the Governor and to Government, and that at present—whatever the future may hold—hon. Members opposite do not form part of the Government. He said as well, Sir, that although he might fail to secure support from his colleagues, he was perfectly sure that in the country generally great support would be found for his agitation for a re-constitution of the Board. He also poured some ridicule on certain suggestions contained in this Report of the intentions of the Land Advisory Board, for submitting proposals to District Committees in certain matters. I presume, Sir, that his feeling that he can command confidence and support outside is based largely on his experience of the constituency which he represents in this House, and in that event it seems to me interesting that the thing on which he poured the greatest ridicule was the fact that we proposed to give an opportunity to a district committee in his own constituency to advise the Government as to how land should best be alienated.

THE RT. HON. LORD DELAMERE: In that district.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: In that district, Sir. He again said, Sir, in support of that charge that we bound ourselves to accept the recommendations. Of course, we have done nothing of the sort, but on that point another interesting fact emerges. There is another district committee in his own constituency. When recently we had occasion not to accept their advice they became extremely annoyed and threatened to give no assistance in the future. So that, as regards his own constituency he seems to be between Scylla and Charybdis. But the Government will continue, Sir, to fulfil the pledge given some time ago to consult district committees in all matters regarding land alienation in their areas.

HIS EXCELLENCY: There are a very few words I should like to say. First of all, I should like to express the fact that in my opinion the gratitude of the country is due to the Elected Members and the Indian Member for the ability bestowed on the very exhaustive consideration of the Budget.

I should like to associate myself with the appreciation expressed for the great assistance rendered to that Select Committee on Estimates by its Clerk, who was invaluable.

There is a great deal to be said for the view of the Members for Nairobi South and Plateau North on the malarial question. I do not believe that at present this is a general malarial country, but we have to prevent it becoming so, and on that ground I think that the provisions made for the anti-malarial campaign should stand.

There is a good deal to be said also for the view taken by the Elected Members regarding the non-publication of the Audit, and I will undertake further to explore that question. (Hear, hear).

Before calling on the Hon. Treasurer to reply I will put the motion for the amendment moved by the Hon. Member for Ukamba. The motion is in the following terms:—

“That the word ‘Chairman’ be deleted and the words ‘Colonial Secretary’ be added, above the words ‘Director of Agriculture’.”

In view of the fact that the Colonial Secretary has a great deal of knowledge of these fiscal questions I am prepared to support that amendment.

The amendment was put and carried.

THE HON. THE TREASURER: Your Excellency, there are very few criticisms which have been passed on this report, and I think they have been very fully dealt with by other Members on this side of the House, by the Commissioner for Local Government, Lands and Settlement, and also by the Elected Members on the other side of the House, and I think, Sir, it would be merely wasting time if I went any further into it.

HIS EXCELLENCY: The question is:—

“That the report of the Select Committee on Draft Estimates for 1929 be adopted.”

The question was put and carried.

ESTIMATES, 1929.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, in view of the adoption of the Report of the Select Committee on the Draft Estimates, 1929, the next motion standing in my name becomes purely a formal one; and that is:—

" That this Council approve the Draft Estimates of Revenue and Expenditure for 1929, with the amendments proposed by the Select Committee."

I beg, Sir, to move this motion.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

The question was put and carried.

#### EXPENDITURE AGAINST SURPLUS BALANCES.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, again in view of the adoption of the report of the Select Committee on Estimates, the next motion also is purely formal, that is:—

" That this Council hereby approve of the expenditure of a sum of £102,780 upon the purposes specified in the Schedule hereto as a charge against surplus balances of the Colony."

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

THE HON. T. A. WOOD: Your Excellency, I do not think it is out of order, although it is a fact that it has been passed—it is not out of order to make some comments.

HIS EXCELLENCY: I entirely agree.

THE HON. T. A. WOOD: The first point I want to raise is in the interests of Nairobi generally and the Postal Department. The first item in the Schedule is " Nairobi Telephone Exchange." Now that to a good many people has reference to a building and this item is in fact an automatic switchboard, and I do wish to put the question to the Government officer responsible, where is the provision for the building to contain the automatic switchboard?

The other item is under the general Head " Water Supplies and Drainage." We have already had a little illuminating discussion on this question in Supplementary Estimates this morning, so far as standing orders would permit, to confirm a point I endeavoured to raise then. I have since obtained a copy of a specification under which the Nairobi Municipality have in the past purchased their piping and, with your permission, Sir, I would like to quote one or two items.

#### 9" PIPING:

12,500 lineal feet of 9" internal diameter, 6 gauge, spigot and socket lapwelded steel water piping, with patent inserted joints for lead and yarn coated inside and outside with approved bituminous solution wrapped in hessian cloth drawn through hot bituminous solution, tested to a hydraulic pressure of 900 lbs. square inch.

Now that covered the contract, that specification, and the contract was accepted on those terms.

This acceptance was on the understanding that the conditions included in the specification dated the 12th May, 1926 already referred to shall be adhered to.

Now when you have placed a contract with a local firm you have the backing of famous firms like Stewart and Lloyds, Lamberts, Russels of Wednesbury and possibly one or two others. One must not make invidious comparisons or we may have some attack from some pipe makers at Home. Now they have to keep to this specification; and secondly, we have got one of the large firms in the town on the spot to go for, if these people have not kept to the specification. We have them on the spot, we have not got to correspond with these people, and I should join issue most definitely with the hon. the Director of Public Works when he says that you cannot buy piping unless you have it examined on the other side.

I would like to ask him, Sir, if he is satisfied if this piece of pipe bears a certificate that it has been so examined, and, if that has been done, in what way is it superior to the method of this description?

LIEUT.-COL. THE HON. C. G. DERHAM: I would like to support my hon. friend on my left, Sir. Stewarts and Lloyds supplied the whole of the water piping for the City of Johannesburg and, if it is suitable for them, I submit that Kitale could use the same piping.

HIS EXCELLENCY: Does any other hon. Member wish to speak on the motion?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES): Your Excellency, everyone must admit that Stewarts and Lloyds are one of the biggest firms of pipe manufacturers in the British Isles; but it is not proper for a public authority to rely on a contractor to carry out the tests in a specification nor to rely entirely on the supplier to carry out the tests which are specified. From my experience of hydraulic engineering, it is undoubtedly best, in the interests of every-one, that such important stores as pipes should be inspected

by competent inspecting engineers. The Crown Agents have a staff of inspecting engineers specially for this purpose to see that contractors to them fulfil the terms of contract and to see that the specification is strictly adhered to. We do not, I believe, get a definite guarantee from the Crown Agents to the effect that the tests have been carried out, but we know that we can rely on them to carry out that inspection.

There is a great deal to be said for what my hon. Friend has said for other materials. Certain articles can quite suitably be supplied by local firms in this country; articles which do not vary greatly in kind, but I do not think that applies to steel pipes.

CAPTAIN THE HON. H. F. WARD: Your Excellency, I do not wish to carry this discussion any further, but I would like to say one word. I do not think that the hon. Member for Nairobi South intended his remarks to be in the nature of a diploma for any firm. I cannot see the force of the hon. Director of Public Works argument that it is necessary to have small pipe installations inspected on the other side. I, myself, some time ago bought and installed six miles of pipe which is now part of the public supply of this town and it has given no trouble and still stands to-day as good as when it was put down.

THE RT. HON. LORD DELAMERE: Your Excellency, I have been wondering in my mind whether I shall be a pusillanimous character in this matter, but I have put down a great deal of water piping in this country, and I am bound to say that in the last lot I imported from England through a local firm in this country—it is not one of the three mentioned, but it is one of the biggest firms in the British Isles—a number of these pipes have had to be thrown out, and I am at the moment carrying on a correspondence to get them replaced. I think there is this objection to not having the pipes tested at Home and that is unless you have them tested on the other side your work here is likely to be held up. Nobody is more in favour of doing our own buying than I am, but, in this particular case, it seems to me that if Kitale happens to get the same pipes from Home, someone is going to get into trouble. I have recollections of the bottom of a Nairobi water tank falling out. (Laughter).

LIEUT.-COL. THE HON. C. G. DURHAM: Your Excellency, may I ask the Noble Lord if he got a guarantee with those pipes, because, if so, he can get them replaced.

THE RT. HON. LORD DELAMERE: Of course I did, but why should I wait for weeks to get them replaced.

CAPTAIN THE HON. H. F. WARD: On a point of explanation, Your Excellency, I have never heard it suggested that the pipes should be imported without being tested. It was only suggested that the methods of the private importer were the same as those of the Crown Agents for the Colonies.

THE RT. HON. LORD DELAMERE: Your Excellency, so far as I am concerned, if the test is made on the other side by competent people, I have no objection.

CAPTAIN THE HON. E. M. V. KENEALY: On a point of order, Your Excellency, I suggest that Council go into Committee on this subject.

HIS EXCELLENCY: It seems to have done so already.

THE HON. T. A. WOOD: Your Excellency, on a point of explanation which I think I am entitled to. The Noble Lord is entirely wrong in his assumption that the Nairobi Corporation had a tank which lost its bottom. (Laughter).

The question was put and carried.

#### THIRD SUPPLEMENTARY ESTIMATES, 1928.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to move the motion standing in my name:—

“That this Council approve the Third Supplementary Estimates, 1928, as laid on the table.”

The items for which extra provision has been made are explained in the Memorandum attached to the Estimates which were laid on the table this morning, and I do not propose to keep this House waiting by further explanation as it is usual for Supplementary Estimates to be considered in committee of the whole House. I would merely like to remark that the amount now asked for aggregates some £89,000, and that—together with the amounts already approved in this Council by motion, or in the First or Second Supplementary Estimates—will total some £428,049. Against this savings are shown amounting to £339,253. To explain this large total I must state that this includes amounts which will have to be re-voted owing to the non-completion of works at the end of this year. That matter has been accounted for in dealing with the surplus balances question. The net excess, therefore, is some £97,796. Your Excellency, I beg to move.

THE HON. THE TREASURER: Your Excellency, I beg to second.

HIS EXCELLENCY: The question is:—

"That this Council resolve itself into a committee of the whole Council to consider the Third Supplementary Estimates, 1928, as laid on the table."

I will now put the question.

The question was put and carried.

#### In Committee:

The Estimates were considered item by item.

#### His Excellency the Governor.

CAPTAIN THE HON. E. M. V. KENEALY: There has been a consistent increase in this particular vote, Sir, and I think, Sir, the Elected Members feel that it is time a halt was called. I see there are large sums down for travelling, some of which could not have been foreseen. But others, Sir—anyhow, I myself consider should have been foreseen, inasmuch as in general provision should have been made or the activities should not have been undertaken. The revenue which used to be—which was previously accruing to the country, Sir, and was an offset to this particular vote, no longer comes to the country, through a Colonial office instruction that no longer shall the country charge the Governor for rent of his personal furniture and linen, which is furnished by the country. That used to be the procedure in the past. With that policy and with that instruction, Sir, I disagree. But Sir, I oppose the second item of £300 in this vote, and the third item of £35; and I should like an explanation of the fourth item, which provides a single passage for His Excellency the Governor.

I will recall my remark about the last item, but adhere to those in respect of paragraphs 2 and 3.

THE RIGHT HON. LORD DELAMERE: As the hon. Member has raised this question, which we went into very thoroughly in Select Committee, I must say that as far as I am concerned I rather agree with him in so far that the vote for Government House in any particular year is rather based on the extra money which has been voted in Supplementary Estimates for the year before. An attempt should be made to keep these expenses down to the actual vote. As stated quite clearly in the report of the Committee on the Estimates, an effort is being made by this hon. Council to put some sort of limit to the amount spent under Government House vote. I do not think it is necessary to go any further into that now, Sir, so far as I am concerned, but I do think it is wrong in principle in any vote to put it down in explanation that it is necessary for His Excellency the Governor to make a second tour to the Northern Frontier Province. Why necessary? And why is it also necessary to purchase a new tent? That cannot have been unforeseen. It must have been known during the previous year. I do think that this vote should be kept to as it is a very large one for a country of this sort.

LIEUT.-COLONEL THE HON. C. G. DURHAM: I would like to support the previous speakers. I think it is time we definitely called a halt in this additional expenditure incurred every year.

THE HON. J. E. S. MERRICK: I think, Your Excellency, that the visit of the Prince of Wales led to exceptional expenditure, and I understand that in the Estimates for next year a total has been fixed for the Government House vote. With regard to the tents, I think it probably was overlooked, because I do not think that His Excellency went on safari the previous year. It only became known that they were unserviceable when the opportunity for safari did arise.

THE RIGHT HON. LORD DELAMERE: Did we show any savings on the previous year? I do not remember any.

THE HON. J. E. S. MERRICK: The necessity for the visit to the Northern Frontier was because reorganisation was going on in that Province and Mr. Hemsted desired His Excellency to go up and see the circumstances for himself.

LIEUT.-COLONEL THE HON. C. G. DURHAM: Arising out of that explanation by the Colonial Secretary, I do not see why they cannot make these tents last a bit like the K.A.R. If the K.A.R. purchased tents every year because they did not put them away when they were dry we should be faced with enormous expenditure.

THE HON. J. E. S. MERRICK: I merely stated that that is what I thought was the explanation of the matter; I have no definite information on the subject.

THE RIGHT HON. LORD DELAMERE: The Hon. Colonial Secretary said there were no safaris in the previous year.

CAPTAIN THE HON. E. M. V. KENEALY: In regard to the third item, Your Excellency said I was right, and I should like to adhere and reiterate the remarks I made about the single passage.

THE HON. J. E. S. MERRICK: This does not necessarily apply to this particular voyage. I believe there is an extra passage for a chauffer.

CAPTAIN THE HON. E. M. V. KENEALY: The point is, Sir, whether a single passage or a return passage was booked, because there is a consequential saving to the country if a return passage is booked.

THE HON. J. E. S. MERRICK: The point is that His Excellency, owing to his hurried departure, went by an Italian boat, and in that case single passages do not add to the expense.

HIS EXCELLENCY: The question is that the item stand part of the Estimates.

The question was carried.

#### Secretariat and Legislative Council.

THE RIGHT HON. LORD DELAMERE: Your Excellency, I hope the Government in this particular year of 1929 is making adequate provision for this vote, because it appears that every year we have to add to it in some way. I think anybody who went down to Mombasa ought not to get anything. (Laughter.) By the way, Sir, I would like to ask for a ruling on this question of sitting at Mombasa. It seems to me wholly wrong that the whole of this Council should be put to an extraordinary amount of inconvenience in having to go down and sit at Mombasa. It is quite impossible to do the work properly. None of the records are there. As far as I know it was initiated once when the Port was very much under discussion, and it was considered that it would be a very good plan for Members to go down and see for themselves, as particularly laid down that there to be the principal item. It was particularly laid down that there should be no precedent in this matter. Sitings of Council in this country must be held in the capital of the country, where you have the records and the facts. I should just like to draw attention to that, Sir, because in future I am going to oppose that by every possible means. It is no insult whatever to Mombasa. I have great respect for Mombasa, but the proper place for the Legislature to sit is the capital of the country.

THE HON. CONWAY HARVEY: In justice to Government, and for the Noble Lord's information, perhaps I may say that this question was referred to Elected Members before the decision was arrived at by Government, and I think Elected Members quite unanimously recommended that we should sit at the Port.

**THE RIGHT HON. LORD DELAMERE:** As far as I am concerned it does not alter my opinion, but only puts me in a minority of one.

**HIS EXCELLENCY:** I am not prepared to make a statement, but sittings have undoubtedly been held in Mombasa for the last ten years periodically.

The question was put and carried.

#### *Audit Department.*

**THE RIGHT HON. LORD DELAMERE:** On this particular vote I should like just to say that when I said I agreed with every item I did not notice that there was any allusion in the report to this question of the Auditor. As far as I am personally concerned I think it is absolutely wrong that when an auditor makes a report on the finances of a country it should not be available to the country as a whole, and I can think of no reason which can be put forward as an argument against that. As Your Excellency has said that you would go further into that matter I will say nothing further about it.

The question was put and carried.

#### *Prisons.*

**THE HON. T. A. WOOD:** Your Excellency, in regard to this £2,000 item, I have no criticism on that point that the unfortunate prisoners must be fed when they are incarcerated in jail, but I do think that Department might take some steps towards the production of food without having to charge in this way, and I do know one thing—which I personally recommended many years ago as a visiting justice—and that was the use of some of their bare veld for the production of firewood. I do not believe they have produced a stick. You will find it has still got to be purchased in the open market. They have acres of land and will not get down to produce firewood. Yet, when one goes down there—as I do periodically (laughter)—I do not see any activity in this direction.

**HIS EXCELLENCY:** As a visiting justice?

**THE HON. T. A. WOOD:** I am always pleased when I raise a little humour in this House, Your Excellency.

**HIS EXCELLENCY:** Quite.

**THE HON. J. E. S. MERRICK:** Your Excellency, it is the first time I have had fuel considered as prisoners' food, but I suppose it is used in cooking (laughter). I will bring the hon. Member's representations to the notice of the Commissioner of Prisons, but I know there are various prison shambas in the country, and one of the reasons given by him is that owing to drought very poor crops resulted in certain of the prison farms.

The question was put and carried.

#### *Military.*

**LIEUT. COLONEL THE HON. C. G. DURHAM:** May I have the Government's assurance, Your Excellency, that they will instruct the Officer Commanding Troops to pay particular attention to the transport services? As I said before, I am not at all happy about it.

**THE HON. J. E. S. MERRICK:** I will give that assurance.

The question was put and carried.

#### *Agricultural Department.*

**THE RIGHT HON. LORD DELAMERE:** May I ask the Hon. Director of Agriculture what the facts are regarding Amani? I have heard it once said—I am not sure whether they are not going to remove it altogether or not. How much have they asked for and what are the facts?

**THE HON. J. E. S. MERRICK:** The provision in next year's Estimates is £1,700 for maintenance. This item of £500 will bring the maintenance charge to the same as next year. We have only got £1,200 in the Estimates for 1928.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Perhaps I may explain, Your Excellency. The Secretary of State made an appeal to this Colony to contribute an additional £500 for 1928 and to raise the vote from £1,200 to £1,700 in order that a larger contribution might be obtained from the Empire Marketing Board; that contribution depends on the amount of local contribution subject to a maximum of £6,000 a year. Apparently, if the contributions were made on the old basis the full amount would not have been contributed.

**THE RIGHT HON. LORD DELAMERE:** May I ask, Sir, what the contributions of Tanganyika and Uganda are?

**HIS EXCELLENCY:** Perhaps the Hon. the Director of Agriculture will answer that question.

**THE HON. THE DIRECTOR OF AGRICULTURE:** I am sorry, Sir, I cannot turn the papers up, but speaking from memory I think Tanganyika contributes on the basis of 50 per cent., Kenya 20 per cent. and Uganda 12 per cent.

**THE RIGHT HON. LORD DELAMERE:** I think the maximum was £6,000, and that the Empire Marketing Board give pound for pound. Was not that what you said? May I ask what the total vote is. I will willingly leave it if you will allow this vote to stand over till the end. Not that I am against this in any way.

**HIS EXCELLENCY:** Very well.

**THE HON. J. E. S. MERRICK:** The total sum required for the year 1929 is £17,500.

**THE RIGHT HON. LORD DELAMERE:** Amani?

**THE HON. J. E. S. MERRICK:** Yes, Sir. It is in the memorandum on Draft Estimates. You have a copy of the memorandum.

**THE RIGHT HON. LORD DELAMERE:** I am sorry to take up the time of the House. I am quite satisfied. I am given to understand that it is in the memorandum and I will look it up myself. I will not delay the House any longer.

**HIS EXCELLENCY:** The question is that the items under heading 22, Agricultural Department, stand part of the Supplementary Estimates.

The question was carried.

#### *Miscellaneous.*

**CAPTAIN THE HON. H. F. WARD:** On the item for the development of local government, would the Commissioner for Local Government please inform us what are the proposals in regard to the audit of accounts?

**THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENTS:** The proposals, Sir, in regard to audit of accounts—is not covered by this item—is that a local government inspector has been appointed as part of the staff of the Commissioner for Local Government, and it is proposed that he should audit the accounts of all municipalities and district councils established under this Ordinance.

**CAPTAIN THE HON. H. F. WARD:** Will these audit reports go in secret to some gentleman in London or will they be made available for those concerned?

**THE HON. J. E. S. MERRICK:** I understand they will be made available to those concerned.



**THE HON. T. A. WOOD:** Somewhat on a point of order, Sir, I think I understood the hon. Gentleman to say—or did I misunderstand him—that this had no relationship to this item of £1,000 for the development of local government in Nairobi and Mombasa. I would like to say that I am one of the few people on this side of the House—I think the hon. Member who represents Nairobi North seems to be with me—who when that item was passed protested against it. I am not at all sure that they are going to accept the Government's statement of the position. I imagine it is quite possible they will say: "No, we are going to have our accounts audited by a public auditor; if you wish to inspect our accounts you are perfectly willing to do so". The idea of arbitrarily saying that we and we only will audit your accounts does not appeal to me, and I want to appeal to Government to see what my attitude is on this question. It is quite possible that if I continue to be a member of the local authority I shall press that point. To say that we will audit your accounts and we will charge you a percentage on your total capital expenditure—that might be all right for a young growing municipality in the country, but I am certainly not going to agree in Nairobi to any such charge incurred by our local authority and organisation.

**HIS EXCELLENCY:** I should like to point out that this item of £1,000 has nothing to do with the audit. The explanation is recorded on page 50.

**CAPTAIN THE HON. H. F. WARD:** Your Excellency, with the greatest possible deference, it has always been the indulgence of this House that Members could raise any question they like provided there is any provision in the Estimates.

**THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** That was my reason, Sir, for saying what the attitude of Government was in this matter. On the general question of audit inspection that point was carefully considered in Select Committee, of which the hon. Member for Nairobi South was a member, and on that committee he advanced his views. They were debated a great deal and I think he failed to carry his point. The general view of the committee was that it was desirable in this country to adopt the policy in force in South Africa for many years of a local government audit for local government accounts. The Government makes very large contributions to local government authorities, and they are being appointed now under a new Ordinance. Besides the actual financial audit the local government auditor is there as the local authority's adviser on matters of procedure and matters of general financial policy. The establishment of local government audit in South Africa has been a great success, and I think I am correct in saying that there are possibly two municipalities in South Africa in which a local government auditor is not required by law, and in at least one of those municipalities which are not required by law to have a local government audit they have elected to have the audit effected by the local government authority. Until the municipalities law is amended, I am afraid this authority has no power to have its accounts audited in any other way.

**THE RIGHT HON. LORD DELAMERE:** Your Excellency, may I say that so far as I have heard the arguments they appear to be in favour of having a Government audit. The Government gives advances both by loan and in other sorts of ways, and although they get the money back they want to know how it is being spent, and how far they are likely to get their interest and sinking fund back. I have yet to hear of any argument against this, except an objection to control for some reason which I do not understand. I do not think public auditors would meet the case at all.

**THE HON. T. A. WOOD:** The Noble Lord has entirely misunderstood me. I hope I did not raise any point about objecting to control. What I object to is Government being very kind and granting money on the one hand and then saying there is so much per cent. of it to come back. The facts of the case are that we have up to

the present had an audit which will stand the light of day anywhere for the sum of £20. The Government now calmly say we are going to audit them and we are going to charge you £300, and the law says we can charge you one per cent. of the turnover. I am just raising the point that as long as I remain a member of that local authority I shall continue to express the opinion which I hold in the matter. The arguments I have heard to-day which I hold in the matter that I am wrong. I have often found myself in a minority of one at certain stages, and then suddenly I have discovered that there are quite a number of supporters who suddenly come in, having grasped the point. (Laughter.)

**THE RIGHT HON. LORD DELAMERE:** Perhaps the hon. Member does not put the point clearly in the first place. (More laughter.)

**THE HON. A. H. MALIK:** Your Excellency, there is an item for £1,700 under "Savings".

**LIEUT.-COLONEL THE HON. C. G. DUNHAM:** The hon. Member is raising an objection to savings!

**THE HON. THE TREASURER:** This Council does not as a rule question savings. The only thing is, it seems to me, that the money is there and it will be saved. It simply means that more money was provided than was necessary. It does not mean any violation of rights.

**THE HON. J. E. S. MEDICK:** I think it will be ascertained that they were departmental savings. It does not necessarily mean that there were fewer passages paid.

**THE RIGHT HON. LORD DELAMERE:** The Treasurer has raised a principle which I think is a peculiar one. The way he has put it is very peculiar. Supposing Government puts a vote in the Estimates and gets it passed, then they discover they have saved on it in the Supplementary Estimates, and put in something which they prefer into the Estimates. It is just a matter of argument—I am not suggesting that they should or would, but surely it is within the competence of this House to bring up anything it likes on questions of savings, which is the same as expenditure.

**HIS EXCELLENCY:** I do not think the Hon. Treasurer meant that. He merely said it was unusual to debate "savings".

**THE HON. THE TREASURER:** I did not mean at all that this Council had no right to discuss "savings".

**CAPTAIN THE HON. E. M. V. KENEALY:** Your Excellency, in regard to the compensation of £20: in this matter undoubtedly it is an act of justice for Government to compensate an individual who has suffered from Government's lack of control. But, Sir, it raises a principle, and in this particular area, Sir, there are continual and habitual fires, started by natives, which destroy the grazing and injure farmers in that neighbourhood. I should like to see the principle established that where certain responsible elements in the community—I refer to the natives in this particular instance—are responsible for damage, it should not be a necessary preliminary to collect the fine before compensating those who suffer, but it should be recognised as a Government obligation that these people should be compensated, and I would like an assurance that this policy will receive consideration from Government.

**LIEUT.-COLONEL THE HON. C. G. DUNHAM:** Will you give me permission to raise the question of savings on . . .

**CAPTAIN THE HON. E. M. V. KENEALY:** On a point of order. May I have a reply to any question?

**THE HON. THE COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** The history of this case is that the fire was started on a certain farm. When the case was heard the magistrate fined the guilty parties £20. Later in the year when the drought became very

sovere and grazing very scarce it did appear to the magistrate that there was a case for compensation. If the magistrate at the time had considered that part of the fine should have been paid over for compensation he would have made an order to that effect.

In regard to giving any general assurance, Sir, that compensation will be given on account of offences committed, I cannot see that any Government could admit that at all, particularly in the case of one particular type of offence.

**HIS EXCELLENCY:** In my opinion that principle is entirely wrong. In the absence of compensation becoming clearly payable at the time, I think the person injured should be left to his legal remedy. I think that answers your question.

**THE RIGHT HON. LORD DELAMERE:** That is carried out.

**HIS EXCELLENCY:** The money has been paid.

**THE RIGHT HON. LORD DELAMERE:** In this particular I do hope Government is considering the question of fires in this country. I think it is so serious a thing in this country that it should be gone into very carefully. The hon. Member talked about natives being the only responsible people, but by far the largest fire in Laikipia this year was caused by two Europeans. I do think it is so serious a thing in this country that it should be gone into. In Uganda men can be put in jail for several years. I cannot remember the facts but they are very strict in most countries and I think Government should go into this matter.

**HIS EXCELLENCY:** I would like to remind the Noble Lord that there is legislation whereby causing fires is an offence.

**THE RIGHT HON. LORD DELAMERE:** I did not know that, but it does not appear to work.

**LIEUT. COLONEL THE HON. C. G. DURHAM:** May I raise this question of savings on paraffin rebates. Is that due to the fact, Sir, that the rebates for the month of January and August have not been paid?

**THE HON. THE TREASURER:** If there is any truth in that statement—which I am not prepared to admit—it is due to the fault of the people not applying under the Ordinance.

**LIEUT. COLONEL THE HON. C. G. DURHAM:** I submit, Sir, it is the fault of the Ordinance, and I shall put a question to Government later.

**THE HON. J. E. S. MERRICK:** Your Excellency, I beg to move that the Third Supplementary Estimates, 1928, be referred back to Council unamended.

**HIS EXCELLENCY:** The question is that the Third Supplementary Estimates, 1928, be reported to Council unamended.

The question was put and carried.

*Council resumed its sitting.*

**HIS EXCELLENCY:** I have to state that the Third Supplementary Estimates, 1928, have been reported to the Council unamended. The question now is that this Council approve the Third Supplementary Estimates, 1928, as laid on the Table.

The question was put and carried.

**HIS EXCELLENCY:** I think this might be a convenient spot to adjourn till 2.30 p.m.

*Council adjourned till 2.30 p.m.*

COMMISSION OF INQUIRY ON AGRICULTURE.

**HIS EXCELLENCY:** Will the Noble Lord, the Member for Rift Valley, move his motion.

**THE RT. HON. LORD DELAMERE:** Your Excellency, I wish, by leave of Your Excellency and this hon. House, to alter the words of the motion which is down in my name on the question of agriculture in this country. I beg, Sir, to read out the wording of the new motion:—

"In view of the expressed uncertainty in the public mind as to the progress of agriculture in the Colony, this Council recommends that Government appoint a Commission composed largely of practical farmers and planters—with wide terms of reference—to report on the progress of this industry, including native agriculture, and to make recommendations for its improvement and as to the best methods by which Government's support of this industry can be given, and this Council further recommends that the Clerk of this Council be Secretary to this Commission."

Your Excellency, with regard to the expressed uncertainty in the public mind, I do not think I need stress that point in this hon. Council. I think everybody must have read and heard lately many things said about how far agriculture was advancing in this country and also in regard to the way in which Government was helping it forward.

I do not want to say anything more about that than I can help, I will say anything I have got to say in reply, because everybody who has read the Press or heard speeches made in different associations in this country, will, at any rate, come to the conclusion that although these resolutions put forward are very often diametrically opposed to each other in many ways, yet they do show lack of knowledge of the facts in regard to agriculture as it stands to-day in this country and in regard to its progress, and it is for that reason, Sir, I am proposing this motion.

I think it is extremely important in this country, Sir, that as we have to depend on our basic industry, agriculture, any of us should be able to answer questions on the progress of that industry. Government has lately, during the progress of that industry, been spending large sums of money on native past few years, been spending large sums of money on native agriculture and I do submit to hon. Members of this House that, so far as I am concerned and so far as hon. Members on that side of the House are concerned, we do not know what this side of the House are concerned, we do not know what it is happening so far as these activities are concerned. And I do think that it is very important that in this industry, on which we depend, we should be able to answer questions or

be able to refute arguments when these arguments are brought up on the state of agriculture in this country as to the methods of help Government is giving or otherwise.

In my opinion, Sir, there is only one possible way by which you can get at this and that is by putting on some of the best practical farmers and planters in this country, with sufficient Official Members to hold a watching brief from the Government point of view, to keep track of these things, to go into the whole of this question and find exactly how agriculture is progressing in this country, and to make recommendations for improving this progress and as to whether Government support is being given in the best way and so on.

I have made this resolution as open as possible, Sir, simply because I wish, so far as I am concerned, to make it clear that it is not meant as a vote of censure on any department or on the Government. I think that it is absolutely wrong when a Commission is going to sit that before that Commission is appointed, the subject should be debated in this hon. Council. So far as I am concerned I only hope that, if Government agrees to this motion, Government will do everything it possibly can without any prejudice in this matter, to put forward the case for the greatest industry in this country.

CAPTAIN THE HON. H. F. WARD: Your Excellency, I beg to second.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, with reference to this motion, I am prepared to support it with qualifications. It is stated in the motion that there is an uneasiness—or words to that effect—as regards the condition and progress of agriculture in this country. As far as getting at the result of the activities of the department, one can get a great volume of information from the Annual report which more or less visualises what has been done. From the Budget, at any rate from the different angles of the Budget, one can find out the incidence of the expenditure incurred by that department and I have no uneasiness myself. In my own mind these activities are lacking in regard to the funds placed at the department's disposal. There has been no demand in my own district for an inquiry, neither have I had a single request or communication to that effect.

I have read recently, and especially since the locust came on the skyline, of the many activities of the department, but I confess I have not yet seen what I can describe as constructive criticism.

I believe that there seems to be a demand for an inquiry and I honestly believe it would be in the interests of the department if that inquiry were held. I associate myself in no way with a vote of censure or with anything that can be taken as a vote of censure on the department, and I say again that, if the motion is accepted, it will be in the interests of the department as it will give those who want to do so an opportunity to put up constructive criticism.

CAPTAIN THE HON. H. F. WARD: Your Excellency, I wish to give this resolution my very strongest and earnest support. I am perfectly convinced that the proposal suggested is the most important step that has been taken in this country for many years past. I think that I might take the opportunity of interpreting the Noble Lord's wording as I understand it. It is not so much uneasiness as to the value or merits of our industries it is more what I should like to describe as "confusion of thought." Without definite facts based on averages, people are very apt to introduce all sorts of arguments based largely on personal and individual inquiries.

I think another important matter is the publication annually of the Agricultural Census Report of the Agricultural Department. I think this is to my mind the most important document issued by Government in the course of any one year. I believe that Census Report can be made a real basis for getting at the facts, and, of course, it is unnecessary to remind the hon. Member in charge of that department how extremely important it is that the matter contained therein should be definitely accurate.

Sir, I believe that this inquiry—I will give three illustrations where I think this inquiry would be useful. First, for the information of newcomers; secondly, to guide the policy of Government on such matters as Closer Settlement, and thirdly, for the consideration of such questions as protection. There are many others, Sir, but I do not want to take up the time of this Council unnecessarily. I have heard it said in responsible quarters that the information given to newcomers is not all that it should be, and, as things stand to-day, it is impossible to refute this because no authority in this country has attempted to reassemble the facts, and to put the position forward as it should be put.

With regard to the policy of Closer Settlement. It would be unfair of me to take any advantage now in regard to that matter, but it is obvious that any policy of that sort must be based on something which is definitely known and definitely established, because that policy can be very dangerous—especially in the case of new settlers—unless the basis on which the policy is formed is really sound.



THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I rise to say that I have Your Excellency's authority to state that Government is prepared to accept the motion. In doing so, I should like first to express my appreciation of the Noble Lord's action in removing from the original motion what appeared in the minds of a good many, on this side of the House anyway, and also in the minds of members of the public, what amounted to be at least a veiled attack on the Department of Agriculture. I am glad that I am not called upon in the circumstances to adopt a defensive attitude. If that had been the case I think I should have had an opportunity of putting before the House an aspect of the matter which is not very fully appreciated to-day in regard to the Department's difficulties, and in regard to the services which the Department renders to this country. But may I be allowed in the circumstances, Sir, and quite modestly, to say this: that there is no activity connected with the agricultural industry of this Colony in which the Department of Agriculture has not taken an appropriate and an active part, and generally a prominent and leading part.

I am glad that nothing has been said in this debate—and I hope that nothing will emanate in the course of the enquiry by the proposed Commission—which will in any way disturb the cordial relationships which at present exist between the Department of Agriculture and the interests which it serves. Periodically the Department has opportunities of meeting representatives, directly and indirectly, connected with the industry; I would mention, for example, the Railway Department, commercial organisations, and those who attend the representative conferences which take place regularly of the farmers' associations throughout the whole of the land. Whether it is in the Council Chamber, or in the committee room, the Department has received—and I believe has shown—the greatest cordial co-operation with those bodies and worked in the most happy relationship with them.

Sir, I do not wish to be critical in regard to the terms of the motion. I have indicated that Government is prepared to accept it, but I hope that the public will not come to the conclusion that hon. Members on the other side of the House, or those whom they represent, are beginning to lose faith in the agricultural industry of this country. For my part the more I know of the Colony the greater faith I have in the productive capacity of the Colony and its agricultural industry.

I do not think, Sir, from my point of view, that there should be any great uncertainty in regard to its progress. The facts of that progress are disclosed annually in the Agricultural Census Report, which is regarded by authorities in other countries as a report of standing in statistical work. I

am very glad indeed to have this opportunity of informing hon. Members—the first opportunity I have had in public of doing so—of saying that the agricultural census for this year, the compilation of which is now just about complete, discloses marked progress in almost every direction, and record progress in certain directions. I do not wish to occupy the time of the House, Sir, by quoting figures from that report—it would not be properly germane to the motion under discussion—but I could give Members an assurance, and in order if possible to allay public opinion in these times of stress, that the progress of the industry as disclosed in this year's census report is very satisfactory indeed.

I regret that mention has been made of the difficulty of arriving at the true position, either in respect of native agriculture or of agriculture as a whole. I had thought and I had hoped that read side by side with the agricultural sections of the report—the annual report of the Department, which, I submit is very complete in itself—and in respect of native agriculture, supplementary to which there is the Report of the Chief Native Commissioner—Members could have obtained a very true picture of the agricultural position in this country. In addition to that the Department issues other special reports and bulletins throughout the year, and I have often felt that if people in this Colony took more trouble to read what is published, either in the Press—and here I would like to pay tribute to the facilities afforded by the Press in this connection—or in the bulletins of this Department, there would be less misunderstanding and a proper appreciation of the position.

I do not think, Sir, that I need say anything further in regard to this motion, except to say that if and when Your Excellency appoints this Commission, the Department of Agriculture will do all in its power to render the best service at its disposal, to give all the information to the Commission within its compass, and to assist it in every possible way.

THE RT. HON. LORD DELAMERE: Your Excellency, as there appear to be no other Members wishing to speak on this matter, I rise to answer the debate. I do not think there is anything in fact that I should say further. I do not want to be drawn into a discussion with my hon. friend the Director of Agriculture. He appears to have made up his mind. Of course that is quite as it should be. I have not heard any arguments against the appointment of this enquiry. My hon. friend the Member for Kenya has suggested that before we adopt this motion we should know the terms of reference. I

have quite distinctly asked in the resolution that the terms of reference should be of the widest description, and as far as I am concerned that covers the issue.

The question was put and carried.

#### KENYA TREASURY BILLS.

THE HON. THE TREASURER (MR. GRANNUM): Your Excellency, I beg to move the following motion:—

"That, pursuant to the provisions of section 2 of the Colonial Treasury Bills Ordinance, 1923 (Chapter 49 of the Revised Edition), this Council hereby authorises His Excellency the Governor to request the Crown Agents for the Colonies to borrow, by the issue in London of Kenya Treasury Bills, a sum not exceeding in the aggregate £1,528,276, to be applied to the services scheduled below, and the said Crown Agents are hereby authorised out of the proceeds of a future loan or loans to be raised for those services, immediately on flotation, to repay any Bills so issued.

Resolution  
in Council.

#### SCHEDULE.

##### Railways and Harbours:

	£	£
19-5-28.—Completion of Berths 3 and 4	150,000	
19-5-28.—Port Improvements	25,000	
17-11-27.—Thomson's Falls Branch Railway	265,000	
21-6-28.—Berth No. 5 and Oil Quay	668,000	
		1,108,000

##### Colonial Development:

20-3-25 } Public Buildings	27,954	
25-3-25 } 19-5-28 } 21-12-26 } 28-11-27 } Municipal Requirements	185,847	
19-5-28 } 25-3-26 } 17-11-27 } Communications	203,275	
19-5-28.—Miscellaneous	3,200	
		420,276
<b>Total</b>		<b>£1,528,276.</b>

Your Excellency, hon. Members are aware that loan expenditure is frequently financed, pending the raising of loans, by means of temporary advances.

One of the means by which such advances may be obtained is by the raising in London of Kenya Treasury Bills under the authority of the laws of this country (Chapter 49 of the Revised Edition), supported by a specific resolution of this Council.

The total amount authorised by this Colony to be expended on loan account—to meet which a loan has not yet been raised—is £2,633,663. Of this amount, the Crown Agents have already been authorised, by a resolution of this Council, to raise if necessary by Kenya Treasury Bills, pending the raising of a loan, the sum of £1,105,387, leaving a balance of £1,528,276 against which authority has not yet been given to raise Treasury Bills.

The necessity for raising Treasury Bills against this authorised expenditure has, so far, not arisen, because any expenditure incurred under these services has been met up to the present from three other sources; the first from unexpended loan balances, secondly from the interest received on the old Imperial three and a half million loan, and, thirdly, from the Colony's surplus balances. Of these, Sir, the first two are being rapidly expended, and as regards the third, it has now been decided to-day, in the motion dealing with the expenditure of surplus balances, that of this sum it has now been decided to invest a considerable amount.

It is desirable therefore that authority should be obtained, pending the raising of a loan, to raise the amount authorised against loan account but in respect of that loan which has not yet been raised, by Treasury Bills, if such a course becomes necessary.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

The question was put and carried.

#### MEDICAL BUILDINGS.

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

"Be it resolved that this Council hereby approves of the expenditure of a sum of £74,093 upon the purposes specified in the Schedule hereto as a charge against Loan

Account, and further approves provision being made therefor by re-allocation of the amount from the sum already approved for new lines and quarters for King's African Rifles:—

SCHEDULE.		£	£
Public Buildings—Housing for Government Servants	... ..		21,556
Public Buildings—Medical Buildings, Hospitals at Digo, Kericho, Kiambu and Kerio	... ..	17,537	
Public Buildings—Medical Buildings Medical Laboratory, Nairobi	... ..	35,000	
		52,537	
Total	... ..		£74,093.

With regard to the first two items, Sir, the motion is purely formal, because it merely implements the recommendations which have been adopted this morning when Council adopted the Report of the Select Committee.

As regards the third item, Medical Laboratory, Nairobi, it is also merely formal, as it simply implements the decision of this Council which was arrived at in Mombasa when the Second Supplementary Estimates were taken. In the Report of the Select Committee which dealt with those Estimates the following paragraph appears:—

"The Committee notes the unsatisfactory state of the Laboratory at Nairobi, and strongly recommends that provision for a new and adequate laboratory near the Native Hospital be made in the next Supplementary Estimates, and that the work of construction be commenced as soon as possible; in the meantime the getting out of plans and final estimates should be proceeded with forthwith."

Well, Sir, the only difference between that decision and this resolution is that the resolution recommends that this amount should be found from loan.

I beg, Sir, formally to move the motion.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to second.

The question was put and carried.

## BILLS.

### HARBOURS REGULATION BILL.

#### REPORT OF SELECT COMMITTEE.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (GENERAL RHODES): Your Excellency, in rising to move the adoption of the Report of the Select Committee on the Harbours Regulation Bill, I would just like to mention one or two points.

It will be remembered, Sir, that, at the Session at Mombasa in August of this year, we gave an undertaking that the Select Committee should hear all evidence in connection with this matter from the people who might be interested at the Port in connection with the details of this Bill. That procedure was adopted, and the Report now before this Council is a unanimous Report, signed by all the members of the Select Committee.

I do not think, Sir, there is any need for me to refer in any detail to the amendments to the original Bill now proposed, because most of them are a minor matter.

The only two of any importance deal with details in the original Bill.

It will be remembered that there was a certain amount of difficulty in trying to so phrase a clause for the High Commissioner to make use of certain land. It was found preferable to delete this clause—clause 2—and consequently the schedule at the end of the Bill altogether. That leaves the Bill now as amended exactly in the same form as the existing Railway Ordinance, and the result will be that when we require land or areas in connection with harbours or harbour working, we approach the Government in the usual way with a request that they should let us have this land for the purpose for which we require it.

I think that safeguards the Kenya Government to the fullest possible extent with regard to the control of their own land, and I am in fact sure that the Kenya Government will never at any stage prevent the Railway and Harbours Administration from obtaining such control, and in fact I may say that at the present moment the area we have asked for at Mombasa has been agreed to, and there will be no difficulty at all. Mombasa is the main Port of the Colony, and there should be no further difficulty in any of the other ports.

Your Excellency, I beg therefore to move the adoption of the Report of the Select Committee on the Harbours Regulation Bill.

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

The question was put and carried.

### SUBORDINATE COURTS (SEPARATION AND MAINTENANCE) BILL.

#### REPORT OF SELECT COMMITTEE.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move that the Report of the Select Committee on the Subordinate Courts (Separation and Maintenance) Bill be adopted.

Your Excellency, the alterations which have been made by the Select Committee of Council in this Bill are two in number.

First, the Committee have recommended that the sum to be awarded by the Court to a married woman who makes application for an order under this Bill be left entirely at the discretion of the Judge concerned, and be not expressed to exceed the sum of £20 a month, as at present. It is felt that the conditions in this country are by no means the same as obtain in England, and it is considered to be not an unlikely event that a rich man of indifferent moral character might desert his wife and children here, and that it might not be fair to put a limit upon the sum which the Court might allow her.

The second alteration is the addition of a section providing that, where a woman who is dead or has committed an act of adultery—and the Attorney General is satisfied that she would, if alive or if she had not committed an act of adultery, have had reasonable grounds for applying for an order or orders under this Ordinance—he may apply to the Court for an order or orders giving directions as to the legal custody of such woman of her children whom he is legally liable to maintain, and the Court may, in such application, make such order or orders giving such directions in the matters mentioned above, as it may in its discretion think fit.

These applications are made under the Poor Law Guardians in England, but we have no Poor Law here at the present time.

Your Excellency, I think that if Council adopts this Report we shall have a thoroughly sound law in the Colony.

THE HON. A. J. MCCARTHY: Your Excellency, I beg to second.

The question was put and carried.

### THIRD READINGS.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: Your Excellency, I beg to move the third reading and passing of the Harbours Regulation Bill, as amended by the Report of the Select Committee.

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

The question was put and carried.

The Bill was read a third time and passed.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move the third reading and passing of a Bill to confer jurisdiction on certain Magistrates in reference to Married Women.

THE HON. A. J. MCCARTHY: Your Excellency, I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

### DEPARTMENTAL OFFENCES BILL.

#### SECOND READING.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to move the second reading of a Bill to Provide for the Punishment of Departmental Offences.

As explained in the statement of objects and reasons, the purpose of this Bill is to promote efficiency in the public services, by enabling fines to be imposed upon subordinate Civil Servants.

I hope that hon. Members will not gain the impression that the proposal to introduce this measure implies a lowering of standard among the lower ranks of the service, that is definitely not intended. Other Colonies have found a measure of this sort essential in the normal development of departmental activities.

Public officers who incur an actual loss of public funds in the exercise of their duties are liable to be called upon to refund the amount, but it seems important to bring home to the less responsible ranks of the service that irregularities of minor detail of other sorts can be punished by some greater punishment than a mere reprimand. A reprimand is all right as a kind of warning, but it does not in all cases lead to preventing a recurrence of the particular irregularity and these irregularities are liable to have a cumulative effect; and we



believe in such cases that this may lead to general slackness on the part of the officer and may, in addition, involve the public in inconvenience or even in a loss.

In such circumstances, I submit that the imposition of a fine is a material deterrent in preventing a recurrence of minor irregularities.

I may remind hon. Members that this is not a new measure in this country. The principle has already been recognised so far as the lower ranks are concerned in the case of the Kenya and Uganda Railways and Harbours Services, also in the case of the Kings' African Rifles, the Police, the Prisons and the Forest Department, and it is considered desirable to extend power to other departments for the same purpose.

It is the case also, as I have said before, that there is legislation under this head in other Colonies, and it has been considered desirable to follow precedent in this respect. We have practically entirely adopted the Tanganyika Territory Ordinance as the basis of the legislation now proposed.

I now want to pass to the principles embodied in the Bill.

Clause 2(1) shows the scope of application. Here we have departed from the Tanganyika Territory precedent, in making the salary limit rather higher than in that territory.

We have decided that the best line of demarcation is that which separates what I might call the supervisory grades from the less responsible—or in the case of the Post Office, of the operative section of the staff. For that purpose we have laid down a limit of £500 per annum in the case of Europeans, and £228 per annum in the case of non-Europeans.

Section 3 gives an indication of the cases in which the infliction of fines will be employed. It is impossible to give any specific category of such cases and it is not to be assumed that these offences will always be punished with fines. There are degrees in all these irregularities and each particular instance will require to be carefully considered. I may say that this entirely follows the Tanganyika model, and I am given to understand that it works satisfactorily in that Administration.

The next principle of importance is the safeguards against abuse which have been laid down in the interests of the employee himself.

Reference to section 2, sub-section 2, shows that the delegation of these powers is in the Governor's hands and is only exercised under his direction and the names or titles of officers to whom such powers are delegated will be published in the Gazette.

Section 4.—An inquiry will be held into each case and section 6 provides for an automatic appeal, the Governor having power to call for any further information, or to cancel or reduce the fine imposed, or order a refund of the fine which has been paid.

There is, in addition, the inherent right of the Civil Servant to appeal through the Head of his Department to the Secretary of State, so that I do not think it can be said that there is not ample safeguard in this respect.

The actual amount of the fine is also regulated. In the provisos to section 3 it is definitely laid down that fines inflicted in any one month shall not exceed one quarter of one month's salary, and in lieu of a fine extra duty may be allotted without remuneration.

Section 8 provides that no one shall be punished twice for the same offence.

It is also clear from that section, that this Ordinance does not supersede any other regulation and that, if it is found after a fine has been imposed, the offence really comes within the law, the fine can be cancelled and legal proceedings instituted.

I hope, Sir, that I have made it clear that there is no intention of arbitrary dealing in this Ordinance. It is merely a provision in the interests not only of the service but of the public.

Your Excellency, I beg to move the second reading.

THE HON. T. FITZGERALD: I beg to second.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, there is one principle to which I object in this Bill, and that principle deals with the principle of conferring upon Heads of Departments power previously held by the Courts, and I hope Government will agree to send this Bill to a Select Committee before passing it. If Government will so agree, I shall not amplify what I am saying.

THE HON. T. FITZGERALD: Your Excellency, I hope the hon. Member will not press his request that this Bill be referred to a Select Committee. There is nothing new or novel in the principle. It is a type of Bill which is in force—either in its application to all departments or its application to post offices—not only in other Colonies and Dominions but in every other country. The necessity for it is real, and it has been found from experience that some such power is necessary in the hands of Heads of Departments, especially in the case of the Postal Administration.



HIS EXCELLENCY: The motion is that sub-clause 2 be deleted. The question was put and lost.

HIS EXCELLENCY: The question is that Clause 9 stand part of the Bill.

The question was put and carried.

HON. J. E. S. MERRICK: I beg to move, Sir, that the Bill be reported to Council with the amendment to Clause 3.

HIS EXCELLENCY: The question is that the Bill be reported to Council as amended.

The question was put and carried.

*Council resumed its sitting.*

### THIRD READING.

THE HON. J. E. S. MERRICK: Your Excellency, I beg to move that a Bill to Provide for the Punishment of Departmental-Offences be read a third time and passed.

THE HON. T. A. WOOD: Your Excellency, is this a new Standing Order, may I ask?

HIS EXCELLENCY: I think it is provided for in the Standing Orders.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, if I may read 82. "Where a Bill is reported from a Committee of the whole Council with or without amendment or is reported to Council by a Select Committee and the report has been adopted as provided in Rule 80 the question may be put, either forthwith or at a subsequent time, that the Bill be read a third time and passed."

HIS EXCELLENCY: The question is that a Bill to Provide for the Punishment of Departmental Offences be read a third time and passed.

The question was put and carried.

The Bill was read a third time and passed.

*The Council adjourned sine die.*

### WRITTEN ANSWERS TO QUESTIONS.

#### INDIAN MEMBER ON EXECUTIVE COUNCIL.

BY THE HON. A. H. MALIK:—

(1) Is it a fact that there is no Indian Member of Executive Council?

(2) If so, will Government please state why this is the case?

Reply:

(1) The answer is in the affirmative.

(2) The Indian Member resigned and, so far, the Indian community has indicated no desire for the appointment of any suitable person as his successor who is prepared to accept the appointment.

KATHI OF TAKAUNGU.

BY MAJOR THE HON. R. W. B. ROBERTSON EUSTACE:—

To ask the Colonial Secretary whether he is aware that serious dissatisfaction has been caused among the leading Mohammedans of the Kilifi District, including the principal inhabitants of Takaungu, and the headmen of Tezo, Komjoro Mtanganzikp, Kanamai, Mtwapa, Karwitu, Rokha, Uyombo and Mkongani by the decision of the Government to dispense with the Kathi of Takaungu, and whether he considers the small saving effected by this abolition outweighs the arousing of the antagonism of a large section of orthodox Mohammedans on the Coast?

Reply:

It is considered that the present staff of Lwalis, Mudhis and Kathis provides sufficient Criminal and Civil Courts for the present needs of the Mohammedan community at the Coast and that there is therefore no real cause for dissatisfaction. In the year 1926 the Kathi of Takaungu heard only one civil case and two criminal cases.

2. Much of a Kathi's work is extraneous to his magisterial duties and consists of multifarious services of a religious or semi-religious nature rendered to members of the Mohammedan community. The attitude of Government is that such services should be paid for by those who require them and not by Government whose duty in this respect is limited to the provision of civil and criminal courts reasonably accessible. There is a Mudir at Takaungu and a Kathi at Malindi.

CONDITIONS OF SERVICE.

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

Will Government be pleased to state—

(1) Whether any decision has yet been made to lengthen the period of service (in healthy stations) beyond 2½ years;

(2) Whether in the event of a decision not having been reached yet, no further appointments will be made to the permanent staff on a 2½ year basis;

(3) Whether officers recruited locally are being given contracts on a 2½ years' basis, with passage paid to and from England in the event of re-engagement;

(4) Whether juveniles recruited locally for the European Junior Civil Service, are engaged on the same basis as above?

*Reply :*

(1) The answer is in the negative but Government has under consideration a revised set of Leave and Passage conditions.

(2) Pending the approval of revised terms of service in this respect appointments will continue to be made on the present terms.

(3) The answer is in the affirmative.

(4) Appointments to the Learner Grade in the European Clerical Service carry no leave or passage privileges.

GRATUITY TO R.Q.M.S. RABIE.

BY CAPT. THE HON. E. M. V. KENEALY :—

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.

*Reply :*

(a) Under the terms of the recently introduced European Officer's 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.

FEEDER ROADS : LOAN FUNDS.

BY LIEUT.-COL. THE HON. C. G. DURHAM :—

What is the position with regard to the £100,000 Feeder Road Loan Funds? When will this money be available for the different districts concerned?

*Reply :*

The expenditure has now been approved, and the work will be put in hand as soon as possible.

GRATUITIES.

BY THE HON. A. H. MALIK :—

1. What is the total amount of gratuity paid during the last five years to the dependents of :—

(1) European Civil Servants ;

(2) Asiatic Civil Servants ;

(3) African Civil Servants.

2. What was number of recipients of such gratuity in each case?

*Reply :*

The following figures show the total amount of gratuities paid to the dependents of European Asiatic and African Civil Servants during the five years ended the 31st of December, 1927; and the number of recipients in each case :—

	Number of Recipients.	Total amount paid.	
		Sh.	Cts.
1. Europeans	1	10,158	00
2. Asiatics	10	25,755	59
3. Africans	5	959	66

LAND BANK BILL.

BY THE HON. A. H. MALIK :—

Have the Government received any communication from the Kenya Central Indian Association regarding Land Bank Bill; if, so, what action the Government intends to take?

*Reply:*

A communication was received and a copy of it was cabled to the Secretary of State for the Colonies.

**SCHEME FOR LAND FOR OFFICERS ON RETIREMENT.**

BY CAPT. THE HON. H. E. SCHWARTZ:—

Will Government when putting forward proposals to include employees of the Kenya and Uganda Railway in the scheme to allot land to retiring Civil Servants consider the inclusion of officials employed by Local Authorities?

*Reply:*

The subject is receiving the consideration of the original Committee appointed by Government to make recommendations on the main proposals.

**LUMBWA POST OFFICE.**

BY THE HON. CONWAY HARVEY:—

In view of the extremely inconvenient situation of the Lumbwa Post Office, will the Hon. Postmaster General arrange for its removal to a more suitable site in accordance with the recommendations of the Lumbwa Farmers' Association and the Lumbwa Township Authority, respectively?

*Reply:*

The present Post Office at Lumbwa is admittedly not conveniently situated, and as the building itself is nearing the end of its effective life, proposals will be submitted to Government, in connection with the 1929 Estimates, for a new building on a more convenient site which has already been reserved for the purpose.

**RAILWAY ARRANGEMENTS FOR VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES.**

BY THE HON. W. C. MITCHELL:—

Are arrangements being made to provide special accommodation on the Kenya and Uganda Railway for the use of H.R.H. the Prince of Wales and H.R.H. the Duke of Gloucester?

2. What expenditure is involved?

*Reply:*

1. Stock already in service is being converted and suitably furnished.

2. Definite information is not yet available, but the expenditure involved is not expected to exceed £3,500.

**FREIGHT OF MOTOR CARS ON OFFICERS' TRANSFERS.**

BY CAPT. THE HON. H. E. SCHWARTZ:—

Is it the practice of Government, in the case of an officer being transferred from one station to another, such transfer necessitating a train journey and such officer being in possession of a motor car, to make the officer in question pay for the freight on the motor car out of his own pocket?

~~If so, will Government consider altering such practice?~~

*Reply:*

1. The answer to the first part of the question is in the negative.

2. The Regulations provide that officers on transfer from one station to another may be granted free transport for one motor vehicle provided the Head of the Officer's Department is satisfied that it is in the interests of Government that the vehicle should be taken.

**TEA PRODUCTION.**

BY THE HON. CONWAY HARVEY:—

Arising out of the answer to my question of May 11th, relative to the construction of a branch railway to Sotik, has Government any modification to make in the reply given as affecting the tea industry in the light of subsequent information obtained and if so will Government now give such information?

*Reply:*

Government is glad to be afforded an opportunity of amplifying that portion of my answer on 11th May which related to tea production prospects in the area affected by the Turi-Sotik Branch Railway proposals.

2. In the answer to the hon. Member it was stated that the estimate of tea production was "Nil until 1930."

It is regretted that a reference in a report by the Agricultural Department which stated "by 1930 there should be a substantial output of tea" was wrongly interpreted.

Farther inquiries have been made and Government is now informed by the Agricultural Department that "the output of tea in 1930 is likely to be substantial and that the nearest figure which can be given for the district at the moment is 260 tons."

3. This estimate does not appreciably affect the branch railway proposal but Government is glad to be able to give figures for tea—which show that this cultivation is making considerable headway and that there will be an output in the immediate future.

#### EDUCATION POLL TAX.

By CAPT. THE HON. H. E. SCHWARTZ :—

Will Government, in framing the Estimates for 1929, give serious consideration to the repeal of the Education Poll Tax and the substitution thereof of a more equitable means of raising revenue?

*Reply :*

Government will give this matter full consideration, though it is not likely that the Education Poll Tax will be removed until it can be replaced by taxation in a more suitable form in respect of which Government has hitherto failed to secure practical recommendations.

#### MALARIA IN UASIN GISHU.

By THE HON. T. J. O'SHEA :—

(a) What steps were taken by the Medical Department to deal with the recent unprecedented outbreak of malaria in the Uasin Gishu district?

(b) What recommendations have been made to Government by the Medical Department to prevent its recurrence, more especially in the Townships affected?

(c) When is Government proceeding with the new native location in Eldoret?

(d) Is it the opinion of the Medical Department that the planting of clover as recommended by Sir William Wilcox would assist?

*Reply :*

(a) A whole-time Medical Officer of Health has been appointed to the Uasin Gishu and temporary measures such as oiling are being carried out by the Sanitary Inspector at Eldoret under his supervision. The town of Eldoret and parts of the Uasin Gishu District have been visited and inspected by the Medical Entomologist. This inspection has shown that a

much more detailed investigation with regard to the incidence of malaria and of malaria-carrying mosquitoes in the district will be required and it is proposed to carry out such an investigation as soon as possible.

(b) Specific recommendations with regard to permanent works or with regard to the prevention of malaria over a large area cannot be made until full information with regard to the entomology of the area in question is available. In connection with the Estimates of 1929 the Medical Department is making recommendations to Government with regard to the general question of the investigation and prevention of malaria.

(c) A scheme for a native location at Eldoret was submitted to Government but was not considered suitable. A modified scheme has now been prepared by the Medical Department and will shortly receive consideration by Government.

(d) The Medical Department is not of opinion that it would be justified on the information at present available in recommending Government to undertake the experiment of attempting to eradicate malaria by means of the planting of clover.

#### TREASURY BUILDING.

By CAPTAIN THE HON. H. E. SCHWARTZ :—

1. What was the cost of the struts erected to hold up the Treasury?

2. For what sum was the Treasury disposed of?

3. Did the purchase price include the struts above-mentioned?

4. Is Government of opinion that the price realised was a reasonable one?

*Reply :*

1. The cost of the material in the struts was £351. The cost of labour on the erection of the struts was not kept separate from other work in connection with the Treasury.

2. £1,050 including fixed shelving unsuitable for use elsewhere and excluding steel troughing and the strong-room door.

3. Yes.

4. Yes, it was the highest tender received.

## AUDIT DEPARTMENT ANNUAL REPORT, 1927.

BY LIEUT.-COLONEL THE HON.-C. G. DURHAM :—

Will Government lay the Annual Audit Report (1927) upon the table for the information of members?

Reply :

Government will lay the 1927 Annual Report of the Colonial Auditor upon the table of Legislative Council when received. It is hoped that it will be ready by the end of this month or very shortly afterwards. The Audit Department report cannot be prepared till the Treasury Accounts are closed. The 1927 Accounts are closed and audited and the Auditor's report is now in preparation.

## APPOINTMENT OF NEW ASSISTANT COMMISSIONER OF PRISONS.

BY CAPT. THE HON. H. E. SCHWARTZ :—

To ask the Colonial Secretary the extent of the "previous administrative experience" of Major Munn referred to in an answer recently given in this Honourable Council.

Reply :

The record of Major Munn, D.S.O., M.C., Assistant Commissioner of Prisons, with which Government is entirely satisfied, is open to the hon. Member's inspection at the Secretariat.

## X-RAY APPARATUS FOR MOMBASA.

BY THE HON. G. G. ATKINSON :—

Whether in view of the steadily increasing population of Mombasa, and in view of the increasing number of surgical cases, especially among natives, in Mombasa, which require an X-Ray examination, the Government will provide an X-Ray apparatus for Mombasa, with a competent operator.

Reply :

The matter is being considered in connection with the Estimates for 1929.

## MOMBASA BUILDING RULES.

BY THE HON. G. G. ATKINSON :—

Whether, in view of the fact that the Mombasa Town Planning Scheme is now in force and has rendered obsolete many of the Mombasa Building Rules—*e.g.*, the rule restricting a residential building to one-half of a plot—the Government will consider revising these rules at an early date.

Reply :

The revision of Township Building Rules will be undertaken as soon as possible. It is not, however, the case that the Mombasa Town Plan has, within the area to which it applies, modified the rule restricting a residential building to one-half of a plot.

## LAND FOR NATIVE OCCUPATION, MOMBASA.

BY THE HON. G. G. ATKINSON :—

1. Whether the Government are aware that under the Mombasa Town Planning Scheme it is impossible for economic reasons to lay out land for permanent occupation by natives.

2. Whether the Mombasa Town Planning Authority have sanctioned so-called temporary layouts for native occupation.

3. Whether the Mombasa Town Planning Authority are entitled to give such permission.

4. Whether under such a temporary layout a native remains a tenant at will only without any security of tenure and landlords are prevented from selling or leasing their land to the best advantage.

5. Whether the Government will consider modifying the Mombasa Town Planning Scheme to authorise the Town Planning Authority to sanction approved temporary layouts as permanent sub-divisions.

Reply :

1. Government has received no evidence, that such is the case.

2. The answer is in the affirmative.

3. The question of the Authority's power to give such approval is one which will, no doubt, be settled in the Courts if their action is challenged.

4. Government is not fully informed of the terms of occupation made between landlord and tenant in these cases. Such temporary layouts as have been approved have, of course, been submitted by the landlords in question for approval.

5. Powers in regard to the subdivision of land are given to Municipal Authorities under the Local Government (Municipalities) Ordinance, 1928, and the Amendment of the Mombasa Town Planning Scheme to bring it into line with that Ordinance is under consideration.

## MASAI RESERVE—RANDALL CASE.

By THE HON. A. H. MALIK :—

Will Government be pleased to inform if they have received any representation from the Indian Community with regard to Masai Reserve assault case (Randall case) protesting against the action of European Jury in stopping the case?

If so, what action Government have taken so far or intend to take in future?

Reply :

1. Government has received representations from local Indian associations in the matter.

2. No action has been taken or is intended to be taken, by Government. Government is unable to interfere with a jury in their function of determining whether or no they believe evidence placed before them in any particular case.

## TRIAL BY JURY—INDIANS.

By THE HON. A. H. MALIK :—

In view of the representations made in connection with this case in regard to grant of trial by jury to Indians and previous representations will Government make a definite statement of policy?

Reply :

Government has nothing further to add to the reply given to the hon. Member on the 9th August, 1927.

## RANDALL CASE.

By THE HON. A. H. MALIK :—

Will Government be pleased to lay on the table correspondence that has passed between local Government and His Majesty's Imperial Government *re* (1) Randall case and (2) Grant of trial by jury to Indians?

Reply :

The answer is in the negative.

## POLICE PROTECTION IN MOMBASA TOWN

By THE HON. A. H. MALIK :—

Has the Government received any representation from Mombasa Indians regarding inadequate police protection in Mombasa Town?

2. Is it a fact that the revolvers have been withdrawn from the Indian Sub-Inspectors of Police while they are issued to European Sub-Inspectors?

3. If so, on what grounds has this been done in view of the fact that all Sub-Inspectors irrespective of their race are called upon to perform similar police duties?

Reply :

The answer to the first and second parts of the hon. Member's question is in the affirmative.

The answer to the third part is that revolvers have been withdrawn from such Sub-Inspectors only who have been unable to pass the required test of competency.

There appears no such increase of crime as to suggest any inadequacy of police protection at present in Mombasa, but the Government is considering the whole problem of police organisation in Kenya.

## THEFTS IN MOMBASA TOWNSHIP.

By THE HON. A. H. MALIK :—

Will the Government lay the following statistics on table for period from January, 1928, to 31st May, 1928, and the corresponding period in 1927?

- (a) Number of reported thefts in Mombasa township.
- (b) Estimated value of property reported stolen.
- (c) Part of township in which reported thefts took place.
- (d) Theft cases brought for trial by Police.
- (e) Number of convictions obtained for thefts.
- (f) Estimated value of property recovered.
- (g) Nationality of accused convicted for thefts.
- (h) Number of cases in which bodily injury or death was caused.
- (i) Nationality of the victims of these outrages.



## Reply :

	1-1-28 to 31-5-28	1-1-27 to 31-5-27
(a) Number of reported thefts in Mombasa Township ... ..	59	63
(b) Estimated value of property reported stolen ... ..	Sh. 5,954/52	Sh. 8,029/50
(c) Part of township in which reported thefts took place—		
European Area ... ..	3	1
Indian Area ... ..	21	22
Native Area ... ..	24	36
Kilindini Area ... ..	11	4
(d) Theft cases brought for trial by the police ... ..	44	36
(e) Number of convictions obtained for thefts ... ..	40	32
	Sh.	Sh.
(f) Estimated value of property recovered ... ..	1,719/87	2,401/00
(g) Nationality of accused convicted of thefts—		
Natives ... ..	44	32
Others ... ..	1	2
(h) No. of cases in which bodily injury or death was caused ... ..	Nil	1
(i) Nationality of the victims of these outrages—Natives ... ..	Nil	1

## LICENCES TO BEAR ARMS.

By THE HON. A. H. MALIK :—

Will the Government be pleased to lay on table statistics for the period of 1925 to 31st May, 1928, showing—

- (a) The number of licences granted to Europeans, Indians and Africans for (1) Revolver, (2) Shotgun and (3) Rifles; and
- (b) in each case what was the number of original applicants?

## Reply :

The figures for the period 1st January, 1925, to 31st December, 1927, cannot be obtained without circularising all the District Officers in the Colony and the value of the information to be obtained would not appear to justify such action.

From January 1st, 1928, a Central Arms Registry has been functioning and the figures desired by the hon. Member as from that date to the 31st May, 1928, are as follows :—

	Applicants recd.	REVOLVERS.		SHOT GUNS.		RIFLES.	
		Granted	Refused	Granted	Refused	Granted	Refused
Europeans	4,156	937	..	1,121	..	2,085	13
Asiatics	679	83	11	438	3	129	15
Natives	221	9	4	152	7	40	9
	5,056	1,029	15	1,711	10	2,254	37

## NATIVE LANDS.

By THE HON. A. H. MALIK :—

Has the attention of the Government been drawn to an article published on page 4 of the local weekly paper "Democrat" on 26th May and 2nd June, 1928, with regard to discussion which took place between Kikuyu Chiefs and D.C., Fort Hall District, and reported statement of the D.C. that the Government has power to take the land by force if it likes?

(a) Is that the declared policy of the Government in regard to Native Lands?

(b) If the reply is in the negative and if the report is correct what action does Government intend to take against the D.C. for this unauthorised and gratuitous statement?

## Reply :

The attention of the Government has been drawn to the article in question. This District Commissioner in informing the natives of the powers of expropriation for public purposes added that Government was loth to exercise them and preferred an amicable arrangement whenever possible.

2. The policy of Government in regard to expropriation of native land for public purposes is substantially the same as that in regard to land held by non-natives. The last part of the question therefore does not arise.

## ATTENDANCE OF OFFICIALS AT THE CONVENTION OF ASSOCIATIONS.

By THE HON. A. H. MALIK :—

Is the Government aware that during the recent session of the Convention of Associations, which is purely

a political body and confined to only one section of the community, certain Heads of the Government Departments and other Officials were present and took active part in the proceedings?

*Reply :*

The attendance of Government Officials at Convention Meetings is permitted at the discretion of such Officials, whenever they consider that proper and useful explanations of fact will assist the Convention.

#### GRAZING—MASAI RESERVE.

BY LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT :—

1. Is it not a fact that the northern boundary of the Masai Reserve in the vicinity of Ulu lies about one mile to the south of the Kenya and Uganda Railway?

2. If (1) is correct, why have temporary grazing licences along this one-mile strip during the recent drought been refused to certain farmers in the Ulu Area?

*Reply :*

(1) The answer is in the affirmative.

(2) Temporary Grazing Licences in respect of a portion of the one-mile strip south of the railway line near Ulu have been applied for by Messrs. Hopkins and Everett.

These applications have been refused on account of the grave risk of introducing cattle diseases into the area of alienated farms north of the railway line.

#### TELEGRAPHIC RATES BETWEEN KENYA, UGANDA AND TANGANYIKA.

BY THE HON. A. C. TANNAHILL :—

In view of the large volume of telegraphic traffic between Kenya, Uganda and Tanganyika, will the Hon. the Postmaster-General enter into negotiations with the Postmaster-General, Tanganyika Territory, with a view to arranging a reduction in the present telegraph rates between the two territories—if possible to the same rate as at present exists between Kenya and Uganda?

*Reply :*

Having regard to the average distances to be traversed and the fact that two independent services are concerned, it is not considered that the present Inter-State rate between the Kenya and Uganda service and Tanganyika of 20 cents per word—which is the sum of the two inland rates—is excessive.

2. In view, however, of the improvement in communications which will be effected when the Coast Line has been completed, this Government is prepared, subject to the concurrence of the Uganda Government, to propose to the Tanganyika Administration a reduction of the Inter-State rate to 15 cents per word.

#### PROTECTIVE TARIFFS.

BY THE HON. A. C. TANNAHILL :—

In view of the present criticisms regarding protective tariffs, will Government appoint a Committee at an early date to enquire into and make recommendations upon the incidence of Protective Tariffs on such articles as butter, bacon, timber, ghee, flour and sugar?

*Reply :*

A Committee is to be appointed on the lines proposed on pages 7 and 8 of the report of the Select Committee on the Estimates, with wide terms of reference, which will include an enquiry into the question of Protective Tariffs.

#### CONGO BASIN TREATIES.

BY THE HON. A. C. TANNAHILL :—

(a) Will Government state if certain sections of the Congo Basin Treaties dealing particularly with Customs Duties will shortly come up for revision, and if so, when?

(b) Has Government yet been approached by the Imperial Government to ascertain the local views on any of the subjects which may come up for revision?

*Reply :*

(a) Article 15 of the Convention of St. Germain-en-Laye, 1919, provides that the Signatory Powers shall re-assemble at the expiration of ten years from the coming into force of the Convention in order to introduce into it such modifications as experience may have shown to be necessary.

The earliest date at which any steps can be taken with a view to the revision of the Convention is the summer of 1930.

(b) This Government is in correspondence with the Secretary of State in the matter.

LEGISLATURE TO DEAL WITH CASES ARISING OUT OF THE  
ISSUE OF BAD CHEQUES.

BY THE HON. A. C. TANNAHILL :—

In view of the unanimous opinion expressed by the Association of Chambers of Commerce of Eastern Africa to the effect that the legislation as at present existing is not adequate to deal with cases arising out of the issuing of bad cheques, will Government enquire into the matter with a view, if found possible, to the introduction of legislation capable of dealing effectively with the situation?

*Reply :*

The Government is prepared to receive representations in explanation of the opinion expressed by the Association of Chambers of Commerce of Eastern Africa on the existing legislation affecting cheques and thereafter to consider the advisability of further legislation.

WATER BORING.

BY THE HON. CONWAY HARVEY :—

With whom rests the blame for the non-arrival of the equipment for a boring machine which was ordered?

*Reply :*

The delay was due to correspondence regarding certain items of the specifications submitted which were based on South African rather than on English practice.

QUALIFICATIONS FOR ELECTION TO THE MUNICIPAL COUNCIL.

BY MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE :—

What are the qualifications particularly with regard to residence and payment of rates, required for eligibility for election to the Municipal Council?

*Reply :*

Rules under section 15 of the Local Government (Municipalities) Ordinance, 1928, are at present under consideration dealing with the qualifications required by candidates for election to Municipal Councils and Boards, in the constitution of which elected members are included.

DELIMITATION OF HIGHLANDS AND LOWLANDS.

THE HON. A. H. MALIK :—

"Have the difficulties in respect of the delimitation of highlands and lowlands been yet overcome and is the Government now in a position to delimitate the areas in question?"

"If, however, the difficulties still remain insurmountable, will the Government acquaint this hon. House with the nature of these difficulties so that a way out may be found?"

*Reply :*

The whole question is under communication with the Secretary of State.

WEIGHING MACHINES—KENYA AND UGANDA RAILWAY.

THE HON. W. C. MITCHELL :

1. "Will the Hon. General Manager, Kenya and Uganda Railway, state whether the Government Inspector of Weights and Measures has been refused permission to test weighing machines in use by the Kenya and Uganda Railway."

2. If so, what steps have been taken to test and secure the accuracy of such machines.

3. If inspection is carried out by a member or members of the Railway Staff, where did they secure the necessary special training fitting them to carry out these duties and/or what are their qualifications?"

*Reply :*

(1) The answer is in the negative.

(2) Two competent skilled fitters are continuously employed in testing and adjusting the Administration's weighing machines.

(3) The servants in question gained their experience in the workshops of the Administration.

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