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COLONY AND PROTECTORATE OF KENYA.



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LOCATION No. ....

LEGISLATIVE COUNCIL  
DEBATES, 1929

VOLUME I.

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# List of Legislative Council Members, February, 1929.

## *President:*

HIS EXCELLENCY SIR JACOB WILLIAM BARTH, K.B.E., (ACTING GOVERNOR).

## *Ex officio Members:*

ACTING COLONIAL SECRETARY (HON. J. E. S. MERRICK).  
ATTORNEY GENERAL (HON. W. C. HUGGARD, K.C.).  
TREASURER (HON. R. C. GRANNUM, C.M.G.).  
ACTING CHIEF NATIVE COMMISSIONER (HON. C. M. DOBBS, C.B.E.).  
ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (HON. W. M. LOGAN).  
DIRECTOR OF MEDICAL AND SANITARY SERVICES (HON. DR. J. L. GILKS, F.R.C.S.).  
DIRECTOR OF AGRICULTURE (HON. A. HOLM, C.B.E.).  
DIRECTOR OF EDUCATION (HON. H. S. SCOTT).  
ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG. GEN. G. D. RHODES, C.B.E., D.S.O.).  
DIRECTOR OF PUBLIC WORKS (HON. H. L. SIKES).  
COMMISSIONER OF CUSTOMS (HON. G. WALSH).

## *Nominated Official Members:*

HON. T. FITZGERALD, C.B.E. (Postmaster-General).  
HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E., (Liwali for the Coast).  
HON. A. G. BAKER (Surveyor-General).  
COLONEL THE HON. A. G. D'HERTY (Chief Veterinary Officer).  
HON. T. D. H. BRUCE (Solicitor-General).  
HON. H. R. MONTGOMERY (Senior Commissioner, Coast).  
LIEUT.-COLONEL THE HON. R. WILKINSON, D.S.O. (Officer Commanding Troops).  
HON. R. W. HEMSTED (Senior Commissioner, Northern Frontier).  
HON. W. F. G. CAMPBELL (Senior Commissioner, Ukamba).

## *European Elected Members:*

RIGHT HON. LORD DELAMERE (Rift Valley).  
HON. CONWAY HARVEY (Lake).  
HON. T. J. O'SHEA (Plateau South).  
[VACANT] (Nairobi North).  
MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE, D.S.O. (Coast).  
LIEUT.-COLONEL THE HON. LORD FRANCIS SCOTT, D.S.O. (Ukamba).  
CAPTAIN THE HON. E. M. V. KENEALY (Kenya).  
LIEUT.-COLONEL THE HON. J. G. KIRKWOOD, C.M.G., D.S.O. (Plateau North).  
LIEUT.-COLONEL THE HON. C. G. DURHAM, D.S.O., J.P. (Kikuyu).  
HON. J. CUMMING (Mombasa).  
HON. T. A. WOOD, C.M.G., M.B.E. (Nairobi South) [Acting].

## *Indian Elected Member:*

HON. A. H. MALIK.

## *Nominated Indian Members:*

[VACANT].

## *Arab Elected Member:*

HON. HAMED MOHAMED BIN ISSA.

*Nominated Member Representing the Interests of African Community:*  
REV. CANON THE HON. HARRY LEAKEY.

## *Clerk to the Legislative Council:*

MR. G. R. SANDFORD, O.B.E.



COLONY AND PROTECTORATE OF KENYA.  
LEGISLATIVE COUNCIL DEBATES,  
1929

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FIRST SESSION.

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THURSDAY, 21st FEBRUARY, 1929.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on the 21st February, 1929, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

NOMINATED OFFICIAL MEMBER:

WILLIAM FRANCIS GLENCAIRN CAMPBELL, Senior Commissioner,  
Ukamba.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: As hon. Members are aware, this special meeting of Council has been called to deal with emergency legislation rendered necessary by the locust invasion.

It appears clear that a number of natives will be without food unless the Government takes steps to feed them. In order to do that it is necessary to prohibit the export of foodstuffs and to regulate the price to avoid undue inflation.

The Bill which will be introduced to-day has been drawn up in pursuance of the advice of a Committee of Executive Council working in collaboration with representatives of the producing and trading interests.

It is the desire of Government to interfere as little as possible with the normal course of trade, but in view of the limited supply of foodstuffs available owing to the lack of rain during the last few seasons some such interference is obligatory.

The total number of natives who are at present without food is estimated at 13,000. These are mainly in the Meru, Embu and Fort Hall districts. It is possible that this number will increase, as the time which will be necessary to provide food, I am informed, will be some five months. This House will also be asked to provide additional funds for the anti-locust campaign, and for the purchase of foodstuffs for natives and the provision of seed for them. It is hoped that a proportion of the money spent on food and seed will be recovered.

#### MINUTES.

The minutes of the meeting of 21st December, 1928, were confirmed.

#### PAPERS LAID ON THE TABLE.

By THE HON. THE ATTORNEY GENERAL (MR. W. C. HUGGARD, K.C.):

Civil Procedure (Amendment) Rules, 1928.

By THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):

Report on His Majesty's East African Dependencies at—

(a) Cookery and Food Exhibition, Olympia, London, November 23rd to December 1st, 1928.

(b) Cardiff Empire (Home and Overseas) Exhibition, October 30th to November 10th, 1928.

(c) Tobacco Trade Exhibition and Conference, Free Trade Hall, Manchester, September 10th to September 14th, 1928.

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

Public Works Department—Report of Timber Seasoning.

#### SUSPENSION OF STANDING RULES AND ORDERS.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): Your Excellency, I beg to move that Standing Rules and Orders be suspended in order to enable a Bill to provide for the conservation, control and distribution of foodstuffs in the Colony during the present year to be introduced and passed through all its stages without due notice.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to second the motion.  
The question was put and carried.

#### FOOD CONTROL ORDINANCE.

##### FIRST READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been.

THE HON. CONWAY HARVEY: Your Excellency, on a point of order, may I ask whether the customary certificate of emergency has been produced. I do not think it has been presented to Council. Standing Orders cannot be suspended without a certificate of emergency—setting forth the reason.

THE HON. THE ATTORNEY GENERAL: Your Excellency, the new Standing Orders contain no provision for any certificate of emergency.

THE HON. CONWAY HARVEY: Your Excellency, I apologise for being out of date.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, may I point out that there is no justification for the suspension of Standing Rules and Orders. I think that is essential to the motion.

HIS EXCELLENCY: May I point out to the hon. Member that the motion has been put and carried.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been suspended I beg to move the first reading of the Bill to provide for the conservation, control and distribution of foodstuffs in the Colony during the present year.

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

The Bill was read a first time.

##### SECOND READING.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, Standing Rules and Orders having been suspended I beg to move the second reading of a Bill to provide for the conservation, control and distribution of foodstuffs in the Colony during the present year.

Government considers that the situation created through the losses of foodstuffs due to destruction by locusts, losses from drought and the threatening position arising from the

present locust invasion necessitates the adoption of measures whereby foodstuffs for the use of man may be conserved, controlled and distributed.

As Your Excellency has indicated in your opening statement, a considerable number of the native population has been deprived of its food crops through locust destruction. In other native areas there is, apart from lesser destruction due to the same cause, a general shortage of food on account of drought conditions.

As a consequence Government has found it necessary to prohibit the export of foodstuffs from most of the Native Reserves, except under a permit from the District Commissioner, and in some of them, notably Meru and Embu, it is expected that famine relief measures will be required to be applied.

Happily the Fort Hall, Nyeri and Kyambu districts of the Kikuyu Province escaped without extensive damage, such as was at one time threatened.

In the settled areas comparatively little damage has so far been done to the coffee crop—but wheat in those areas where it was grown as a short rain crop has for the most part been destroyed.

Immediately that situation arose, Government took steps to confer with representatives of producing and commercial interests, and Your Excellency caused a Proclamation to be issued under the Customs Management Ordinance prohibiting the export of certain foodstuffs, except under licence. Effect thereto has been given since the 12th of this month.

At the same time, two notices were also published in the Gazette, one dealing with the issue of licences, and, in order that the public might be informed as early as possible in regard to the proposals of Government, another notice indicated broadly and in general terms the introduction of the legislation now before this House, together with its main provisions.

I now come to a consideration of the Bill itself.

In the first place, it should be regarded as emergency legislation, designed to meet a particular and immediate need.

It confers upon the Governor power to prohibit the exportation of foodstuffs. It provides for the establishment of a Food Control Board, consisting of three Official Members and an equal number of Unofficial Members, to be nominated by the Governor. The Board will administer such funds as are placed at its disposal, with the sanction of this House, for the performance of its functions.

An important clause is clause 7, which sets out the powers and duties of the Board. They are comprehensive, but although these powers are conferred upon the Board it does not follow that all of them will be exercised. That must be left to the judgment of the Board as the need arises.

I do not propose to refer to these powers in detail—they are fully set out in the Bill. Among the most important are the submission of returns of foodstuffs held and controlled by traders and producers. In some respects these returns form a key to the situation. Difficulty will doubtless be experienced in determining the position accurately, but without that information the grant of licences for surplus quantities of foodstuffs cannot be safely undertaken.

The Board is to have powers to acquire foodstuffs for purposes of famine relief and to arrange for their delivery at convenient centres for purposes of distribution. The Board may requisition transport and pay for it, at rates to be determined by the Board. In case the need arises, the Board may also purchase foodstuffs and import them into the Colony for purposes of supplementing local supplies.

I would now refer to what may be regarded as the two most important sub-sections of clause 7, namely, the fixing of maximum prices at which foodstuffs may be sold or purchased, and the fixing of the prices which the Board may be called upon to pay for foodstuffs acquired under the Ordinance.

It is considered necessary in the interests of trade that maximum prices should be fixed, otherwise those from whom the Board had not requisitioned supplies at prices determined by the Board would be likely to gain an undue advantage over others, and the general atmosphere created by the Bill would conduce to prices being raised to an unjustifiable level, with results contrary to the interests of many sections of the community, and all races. Government considers it necessary to guard against that eventuality, and is desirous that every interest should be treated equitably.

The proviso in clause 7 sets out the basis upon which the Board will determine the prices at which foodstuffs will be acquired and the maximum prices to which I have just referred.

It is not practicable to attempt to name these prices in the Bill, and they can only be determined after close examination by the Board.

At the representative meeting to which I referred at the beginning of my remarks, it was agreed that the export price ruling in London on the 5th day of February for deliveries up to and including April, 1929, should be taken as a basis in the

case of foodstuffs marketable on or before the 30th April. As I read it, that deals with the crop of the 1928-29 farming season, but for the succeeding crop the basis is to be the export price ruling in London on the last day of the month preceding the date of acquisition or the date of the issue of an order fixing the maximum price.

The Bill can do no more than state the principle and the basis upon which these important decisions will be made, and I hope that hon. Members will agree that the Board must be trusted to exercise its powers wisely, fairly and with discretion.

Clause 13 lays down the conditions under which persons complying with orders of the Board may be awarded compensation for losses suffered.

Clause 9 empowers the Board to licence dealers, and if considered necessary to prohibit other than licensed persons from dealing in foodstuffs. As Your Excellency has stated, it is the desire and intention of Government to interfere as little as possible with trade and trade connections. Clause 14 gives protection in the case of a breach of contract from action taken by the Board.

Finally, Sir, the duration of the legislation now under consideration does not extend beyond the end of this year. The view is held that if circumstances demand the continuation of these or similar measures beyond that period it will almost certainly be found necessary to introduce amending legislation in the light of experience gained and the needs of the moment.

In accordance with the Rules of this House, a statement has been made of the cost of administering the legislation proposed. The major cost, £200,000, is dealt with by a motion which has been tabled by my hon. friend the Acting Colonial Secretary. For the rest, it is calculated that the cost of the secretary and staff which will be required to serve the Board will not exceed £80 a month.

In conclusion, Sir, I would express the opinion that the action taken by Government to prohibit the export of certain foodstuffs except under licence was opportune, and that without it the position could not have been securely held. It would appear that failure on the part of the Colony to feed its population for some months to come need not be apprehended. It is contemplated that licences for the export of maize to meet contracts entered into before the proclamation and also for normal supplies to neighbouring territories will not be withheld, and in respect of supplies normally obtained from the Native Reserves for the food of labourers in the settled areas, Administrative Officers are to ease the position as far as possible.

Such estimates as can be framed on present information point to a surplus of a few hundred thousand bags of maize and wheat to meet the situation which has arisen after satisfying the commitments just mentioned.

Uncertainty I think, Sir, lies in the main crops of the forthcoming season. Their failure, due either to destruction by locusts or to the failure of the rains, would undoubtedly cause embarrassment and be attended by serious consequences. Above all, the atmosphere of panic and alarm is not justified, and should be discountenanced. Rather is it, Sir, in my opinion, a time for caution, coupled with courage and a feeling of confidence in those recuperative powers which the Colony has in previous years revealed. I now submit the Bill, Sir, for the favourable consideration of the House.

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

THE REV. CANON THE HON. H. LEAKEY: Your Excellency, I would first of all like to congratulate the Government upon setting up the machinery necessary for dealing with what may be or what might prove to be in the current year a very critical situation in regard to the natives. Personally, I hope the position may not be as bad as it appears to be at the moment. When it is known among the native population that this Council, composed of members of the Government and Elected Members, at once arranged to take steps to alleviate the great distress amongst them it will, I hope, help to establish the confidence which we all hope they always will have in the way that this Council looks after their interests.

THE HON. CONWAY HARVEY: Your Excellency, may I say first of all that Elected Members as a body have not had an opportunity of considering this Bill. Any views I express therefore, Sir, must be taken as my personal views only. I do, Sir, support the basic principles of this measure. I consider that the combination of circumstances arising from the locust infestation and the unprecedented shortage of the February rains justifies definite Government action. There is no doubt, Sir, that an emergency exists which calls for unusual methods, and it is very important indeed, to my mind, to create an organisation well in advance to deal with a possible situation in order to avoid eleventh hour panic legislation, which has, in the past, proved so disastrously expensive to the Colony.

It was only a very few years ago, Your Excellency, since a distinguished member of Government imported a shipload of maize from South Africa at very high cost when there was a



very large quantity of maize rotting in the maize cribs on the Usin Gishu. An Administrative Officer in the Usin Gishu, Your Excellency, under authority of Government, purchased many thousands of bags of maize from a farmer in the Trans Nzoia area, but he quite omitted to specify any time during which that maize should be delivered, with the result that this fortunate gentleman did particularly well by importing maize at his leisure from an available source, and then claiming a very nicely enhanced price from this Administrative Officer. That sort of thing is very nice for the individual, but it is a thoroughly bad thing for the Colony as a whole. (Laughter.)

Now, Sir, I am firmly convinced that no body of maize-growers really desires to exploit a famine situation, and I am quite sure, Sir, that they are all only too anxious to do to others as they would be done by, and if any individuals do harbour illusions that they are being deprived of legitimate profit, I would ask them to turn over in their minds what the situation would be if they had no rain on their farms for about a year and desired to invoke outside assistance on their behalf.

Now, Sir, it is essential that the broadest possible view should be taken of this matter. Particularly we must remember that this Colony, like all Colonies, is a co-operative concern. We have natives, we have Europeans, we have a score of industries—maize, sisal, coffee, and a dozen others; each one is very largely dependent on the other, and I do think, in the interest of the Colony as a whole, that it is of very great importance indeed that the prices of essential foodstuffs should be stabilised so far as possible in order to avoid serious dislocation of people's budgets, and in order to create a feeling of confidence in all and sundry.

There is no doubt whatever, Sir, that the industries of the Colony in the main have acquiesced in Government measures in the past to assist in the bulk production of maize in the form of a flat railway rate. They cast their bread upon the waters, and let us hope they are now to get it back. There is no doubt whatever, Sir, that rings are being formed. They started three or four weeks ago. Certain unscrupulous individuals are endeavouring to corner the available supplies of foodstuffs. All rings are bad, Sir, but at the present juncture in Kenya, and in connection with such an essential thing as foodstuffs, I do consider it is the bounden duty of Government representing the people of the Colony to put a stop to that very improper exploitation of an unfortunate situation.

There is one other matter, Your Excellency—as a matter of fact there are several—but one I do think is of very considerable importance. It is not mentioned in the body of the Bill, but it is an important principle, and I suggest that so far

as possible the Food Control Board about to be set up should do its utmost to avoid any interference with existing contracts. A consignment of maize, Your Excellency, which is very often sold forward in London, passes through six or eight or ten different hands, and I suggest that Kenya, whatever the circumstances may be, would inevitably suffer and its name would be besmirched if any unavoidable interference with existing contracts was entered into.

Now, Sir, in connection with famine relief in the Native Reserves, I was very glad to hear my hon. friend the Mover of the motion indicate that this maize would be paid for. I do think, Sir, that is a point which should be stressed. There are many ways in which famine relief food can be paid for—by communal work in the Reserves, or work outside the Reserves, and it is a thoroughly bad thing in my opinion, Your Excellency, that strong able-bodied men of whatever race should be simply fed for nothing when they are quite capable of going out and earning their food.

Now, Sir, I have read the proviso to section 7 (1), and I have read section 13 of this Bill very carefully indeed, and it seems to me that no provision exists for compensation in any way of those who are under order compelled to hold their stocks when they might quite easily have disposed of them at an earlier date when markets are favourable. I suggest, Sir, that it is very important indeed that compensation in that connection should be considered in order to avoid a charge of injustice to the individual. We have to remember in connection with a problem like maize that there is very serious shrinkage in many different ways, and there is the question of insurance and several other considerations of that description. I do sincerely trust that Government will agree at the conclusion of the debate on the second reading to a short adjournment of Council in order that those Members who wish to may have an opportunity of discussing the very important clauses that I have just mentioned with a number of experts—gentlemen who are closely identified with the maize industry and who control organisations which deal with approximately 95 per cent. of the total maize available in the Colony. My reason for that, Your Excellency, is that there has been no time up to now to consult those gentlemen with their expert knowledge. It is important that this measure should be launched with the maximum of goodwill, and it is extremely probable that with the best intentions in the world, the advisers of Government are not quite so familiar with certain details of this measure as the gentlemen who are at the present moment available in this building. I sincerely trust that the Government will announce its intention of agreeing to that suggestion when the hon. Member replies to the debate.

Your Excellency, in conclusion, may I ask, for the benefit of those who maintain that the Europeans only exist in Kenya on sufferance, from what sources would native famine be relieved in Uganda and Kenya year after year were it not for the European-grown maize, transport and other communications financed by Europeans?

THE HON. T. J. O'SHEA: Your Excellency, I feel certain that every Member on this side of the House fully realises that when the country is faced with a situation that has the remotest threat of famine, the Government is justified on this account in taking immediate action, and I imagine that it is in this belief that no question was raised when the suspension of Standing Orders was moved for the introduction of this famine relief measure. I think it was allowed to pass in silence because we were looking forward to the Mover of this Bill giving the House a justification for the measure. We realised that we were not in possession of the information that would justify this measure, but we felt certain that Government was. I think we were all looking forward to a comprehensive statement to justify Government taking the very drastic action contemplated by this Bill. But, speaking for myself, Sir, I must say I am very disappointed indeed. I came here with the intention of giving the fullest possible support to this Bill in the belief that Government had satisfied itself that its introduction was justified, but from what I have heard up to the present I see no justification for the drastic action which has been taken in upsetting the export trade of the country. No figures of any value have been produced by the Mover of a kind to justify this Bill. The one figure which has been mentioned was mentioned by Your Excellency in your statement from the Chair, when you said that at the present time about 13,000 natives were in need of foodstuffs, and possibly the number might be considerably increased in the course of the next few months, and also it was mentioned in the same statement that the maximum period that

HIS EXCELLENCY: If I may interrupt the hon. Member, I should have said "130,000" not "13,000". I must apologise for the mistake.

THE HON. T. J. O'SHEA: The addition of 100,000 to the figure certainly makes a lot of difference.

HIS EXCELLENCY: I must again apologise for unintentionally misleading the hon. Member.

THE HON. T. J. O'SHEA: Nevertheless, I cannot help thinking that the feeding of 130,000 natives for five months, when, on the statement of the Mover of the Bill, several hundred thousand bags of maize are available in the country,

is a thing which could be arranged without the introduction of this far-reaching Bill. Already, Sir, the agitation by Government has had the effect of considerably increasing the price of the main foodstuffs of the natives. Before the introduction of the provisional measures the ruling price of maize was appreciably less than it is to-day. It has already inflicted a certain amount of hardship on the native people. You will appreciate, Your Excellency, and I feel sure so also will the House, that there is reason to doubt the justification for this measure, although I am in a certain amount of difficulty in finding that there is a certain justification for it. I am prepared to agree that the figure of 130,000 does justify some strong action on the part of Government. Whether the measures in the proposed Bill were really necessary it is difficult to say without further information as to the situation.

I was disappointed that the hon. Mover did not give us some idea of the foodstuffs available. No figures were produced—although readily available—of the stocks of maize still in the country in the hands of European producers. It seems to me an extraordinary situation that whereas these famine conditions only prevail in a very small proportion of the native reserves, that the whole export trade of the country and other foodstuffs should be held up to supply that very small area. I should like to know what has become of the large amount of produce that has been produced for the other sections of the native population.

Turning to the Bill itself, I find that it is contemplated setting aside immediately something in the neighbourhood of £200,000 for the carrying out of the measure. That would appear to cover the purchase of about 250,000 bags of maize. It seems a large amount; nevertheless, Sir, there are already in the country organisations that could have provided this maize without any such Bill as is now proposed. I would like the mover to answer a question whether it was not possible to make the purchase of such maize as is required locally without introducing this Bill.

I should also like to be satisfied as to what is the position of those people who are compelled to hold up their maize crops, and who are called upon to sell their maize to the Board if required, who afterwards have to dispose of their maize overseas. They will have been prevented from exporting at a time when the export price is high. They may be called upon to hold up maize for the disposal of Government for a period of some months. The Government may not then purchase that maize from them, by which time the export price may be considerably less. Are such people also to be compensated by Government?

Further, Sir, I should like to have information as to what is intended to be covered by the word "foodstuffs". Is it necessary that such articles as coffee and tea should be affected? Are they classified as foodstuffs? I suggest it would be really better if the restrictions were confined to a small part of the country.

The hope has been expressed that a large proportion of the money set aside for the purpose of this Bill would be recovered. I should like some information, Sir, as to why all that money should not be recovered. We are not dealing with destitute persons. We are not being called up to supply foodstuffs to people who are not in a position to pay for it. It is merely a case that the foodstuffs are not available to be purchased by these people, and they are sufficiently wealthy to pay for food in one form or another. I see no justification for any of that money being lost. If the organisation is efficient the cost of applying it should be negligible, and I feel certain no hardship would be imposed upon the people if they were asked to pay the price plus the cost of distribution.

I hope I shall not be misunderstood in expressing that opinion. I quite appreciate that when there is a scarcity of food it is the bounden duty of Government to provide citizens with food, and I do not contemplate the handing out of food with the one hand and collecting cash with the other. But I see no reason why these people should not be called upon to pay. It is not a matter of discrimination, or of being unfair to the natives in any way, for the population of the country will have to pay for any waste, so that it is not a question of race distinction.

In conclusion, Your Excellency, you will appreciate that my grievous mistake in the one figure quoted completely altered the position. Had I known at the outset that there was already 130,000 in need of foodstuffs, I should not have spoken against the need of taking some steps. I am now more largely concerned with the Bill in its details.

**HIS EXCELLENCY:** I must again apologise for unintentionally misleading the hon. Member.

**CAPT. THE HON. E. M. V. KENYALY:** Your Excellency, I feel, Sir, that Government has not given us figures of sufficient definiteness yet. We have not been told where the famine has occurred, and what ratio the shortage holds to the normal food supplies of the district in which it does occur. I feel, Sir, that it is Government's duty to tell us on this side of the House the exact numbers or the representative numbers in each district. I feel, Sir, that Government should at the same time have definitely stated that there was to be no

discrimination whatever in feeding the population; no matter where domiciled; because unless plantings are maintained if the situation does develop we may find that the Colony will not be able to finance relief measures. It is essential that definite assurances should be given by Government that there will be no discrimination in priority of allocation of foodstuffs to the native population, no matter where domiciled. I feel, Sir, that that assurance should be given, and I hope it will be given in reply to this debate.

Then, Sir, I feel we should have a statement from Government giving the monthly estimate of the increased numbers of persons requiring relief in the present situation, and also, if the present situation develops to a more disastrous extent—say by 50 per cent.—we should have some estimate, some figures, to go on. We have not yet received any of these figures. I feel we should know what numbers will require relief next month if the situation does not improve and also the following month. We must have more definite figures.

Then, Sir, in regard to the supply of relief, Government has given no indication whatever as to what its intentions are in regard to relief works. I feel, Sir, that mention should have been made of relief works. I see that on the Order Paper there is a motion for the construction of the line to Nanyuki. I do feel that that is a relief work which might be utilised for the absorption of the natives in the Meru and South Nyeri districts. I am not trying to boost the extension of that railway, but I feel that that is possibly an appropriate relief work. If so, then Government should state that it is intended to utilise that as a relief work.

Government, Sir, has failed inasmuch as it does not mention what relief works are contemplated.

Then, Sir, there is the question of the provision of funds and the provision of seed for planting. Government has given no indication whatever as to whether it intends to encourage the African farmer to plant during the rains. We should have such an indication from Government, and I feel that Government should at this stage contemplate the advisability of analysing the possibility of an insurance scheme, which could be a self-supporting one. The scheme would not be limited in its application to any one section of the community because Native Councils with funds would make some contribution on behalf of their members to such an insurance scheme, and could thereby be provided with seed for the ensuing year, and possibly some small monetary recompense for the work which they lost through the destruction of their crops by locusts. That could apply to all natives, and Government should consider the advisability of introducing such a measure forthwith.

Then, Sir, the Medical Authorities have been very silent in regard to urging on Government the desirability of recognising the relative feeding values of foodstuffs. We have talked of maize, but there are other cereal crops which may be more economical to use in the feeding of the natives of this country, and I hope Government will be guided to a certain extent by the advice of the medical authorities in this matter.

The question of compensation, Sir, to persons whose deliveries or the prices or whose commodities have been interfered with temporarily, when that interference has been subsequently withdrawn, has already been commented upon, and I feel that that is a matter on which Government should make a definite statement of what is contemplated. I feel, Sir, that when introducing this motion the Government, or the Mover at any rate, should have stated, when he quoted the import price on the London market, what it would come to in pounds, shillings and pence in this country. We cannot indulge in altruistic theories to a large extent. People are bound by certain commitments and to a certain extent by prices. They are interested in prices, and they should be told the prices.

In one of these clauses, Sir, provision is made for protection in case of breach of contract. Well, Sir, breach of contract to the legal mind has many ramifications, and it is quite possible that a breach of contract would involve all kinds of details which this Legislature does not contemplate. I should like a statement from the legal authority in regard to how far this legislation would protect an individual who became liable for a breach of contract owing to the action of the Food Control Board.

I do hope Government will make a statement on these points which I have raised. I approve of the measure in principle, but I think we are entitled to more detail.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** I am astounded that this Bill has been brought in especially under certificate of emergency or the absence of that certificate. I maintain that the first principles that justify a Bill of this nature should be necessary. There has been no necessity so far proved by the Mover of the Bill. It has been stated, and the only statement that can be taken in justification is that 130,000 natives are affected for five months. We are told that it is going to cost £200,000, and those are the only figures available so far. I submit that this Bill is not justified. We have not been given any information whether Government have omitted to get the necessary supplies through the usual trade channels. This was a matter that ought to have been fixed up on the telephone or taken a few hours. If it was necessary to get twice or three times the amount or more, it could be done by the same method.

It is proposed to appoint a Board to administer supplies, but I fail to see why this Council should delegate its authority to that Board by allowing that Board to fix prices. I think the Council alone should have the power to fix maximum prices, and the Board's work would be a matter of detail.

It is also referred to in the Bill as food for man. I maintain this is far too broad a definition. It will lead to all sorts of difficulties and complications commercially once you start dealing under licences, prohibiting export, or only allowing it by licence. There are many things going to happen that are not foreseen in this Bill. It is going to be a great hardship on the farming community, especially the maize and wheat farmers.

It has been stated by the hon. Member for the Lake that rings have already been formed—which statement I very much doubt—regarding a large district north of the Plateau. There are no rings on the Plateau.

For these reasons I cannot support the Bill, and I deplore very much that it has been brought in. Referring to clause 14, to me it seems rather astonishing that you propose by this Bill to override the common law by removing any liability for breach of contract. To me it is astounding, but I hope, probably, the Attorney General will justify that clause. To my mind it is quite unacceptable, and there is no reason why it should be included.

In general terms I should say that this Bill is to my mind legalised robbery. It is taking away the initiative from produce dealers to obtain the best advantage for their produce irrespective of all other considerations. The Bill is brought in to prevent profiteering, but at the moment it is to a certain extent exercising the minds of a great many people in the Colony, and in some quarters has created panic. It could have been avoided and supplies obtained from the K.F.A., and others, who would have provided the necessary requirements for this year and the next. I can see no justification for the suggestion that there is going to be any profiteering in the country.

**LIEUT.-COL. THE HON. LORD FRANCIS SCOTT:** Your Excellency, it is very difficult for those of us on this side of the House to make up our minds definitely on the subject of this Bill. I personally entirely agree that it is the Government's duty to see that none of the subjects of this country die of starvation. I also agree that, if there is the fear of such a thing, it is quite right that Government should take steps in plenty of time and not leave it to eleventh-hour legislation. But the point we have not been told, which has been stressed by other Members

already, is whether the introduction of this very drastic Bill, which interferes greatly with the liberty of the subject and with all the trade of the country, is the only method by which Government can deal with the situation. We have not been told whether Government have ascertained what available supplies are in the country. It ought to be quite easy for them to find out from the big organisations which deal in maize and wheat, but do they know the available supplies in the Reserves? I understand that in part of the Kikuyu Reserve there is a very considerable supply. As other Members have already stated, it remains for Government to meet the whole situation by making definite contracts with some of these big organisations for the supply of grain. I do trust that in his reply the hon. Mover will explain all these points as far as he possibly can.

Another question which other Members have touched on is the question of payment. We should like to hear more on that. It is a very big question of principle. Once the principle is admitted, if people can get food without payment in one section of a community, it affects all other sections of that community and all the other communities as well.

I understand there is a system of repayment, but we have not heard what the method of that is to be. Some of these tribes will have acquired large stocks of cattle, and that might be a method of payment.

Your Excellency, I think it is generally agreed that people do not want to profiteer, but the price of any commodity is ruled by the old rule of supply and demand, and of course this legislation does upset that. Possibly it is necessary, but we are dealing with the producers of maize and wheat in this country, and they are a part of the community who have been probably hardest hit during the last two years in the part of the country I come from. Even if maize fetched a pound a bag it would still have been produced at a loss, and I trust that if this Bill is passed, and this Board, with its very dictatorial powers, comes into existence, that it will take into consideration that not only is it to stop profiteering but it must give a fair return to the producers of these commodities. In section 7 (k), it says that certain prices shall be taken as a basis. I do not quite know what the word "basis" means—whether it is to be that price or that price plus so much. That is a point of detail which we would like to hear more about.

To sum up, Your Excellency, so far as I am concerned, I am quite prepared to support the Government if they prove to us that there is no other method by which the object can be achieved, but I do not consider that we have been given sufficient detail as to the necessity for the Bill.

LIEUT.-COL. THE HON. C. G. DURHAM, D.S.O.: Your Excellency, I am supporting this Bill because I cannot conceive that Government would introduce an emergency Bill if it had not gone thoroughly into the question. I trust that there will be no question in the native mind when he receives this food that he has not to pay for it in cash or kind, as I am strongly opposed to the system of doles in a country where the native can get as much work as he wants.

The hon. Member for Plateau North made the statement that 95,000 bags of maize would be required; I have worked it out at 195,000 bags.

I hope, Sir, that when the Board is appointed it will deal very fairly indeed with the producer. One has to remember that a great number of these producers also very nearly reached starvation point, and although they asked assistance from Government, received none.

THE HON. T. A. WOOD: I am very sorry to hear the amount of opposition that we have heard this morning to this Bill. I quite agree that it is very regrettable that, in spite of our much-valued civilisation of a number of centuries, it should be necessary to produce legislation of this kind, but I think it is absolutely necessary. You are dealing with foodstuffs. I hope, Sir, when the Board is appointed, that although the Bill refers to foodstuffs, it intends to refer to certain articles of foodstuffs only. I think the hon. Member for Plateau South has already queried what foodstuffs are intended, and I should like to put a similar question also. I do not think there is any necessity to dislocate trade in coffee or tea, or commodities which perhaps are not classed as foods but classed as drinks.

We have heard a lot to-day that contracts might have been made, and I think the justification for this Bill is the fact that prices started jumping almost before the measure which stopped exportation came in. That put certain people wise apparently. It put certain people wise and enabled them to get busy arranging accordingly.

Now I have got an entirely different criticism to the one made by the hon. Member for Kenya. I was not thinking of the number of natives who want relief; I was thinking about relief for the ratepayers of Nairobi. We buy quite a lot of crushed maize. I suppose we could feed our natives on something else, probably at more cost.

I support the Bill because I think it is the first duty of the Government on behalf of the community to see that we do not have anything in the nature of a cornering of essential foods. In the past the world has seen some successful corners, and I think we ought to learn from them.

Now there is one thing that I heartily agree with, and that is the criticism on the question of whether payment should be made for this food or not. I sincerely hope that Government will take payment. In the past Government has given out food on several occasions, and it has very often had to give it out and get nothing in return. We must keep the people alive, certainly; but to give it to people who can better afford to pay for it than many of us ourselves is a scandal which ought not to be repeated.

There is another point which was raised by the hon. Member for the Lake—that is for the benefit of our friends the "Manchester Guardian," Leys, McGregor Ross, and company. I came to this country the year following the first big drought of history in what is known as British East Africa, in '97, '98 and '99. There was then no great provision of food in the country, and if there had been provision of food there was no means of transporting it, so that even in this Nairobi area natives were dying by hundreds. Now there is no doubt that it is due to the Europeans who have opened up the country that large quantities of foodstuffs are available, and indeed it is they who have initiated all this transport movement which enables the food to be taken from the place where it is produced to the place where it is required.

There is a point which has been raised by other speakers in regard to the proviso to the Bill. I am bound to confess that, although I have claim to a certain amount of commercial knowledge, I do not understand the terms of that proviso, and I can see that unless it is very carefully applied some funny things may happen. As a producer of flour I should not care to be forced to sell flour on the proposed terms. The price being 38/6 per 280 lbs. straight run in London—I think just about a minimum—we should have to buy wheat very much cheaper than we can get it in this country if the Government are going to call on the producer in this country. Why tie the hands of the Board in this way? Two men have asked me to interpret the clause, and I have said I cannot do it.

In regard to the £200,000 item which I think is going to be voted at a later date under certain conditions, I understand that this is a maximum sum. I sincerely trust that the usual Government procedure will not be followed and that they will not go and spend it all.

THE REV. CANON THE HON. HARRY LEAKEY: On a point of order, Your Excellency, may I ask if I have prohibited myself from speaking again by having risen rather hastily?

HIS EXCELLENCY: I am afraid so.

THE HON. A. H. MALIK: On the basis of the information that has been given to this House by the hon. Mover, I in my mind do not agree that he has proved justification, but if there is a justification, Sir, I think a Bill of this nature is essential, and I shall have no hesitation in supporting this Bill after hearing the hon. Mover in his reply when he answers the various queries and questions which have been asked by Members on this side of the House.

Regarding the establishment of a Food Control Board, Sir, I wish merely to emphasise that when His Excellency nominates the three unofficial members due regard should be given to the native and Indian interests.

In conclusion, Sir, I will simply add with reference to a remark made by the hon. Member for the Lake—I would remind him that if the European to-day, Sir, is able to relieve famine conditions, it is nothing for him to boast about. It is simply because he is placed at an advantage over everybody else in the matter of land holdings. The hon. Member should know that if the land that is now in European holdings—and the vast proportion of which is lying undeveloped—were in proper hands, famine would not have threatened so seriously at the moment.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. DONNS): Your Excellency, perhaps it would not be out of place if I tried to give a short review of the food position of the Colony.

As far as we can see at the moment, Nyanza has sufficient food for its own needs, and a certain amount for exporting. Kerio is short, and apart from locusts there has been considerable drought during the year. A certain number of natives in that area are being fed at the moment, and some are engaged on relief works of various kinds.

The pastoral natives of Masai have their cattle, and they can carry on.

In the Coast the population is small. Tana River and Lamu will require a certain amount of food, and arrangements are being made to provide that, and I think there is very little doubt that the small sum of money required will be recovered from these natives. I think the total number down there requiring relief is 4,000.

Digo and Malindi are also short. Their population is small. The Native Councils have voted money for famine relief, and a certain number of natives will require to be fed on a system of repayment.

As regards Ukamba, I understand the crops in Kitui have been saved. The danger to the Kitui crops has been particularly from hoppers. The saving of the Kitui crops has been

a splendid effort on the part of those engaged in the work. There has been the greatest co-operation on the part of everyone concerned. The crops were reaped before the flying locusts came on the scene.

Considerable damage was caused in Machakos, and in certain locations only ten per cent. of the crops has been saved. It is probable that in a very short time a number of natives there will require some sort of assistance. I imagine the position there is not nearly so serious as in Embu and Meru. The present position is a very good opportunity for getting rid of a large amount of surplus stock in the Machakos District.

In Voi the population is very small, but a certain number will require to be fed, and the Native Council has voted a sum of money for relief.

Kiambu, Fort Hall and South Nyeri, as far as I can see, can carry on. We want any surplus food they have there to be kept in these areas, so that the local farmers may be able to draw upon it for supplies. We do not want to withdraw any surplus food from these areas. The District Commissioner has had meetings with them, and I think they have arranged that. It is far better for the natives to get food while employed on farms than to return to their reserves.

Meru and Embu are the two districts that have borne the brunt of this locust invasion. The locusts came down in swarms from the north, and I have heard from witnesses that they absolutely wiped out everything. Of course they have a few root crops which have not been affected, and there are parts of Meru near the station which have not been seriously damaged. Their food crops were not very good. In the early part of the year they suffered from drought, and they are in rather a peculiar position, because they are so far from any railway, and have great difficulty in exporting crops and getting food. The Provincial Commissioner was in recently, and he impressed on me the urgency of getting up about 40,000 bags of food for these two districts with the least possible delay. If we delay beyond the 15th March we may get landed in the rains. It is a matter of absolute urgency that we should get that food up at once, because if it is not sent up there at once the rains will be on us, and we may not be able to get it there in time. There is no doubt that the food situation in Meru and Embu is very serious, and we shall certainly have to help in feeding women and children at both places in the near future. As you know we have prohibited the export of native food-stuffs from the Reserves. We have also, Your Excellency, brought into force that section of the Native Authority Ordinance under which natives can be compelled to work in return for food.

With regard to the points raised by various speakers, the hon. Member for the Lake mentioned two points which affected the natives, particularly work in the Reserves and work out of the Reserves. I should like to make it perfectly clear, so far as we can possibly manage it, we do not want to feed any able-bodied man for nothing at all. I have always done my best to get able-bodied natives to work, and I consider that able-bodied males should work, either in the Reserves on irrigation works and communications, or outside on railways or roads or as farm labourers. It is better that they should work outside their Reserves, as then they will get wages and food.

It is not good policy at the moment to induce too many of the able-bodied males to go out to work, because the most urgent matter is to get as large an area as possible under cultivation in order that they may be able to plant all the food they can as soon as the rains begin, and have a surplus of food if possible to carry them on over the next dry weather. The first thing is to get large shambas dug up.

With regard to payment; this has been mentioned by several Members. We hope to get as much as possible back from the natives. With the exception of Meru and Embu, this will not be difficult, but I can see considerable difficulty in recovering the full amount from these districts.

As regards the cost of posho; the transport cost from rail-head will probably be in the nature of Sh. 10 a bag, and the intention is to keep an account of the amount issued in order to try and get as much paid for as possible. I have been in that district for a year, and one of the greatest problems was to find out how they could earn—apart from labour—money to pay the taxes. They are at the nearest eighty miles from rail-head, and road transport over eighty miles kills any profit. The only thing is to keep an account either against individual natives or against the smallest area in the district which we can work upon.

I agree with the hon. Member for Kenya that the Narro Moru and Nanyuki Railway will be a great help to us, but from what I can hear it is likely to be delayed for some time. It is not possible to begin the earthworks at once, and I am to'd they cannot begin until July, by which time it is hoped the worst of the trouble will be over.

With regard to seed distribution, we have arranged for about £6,000 worth of seed to be bought for these natives. It is extremely important to see that they plant out the largest possible areas of foodstuffs before the next rains, and it is our intention that the whole of the money advanced for these seeds should be paid for by the local Native Councils.

There has been a question in regard to feeding natives on wheat possibly as well as maize. The difficulty about that is that they are not used to wheat, and to force a native to eat something he is not used to is very liable to make him ill.

I have I think now dealt with the food position in Kikuyu. We do not want to prevent the farmers from obtaining food from the neighbouring Reserves so long as there is any surplus, as the result of that would be that the farmers would have to discharge a large number of labourers who would be thrown back on their Reserves. I think that is all I have to say.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I am sure Government has every reason to be gratified with the approval which has been indicated by the House over the introduction of this Bill. The only reservation made was as to the necessity for that introduction, and I am sure that hon. Members on the other side of the House have now been either satisfied by what they have heard from the Acting Chief Native Commissioner or will be satisfied when they hear my hon. Friend the Director of Agriculture in his reply as to the necessity for introducing this Bill.

Most of the points raised in the course of the debate seem to me to be points of a practical nature relating to the operation of the Ordinance when it comes into effect, and generally the action to be taken by Government, but there were two or three points which I propose to try and deal with. The first is in regard to the question of compensation. That was raised by two or three Members. I am not quite clear that I understand the difficulty, because clause 13 of the Bill seems to me to cover the difficulty that hon. Members indicated. If hon. Members, Sir, will turn to clause 7 of the Bill, paragraph (c) of subsection (1) they will find that it is proposed to confer on the Board power to order any person holding or controlling stocks of any foodstuffs to refrain from disposing of those stocks. Well, Sir, any person who is so ordered to refrain from disposing of the stocks and whose stocks are not subsequently acquired by the Board is entitled to compensation under clause 13. As I understood the question, it was: What is to happen to a man who is prohibited from disposing of his stocks and whose stocks are not subsequently acquired by the Board? The answer is that he is entitled to compensation for whatever loss he may prove to the Board he has sustained.

The next point is in regard to breach of contract. That is dealt with under clause 14. I do not quite follow the Hon. Member for Plateau North in his remarks on this point because he seemed to object to the introduction of the Bill because it interfered with the law of supply and demand and the liability

of the subject in the event of a breach of contract; and then he objected to the introduction of a clause for the protection of a man who is under contract for the supply of maize, either locally or abroad, and is prevented by Government from carrying out that contract. In such a case the man is protected from liability and it seems to me that it is a perfectly fair protection to grant to that individual.

With regard to the fixing of prices, the Hon. Member for Plateau North suggested that this Council should fix prices. I do not see how that would be practicable considering the infrequency with which this Council sits. It would have to be suggested either that this Council fix a price which would rule for the whole of the year or that this Council should sit frequently—once a week or once a month at the outside—in order to fix prices.

There was one other point raised by the Hon. Member for Nairobi South in regard to the proviso in section 7 (1). It is only intended by that proviso to regulate the basis on which prices should be fixed. It does not say that prices shall be the export prices. It merely takes that as a basis and the Board will naturally take other factors into consideration.

Speaking generally on the Bill, I do suggest that in a matter of this kind you have got to trust the Board to use its powers with due discretion. That point was made by the Director of Agriculture, and I think it ought to be borne in mind in discussing this Bill.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, my hon. and learned Friend appears to have imperfectly understood my allusion to section 13. I am aware, Sir, that provision exists for compensation in the case of foodstuffs ordered to be retained not being required at all. My point was that I do not see any provision made for compensation in respect of foodstuffs ordered to be held which are subsequently required. There appears to be no compensation for wastage, which might very easily be as much as 30 per cent. That was my point, Sir.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency

HIS EXCELLENCY: I am afraid that you are not in order. You have already spoken once on the motion.

LT. COL. THE HON. J. G. KIRKWOOD: On a point of explanation, Your Excellency, I wish to explain the point raised by the Attorney General in referring to my remarks. He stated he could not understand what my difficulty was in regard to breach of contract—clause 14. I think I made myself



perfectly clear when I said it was over-riding the common law. As it affects the supplier I admit it is all in his favour, but what about the other poor fellow. Had it happened to the Uganda Government and you commandeered the crops which had gone for famine relief up there, what would the position be then?

**HIS EXCELLENCY:** I think we have had your personal explanation.

**THE HON. ATTORNEY GENERAL:** On a personal explanation, Your Excellency, I am sorry I did not understand the hon. Member first, but there is nothing to prevent a statute over-riding the common law.

*(Council adjourned for 10 minutes).*

**THE HON. THE DIRECTOR OF AGRICULTURE:** After the replies made by my hon. friends the Attorney General and the Acting Chief Native Commissioner, I am glad that any remarks I may be called upon to make to the debate will not be lengthy. I am afraid that perhaps on this side of the House we did not organise our forces to the best advantage. I quite agree that hon. Members are entitled to all the information which is available. I think perhaps it might have been better if this side of the House had given a great deal of that information before the debate had proceeded so far. I would explain that I did not in my remarks in introducing the Bill deal in detail with the position in the Native Reserves because I was well aware that my hon. Friend the Acting Chief Native Commissioner had more information than I had, and was ready to give it to the House.

Several hon. Members have raised the question as to the necessity for this Bill. Well, that, after all, Sir, is a matter of judgment. In the judgment of Government and on the information in possession of Government it is necessary. Hon. Members have asked me to justify the Bill by putting forth statistics and information in respect of the food position not only in European areas but in Native Reserves. Now I wish I were in a position to supply that information, but under the conditions obtaining in this country it is quite impracticable to obtain information of that sort in the Native Reserves. It is not possible for anyone to say that there are so many of hundred thousand bags of maize and tens of thousands of bags of beans and so forth in the Native Reserves. One should in that regard rely upon the information obtained by and the advice given by Administrative Officers who are well acquainted with the conditions in the Native Reserves, and you, Sir, authorised the application of the legislation dealing with the movement of foodstuffs from Native Reserves in the light of

information given by Administrative Officers. I think the position was undoubtedly serious and is proving to be more serious, otherwise Government would not have prohibited the movement of foodstuffs excepting with the authority of Administrative Officers from every Native Reserve in the Colony excepting the Nandi, Kavirondo Lumbwa and Masai Reserves.

With regard to statistics in European areas, an attempt was immediately made to get the necessary returns, but there was no legislation in existence enforcing these returns, and not until this Food Control Board has power under section 7 (b) will returns be obtained on which reliance can be placed even from these European areas and from non-native trading communities.

There was further evidence as to the necessity of taking some such action as is provided for in this Bill by what amounted to a cornering in foodstuffs just about the time that Government took action. I have received ample evidence to show that "posho" for example had during a comparatively short time—a matter of a week or ten days—risen from Sh. 12 to Sh. 18 per bag. Now, Sir, concurrently with the Proclamation which you authorised prohibiting the exportation of foodstuffs except under licence and after consulting the Sub-Committee of the Executive Council, I issued warnings in the Press indicating that undesirable results were likely to be obtained by speculation in foodstuffs, and that there was no justification for the rapid rise in price that was taking place. That action taken by Government had the effect of checking speculation and preventing a further rise in the price of foodstuffs.

The next point I should like to refer to is this. It is apparently a question in the minds of hon. Members as to whether there are any simpler methods of dealing with the situation than those indicated in this Bill. This is a question that I have repeatedly put to those of my colleagues who served on the Committee with me, and to those representatives of the different interests who have conferred with me in the matter, and the opinion is expressed by all, on an examination of the position, that the sort of powers that are conferred on the Food Control Board and the establishment of the Food Control Board itself are the means required to deal with the situation, and that there are no other means in the circumstances. It has been suggested that all that was required was the purchase of, say, 200,000 bags of maize from one or two large holders of stocks. That particular point was discussed by your Committee with the representatives of such organisations as are in a position to supply these large quantities, and their opinion was this, that it would be unfair to expect them to supply such a quantity at a fair rock bottom price—not a

profiteering price—and so leave other traders to reap an advantage out of the situation, and that the only way to govern the situation was to deal with it in the manner indicated in clause 7 of this Bill, and to fix a maximum price so that individual traders would not gain an unfair advantage over those who were in a position to supply Government with considerable quantities.

Another point I should like to make clear, Sir, is that we have not hitherto nor is it contemplated that the licensing authority will refuse licenses in respect of contracts entered into in advance of the promulgation of the notices in the Gazette—that is to say contracts entered into for delivery during the next few months. We realise that it would be harmful to the trading reputation of this Colony apart from other considerations, if these contracts were broken. And I would emphasise the point I have already made in my speech on moving the motion that it is also not contemplated that regular supplies for the normal requirements in Uganda and Tanganyika and other neighbouring territories—supplies which have been sent regularly from this Colony in the past—should be withdrawn in any way. We feel that we are under some obligation to supply our neighbouring territories with the foodstuffs they have been in the habit of regularly receiving in the past.

Two or three hon. Members referred to the character of the foodstuffs referred to in the Bill. I think in that regard—I hope at any rate—you may rely upon the wisdom of the Board in only applying the provisions of the Bill as and where it appears necessary. It is not likely that the Board is going to acquire powers to control all kinds of foodstuffs unless the need arises. The Board will not be looking for additional work of that kind, and will restrict the application of the Ordinance to the foodstuffs required to be dealt with under the provisions of the Ordinance.

As to the cost of wheat and wheat flour mentioned by the Hon. Member for Nairobi South, I am quite prepared to admit, Sir, that when we drafted that proviso we had not wheat and wheat flour in our minds. We really had maize in our minds, and we perhaps concentrated our comments too much on maize. This is a sort of point of detail which I hope will be corrected in the committee stage, and if my hon. friend will assist us in drafting a short amendment to the proviso I feel sure such action on his part will be very helpful indeed.

A good deal has been said, Sir, in regard to the use of the word "basis" in the same proviso. I think a broad meaning should be given to that as was indicated by my hon. Friend the Attorney General, and I think that again can be left to

the wisdom and fair-mindedness of the Food Control Board. It does not mean that precisely so many shillings and cents representing the value of maize at a Kenya station, based on a selling price of so much per quarter in London, will be the price fixed by the Board. The Board will naturally, as sensible business men, have to take other things into consideration in determining what this price should be. Mention has been made for example of shrinkage, storage costs, interest charges, and so forth. These points were all made at the representative meeting which was held to consider the measures to be adopted, and it was agreed that these items of cost should be taken into consideration, but my hon. Friend the Attorney General considered that references of that kind need not be inserted in the Bill and that it was not wholly advisable to introduce them into the Bill.

Mention was made by two Members in regard to the claims of growers in respect of fair prices for their produce. I was sorry to see the Hon. Member for Plateau North put it in the way he did. I doubt very much whether, expressed in that way, it would receive much support from the maize growers of this country, who, I believe, are not out to exploit any section of the community in this regard. Another reference was made to this matter by the Noble Lord the Member for Ukamba. I would say, in reply to his point, that it is fortunate for the maize growers in this Colony that the London price of maize should have been so high on the 5th February of this year. At or about that time, Sir, maize was selling on the London market at a higher price than it has been sold, I think, for some time past. It was in the neighbourhood of Sh. 41/50 or Sh. 42 per quarter, and based on that price I do not think that any maize grower in this Colony can say that a price is being paid by the Board for maize which is of an unremunerative character.

As usual, my friend, the Hon. Member for West Kenya, made rather a novel suggestion. I refer to his suggestion about an insurance scheme. I shall be very happy indeed, if I may say so, Sir, on behalf of Government, to consider this matter, if he will on his part do his share, and go to the insurance companies and ask what rate or premium they are likely to charge to cover this insurance. I will leave it at that, at this stage.

I think, Sir, I have covered all the points mentioned by hon. Members that were not covered by the Hon. the Attorney General or the Hon. the Acting Chief Native Commissioner, but I would add to what the Attorney General said in regard to breach of contract just this remark. It is not uncommon—in fact, it is the usual custom—when legislation of this kind is dealt with, for such a clause to be introduced.

For example, in the contract of the London Corn Trade Association there is a *force majeure* clause whereby there is no breach of contract if, by the act of Government or somebody else the delivery of grain purchased under that contract is prohibited. That being the case, I do not see why it is not sound to introduce similar provisions in the Bill before the House. With these explanations I hope no hon. Member on the other side of the House will vote against the second reading.

HIS EXCELLENCY: This Bill has been fully discussed. I will now put the question.

The question was put and carried.

HIS EXCELLENCY: I now propose to adjourn the meeting until 2.30 p.m. in order to allow the Elected Members to confer with those interested in the maize trade.

(Council adjourned till 2.30 p.m.)

#### AFTERNOON SESSION.

(Council re-assembled at 2.30 p.m.)

HIS EXCELLENCY: I have to inform hon. Members that since the adjournment this morning an attempt has been made to come to an agreement on the question of compensation and incidentally on the provision for fixing prices. I am informed that the negotiations between the various parties concerned are not yet complete, and as I think it would be a great advantage if an agreement could be arrived at I propose to adjourn this House until to-morrow morning at 10 o'clock, when the further stages of the Bill will be dealt with.

(Council adjourned till 10 a.m. on Friday.)

FRIDAY 22nd FEBRUARY, 1929.

The Council assembled at 10 a.m. on Friday, 22nd February, 1929, at the Memorial Hall, Nairobi, His Excellency the Acting Governor (Sir Jacob William Barth, C.B.E.), presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The minutes of the meeting of the 21st February, 1929, were confirmed.

#### FOOD CONTROL BILL.

HIS EXCELLENCY: We will now take the further stages of the Food Control Bill. Will it suit hon. Members if this Bill be considered in Committee of the whole Council?

THE HON. DIRECTOR OF AGRICULTURE (MR. HOLM): Your Excellency, I beg to move that this Council resolve itself into Committee of the whole House to consider the provisions of the Food Control Bill clause by clause.

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

The question was put and carried.

#### In Committee: -

The Bill was considered clause by clause.  
Clause 2. Interpretation.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: I should like to move, Sir, that the word "man" be deleted and the word "native" be substituted, which occurs in two places.

THE HON. THE DIRECTOR OF AGRICULTURE: I am sorry, but I could not hear the hon. Member.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: I propose that the word "man" be deleted and the word "native" be substituted.

HIS EXCELLENCY: Is there any reason for your suggested amendment?

LIEUT.-COLONEL THE HON. J. G. KIRKWOOD: I understand this Bill is for the relief of natives and I fail to understand why we should not say so.

HIS EXCELLENCY: Is not a native a man: a male includes a female.

THE HON. T. J. O'SHEA: Your Excellency, I suggest the hon. Mover may have in mind that if the word "native" were substituted it might cover restrictions on a more limited number of foodstuffs. There may be something in that.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, in my opinion the clause should stand as drafted. In the future the need may arise and it might be desirable to control the food supplies of everyone in the Colony, irrespective of race.

The question was put and lost.

**Clause 4. Establishment of Food Control Board.**

**THE HON. CONWAY HARVEY:** Your Excellency, I wish to raise a point here which I did not bring up yesterday, because I do not think it is a matter of principle so much as a matter of detail. I do suggest that it is undesirable specifically to mention three Government officials: the Director of Agriculture, the Treasurer and the Chief Native Commissioner. My remarks, Sir, must not be taken as any aspersion on the capacity of these three officials, but I do think that it would be very much better that the Board should consist of three official Members and the personnel left to the discretion of the Governor. To-day, Sir, as we see the position, it is very easy for the Director of Agriculture or anyone else to do such work as is necessary, but it is quite impossible to foresee the extent of the work which may in future be involved. It may quite easily necessitate the appointment of a full-time officer, perhaps two or three, and I suggest it is highly undesirable that the hands of Government should be tied to the extent that these three officials specifically mentioned should function in that capacity. My amendment, Sir, is that the Board should consist of three official Members and three other persons.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** I intended to move, Your Excellency, that three unofficial Members be nominated this morning so as to give Elected Members an opportunity of expressing an opinion on the matter. My amendment is different from the amendment proposed by the Hon. Member for the Lake. I think it would be advisable for Government to submit the names of the unofficial Members they propose putting on the Food Control Board.

**HIS EXCELLENCY (to the Member for the Lake):** What is your amendment?

**THE HON. CONWAY HARVEY:** That "three official Members" be substituted for subsections (a), (b) and (c) of Clause 4 (1).

**HIS EXCELLENCY:** Who is going to nominate them?

**THE HON. CONWAY HARVEY:** Nominated by the Governor.

**HIS EXCELLENCY (to the Member for Plateau North):** And what is your amendment?

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Well, Sir, I put it this way. May I ask Your Excellency whether you have in mind three unofficial Members to be nominated to the Board? If so, may we have their names submitted to Council?

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, may I suggest that the proposal of the Hon. Member for Plateau North could only be met by a further amendment to the Bill. There is no reference to Legislative Council in the clause.

**LIEUT.-COLONEL THE HON. J. G. KIRKWOOD:** Well, I may be wrong, but I thought the Hon. Member for the Lake had dealt with the first portion of the clause. I am dealing with the second portion.

**HIS EXCELLENCY:** That is right. What is your amendment to the second portion?

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** My amendment is that the names of the three unofficial Members be submitted to this House.

**HIS EXCELLENCY:** You must move your amendment in the proper form, not in that vague sort of way. It is quite impossible to get on unless a formal amendment is proposed.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Well, as an amendment, I move that three other unofficial Members be approved of by Council.

**HIS EXCELLENCY:** Instead of "to be nominated by the Governor"?

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I do not think it is a practicable proposal. In the first place negotiations have to take place with the individuals concerned, and secondly, if a vacancy arose names would have to be reported back to this Council for approval before that vacancy could be filled.

**HIS EXCELLENCY:** As far as I am concerned I agree with the observations of the Hon. the Director of Agriculture. In my opinion the nomination of three unofficial Members should be left in the hands of the executive.

**THE HON. T. J. O'SHEA:** Your Excellency, speaking to the proposal of the Hon. Member for the Lake, it seems to me undesirable from a public point of view that the personnel of this Board should be left entirely in the hands of Government, and that the public interest would probably be best served if this House were assured that the three official Members of the Board were the gentlemen occupying the positions of the Director of Agriculture, the Treasurer and the Chief Native Commissioner. I think it is very necessary that the Director of Agriculture should be compelled to associate himself with this Board. I think it is also highly advisable that the Treasurer should be associated with it, and it seems to me essential that the Chief Native Commissioner also should be. I should not like to think it was left entirely to Government to nominate other persons, possibly in much junior positions, because of the amount of work to be done by the Board.

**Speaking, Sir, to the amendment proposed by the Hon. Member for Plateau North, I think it only right and proper that the power of nominating unofficial Members for such bodies should be retained in the hands of the Governor, subject to the practice which has been pursued up to the present of every consideration being given to public desires in the matter, and I feel certain that Your Excellency will have no hesitation whatever in giving an assurance to the House that the same procedure will be adopted on this occasion.**

**HIS EXCELLENCY:** I am very pleased to give that assurance.

**THE HON. T. A. WOOD:** If you specify three individuals in that way and it happens that they wish to go on leave the day after tomorrow do you require legislative sanction to fill the posts?

**THE HON. THE ATTORNEY GENERAL:** The reply to that, Sir, is in the negative, for the simple reason that where any officer is mentioned by the title of his office it covers the officer performing the functions of that office.

**THE HON. CONWAY HARVEY:** I do appreciate the point of view put forward by the Hon. Member for Plateau North, Your Excellency. Nevertheless, I adhere to the sentiments which I have already expressed. I do think it is advisable in everybody's interest that Government should have a certain amount of discretion in this matter.

**HIS EXCELLENCY:** The amendment proposed by the Hon. Member for the Lake is that the words "Director of Agriculture, the Treasurer, and Chief Native Commissioner" occurring in (a), (b) and (c) of clause 4 (1) be deleted and that "three official Members to be nominated by the Governor" be substituted therefor.

The question was put and lost.

**HIS EXCELLENCY:** A further amendment moved by the Hon. Member for Plateau North is that the words "nominated by the Governor" be deleted, and the words "approved by this Council" or "approved by Legislative Council" be substituted therefor. (To the Hon. Member for Plateau North): That, I suppose, is your amendment?

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** Yes, Sir. The question was put and lost.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I beg to move an amendment to clause 4, subsection (4), last line thereof; in place of the last line I propose the substitution of the words "the execution of his duties as a member of the Board". The reason is this, Sir, that it was thought on further consideration that members of the Board may have other duties to perform as well as attending meetings of the Board.

The question was put and carried.

**Clause 5. Appointment of secretary and staff.**

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I beg to move the following amendment to clause 5: that all the words in the last two lines of subsection (1) be deleted and the following words substituted therefor: "such staff as to the Board may appear necessary". The reason for that, Sir, is that it was thought on further consideration that staff other than clerical might be required by the Board.

**HIS EXCELLENCY:** The motion is that the word "clerical" be omitted, and that the words "and assign to the secretary" also be deleted.

The question was put and carried.

**THE HON. THE DIRECTOR OF AGRICULTURE:** There is a further amendment to clause 5, subsection (3), a consequential amendment: the deletion of the word "clerical" in the first line thereof.

The question was put and carried.

**Clause 7. Powers and duties of Board.**

**CAPTAIN THE HON. E. M. V. KENYALU:** Your Excellency, in sub-clause (3) I suggest the substitution of the word "place" instead of (in line 32 or 33) "railway station".

The reason for this suggestion is this, Sir. It is quite likely it might be necessary to move food supplies, say, eastward, and the railway station might lie westward. It would then involve transporting the foodstuffs westward first in order to conform with the requirements of the Bill, and then transport eastward over the same country. I suggest, therefore, that the word "place" be substituted for the words "railway station".

**LIEUT.-COL. THE HON. LORD FRANCIS SCOTT:** Your Excellency, I would like to support this amendment. I think the word "place" is preferable to the words "railway station". There are parts of the country where there are no railway stations at all.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** I support the amendment. I think it a very necessary one and a very sensible one.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I do not think the matter is of any very great importance. In the case made out by the mover is a rather hypothetical one. I think have no objection to the acceptance of the amendment. It is a small point and there is a difference of opinion in regard to it. I am quite prepared to accept the amendment.

**HIS EXCELLENCY:** So far as the Government is concerned, I am inclined to favour the view of the mover of the amendment. It places probably greater power in the hands of the Board. We must rely upon the Board having a certain amount of common sense. The amendment is that the word "place" be substituted for "railway station".

The question was put and carried.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I beg to move that the proviso to clause 7 (1) be deleted, commencing at line 27 and ending at line 33.

Your Excellency, in discussion with representatives of the interest concerned, yesterday, it was thought that having regard to the obligations which might be involved in laying down definitely a basis of fixing prices, and further obligations in regard to basic prices for future crops, it might be preferable to leave the whole question of the fixing of prices at which the Board would require foodstuffs as well as the maximum prices completely in the hands of the Board, and that the Board should be trusted to act fairly to all the interests concerned. That view was also accepted at a meeting at which the subject was discussed, when further steps were taken to extend the provisions of clause 13 dealing with this matter.

**THE HON. CONWAY HARVEY:** Your Excellency, I should like to express the pleasure of my colleagues and myself that Government has seen fit to agree to the suggestion that this clause should be deleted. We had produced detailed arguments yesterday, Sir, and I think they showed that it really was quite impracticable and highly undesirable, and we consider that the very representative Board which is to be established could very well be entrusted with these as well as such other functions as are specifically mentioned.

**LIEUT.-COL. THE HON. J. G. KIRKWOOD:** I wish to propose an amendment, Your Excellency, in place of the one before the House, providing that for the purpose of fixing prices under (d) and (f) of this subsection the export price ruling in London on the 5th February, 1929, plus Sh. 2, be the minimum price.

In support of that, Sir, I would like to say that while I have every confidence in the Board as far as their names have been submitted to us, there are still three names that have not been submitted, and we are asked to trust somebody—a Board,—the selection of which we are not aware. Further, I think it is wrong for other people can square their consciences in shouldering themselves. In other words this Council is delegating authority to a Board to fix prices as well as to deal with the whole of the situation under this Food Control Board, and I suggest, as far as allocating prices are concerned, we have not been sent here to delegate our power to any Board, but to assume responsibility for our own acts. I think everybody will agree—I hope they will—that a minimum of Sh. 2 on the market price would give some little protection to the maize producers. It gives a wide margin to the Board—the maximum price is left in their hands.

**HIS EXCELLENCY:** I will put the amendment proposed by the Hon. Member for Plateau North first. It has been proved that the proviso be substituted by the following proviso: "provided that for the purpose of fixing prices under paragraphs (d) and (f) of this subsection the export price ruling in London on the 5th February, 1929, plus Sh. 2, be the minimum price."

**THE HON. T. J. O'SHEA:** I should like to say a word or two on it. The Hon. Member for Plateau North has raised an issue for other members on this side of the House as to whether they are justified in doing what he calls delegating our powers to the Board. I admit that it is unusual for this House to delegate its powers to



of this Colony. I quite realise that if it was a state of war a clause such as this would be advisable, but when such a small amount is required I fail to see the necessity for such a clause.

**THE HON. THE DIRECTOR OF AGRICULTURE:** I beg to move that the following clause be substituted:—  
Clause 14.

"14. No person shall be liable for any breach of contract if such breach is caused by any Proclamation under section 5 or by any order made by, or the exercise of any power conferred upon, the Board under this Ordinance."

There is no alteration of principle in the amendment which I am putting before the Council, but on the advice of the Hon. the Attorney General the clause has been revised and worded in a manner to conform with the remainder of the Ordinance.

**THE HON. T. J. O'SHEA:** May I suggest, Your Excellency, that it is due to the hon. Mover that the Hon. Attorney General justify the action of Government in inserting this clause.

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, I should not have thought that the insertion of this clause would require any justification. I can only say that in measures of this kind—which are very drastic in their incidence—it is almost universal to insert a clause of this kind, and it seems to me that the reason for the insertion is obvious. Government by an Act of this kind interferes with the relations which exist under a contract between two parties, and surely it is reasonable to protect in that case an individual who otherwise might be liable for very heavy damages as a result of being compelled by an act of Government to break that contract. It is purely and simply, Sir, a protection for the persons who have entered into a contract and who otherwise might be liable for damages.

The question was put and carried.

The question that the clause as amended stand part of the Bill was put and carried.

*Clause 15. Duration of Ordinance.*

**CAPTAIN THE HON. E. M. V. KENEALY:** Your Excellency, I do not know if I am right, but I think it is customary for the Government to give the cost of such a measure as this. Will Government make a statement?

**HIS EXCELLENCY:** That, I believe, was done yesterday.

**THE HON. THE ACTING COLONIAL SECRETARY (MR. MERRICK):** Your Excellency, there is a financial resolution coming on later on the Order of the Day.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I beg to move that the Bill as amended, be reported to Council.  
The question was put and carried.

*Council resumed its sitting.*

**THIRD READING.**

**HIS EXCELLENCY:** I have to report that the Food Control Bill has been reported to Council with amendments.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, Standing Rules and Orders having been suspended, I beg to move the third reading and passing of the Bill to provide for the conservation, control and distribution of food-stuffs in the Colony during the present year.

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

The question was put and carried.

The Bill was read a third time and passed.

### NOTICE OF MOTION.

**THE HON. THE ACTING COLONIAL SECRETARY:** Your Excellency, I beg to give notice of a motion which relates to the supply of funds to the Board to be established under the provisions of the Bill which has just passed through all its stages:—

"Whereas this Council has passed a Bill entitled, 'The Food Control Ordinance, 1929,' providing *inter alia* for the establishment of a Food Control Board, with powers to conserve, control and distribute foodstuffs in the Colony during the present year:

"And whereas it is necessary to place at the disposal of such Board, if and when duly constituted, such funds as may be required to enable the Board properly to exercise its powers and perform its duties:

"This Council hereby authorises the Governor to pay to the Food Control Board, if and when duly constituted under the aforesaid Ordinance, out of the Revenue and other Funds of the Colony such sums not exceeding in the aggregate two hundred thousand pounds as in the opinion of the Governor may be required to enable the Board to discharge its functions under the said Ordinance, it being understood that Government will make every endeavour to recover as far as possible from the persons to whom famine relief is granted the cost of foodstuffs supplied by the Board to such persons and that all moneys so recovered will be credited to the general revenue of the Colony."

### MOTIONS.

**NARRO MORU—NANYUKI RAILWAY.**

**THE HON. THE ACTING COLONIAL SECRETARY:** Your Excellency, I beg to move the motion which stands in my name in regard to the extension of the railway from Narro Moru to Nanyuki:—

"That this Council hereby approves of the expenditure of a sum of £81,000 upon the purposes specified in the Schedule hereto and undertakes to approve the inclusion of such sum in the Schedule to a future Loan Ordinance together with such further sum as may be necessary to cover the cost of the issue of such Loan.

"Be it further resolved that this Council approves the annual payment by the Colony to the High Commissioner for Transport of an amount equal to the interest and sinking fund charges on the capital expenditure involved and any loss in working the railway extension specified in the Schedule hereto."

*Schedule.*

Extension of Branch Railway from Narro Moru to Nanyuki.

I think it will be appropriate if I give a short summary of the sequence of events which has led up to this proposal. In 1924, a sum of money was voted by this Council to provide for a railway extension from Thika to the vicinity of Nyeri. It was found in course of construction that sufficient funds were available to carry that extension beyond Nyeri, but it was not found that sufficient funds could be provided to extend the line to its natural terminus at Nanyuki, and the line was therefore only constructed as far as Narro Moru. I do not think there was ever any doubt that the ultimate extension to Nanyuki would be effected. It was merely a question of how and when we could afford to provide funds for the purpose. The matter of an economic survey was taken up in September, 1927, following upon a motion in this Council. The results of that survey did not appear to the Railway Administration or the Railway Advisory Council to justify construction at the time, and the matter was allowed to lapse for a few months. The issue was revived by my hon. and gallant friend the Member for West Kenya in May, 1928, and as a result of his representations the question was referred to the Railway Branch Lines Committee. That Committee considered the matter at two meetings held respectively in June and August of last year, and at its second meeting the Committee passed a resolution to the effect that the proposition of this extension should be referred to the Railways Administration, with the request that a statement indicating the terms on which the Railways Administration would be prepared to construct and operate the line should be submitted. That request was complied with, in October, I think, and was referred to the next meeting of the Railway Branch Lines Committee, held last December. The Advisory Council recommended that the extension from Narro Moru to Nanyuki should be constructed, provided that the Government of Kenya would undertake to guarantee interest and sinking fund charges on the capital expenditure involved, and as well as any loss in the working of the extension that might arise. Those terms were unanimously accepted by the Railway Branch Lines Committee, who recommended to Government that con-

struction should be authorised forthwith on the terms proposed. That is the position as far as the proposal itself is concerned. Now as to the terms.

Your Excellency, hon. Members will appreciate that the guarantee demanded by the Railway is rather wider than that which was imposed in the case of the Thomson's Falls or North Kavirondo Branch lines, inasmuch as it does not limit the guarantee to the interest and sinking fund charges of the capital expenditure involved. It also desires Government to shoulder any loss in the working of the extension which may arise from year to year. I do not think in actual practice that, in view of the figures which have been supplied to us by the Railway Administration, there need be any anxiety that it is going to amount to any large sum. In fact, all the information that we have been able to get from the Thika-Narro Moru section points the other way.

It may be pertinent at this stage to give you the figures which the Railway Administration communicated to Government and the Branch Lines Committee when they made their recommendation.

The estimated cost of extending the Railway from Narro Moru to Nanyuki was assessed at £81,900. The estimated Loan Fund charges on this expenditure would be: Interest at 5 per cent., £4,095; sinking fund at 1 per cent., £819; making a total of Loan Fund charges of £4,914.

So far as the loss in working is concerned, the branch line statistics on the section from Thika to Narro Moru show that during the seven months from January to July, 1928, revenue and working expenditure were as follows: Revenue, £37,256; expenditure, £36,346; or an excess of revenue over expenditure of £910, which, for a twelve months' period would amount to £1,560. Taking that basis on a mileage assessment we get a net annual excess of revenue over expenditure of some £16 per mile, and the estimated results of working the extension from Narro Moru to Nanyuki should therefore work out at a profit of some £296 per annum. Further, deducting this net revenue from the £4,914 commitment in respect of Loan Charges we get an aggregate estimated outlay of some £4,618 per annum. The General Manager of Railways, however, has issued a warning that during the first years the actual results may not be quite so favourable, and he has further advised that Government should make provision at the rate of £5,000 per annum in respect both of Loan Charges and loss on working. That finishes the question of costs.

With regard to actual construction, I have been into the question with the Acting General Manager before he left for Uganda, and I understand that if this motion goes through,



and the necessary authority for commencement is not delayed, he can undertake the necessary survey at once—(hear, hear)—but he does not think it will be possible to start the earthworks before the 1st July.

The real reason that this proposal has been tabled at this emergency session is—as adumbrated by the hon. Member for West Kenya—that it is obviously a relief work which may provide employment for able-bodied natives in the area which has been badly affected by the present locust invasion, and I may say that I will use every endeavour to expedite the commencement of that work if this proposal goes through.

As far as the monetary provision for this year is concerned, interest during construction is charged to capital account, and it is not likely that the branch will be opened for working until next year. No extra provision in this regard need be provided in the Estimates for 1929, but of course we shall be responsible for advancing the funds for construction, and that course will be taken if this motion passes.

CAPT. THE HON. E. M. V. KENEALY: I beg to second the motion. I believe I am in order in doing so. I am very grateful to Government for this very complete and comprehensive review of the situation. I hope the motion will be expedited. I do hope, Sir, that it will be possible to endeavour to expedite the construction of this line, because it is essential and it will effect an economy in the famine relief, inasmuch as it will bring both the natives towards the source of supply of famine relief, and also give them work. I hope it will be possible to give immediate effect to this resolution, if the monetary provision is made, and utilise that extension as a relief work. Since Government has already given a complete review of the needs and requirements, I do not think I need elaborate the matter further.

THE HON. CONWAY HARVEY: I suggest, Sir, that other districts in the Colony are also entitled to some consideration in connection with railway extension. It is a curious fact, Sir, that all the branch lines so far travel in a northerly direction. Some two years ago I did put up a very strong case for the requirements of that very fertile area, Buret and Solik. Government promised to give them intensive consideration, and quite definitely promised that a new and up-to-date economic survey should be made. I think this is an appropriate time to ask Government precisely what has been done in connection with that matter.

LIEUT.-COL. THE HON. LORD FRANCIS SCOTT: As the hon. Member for the Lake has raised this question, I should like to refer to the subject of another branch line, which has always

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been promised, but the promise has never been fulfilled, and this is the line which is to serve the area in the neighbourhood of Donyo Sabuk.

Some years ago it was announced that it was the next branch line to be constructed, but others have gained favour since then. During last August, in a Committee of this House on Branch Lines, it was decided that if a case was put up for the further development of the Yatta Plateau then the line should be constructed, and it was agreed that an economic survey of the Yatta Plateau should be undertaken by the Agricultural Department, but up to now it has not been undertaken. I should like to have an assurance to-day that this economic survey will be undertaken at the earliest possible date.

I have before me an economic survey undertaken privately over 21,000 acres of the Yatta Plateau, giving a very favourable report indeed, especially for growing sisal.

I do trust that now my hon. Friend has achieved his object in getting his railway right through his area, our little Cinderella will not be left behind altogether, because it is always being shunted and put on one side.

THE HON. T. A. WOOD: Your Excellency, I am not going to advance an argument for a railway in any direction. I am just concerned with the wording of this second paragraph. It may be, of course, perfectly legal, and it may be my commercial mind does not appreciate it, but the hon. Mover made out a case for a guarantee. This clause provides for a definite payment, as I understand it, irrespective of whether this branch is being run at a profit or a loss. We must pay the interest and sinking fund and any loss that may be incurred in addition. Surely that is not the intention. Supposing this railway turns out to be a profit-earning concern. (Hear, hear.) I "hae ma doots" at present, but possibly in the future I do not see why this Colony should be committed for all time to the annual payment of interest and sinking fund charges.

THE HON. T. J. O'SHEA: Your Excellency, I must express surprise that, when a motion of this nature comes before the House, the Acting General Manager of Railways should be absent. It seems to me advisable that he should be present on occasions like this, when it is practically certain that matters requiring his technical knowledge to answer will be raised. As a member of the Branch Railway Committee, I think it necessary to justify our attitude over this extension. So far as I personally am concerned I approve it because of the assurances of the late General Manager that a blunder had been made in ending the line at present out in the blue, and

that from a railway point of view it was highly desirable that it should be continued to a settled township area. Otherwise lines of communication would develop and afterwards would have to be scrapped, and possibly a new township might be established there, and that would involve the country in various difficulties. I think a perfectly sound case was made out for the extension of this line, and that no apologies whatever need be made for it. It is unfortunate, however, that other lines that previously have been considered urgent have been allowed to drop into the background for the time being. I should like to support the hon. Member for Ukamba in his request that Government should redeem the promise made that an economic survey should be carried out in Donyo Sabuk.

Turning to the second part of the resolution, Sir, presumably Government will satisfy us as to whether the hon. Member for Nairobi South is right in questioning the intention of that portion of the motion. Another aspect of it which appeals to me is that the railway authorities seem to lack enterprise in the risks they are prepared to take in the matter of line extensions. Although their own figures show there is very little prospect indeed of loss on this line, they ask the Colony to guarantee them against a possible loss. As the figures for that branch of the railway already show a profit on working I think it is hardly fair that the Colony should be asked to guarantee a contingent loss. The Railway ought to show a little more enterprise than that.

Finally, Sir, I should like to add my voice to those who have appealed for an early start in this work. No matter how careful the Government is I am afraid there is bound to be a certain amount of wastage in these relief measures, and the wastage would be considerably minimised if this work were started in the immediate future, because I understand that the natives most in need of famine relief are situated in the area or the immediate neighbourhood of the country to be traversed by this line. It would therefore be very much better for them and a great saving to the country if they could be employed on the construction of this line.

REV. CANON THE HON. HARRY LEAKEY: The remarks made by the hon. Mover of the motion with regard to earthworks on the railway, and the possibility of relief work, give me an opportunity for saying one or two things which I debarred myself from saying yesterday in my speech at the beginning of the debate. With regard to these earthworks that it is hoped to expedite, I do feel that they are most important, because in the past railways or branch railways have shown us how much these are used by natives as well as other people, and the earthworks are really a proper source of finding work for those who need help.

I wish to endorse most entirely what was said by the hon. Member for the Lake regarding the importance of seeing that really able-bodied and strong men do a fair share of the work in order to pay for the relief done for them. I deprecate anything in the shape of a dole, such as we had some years ago, and although this may be necessary sometimes it must have the effect of demoralising the people. I sincerely hope that those who can will be given an opportunity of working, while, at the same time, many who are unable to do a day's work but who are in danger of starvation should have their interests looked after. I say this because it has been stated here that Africans are all well-to-do, and I wish to dispel this idea which is heard very much on all sides. To say that the African tribes in their Reserves are rolling in wealth is as foolish as to say that every European is rich, although I know for certain that there are many very wealthy individuals who are able to pay the last penny for what they get. There are divisions similar to East and West London, and some people for various reasons, largely because they have lost their land, live a hand-to-mouth existence, and immediately there is a shortage of food they are in great need. Therefore I shall be glad if these earthworks are commenced, and I hope everybody will benefit from the relief provided.

THE HON. THE ACTING COLONIAL SECRETARY: Your Excellency, I am very grateful to the hon. Member for Nairobi South for calling attention to the looseness of wording in the resolution as drafted on the Order of the Day. I am afraid it was due to the rush and hurry of the meeting. The point was not properly appreciated, and with the permission of the Council I should like to move an amendment to the second part of the motion, as appearing on the Order of the Day, in the following words:—

“Be it further resolved that this Council approves of the annual payment by the Colony to the High Commissioner for Transport of a sum not exceeding the amount of any loss which may accrue as the result of working the railway extension specified in the Schedule hereto, inclusive of interest and sinking fund charges on the capital expenditure involved.”

I am sorry if I misled the House; the guarantee was of course that demanded by the Railway—the condition on which they were prepared to construct the line. Any profits on the working of the line would naturally be deducted from the interest and sinking fund charges on the capital expenditure involved in construction. Perhaps it would be better for me to deal with the other points at a later stage.

HIS EXCELLENCY: Does any hon. Member wish to speak?

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, an appeal has been made to me to state the exact position in regard to an economic survey for Railway branch line purposes. The economic survey for the Kericho-Sotik line—the economic survey of that area—was made in 1925. I agree that it appears necessary and desirable that an economic survey should be made. Certain further proposals have been put up by interested parties in that district, which may or may not be sound, but I agree that the whole case requires revision and further consideration. I have not the papers with me here, Sir—I did not expect that the question of other branch lines would come up on a definite motion in regard to this specific Branch Line—but I do not recollect that Government has given any definite promise that a new economic survey would be made in the near future or at once in the Kericho-Sotik country.

With regard to the economic survey of the proposed Donyo Sabuk Branch Line, I think I am correct in saying that two economic surveys have been made during recent years. The subject has also been brought under review of the Railway Administration, and a further request was made a few months ago by the Branch Lines Railway Committee that in view of the not unlikely development of the Yatta Plains that that case also should be reviewed.

There is also another Branch Line in the offing, for which another request for an economic survey may be made at any moment.

I would like to give the House this assurance—that the officers of the Agricultural Department are most willing and desirous that these economic surveys should be completed and should be dealt with in a manner satisfactory to the Government and to this House, but I think it is only fair to say—speaking on behalf of the Department—that the Department is not so staffed as to enable it quickly and expeditiously and efficiently to perform the numerous demands made upon it for economic surveys and other services of that kind. There are only two or three experienced responsible officers in the Department possessing the necessary experience for doing work of this kind, and for some time past the demands made upon these officers for special services has been very heavy indeed. I hope and believe that the case of any one of these branch lines will not be prejudiced by any delay which has hitherto taken place. I hope, if I may say so, too, that neither the hon. Member for Nyanza nor the Noble Lord the Member for Ukamba—I hope that neither of them will lose the support of any of his constituents because of delays of that kind. I would

like to give these constituents the assurance that they are not responsible for any such delays. In fact they have been very insistent that these economic surveys should be conducted.

I would just like to make this further point. I advised, and I still advise, that the nearer the economic survey is made to the time at which it is likely that the railway will be built the better will be the consideration given to the whole subject. In my own experience it is rather futile and a waste of time to conduct an economic survey of an area of country many years in advance of the time that Government and the people of the country are likely to consider the subject closely. For that reason I would appeal to hon. Members not to make repeated requests for surveys far in advance of the time, and I repeat the assurance that officers of the Department are most willing to help.

THE HON. THE ATTORNEY GENERAL: Your Excellency, may I at this point second the amendment which has been moved by the hon. the Acting Colonial Secretary.

THE HON. THE ACTING COLONIAL SECRETARY: The matter of economic surveys has been dealt with by the hon. Director of Agriculture, and I hope hon. Members opposite will appreciate the fact that his Department has been working lately under difficult conditions; also the point he made that there are only a few officers qualified to undertake this service. It is no good having it done by unqualified officers, and I can endorse the hon. Director of Agriculture's remarks in this connection.

With regard to the Donyo Sabuk survey this will be undertaken as soon as opportunity arises.

The point was raised by the hon. Member for Plateau South that the Railway was asking rather more than its pound of flesh in expecting us to bear the loss of working as well as the interest and sinking-fund on capital expenditure; that, I think, if I may express a personal opinion, is a peculiarly businesslike point of view. I suggest that we should not rush into the construction of these branch lines, and that the need for furnishing guarantees on some such terms as now proposed in the present instance will ensure better consideration to the merits of the case. I may say that the principles governing the financial policy in regard to branch lines are under consideration at the moment, and I hope that a definite uniform policy will before long be placed before this Council.

As far as the present extension is concerned, I think you may accept my assurance that the Railway will commence the work as soon as possible.

HIS EXCELLENCY: The motion is:—

"That this Council hereby approves of the expenditure of a sum of £81,000 upon the purposes specified in the Schedule hereto and undertakes to approve the inclusion of such sum in the Schedule to a future Loan Ordinance together with such further sum as may be necessary to cover the cost of the issue of such loan."

For the second part of the motion on the Order of the Day the following has been substituted:—

"Be it further resolved that this Council approves the annual payment by the Colony to the High Commissioner for Transport of a sum not exceeding the amount of any loss which may accrue as the result of working the railway extension specified in the Schedule hereto inclusive of interest and sinking fund charges on the capital expenditure involved."

The question was put and carried.

#### EXPENDITURE ON RELIEF MEASURES.

THE HON. THE ACTING COLONIAL SECRETARY (MR. MERRICK): The second resolution standing in my name is I am afraid rather of a composite character. As I stated in my previous remarks this is regarded as an emergency session intended to make provision for the expenditure incidental to the locust campaign. We have therefore tabulated the disbursements, and have tried to put the various items together in order to give a clear outline of the expenditure involved.

The first two items deal with famine relief, but it is famine relief not directly resulting from the locust invasion—famine relief which is directly attributable to the drought conditions of last year. Hon. Members will remember that in the first Supplementary Estimates of 1928 a sum of £500 was provided for famine relief in the Baringo district, and it was hoped that this would tide over until the end of August when the new crop would be reaped. Unfortunately the harvest proved not so good as was anticipated, and it is now a case of spending £1,400 a month to feed the women and children and provide work and food for the able-bodied. It is hoped that this provision of £4,200 will cover the present emergency, but the District Commissioner may require further funds later on in the year.

As far as Northern Turkana is concerned the actual relief measures were taken last year; the famine was not widespread, but a number of natives required to be looked after. In this case relief work has been initiated in the construction of a road to Lake Rudolf.

The next item is issue of seed. This was one of the measures the need for which was emphasised yesterday by the Hon. and Gallant Member for West Kenya. It is quite clear that Government has this matter in hand as could be gathered from my hon. friend the Acting Chief Native Commissioner's statement on the second reading of the Bill. The amount is difficult to gauge, but it includes heavy transport charges for delivery to Meru, and it also provides for the improvement of the variety of the crop and an extended area of cultivation.

The last item covers the cost of the first two months of the year, and as far as can be seen the next two months of the locust destruction campaign. The sum of £23,025 was included in the Supplementary Estimates last year. At the December session the Hon. the Director of Agriculture explained the lines upon which the campaign would proceed. I am not competent, nor is it necessary for me, to go into details of that campaign. It was stated in the report of the Select Committee on the Budget that it was hoped that the campaign would be finished before the end of the year, and no provision was included in the Estimates in view of the uncertainty of the position. The hopper campaign is actually in process of disbandment. Staff and equipment will be withdrawn as circumstances permit. The actual expenditure for the first two months of this year is £16,000.

The second item under this heading is to meet the changed conditions of the locust campaign. Hoppers have given way to flying swarms, and the method of attack must consequently be varied. It has been decided to undertake experiments with flame-throwers for this purpose. This, I am told, has been very effective in Palestine, and an actual equipment of forty are available in the country with their requisite fuel supplies. A number of locust officers have been selected to operate them, and they are now ready to go into the field. It is proposed to maintain in the field two mobile units of flame-throwers with staff to destroy flying swarms when resting in the morning, thus dissipating swarms which have entered the agricultural areas.

The cost of the campaign is estimated at £50 per day, and it is likely to continue for one hundred days. It is proposed to minimise the danger from fire by refraining from an intensive campaign until the coming of the rains.

The Deputy Director of Agriculture who, as Council is aware, is in charge of this campaign, has also made the strongest representations to the effect that a number of officers and native staff should be retained in the less populous outlying areas of the Colony as observers to report on movements of swarms, and in an endeavour, if possible, to locate the areas

of permanent infestation. It is proposed that five officers should be retained for this purpose. Turkana, the Northern Frontier and Voi areas are the ones, I think, at which it is proposed to station these detachments. That will cost some £450 a month, and as it is considered that they should be retained for at least the remainder of the year a total expenditure of some £4,500 will be involved.

The balance of £300 is to effect the organisation of the settled areas under the group system, which is nearing completion, and is likely to take another fortnight.

Your Excellency, I beg to move :—

"That this Council hereby approves of the expenditure from the Revenues and other Funds of the Colony of a sum of £36,150 upon the purposes specified in the Schedule hereto."

SCHEDULE.		Amount.
Head of Estimates.		£
VIIIa.—Administration Extraordinary—		
Famine Relief, Baringo District	...	4,200
Famine Relief, Northern Turkana District	...	150
XXII.—Agricultural Department—		
Division of Native Agriculture, Seeds, etc., for issue	...	6,000
XXIIa.—Agricultural Department Extraordinary—		
Expenses in connection with locusts' destruction	...	25,800
Total	...	£36,150

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

THE HON. COSWAY HARVEY : Many opinions have been expressed, Your Excellency, during the last few days regarding the principles which should be observed by Government in planning its relief activities, and it is only fair in the absence of any expression of opinion to the contrary to assume that Government is in sympathy with the view unanimously expressed on this side of the House anyhow that natives should pay so far as they are able for food which is given them for relief of famine. Famine relief in Baringo appears to have been going on for some considerable time, and I did not hear what has been done by Government with regard to securing reimbursements from the heads for expenditure on their behalf.

In the case of the second item—in the case of distribution of seed, it is almost more important than in the case of food distribution that the natives should be called upon to pay. Seed can be used for many things other than the purpose for which it is intended, and it is only human nature to put a far greater value on an article for which one pays than for a free distribution. I do think this is very important, Your Excellency, because I have seen during the past twenty years that natives do not make proper use of the seeds which are given to them for establishing crops on their land. I shall ask my hon. Friend, in replying to the debate, to indicate precisely what steps have been taken by Government to secure that proper use is made of seed and other things which they have given in relief of famine.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, I would like to comment on Headings XXII and XXIIa. I would ask Government, Sir, to consider the advisability of appointing a committee to investigate the feasibility of insurance against locust destruction. That question is relevant to both these heads, Sir, inasmuch as one is for the provision of seed and the other deals with locust destruction. Now, Sir, if Government will consider the desirability and favourably consider the feasibility of appointing such a committee to investigate the question of insurance, it may obviate the necessity for spending such sums of money under these heads, or it may be complementary or supplementary to the monetary provisions there made. It is essential, Sir, that this question be immediately investigated, and if Government will indicate that it is prepared to consider the appointment of such a committee, I mean to move at the earliest possible moment that a Committee of this House be appointed. I think, Sir, it is unnecessary for me to urge the reasons for the appointment of such a committee. Government has as much information on that subject as I myself have, but there is a feeling throughout the country that an insurance scheme for every section of the community is desirable, and that premiums should be paid for such a form of insurance. I will not suggest what form the insurance should take—whether a State or company one. I think that is a proper question for the committee itself to investigate, but I do hope that Government will agree to consider the appointment of such a committee, and, if favourable, to allow that committee to be appointed as soon as possible.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE : Your Excellency, under heading, "Distribution of Seeds," may I ask if there are any facilities provided to European farmers who have suffered from locust depredation.

REV. CANON THE HON. HARRY LEAKEY: With regard to the question from the hon. Member for the Lake with regard to natives paying for seed for sowing and not for food, I realise what he says is true, and that if people pay for seed there is less danger of waste. On the other hand, if certain persons who are deprived of any means of paying for seed are unable to get seed unless they pay for it, we shall defeat our object. I am hoping something may be done that such people should pay for their seed on account.

THE HON. CONWAY HARVEY: In explanation, Your Excellency, I never made any such suggestion, nor can I conceive any reason for doing so.

THE HON. T. J. O'SHEA: Your Excellency, as so much stress has been made on this side of the House on the necessity for ensuring payment for famine relief measures by those who are relieved, it is necessary to make our position perfectly clear. None of us suggests for one moment that relief in any form should be withheld from any section of the native communities if they are unable to pay, or on the ground that they are not making payment there and then. The attitude which we adopt is that these people are not destitute. We are not dealing with a situation in which people have not got food because they are unable to pay for it. We are dealing with a position in which people who are able to pay for it are not able to obtain it. We believe that by proper organisation Government can secure repayment for these relief measures without inflicting any hardship whatever on the native peoples. If it can be shown to us that there is any necessity to give away food free I feel nobody will object to giving it away free for so long as it is necessary so long as proof to that effect is forthcoming, but I do not feel that the natives are by any means destitute.

In the matter of seeds, there is one point I would like to stress. Government is spending comparatively large sums of money in their efforts to improve native husbandry. These efforts are made more difficult than they might be by the reluctance of the natives to adopt more progressive practices in their turn in European areas.

It seems to me that this is an excellent opportunity to secure an improvement, at any rate in the seed which they use, and it is just possible that these famine relief measures may be made use of—I certainly think they should be made use of—to improve conditions in that direction.

REV. CANON THE HON. HARRY LEAKEY: On a point of explanation, may I say in regard to the suggestion that my words are unreasonable, that it is perfectly conceivable that

ignorant women, hearing that seed for sowing was being bought and paid for, might easily not take the trouble to go and ask for it. Therefore I ask that every precaution may be taken that they be told the seed is free.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. DOBBS): Your Excellency, with regard to the Baringo famine relief, my information is that the greater part of that relief is being given in return for work on the roads. The natives in that area—from what I have read about them in the last two years—appear to live on the verge of famine permanently. Every effort is being made to send them out to work, but there are number of them old and infirm who cannot go out, and these people are almost always in a state of famine. But I think I am right in saying that famine relief is not being given to anybody for nothing. He has either got to work on the road for his food, or else he has got to pay for it. A number of roads have been made in this area, which have been—among other things—a great help in transporting the food up to these people, so that there is much less likelihood of famine in this area than there would have been before.

With regard to the statement that all food should be paid for, every effort will be made to get payment, but it cannot be made "on the nail." Instructions are being issued that accounts are to be kept against every individual recipient, so that we can see where we are at the end.

I would like again to lay stress on the difficulty in which the Meru people are placed. There is no railway, they are far away, and if this railway could only be extended to Meru it would help matters enormously. They have the greatest difficulty in getting sale for their crops; the transport down-country kills everything.

With regard to seed, there is no question that seed is being given away for nothing. It will be given away in individual cases, but local Native Councils already have on deposit sufficient money to pay for practically half of the £6,000 and I have no doubt whatever that next year they will pay the balance. That will be paid on a communal basis by the local Native Councils, Sir.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. HOLM): Your Excellency, I think there are only two points on which information has been sought by hon. Members requiring to be dealt with. On the question of the issue of seed to European farmers who may have suffered loss, I am afraid the hon. Member for the Coast does not fully appreciate the position. There is no free issue to either Africans or Europeans. European farmers are in a position to secure their seed requirements,

whereas individual African agriculturalists are not in that position. But if and when any European farmer finds any difficulty in securing seed the Department of Agriculture will do its best for him.

With regard to the point raised by the hon. and gallant Member for Kenya as to the possibility of a scheme of insurance against destruction by locusts, I am quite prepared on behalf of Government to say that I will cause steps to be taken immediately to secure information from other countries with regard to the application and success of insurance schemes of this kind. In my opinion it is somewhat premature to appoint a committee to deal with this matter, but if and when that information is available it is thought desirable to have a committee of this House to deal with the matter, Government will consider the position, and I may also inform the hon. Member that I shall be glad to place this information at his disposal as soon as received.

I would take this opportunity of informing the House, Sir, that the first experiment in regard to the use of flame-throwers was conducted in the Colony the night before last. Telegraphic information received last night indicates that success is likely to be achieved. With the operation of five or six flame-throwers locusts over an area of about twenty acres were destroyed between two o'clock in the morning and seven. Further, with regard to the proposed expenditure of £5,000 on these services, the Department recognises that that same expenditure is an experiment. If that experiment is successful we shall go on with it, and we shall spend £5,000. If on the contrary we find that the results are not comparable with the expenditure involved then we shall effect a saving on that particular vote.

THE HON. THE ACTING COLONIAL SECRETARY: I think that all the points raised on the other side of the House have now been dealt with. I have now only to give Government's attitude with regard to the insurance scheme. In this connection I think it is far better in the first instance to get information from those who are conversant with such schemes before convening a local committee, and I endorse the views expressed by my hon. friend the Director of Agriculture.

The point has been raised as to what steps have been taken with regard to seed distribution. I would say that Government has accepted the principle that natives should pay for relief wherever possible, and this is incorporated in the motion I am about to move. We realise there are areas in this country where the natives are very poor, and they are on

the edge of famine almost permanently. In these cases road-making and other relief works are instituted to enable them to work for their food.

HIS EXCELLENCY: Before putting the motion, with regard to the question of insurance my views have been expressed by the Director of Agriculture. There is no difference of opinion between the Government side of the House and the other side of the House.

The question was put and carried.

#### SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING COLONIAL SECRETARY: The business before the House is the motion dealing with the provision of funds for the Food Control Board. I would ask Your Excellency's leave to move the suspension of Standing Orders in order that the matter may be taken to-day and adjourn this meeting.

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

HIS EXCELLENCY: Although this motion was before the House yesterday, technically it is not in accordance with Standing Orders, and therefore it is necessary for that suspension in order that the matter may be dealt with to-day. The motion is that Standing Rules and Orders be suspended for the purpose of taking this motion.

The question was put and carried.

#### MOTION.

##### FUNDS FOR FOOD CONTROL BOARD.

THE HON. ACTING COLONIAL SECRETARY: Your Excellency, the motion which I have the honour to propose implements the Food Control Ordinance which has just passed through all its stages in this Council. There is no need for me to dilate on the objects for which the money will be provided. Those have appeared in debate and have also been thoroughly thrashed out in the negotiations which have taken place in the intervals between the meetings of this Council. I only wish to emphasise one point which was made by some hon. Members opposite yesterday, and that was that the amount which is being allocated for this purpose—it is an amount of £200,000—is excessive. Well, of course, it is impossible to forecast requirements, but under clause 6 of the Bill funds are only to be placed at the disposal of the Board by Your Excellency with the sanction of the Legislature. It is obviously incon-

venient to call meetings of the Legislature for such a purpose oftener than can be avoided. The amount therefore has been placed rather higher than under present conditions we anticipate requirements will be. Of course, it has been brought out in the course of many speeches—the uncertainty of the future makes it difficult to forecast actually what is required, but I think the responsible personnel of this Board can be trusted not to spend for spending's sake and that the expenditure will be limited to the proved requirements. Actually, I am given to understand by my hon. friend the Acting Chief Native Commissioner that the present requirements are estimated at 100,000 bags. The Committee which advised Your Excellency on this matter thought it best to put up a higher estimate and the present figure is based on 140,000 bags. Taking into consideration the heavy transport charges which will be entailed that amounts to about £196,000, and besides that, of course, there are administration and compensation claims.

I think it is only natural that with an allocation of this sort one should take a look at the financial situation. I do not think that there is any need for alarm—in fact, all that is required is that proper precautions should be taken in case the situation develops. At the present moment our surplus balances and also the revenue which has come in during 1928 are quite up to anticipation. The position has not led us to imagine that there will be financial embarrassment, particularly as it has been laid down in principle that every endeavour will be made to recover the cost as far as possible from persons in receipt of famine relief. But I will say this, that Government is circulating Departments asking them to lay special stress on economising their current expenditure as far as practicable.

At this season of the year, of course, the new programme of work has hardly been initiated, but care will be taken that all such undertakings will be carefully scrutinised, and if they can be deferred until the position is clearer steps will be taken to that end. But, of course, we must look at it from the other point of view too, that it is necessary to afford employment to these native in the devastated areas and that consideration I think must be taken into account in the treatment of each item; one cannot envisage the possibilities without going into all the aspects of the case.

I hope that what I have said is enough to assure this House that the Government has the situation well in hand and is fully alive to the fact that, though the present situation is not so bad as might perhaps, be expected, special measures are necessary to deal with it.

I beg to move:—

“Whereas this Council has passed a Bill entitled “The Food Control Ordinance, 1929,” providing, *inter alia*, for the establishment of a Food Control Board, with powers to conserve control and distribute foodstuffs in the Colony during the present year:

And whereas it is necessary to place at the disposal of such Board, if and when duly constituted, such funds as may be required to enable the Board properly to exercise its powers and perform its duties:

This Council hereby authorises the Governor to pay to the Food Control Board, if and when duly constituted under the aforesaid Ordinance, out of the Revenue and other funds of the Colony such sums not exceeding in the aggregate two hundred thousand pounds as in the opinion of the Governor may be required to enable the Board to discharge its functions under the said Ordinance, it being understood that Government will make every endeavour to recover as far as possible from the persons to whom famine relief is granted the cost of foodstuffs supplied by the Board to such persons and that all monies so recovered will be credited to the general revenue of the Colony.”

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

THE HON. T. J. O'SHEA: Your Excellency, there is such a large sum of money involved in this motion that I do not think it right to let it pass without comment. It is very reassuring to hear that Government has reconsidered the financial situation in view of the expressed commitments, and that instructions have been given that a policy of caution is to be proceeded with for the rest of the year until the situation becomes clear.

As far as I can remember, these famine relief measures in every country result in wastage. It is never possible under emergency organisation such as this to administrate money very efficiently, and one can only anticipate a certain amount of waste, but everything possible should be done to economise. It seems to me there is heavy wastage from three causes—by faulty organisation in distribution—by lack of judgment on the part of the Board in estimating the amount of maize in the country—by under-estimation of the amount of maize in the country resulting in importing.

I understand that this Board will only make itself responsible for the food supplies necessary, and it will be very largely in the hands of the Native Affairs Department to distribute it. When maize was exported from this country last year to relieve



the famine in Uganda, I witnessed an amount of wastage that was appalling. I sincerely hope that our efforts this year will be better, and that we shall not witness the spectacle of large stacks of maize standing in the open and the rain.

With regard to the provision of organisation for the necessary distribution I should like to ask the Acting Chief Native Commissioner if he can anticipate any real help from the Native Councils and native organisation which has been set up in the Native Reserves in recent years. This seems an opportunity to test their value, and the occasion also provides an opportunity of improving native conditions in several directions.

I am rather appalled with the idea that any effort should be made by Government to keep individual accounts in the matter of payment. I should have thought it was possible for these Native Council which already some people are saying are capable of taking over the Government of the country, to, at least, take over the work of distributing the food in their own areas, and it should not be necessary for the Chief Native Commissioner to do more than hand over to them.

Also, Sir, I should like to express the hope that every effort will be made by Government to ensure that the harmful conditions that prevail in the Reserves will not be multiplied in connection with these famine relief measures. As far as my knowledge goes of the conditions in the Reserves, the women and children are called upon to do an amount of work which is unjustifiable, and Government has an excellent opportunity of ensuring that the male population does something in the nature of a fair share of its work. I would like the Acting Chief Native Commissioner's assurance that the burden of the present day situation will fall upon the male population of the Reserves and not upon the women and children.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** Your Excellency, there was one matter in regard to the position which I intended to mention but which I forgot, and that is that in view of this crisis at the present moment the leave of Administrative Officers has been stopped—except in the case of the medical certificate—in order to help to deal with the position.

With regard to the keeping of individual accounts, I admit the prospect is somewhat appalling and I think I mentioned that if it was found impossible, the accounts would be kept against small sub-divisions of the various districts. Every district is divided up into sub-divisions and we shall try and keep accounts if the cash is not paid at once.

One of the main principles on which famine relief was issued in Uganda last year was that no person who had not received famine relief should be called upon to pay for it for anyone else. That is one principle they worked upon, and if a man pays for relief himself, or if he does not get any, it is rather hard on him to compel him to pay for anybody else. With regard to Native Councils, I am quite sure that the District Commissioners will do their best to work through them. Of course the different headmen of each location will have to be given a certain amount of responsibility to see that things are done properly in their locations.

With regard to alleged slavery conditions, which the Hon. Member for Plateau South mentioned, I believe that in native life work on the land is divided into different parts, and it is regarded as the duty of the men to do the first breaking up of the soil and cut the bush. I think most employers of labour realise that during the first months of every year there is a considerable immigration of labourers back into the Reserves. They go back into the Reserves to do that initial work. That has been their custom. After that the women do most of the work on the land. Also, in the present crisis I think it is advisable not to keep more able-bodied men than we can possibly help in the Reserves once they have done their essential work. We want them to go out and earn wages in order to pay for the food of their women and children and leave the women and children as best they can to carry on.

**REV. CANON THE HON. H. LEAKEY:** With regard to this matter of slavery in the Reserves which has been discussed, I certainly endorse entirely what has been said. As far as we can we try very hard, but find it very difficult to make a man look upon his wife as the weaker vessel, for the simple reason that a woman can carry a load three times as heavy as a man. But many Christian natives have learnt to treat properly their women-folk.

I fully endorse the views expressed that the men should take a fair share of the cultivating, and at least should dig up the hard soil, but the women are most wonderful cultivators. Personally I should be very sorry indeed to see the Kikuyu women think herself too grand to cultivate the soil.

The question was put and carried.

**HIS EXCELLENCY:** Before I adjourn the House I should like to say, with regard to the Commission on Agriculture, I delayed publication of the terms of reference and membership of the Commission on account of the extra work falling on the Agricultural Department as a result of the locust infestation. The matter has not been lost sight of, and the Commission will be published in the near future.

*The House adjourned sine die.*



COLONY AND PROTECTORATE OF KENYA

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LEGISLATIVE COUNCIL DEBATES,  
1929

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SECOND SESSION

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WEDNESDAY, 12th JUNE, 1929.

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The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, His Excellency the Acting Governor (Sir Jacob William Barth, C.B.E.), presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

EX-OFFICIO MEMBERS.

HENRY MONCK-MASON MOORE, Colonial Secretary.

HERBERT SEPTIMUS SCOTT, Director of Education.

NOMINATED OFFICIAL MEMBERS.

EDWARD BUTLER HORNE, Senior Commissioner, Kikuyu.

HANNETT HOLLAND BRASSEY-EDWARDS, Acting Chief Veterinary Officer.

EUROPEAN ELECTED MEMBER.

EDWARD POWYS COBB, Rift Valley.

ACTING MEMBERS.

MAJOR EVELYN BARRY JOHNSTON, Ukamba.

LT.-COL. WILLIAM KINGTON TUCKER, Nairobi North.

FREDERICK ARTHUR BEMISTER, Mombasa.

JOHN CREIGHTON COVERDALE, Coast.

## PRESENTATION OF INSIGNIA.

The Insignia of the Most Excellent Order of the British Empire was presented by His Excellency:—

Of an Officer:—

Mr. W. MACLELLAN WILSON.

Of Members:—

Mr. J. H. WILLIAMS.

THE VERY REV. DEAN WILLIAM JOSEPH WRIGHT.

## COMMUNICATION FROM THE CHAIR.

Honourable Members are aware this is the second Session of Legislative Council in 1929, the first having been convened especially to deal with food shortage in Native Reserves caused by the destruction of crops by locusts.

I am glad to say that the Treasurer reports that revenue has been maintained during the first four months of the year. But on the other hand the method of budgeting for a large number of non-recurrent items from surplus balances has not received the approval of the Secretary of State who has directed that as far as possible all expenditure should be met from the year's revenue. Such expenditure estimated as being incurred from surplus balances, as hon. Members will remember, includes both new services and revotes. This and other unforeseen expenditure, such as famine relief, will render necessary Supplementary Estimates, the first of which you will be asked to consider at this Session. These Estimates have, as far as possible, been confined to sums which it is considered can be spent during the year. Supplementary Estimates to clear up the 1928 Account will also be presented to Council.

The locust infestation remains and it is obvious from the reports that we shall have to contend with large quantities of hoppers both in settled areas and in Native Reserves. A sum of £25,800 has been provided for the locust campaign by a Resolution of this Council in February last, and a further sum of £20,130 is included in the Supplementary Estimates which will be laid before you. On the other hand, famine relief, the greater part of which is due to destruction of crops by locusts and to meet which a sum of £200,000 was provided by a Resolution of this Council on the 22nd February, 1929, is now expected to cost not more than £50,000 during this year.

The personnel of the Agricultural Commission has been settled and it is hoped that the consent of the suggested members to serve will speedily be obtained and the work of

the Commission begun. The delay has been entirely due to the increased duties thrown on the Agricultural Department by locusts, the work of the Tariff Committee, and other urgent matters.

As well as the Supplementary Estimates to be placed before the Council hon. Members will also be asked by means of resolution to provide funds for entertaining members of the British Association in the Colony, for the provision of better roads in the Northern Frontier Province and Turkana, and for measures to be taken for the control of the mealie bug pest which appears to have spread with increased virulence over a wide area in the Kikuyu, Ruiru and Thika coffee districts.

In addition to these the financial resolutions include grants and advances for Local Government purposes, and for an Educational Loan.

It is further intended to proceed at an early date with the Fencing and Dipping legislation.

## MINUTES.

The Minutes of the meeting of 22nd February, 1929, were confirmed subject to the addition to the list of absent Members of the name of the Hon. J. Cumming.

THE HON. CONWAY HARVEY: Your Excellency, with Your Excellency's permission I should like, on behalf of Elected Members, to extend a cordial welcome to the hon. the Colonial Secretary, and to assure him of our hearty co-operation in all measures for the welfare of Kenya, which has always been a feature of our relations with his distinguished predecessors.

THE HON. THE ATTORNEY GENERAL (MR. W. C. HUGGARD): I feel I voice the feelings of every Member on this side of the House when I say we desire to associate ourselves very cordially with the welcome that has been extended to the hon. the Colonial Secretary.

HIS EXCELLENCY: I should like to associate myself with the welcome that has been extended by both sides of the House.

THE HON. THE COLONIAL SECRETARY (MR. H. M. MOORE): With Your Excellency's permission I should like to state my very sincere appreciation of the very kind way in which both Officials and Non-Officials have welcomed me on my being sworn and admitted a Member of the Legislative Council of Kenya.

## PRESENTATION OF PETITIONS AND MEMORIALS.

## MUTHAIGA TOWNSHIP.

LT.-COL. THE HON. W. K. TUCKER: I beg leave to present and lay on the table of this House a petition from 105 residents of Muthaiga on the subject of the inclusion of Muthaiga in the Nairobi Greater Municipality, and in conformity with Standing Order No. 16, Sir, I have to assure you that the petition is properly and respectfully worded.

I further beg, Sir, to move that a Committee be appointed to examine this document. Now is not the time, I understand, Sir, to argue the merits of this case at all beyond, perhaps, stating that 95 per cent. of your petitioners are themselves engaged in business in Nairobi where they will cheerfully submit to the regulations and rates imposed by the Ordinance to which this petition refers. They are people whose position and calibre must acquit them of petty or sordid motives but they do feel they have a grievance which I respectfully submit it is in the interests of the whole community should be investigated. With which purpose I beg to formally move a Committee be appointed.

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

HIS EXCELLENCY: The question is that a Committee be appointed to consider a Petition from the Inhabitants of Muthaiga which has been laid on the table.

The question was put and carried.

HIS EXCELLENCY: I propose the following hon. Members for members of the Committee that has been agreed to:—

The hon. the Acting Commissioner for Local Government, Lands and Settlement.

The hon. the Attorney General.

The hon. Member for Lake.

The hon. Member for Plateau South.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, as the hon. Member for Plateau South has not appeared yet and as it might be desirable to accelerate consideration of this Petition, would it be possible to nominate an alternative Member in the event of the Member for Plateau South not materialising?

HIS EXCELLENCY: Can you suggest an alternative Member?

THE HON. CONWAY HARVEY: I suggest the hon. Member for West Kenya.

HIS EXCELLENCY: If the hon. Member for Plateau South is not here the hon. Member for West Kenya will take his place.

## PAPERS LAID ON THE TABLE.

THE HON. THE COLONIAL SECRETARY: I regret, Sir, that the printer has not yet been able to supply the copies of the 4th Supplementary Estimates, 1928, and 1st Supplementary Estimates, 1929, which stand to be laid by me this morning, but I think I can give a guarantee to Members that they will be circulated in the course of the day.

BY THE HON. THE TREASURER:—

Report of Committee on Rural Telephones.

Balance Sheet and Statement of Receipts and Payments to 31st December, 1928, of the Native Trust Fund.

BY THE HON. THE ACTING CHIEF NATIVE COMMISSIONER, (MR. C. M. DOBBS):—

Report of the Select Committee on Film Censorship.

BY THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):—

Report on H. M. Eastern African Dependencies at the British Industries Fair, 1929.

Report on H. M. Eastern African Dependencies at the Grocers, Bakers, Confectioners and Caterers Exhibition at Birmingham.

Progress Report for period ending 31st December, 1928 on Anti-Malaria Works in Nairobi.

BY THE HON. THE DIRECTOR OF AGRICULTURE (MR. ALEX. HOLM):—

Report of Select Committee on the Land Bank Bill.

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

Statement under the Electric Power Ordinance.

Report of Select Committee on Legislative Council Chamber.

## ORAL ANSWER TO QUESTION.

## SUPREME COURT.

CAPT. THE HON. H. E. SCHWARTZ asked:—

"Will Government state whether there is any intention of proceeding, in the near future, with the erection of a new Supreme Court?"

THE HON. THE COLONIAL SECRETARY: Following on a statement made to this Council by my predecessor on the 21st June last, Government took steps to settle the question of the siting of the proposed new Law Courts in Nairobi and to obtain preliminary plans of a suitable building.

Government has now decided that the proposed building should be situated in the suggested City Square. Preliminary plans and estimates of costs have been prepared by Mr. Hoogterp.

Government is anxious to proceed with the erection of the building as early as possible and with this end in view has authorised Mr. Hoogterp, who is at present in England, to prepare the detailed drawings, in consultation with Sir Herbert Baker, and in conformity with certain minor alterations to the preliminary plans which Government has approved.

It is proposed to seek the approval of this Council in due course to the expenditure from loan funds of the sum required for the erection of the new Law Courts.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of that answer, may I ask whether the plan referred to in that answer is to over-ride the plan which, I understand, has already been prepared by Sir Herbert Baker and paid for many years ago?

THE HON. THE COLONIAL SECRETARY: I should like notice of that question.

CAPT. THE HON. H. E. SCHWARTZ: Will you accept that as notice, Sir.

THE HON. THE COLONIAL SECRETARY: Yes, Sir.

## BILLS.

### FIRST READINGS.

#### THE APPROPRIATION BILL.

On motion of the hon. the Colonial Secretary the Appropriation Bill was read a first time.

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

#### THE ABUSE OF OPIATES PREVENTION (AMENDMENT) BILL.

On motion of the hon. the Colonial Secretary the Abuse of Opiates Prevention (Amendment) Bill was read a first time.

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

## THE SPECIFIC LOAN BILL.

On motion of the hon. the Treasurer (Mr. R. C. Grannum) the Specific Loan Bill was read a first time.

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

## THE NON-NATIVE POLL TAX (AMENDMENT) BILL.

On motion of the hon. the Treasurer the Non-Native Poll Tax (Amendment) Bill was read a first time.

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

## THE CROWN LANDS (AMENDMENT) BILL.

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

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

## THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL.

On motion of the Hon. T. D. H. Bruce (Solicitor General) the Births and Deaths Registration (Amendment) Bill was read a first time.

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

## THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

On motion of the hon. the Attorney General the Legal Practitioners (Amendment) Bill was read a first time.

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

## THE STAGE PLAYS AND CINEMATOGRAPH EXHIBITIONS (AMENDMENT) BILL.

On motion of the hon. the Acting Chief Native Commissioner the Stage Plays and Cinematograph Exhibitions (Amendment) Bill was read a first time.

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

**THE CENTRAL ROADS AND TRAFFIC BOARD BILL.**

On motion of the hon. the Acting Commissioner for Local Government, Lands and Settlement, the Central Roads and Traffic Board Bill was read a first time.

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

**THE MOTOR SERVICES BILL.**

On motion of the hon. the Director of Public Works the Motor Services Bill was read a first time.

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

**THE TRIBAL POLICE BILL.**

On motion of the hon. the Acting Chief Native Commissioner the Tribal Police Bill was read a first time.

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

*Council adjourned to 10 a.m. on Thursday, the  
13th June, 1929.*

THURSDAY, 13th JUNE, 1929.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, His Excellency the Acting Governor (Sir Jacob William Barth, C.B.E.), presiding.

His Excellency opened the Council with prayer.

**ADMINISTRATION OF THE OATH.**

The Oath of Allegiance was administered to:—

**EX-OFFICIO MEMBER.**

ALBERT RUTHERFORD PATERSON, Acting Director of Medical and Sanitary Services.

**MINUTES.**

The Minutes of the meeting of the 12th June, 1929, were confirmed.

**PAPERS LAID ON THE TABLE.**

BY THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE):—

First Supplementary Estimates, 1929.  
Fourth Supplementary Estimates, 1928.  
Auditor's Report for 1927.

**ORAL ANSWERS TO QUESTIONS.****REGISTRATION OF DOMESTIC SERVANTS.**

CAPT. THE HON. H. E. SCHWARTZ asked:—

"Can Government state why the Registration of Domestic Servants Ordinance, which passed its third reading a year ago, has not yet come into operation and when it is intended that it should be applied?"

THE HON. THE COLONIAL SECRETARY: The Registration of Domestic Servants Ordinance awaits His Majesty's Assent.

2. It will come into force as soon as that Assent is signified.

LT.-COL. THE HON. C. G. DURHAM asked:—

"Will Government state when it intends bringing the provisions of the Domestic Servants Ordinance into force, and the reason for the delay in taking such action?"

**THE HON. THE COLONIAL SECRETARY:** The hon. Member is referred to the reply given to the hon. Member for Nairobi South.

**THE HON. CONWAY HARVEY:** Your Excellency, has the local Government made representations to the higher authorities in order to accelerate the assent to this very prolonged measure?

**HIS EXCELLENCY:** Representations have been made, I think.

#### AUDITOR'S REPORT.

**LT.-COL. THE HON. C. G. DURHAM** asked:—

"Will Government state whether the Auditor's Report for 1927 will be published and whether the Report for 1928 and future years will be made public? If not, will Government give its reasons for refusing to publish them?"

**THE HON. THE COLONIAL SECRETARY:** The answer is in the affirmative both as regards the publication of the 1927 Report and future Reports.

#### TIGONI TOWNSHIP.

**LT.-COL. THE HON. C. G. DURHAM** asked:—

"Will Government state when stands or plots in the Tigoni Township will be auctioned?"

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):** Government regrets it is unable to state when plots in Tigoni Township will be auctioned. The question of native occupation is still under consideration with a view to finding alternative land for natives now in occupation, but in any event disposal of land in this area forms part of the Closer Settlement proposals which have not yet received the approval of the Secretary of State.

#### GRANTS OF LAND TO DR. PENTREATH.

**LT.-COL. THE HON. C. G. DURHAM** asked:—

"(1) Will Government state under what conditions Dr. Pentreath received the grant of a certain plot of land in Kiambu?"

"(2) Has he further been allotted a second area of land in the Kaimosi District?"

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** The conditions attached to the grant of the plot in question were that the grantee should undertake to pay the average price realised at auction when other residential sites in the township were sold.

Under the Medical Section of the Soldier Settlement Scheme, Dr. Pentreath was granted a farm at Kaimosi in August, 1923.

**LT.-COL. THE HON. C. G. DURHAM:** Arising out of that, may I ask whether Dr. Pentreath has carried out the conditions attached to both these grants?

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** In regard to the first, Sir, there were no conditions other than those mentioned in my reply—the grant in the Kiambu Township.

As regards the farm in Kaimosi, enquiries are being made now as to whether an affidavit has been lodged by Dr. Pentreath.

#### MUHORONI-SONGHOR-CHEMIL ROAD.

**THE HON. CONWAY HARVEY** asked:—

"What has been the cost to date of the Muhoroni-Songhor-Chemil Road, and what will be the total cost when the road has been completed?"

**THE HON. DIRECTOR OF PUBLIC WORKS (MR. H. L. SIKES):** The total sum available for construction after deducting the Establishment head, is ... .. £17,840  
Total Expenditure to 31-3-29 ... .. 13,701

Balance ... .. £4,139

It is anticipated that the construction and surfacing will be completed within the sum available with perhaps a small balance. This balance cannot, as yet, be estimated on account of the amount of extra hard-surfacing which may be necessary during and after the long rains when weaknesses may appear as the material available for surfacing is not of the best quality.

#### MOTIONS.

##### COMPASSIONATE GRATUITY.

**THE HON. THE TREASURER (MR. R. C. GRANNUM):** Your Excellency, I beg to move the motion standing in my name on the Order of the Day:—

"In consideration of the destitution of the widow of the late Omar Abbu, who, after rendering 15 years, 8 months and 5 days' satisfactory service in the Port and Marine Department of this Colony, died at Mombasa on the 5th of July, 1928, this Council is pleased to award her a compassionate gratuity of Sh. 900 which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him immediately prior to his death."

This is rather a hard case. Omar Abdu belonged for many years to the Port and Marine Department of the Colony and was transferred to the Harbour Department of the Kenya and Uganda Railways and Harbours on the 1st January, 1927. In October of that year the Asiatic Widows and Orphans Fund Scheme came into existence but it was then impossible for Omar Abdu to join that scheme. Had he been able to do so and had he elected to do so, his widow, instead of receiving £45 gratuity, would have had a pension of £50 a year.

I commend the resolution to the Council.

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

The question was put and carried.

#### GRANTS-IN-AID FOR EDUCATION.

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): I beg to move the resolution standing in my name:—

Whereas it is recommended in the Report of the Committee on Grants-in-Aid for Education in Kenya that capital grants for permanent buildings up to one-half of the certified and approved future expenditure may be granted to aided African schools, each case to be considered on its merits:

And whereas it is further stated in the said Report that it should be possible for Government to grant loans for the whole or part of the balance of such approved expenditure on easy terms in respect of interest and sinking fund:

And whereas the Director of Education has approved a capital grant of £2,197 for the purpose of assisting the Roman Catholic Mission at Yala, Central Kavirondo, towards building a permanent Teachers' Training School at Yala and has recommended approval of an application from the Mission that its share of the cost of erecting the building, *viz.*, £2,197, be loaned to the Mission by Government:

This Council hereby approved the loan of £2,197 being made from the funds of the Colony to the Roman Catholic Mission at Yala, Central Kavirondo, for the purpose of assisting in the erection of the permanent Teachers' Training School at Yala, on the following terms:—

- (1) The buildings to be permanent, *i.e.*, such as will outlast the maximum period of repayment of the loan.

- (2) The buildings to be insured against fire, the Mission paying the cost of insurance. The insurance policy to be lodged with the Treasurer until the loan is repaid.
- (3) The rate of interest on the loan to be one-half per cent. above the Bank rate.
- (4) The money to be repaid by annual instalments over a maximum period of 30 years.
- (5) The buildings to be the security for the loan; a valuation of the building to be made by Government.
- (6) The buildings to be used for approved educational purposes for a period to be specified in the Agreement, but in any case until the loan has been repaid."

I should like to refer hon. Members of the House to one or two points in it before I formally make the proposal.

This is a loan for capital expenditure and is really an application of a principle which has already been approved by this House in 1925, namely, that in addition to grants outright in respect of capital expenditure by Missions, the Government should make loans for the Missions' share of the expenditure. The institution in question is an institution established by the Catholic Mission in Kavirondo which holds out promise of doing extraordinarily good work in the Kavirondo district in regard to the most important side of educational work at present, namely, the training of teachers. So, from the educational point of view, the grant is thoroughly justified.

Provision is urgently needed for additional buildings and the Mission will not be able to carry out these additional buildings unless Government comes to its assistance in terms of the Grants-in-Aid Rules, and gives an advance in the form suggested in the resolution.

The loan is amply secured. The buildings already erected are worth more than the amount which is to be lent.

I would only like to say in conclusion that the funds will be found from the working balances of the Colony. The balance due from Government, as opposed to the balance due from the Mission, is already provided for on the Extraordinary Estimates of the Education Vote for 1929.

I beg to move the resolution.

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



**THE HON. CONWAY HARVEY :** Your Excellency, I sincerely trust that all hon. Members will support this motion, which is merely carrying into effect a definite principle which was agreed to in 1925, as the hon. Director has said.

I think, Sir, the principle is a thoroughly sound one, inasmuch as with our very limited financial resources, it is highly desirable to invoke the assistance of other bodies who are engaged in doing work which would otherwise have to be done by Government. This particular institution has proved its worthiness for a large number of years, and I do sincerely trust, Sir, that the motion will receive the unanimous support which it deserves.

**THE HON. T. J. O'SHEA :** Your Excellency, I accept the assurances given that this is a very deserving purpose, but there is one aspect of the proposal I would like to draw attention to.

Not only is Government providing its stipulated one-half of the capital cost of the school, but it is also mortgaging its loan facilities to the extent of the other half. I thought the principle underlying our support of these Mission schools was that Government would show its recognition of their buildings by providing up to fifty per cent. of the capital cost of the buildings. But I think it is only right, on the other hand, that the Missions should show that they are sufficiently interested to find the other half. In this case it may be quite sound—taking the case on its merits—that Government should not alone contribute one-half but that it should also find the other half out of our loan funds. If that principle is carried very far, I can foresee the day when we shall be short of funds for other purposes because we have been so ultra-liberal in contributions to these Mission schools. It is bound to come, with Government providing all the capital expenditure in this way. Would it not be possible for Government to do the work itself and so rid us of the slur that Government was doing so little for native education that we have to fall back on the Missions for a very large portion of the educational work in the native reserves.

**THE HON. THE DIRECTOR OF EDUCATION :** I think I should reply shortly to the remarks of the hon. Member for Plateau South. I want to make it clear that Government is not paying the whole of the cost here; Government is lending the Mission half the money, and that is quite a different thing from providing the balance of the funds.

**THE HON. T. J. O'SHEA :** Your Excellency, on a point of explanation, have I misunderstood the motion? Am I correct in understanding that Government is contributing fifty per cent. as a free grant and is providing the other half as a loan?

**HIS EXCELLENCY :** Not out of loan funds.

**THE HON. T. J. O'SHEA :** Not loan funds.

**THE HON. THE DIRECTOR OF EDUCATION :** I think that meets the point raised, that we are not providing the money out of loan funds, so that it will not hamper the Colony's powers to make use of loan funds. It is merely assisting the Mission by an advance that is amply secured.

**HIS EXCELLENCY :** The question is in terms of the motion.

The question was put and carried.

**NORTHERN FRONTIER PROVINCE AND TURKANA ROADS.**

**THE HON. THE ACTING CHIEF, NATIVE COMMISSIONER (MR. C. M. DOMBS) :** Your Excellency, I beg to move the resolution standing in my name:—

That provision be made in 1st Supplementary Estimates, 1929, for the following items:—

Northern Frontier Province Roads	£2,500
Turkana Roads	2,000
Total	4,500.

Your Excellency, at the end of last year the Northern Frontier Province was re-organised with a view to abolishing, as far as possible, one-man stations and running the district on a mechanical basis, as it had been found in the past very difficult to administer this enormous tract of country by other means, and I think, owing to an oversight, sufficient provision was not made in the 1929 Estimates for making the roads in order to carry out this object.

Recently at a meeting of the sub-committee of the Central Roads Committee, a schedule for Public Works Extraordinary expenditure was agreed to for 1930, under which these two sums were agreed to be spent on the respective Provinces. The suggestion is that the money should come out of capital expenditure, and as the sooner these roads are made the better for administrative and strategic reasons, it is suggested that they should be included in first Supplementary Estimates this year and be cut out of the Public Works Extraordinary Schedule for 1930.

A further reason for getting the work done, especially in the Northern Frontier Province is that the rains have failed almost entirely all over that area, and the Provincial Commissioner points out it would help greatly in feeding the people if public works were provided from which they could get pay to buy food.

In regard to Turkana, Sir, the urgency of pushing the road on to Lokitaung, in view of the recent raids from the north, is, I think, unquestionable.

This is not a new expenditure—it will simply be anticipating the 1930 expenditure, in which there will be the corresponding cut.

I therefore propose that provision be made for this amount in First Supplementary Estimates, 1929.

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

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, on this vote I think it is desirable that Government should give us some indication of its policy in regard to the Northern Frontier.

In the past, Sir, the roads have run at right angles to the menace that exists there and not parallel to that menace. I feel it is desirable that Government should commit itself to a definite policy of making a new line of roads parallel to the menace that exists. I feel, Sir, also, that Government should give us some reassurance in regard to our expenditure there. We have had raids in the past and we have had raids very recently—last year we collected from the persons responsible (from the nation or tribe responsible) a certain sum of money. I trust that Government is making every effort to recover a larger sum of money for the raids that have ensued since that date.

It is undesirable, Sir, to spend any further sums of money to enable our transport to reach these stations if these stations are continually to be juggled with in regard to their position. During the discussion on last Estimates it was decided, apparently, by Government, that Moyale should be abandoned; that policy, apparently, has been subject to revision, and it is now intended to retain Moyale.

Before agreeing to this vote, which no doubt is a necessary one, Sir, I hope Government will commit itself to a broad statement of policy with regard to the Northern Frontier control.

LT.-COL. THE HON. C. G. DERRHAM: I would like to associate myself with the hon. Member.

THE HON. T. J. O'SHEA: Under this vote, I would like to ask with regard to these Northern Frontier roads, constructed out of funds voted by this House, which run through a portion of Uganda—a lot of them were constructed in Uganda with the consent of the Uganda Government—by whom are they maintained and who retains control over them?

HIS EXCELLENCY: Perhaps the hon. the Director of Public Works will deal with that last question.

THE HON. THE DIRECTOR OF PUBLIC WORKS: It is the case that a portion of the Turkana Road does encroach on Uganda territory, but it would be impossible to keep that road entirely within the Kenya boundary without incurring very great expenditure because the Suk Hills extend right down over the boundary and it would necessitate taking the road over the most involved country if we kept within the boundary of Kenya. It is perfectly well known that we were slightly encroaching on Uganda territory, but the matter, I think, has no special significance.

THE HON. CONWAY HARVEY: Your Excellency, whatever the general policy of Government may be in regard to communications in the area under discussion, I do very strongly support the motion of the hon. the Acting Chief Native Commissioner.

It seems to me, Sir, it is a very wise move on the part of Government to construct these roads now instead of next year, more particularly as thousands of natives cannot find work. They are not living in idleness and instead of being paid at the expense of workers in the form of food for famine relief, they will be placed in a position to perform valuable work in road-making, for which they will receive payment, which in turn they will hand over for the food which Government is sending up to that area at very great cost. I think that alone, Sir, is a sufficient reason to justify complete acceptance of this proposal.

HIS EXCELLENCY: On the general question, I may say that proper representation has been made in regard to the raids incurred both from Sudan territory and from Abyssinia. The last raids were from the territory that is nominally Sudan. I think some definite result will arise from the representations that have been made.

With regard to the question of the roads, the policy is that easy means of communication shall be afforded to the various stations, both in the Northern Frontier Province and in Turkana, and at the same time implement the military needs. With a reduction of one company of the King's African Rifles, it is necessary that means should be provided for rapid transport of troops by mechanical means and a part of this vote will be spent on roads which are required for the protection of our northern territories.

The question is in terms of the motion.

The question was put and carried.

## LOCAL GOVERNMENT GRANTS.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg leave to move the motion standing in my name:—

"That provision be made in the First Supplementary Estimates, 1929, for the following items:—

1. Consolidated Grant to Eldoret Municipality	£3,000
2. Consolidated Grant to Nakuru Municipality	3,000
3. Refunds to Eldoret and Nakuru Municipalities of township revenue (£355 and £34 respectively) collected by Government between January 1st and the dates of their establishment	389
4. Advances free of interest to District Councils in respect of initial capital outlay	3,000
5. Advance to Mombasa Municipality for completion of improvements valuation	4,000
6. Cost of Public Works Department plant transferred from unallocated stores to the Mombasa Municipal Board	179
Total	£13,568.

This appears to be a large sum, Sir, but the actual net financial expenditure involved in this proposal is only £1,432 as I shall presently explain.

In regard to the first two items—grants to Eldoret and Nakuru Municipalities—it will be remembered that when the Local Government (Municipalities) Ordinance was passed, provision for contributions from the central Government to municipal bodies was laid down statutorily, and applied only in the first place to Nairobi and Mombasa. That limitation of application was due to the fact that at that time we had not had the opportunity of examining the position at Nakuru and Eldoret, nor had we been able to test whether, if this same basis of grants from the central to the local Government were applied to them, it would work out properly for both parties. Nakuru Municipality was established on the 11th January and Eldoret Municipality on the 30th April. In the meantime, the financial arrangements were examined and it was found that if we did apply the statutory basis of contribution to these bodies, it would not work out advantageously to them. It would mean the Government was contributing to them less

than it was actually costing them to run those places before the introduction of municipal government. It was therefore proposed that a sum of £3,000 should be paid over to each of them from the central Government as a consolidated grant. That represents a little more than the actual cost to Government in the preceding year but it is inevitable owing to the change over from central government to local government organisation that there should be some additional expense in matters of staff, and the slight increase was put in to ease that situation on behalf of the municipal bodies.

The full amount of the grant for the year has been inserted as it is most convenient—although these bodies have not operated from the 1st January—that we should calculate the contributions and savings on the basis as though they had. That is the simplest method of financial adjustment.

Item 3—£389—represents revenue which has actually been collected by Government prior to the date of the establishment of these bodies. As it is Colony revenue it requires to be revoted. Adjustment will, of course, be made when the actual calculations are adjusted in respect of the grants.

Item 4 is an item, Sir, for advances free of interest to District Councils in respect of initial capital outlay. At the outset it is necessary for these bodies to face certain capital expenditure in office equipment and in purchase of plant which Government is either giving them in kind or money. It will be, I think, perfectly feasible for them to repay these advances out of the twenty-five per cent. overhead allowance which is made year by year, but they are unable at the moment to face the initial capital expenditure.

In regard to item 5, an advance of £4,000 to Mombasa Municipality, this area is to complete the improvements valuation. It is most important that the improvements valuation should be completed as early as possible and while this is inserted, Sir, now as an advance, it may be necessary later to adjust the matter as between the Municipal Board and Town Planning expenditure.

The last item—£179—is, I think, a book entry representing the cost of unallocated stores which are amongst those other stores which have been handed over by Government to the Mombasa Municipal Board.

I beg leave to propose the motion.

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

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

The question is in terms of the motion.

The question was put and carried.

#### COFFEE SERVICES.

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

“That provision to the extent of £9,250 be made in the first Supplementary Estimates, 1929, in respect of additional Coffee Services in accordance with the following schedule:—

#### RECURRENT.

##### Scott Agricultural Laboratories.

1 Entomologist (£1,000) for 1½ months...	£125
1 Manager for Insectaries (£35 p.m.) for 5 months	175
1 Assistant Manager (£30 p.m.) for 5 months	150
1 Clerk, Grade A, for 5 months	125

##### Other Charges.

##### Insectaries:—

(a) Labour, for 5 months	125
(b) Upkeep, for 5 months	400
Passages	150
Local transport and travelling, etc.	100

Total recurrent ... £1,350

#### CAPITAL.

One travelling Laboratory	£600
Four complete insectary units, £1,825 each	£7,350

Total capital ... £7,900

Grand total ... £9,250.”

I hope, Sir, that the House will take the schedule as read. In the words of the Standing Orders a “state of emergency” exists and that is the reason why Government has decided to come to this House for sanction for the expenditure of so large a sum of money in the first Supplementary Estimates.

Ordinarily services of this kind should have been provided for in the Estimates of the year but there has been quite a change in the position during the last few weeks and the position as it now obtains could not have been foreseen when Government introduced the Estimates for 1929.

A few days ago I received a very influential and representative delegation of coffee planters under the auspices of the Coffee Planters' Union and they represented to me the urgency of the position in regard to the recrudescence of the coffee mealy bug. They also represented that the staff of the Department which I represent was totally inadequate to render services essential to the progress of the coffee industry and for the protection of its interests, upon which, to a large extent, the prosperity of the Colony depends.

In connection with the urgency of the position, Sir, in regard to this pest, it was believed until two or three weeks ago that the pest itself would be kept under control by natural biological means. That was the opinion expressed by that highly qualified entomologist who spent eighteen months or more on research work on the pest in this country.—I refer to Mr. Kirkpatrick. He said that provided an efficient ant repellent were used the control of the pest could be left to nature and biological means. There is no doubt whatever, Sir, as to the efficacy of the ant repellent introduced by Mr. Kirkpatrick in association with other scientific officers, and no other repellent yet found in this Colony—nor in any other country in the world I may add is more efficient. While that ant repellent remains effective and is the best known means of affording protection the experience of the past few weeks has shown that the reproduction of insects predatory on the pest has not yet kept pace with the multiplication of the pest itself. As a consequence extensive damage has occurred and serious losses have been suffered on a number of plantations, particularly in the Thika, Ruiru, and Lower Kiambu districts. Further, there is a danger that unless the pest can be kept under control its ravages may extend in future years to wider areas. A great deal of research and experimental work has been done, as I have said, by officers of the Department during the last few years and as a result these effective control measures have been introduced and large sums of money have been saved to the coffee planters. This recent experience, however, indicates that further research work must be undertaken, and one item in the service before the House deals with that. I will explain further at a later stage in my remarks.

Modern methods regarding insect control embrace the rearing artificially of predatory insects. That is associated closely with what is called biological control and it is in order that these up-to-date measures may be applied in this Colony

that Government has come to the House for sanction for the building of the insectaries referred to in the schedule. I will now explain the items in the schedule itself.

The first one refers to the services of an entomologist at a fixed salary of £1,000 per annum and provision is made for one and a half months of this year. The intention, Sir, is that every endeavour should be made to get the services of a first-class research entomologist—with experience in that group of insects to which the "mealy bug" belongs. In my opinion such an officer is not likely to be obtained within the British Empire and we should act wisely by endeavouring to secure the services of such an entomologist from, say, California or the United States of America. The intention is that he should come on agreement for one or two years, that he should take charge of the research work on this "mealy bug" with the assistance of other entomologists in the Department and generally in collaboration with the senior entomologist. It would be a non-pensionable post.

The other items refer, with one or two exceptions, to the establishment of the insectaries to which I have referred. Four complete insectary units will be required for this service. Each unit, I would explain, consists of an insectary and a house for the raising of food material for the mealy bug upon which the predatory insects are fed in the insectary. Each complete unit consists of two buildings, each 43 feet by 18 feet, suitably equipped and with suitable fixtures internally, and with an asbestos lined roof in order to equalise temperature. From the plans and estimates already prepared by the Public Works Department it is estimated that each unit will cost £1,825. That makes a total capital expenditure of £7,300.

With regard to the management of these insectaries, it is a complicated, intricate process to rear these insects in large numbers artificially. We believe that we shall require not less than two Europeans in charge of such work, and their efforts will require to be supplemented by 20 to 25 African labourers. That accounts for the provision under that head.

Provision is also sought for the inclusion of the appointment of a Grade A clerk to the establishment of the Scott Agricultural Laboratory. An enormous amount of additional clerical work will pass through that institution on account of these services only. At the present time the clerical service is poorly and inadequately organised and this appointment is considered essential.

The item "Passages," placed at £150, is to cover the cost of the passage of the entomologist from perhaps the western part of the United States of America to Kenya. A small provision is made for local transport and travelling.

The schedule also includes one travelling laboratory, £600. That again consists of two units—one fitted up as a laboratory, and the other unit a motor vehicle for movement about the country. It is necessary to get that travelling laboratory ready in advance of the arrival of the entomologist provided for so that no time may be lost.

I have referred to the labour required for the insectaries, and in addition provision is made for £400 for five months for upkeep. In that amount I would explain that a large quantity of potatoes have to be purchased for the rearing for food purposes of the mealy bug on which the predatory insects are maintained. Further, in connection with the expense, I would like to explain here that the intention of Government is—and it has the support of the coffee planters—that revenue should be derived from the sale of these predatory insects. It is very difficult at this stage to frame a close estimate but the proposal is that a charge should be made for these predatory insects calculated to cover the running costs of the insectaries themselves. It has been calculated—though I would not like to express the opinion that the figures will work out accurately in practice—that during the year four or five millions of these predatory insects—a lady-bird in fact—will be reared in these insectaries. They will be distributed among approved plantations and they will be paid for, probably at a certain rate per thousand.

Now Sir, having endeavoured to explain the general position as indicated in the motion, I would like to add this. While Government has accepted the responsibility in coming to this House for sanction for this expenditure, it is felt that a responsibility rests upon the planters themselves, and the Department is not wholly satisfied that each and every planter has done all that could have been desired or could have been expected of him during, for example, the last few months. There are indications of indifference among planters in respect of the application of effective control measures. I have under review at the present moment, and am putting up to the Coffee Planters' Union and the Coffee Consulting Committee proposals whereby, under the Diseases of Plants Prevention Ordinance, planters will be required effectively to protect their coffee bushes by approved banding. I think that would be a step in the right direction. I have no doubt it will be met by opposition from individual planters, but I hope to secure the support of the coffee industry as a whole in this connection. Further, in that regard, it will be proposed that, in order that the effort being made through the insectaries may not be wasted, predatory insects should be issued only to those plantations where the Department is satisfied that effective control measures by banding or otherwise have been carried out.

I would like to add this expression of opinion, not by way of warning but in order that those interested in the matter may not be disappointed in the future. In my belief these insectaries should be regarded as supplementary to the natural biological control now existing in the plantations. I believe they are necessary and essential in order to reduce the losses which are being suffered and to prevent the spread of the pest in extensive areas. I do not believe, however, that they are going to provide a complete remedy and that in any method of biological control in any country connected with any pest there must always remain the risk of some loss, and I do want coffee planters to understand that under this system of biological control losses are likely to be suffered by individuals in the future. But if they play their part and if these insectaries, as we believe, prove to be successful the losses now being suffered are likely to be very much reduced. The Department would not be content with leaving its research work at this stage and rely entirely on biological control. It will continue the research and experimental work now being carried out, and in particular I want to see methods of spraying further explored in order to ascertain whether spraying carried out systematically over a considerable period of time might not eradicate the pest. In that case it would not be necessary to rely on biological control.

The matter is however a very complicated one and I should not like to occupy the time of the House in explaining it in detail.

I would conclude these observations by saying that such additional services as may be required, not only in connection with the coffee planting industry but in connection with other agricultural services, will be brought under review by the Agricultural Commission to which Your Excellency referred in your speech yesterday, and I am authorised by you to say, Sir, that Government will give full consideration to the recommendations which may be made by that Commission in connection with the 1930 Estimates. With these remarks and explanations, I hope that the House will approve the motion.

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

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I would like to place on record my thanks to Government for their promptness in dealing with this matter. Your Excellency, I hope Government will not think me ungrateful when I say that I do not think they have gone far enough. I believe, Sir, that this "mealy bug" will to a large extent be controlled by the measures now to be adopted but I think we should go further. We do not know yet how to control it thoroughly and I suggest that the staff of the Agricultural

Department should be increased. Might I say, in particular, that the Soil Chemist is one item. The country is very deficient in the knowledge of its soils and we may be able to get at the bug through that. Further, Sir, may I say, in connection with the question of engaging further staff, that we shall not get that staff till the end of the year. I would like to see in the Estimates before the House sufficient money set aside to enable the Department to make the necessary enquiries and appointments so that the situation can be met and not delayed, which will be the case if we have to wait until next year.

Your Excellency, I am of opinion that the present situation is partly due to the cutting down of the Department to the absolute minimum in 1922. The country at that time had not got any money; I remember it very nearly meant that the askaris under my command would have to parade in loin cloths and I do consider, Sir, that if Government had stressed the point from that date that the present situation would not have arisen.

Many people probably do not know, Sir, that the "mealy bug" has got such a hold to-day in the districts of Ruiru, Thika and Kiambu that it is quite possible that this year settlers in these districts will lose no less than £250,000. I state this without fear of contradiction. May I therefore appeal to those who think the sum asked for—and my suggestion to increase that amount—is excessive, to remember that for every £10 put up by Government to-day the country will save £1,000 next year through the eradication of the pest.

I hope those who oppose this motion, Sir, will remember that agriculture, and coffee in particular, is the life-blood of this country and that the whole of the amount asked for will be voted.

THE HON. E. POWYS COBB: I should like to support this motion, and in particular to associate myself with the remarks of the hon. Member for Kikuyu on the subject of provision now being made for additional scientific staff.

I understand that the present proposals before this Council are only an instalment of the plans which the coffee planters desire to see carried into effect. The working out of the plans involve the appointment of further research officers and I understand that officers of the calibre and type required for this work are difficult to get and much time may be lost in finding them; and further, that if an opportunity of securing the right type of man does occur, the Department of Agriculture should be in a position to appoint him without any delay. I submit, therefore, Sir, that there is good cause for setting aside as much money as will permit the hon. the Director of Agriculture to secure any desirable research officer who may become available between now and the end of the year.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, there are two or three points in the speech of the hon. Mover which I think require a little examination.

One is the very distressing theory that such a man as we require cannot be found in the British Empire. Surely that is wrong. Surely we have the man, and if we have not, we deserve all the pests and diseases that we get. But, Sir, I do not think that that is correct. It is absurd to suggest that in the British Empire there cannot be found an entomologist to deal with a thing like "mealy bug." It distresses me intensely to know that we may have to go to America for such a man because I cannot help feeling that it is entirely unnecessary. I am not convinced, Sir, that we have not a man in Kenya to-day who could deal with this matter.

I should like to know, Sir, how the emoluments of this important man, will compare with the emoluments of our entomological staff at present existing in Kenya. I suggest, Sir, also, that although no doubt the situation has become accentuated and supplementary measures are required now, the situation could have been foreseen and some provision could have been made in the ordinary Estimates of the year, which could then have been added to owing to the aggravation that occurred in the menace that exists. Sir, I think that this provision should have been made, partially anyhow, when the Estimates of the year were being considered.

In regard to another matter, Sir, that the Department may find it necessary to ask for authority to control this disease by imposing certain obligations on the planters who had neglected their plantations, I suggest that that authority either exists to-day or should exist. I think it must exist under the Diseases of Plants Prevention Ordinance. Surely there is some means by which these negligent planters can be controlled.

I would like some further information on these three points, Sir.

THE HON. T. J. O'SHEA: Your Excellency, I cannot imagine any Member of this House failing to support this motion, but I think it will be regretted it should have been introduced, not as part of the deliberately thought-out policy of the Department, but as the result of public clamour. It seems to me most regrettable, and a real reflection upon the Agricultural Department, that we should be so frequently called upon to vote moneys urgently for the work of the Department as the result of public clamour. This is the second occasion in recent times that the House has been asked to vote money very urgently to deal with a grave situation, and in each case it was because of pressure from outside, and not because of

the thought-out policy of the Department, that the motions were introduced. If it be true, as we have been told in the Press, on several occasions recently, that the loss last year from this pest amounted to not less than £100,000 and the loss this year may be anticipated as something in the neighbourhood of £250,000, I should like to know—if these two statements be statements of fact—how the hon. the Director of Agriculture can justify his assertion that the situation only arose in the course of the past few weeks. £10,000 seems to me a very small sum for Government to spend on the protection of one of the main branches of our one and only industry—agriculture, and if it be the case that the country lost ten times that amount last year and looks like losing thirty times that amount this year, I would like the hon. the Director of Agriculture to tell me what the policy of the Department in relation to that important industry is: Does he or does he not believe that Government is justified in spending this money on scientific research? If it is his view that Government should spend this money on scientific research in connection with that branch of the industry, had Government turned down any proposals of his in this connection in recent months? It has been stated that when approached for the expenditure of a small amount on insectaries a few months ago, the reply of the hon. the Director was that there was no money available for that purpose. We are of opinion that, if Government introduced a motion in favour of voting money, people on this side of the House would fail to support it?

We have had some very interesting information this morning as to the habits of these insects, as to their dietary and so forth, but I would like some more information as to the position of the coffee industry at the moment. There is great uneasiness abroad because of the failure of the Department to protect it against these pests and if confidence in the success of that industry should go, why then, the gravest situation will have arisen here.

I sincerely hope, therefore, that the hon. the Director will let us know what, in his opinion is the situation in the industry at present.

THE HON. J. C. COVERDALE: I rise to support in general the motion by the hon. the Director of Agriculture.

There is one remark, however, which I do rather resent in the suggestion of the hon. the Director that certain coffee planters have this year been somewhat careless in their efforts to subdue these pests. Possibly they have been a little optimistic, in the same way that the hon. the Director himself and his Department had been, in the hope that the pest had considerably diminished its ravages. Planters have been sub-

jected to this trouble during the last five or six years—increasing year by year, and the cost of the work increasing every year—with their incomes dwindling almost to vanishing point. It is practically the despair of the whole industry.

We have been informed that at least £200,000 a year loss is expected and I can only suggest the thanks of the community for the prompt action which the hon. the Director has taken to meet the trouble and to hope that his Department is placed in a position to take the very earliest opportunities of advancing the research work which is suggested.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, views have been expressed on this side of the House that the amount in the schedule to this motion, though very welcome, is not adequate. I would like to ask the hon. the Director of Agriculture whether he is of opinion that the amount appearing in this schedule is all that could be put in a schedule to go in the Supplementary Estimates which are introduced in the middle of a year, because I presume that nothing should be included in such Supplementary Estimates which cannot be spent during the year which it is designed to meet.

Another point has been made that there will be a necessity for very considerable further sums to be spent—soil chemists were mentioned. The general trend of opinion would appear to be that next year considerable further sums will have to be spent if the measures to be taken are really effective.

It has also been pointed out that if we wait until the 1930 Estimates are under discussion, to include those extra sums that will be required, it will in effect mean that the persons whose appointments were approved will not be able to be appointed until well on in 1930. I would therefore like to ask the hon. the Director of Agriculture, whether, with the consent of Your Excellency, certain further appointments for inclusion in the 1930 Estimates could be provided by motion. If such a motion were carried it would mean he would be in a position to negotiate with the necessary soil chemists and entomologists and not have to wait till sanction was given in the 1930 Estimates—probably not until January of next year.

HIS EXCELLENCY: In asking the hon. the Director of Agriculture to reply, I should like him to elucidate the underlying principle that sale of these insects should only be made to approved plantations. It seems to me that if this disease has spread from one plantation to another, and as planters are paying for the insects, they should be at the command of any coffee planter.

THE HON. THE DIRECTOR OF AGRICULTURE: Replying to the point raised by yourself, Sir, first, I will explain that I

was perhaps a little misunderstood if I used the term "approved plantations." What I had in mind and what I explained was this, that in our opinion it would be waste of money and effort to issue predatory insects unless control measures existed through efficient banding in the plantations to which they were issued. We stand for that, Sir, and we have the approval of representatives of the Coffee Planters' Union that they should only be so issued, excepting under perhaps very exceptional circumstances approved by the Inspector on the spot.

LT.-COL. THE HON. C. G. DURHAM: May I ask, on a point of explanation, Sir, in view of the present explanation what . . .

HIS EXCELLENCY: I am afraid you are out of order.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, the hon. Member for West Kenya has asked me to give further information under (he said) three heads—I make it four heads.

In my judgment we are much more likely to secure a research entomologist of the experience that we require from the United States of America or California than from any part of the British Empire. In those countries applied entomology has become a very specialised subject; there are special facilities for the training of entomologists, particularly on the applied side, in the United States of America, which unfortunately do not exist to the same degree in any part of the British Empire to-day. It should further be borne in mind that California also has a "mealy bug" pest, it is true of a species different from the coffee "mealy bug," but undoubtedly an entomologist, experienced in the citrus "mealy bug" would be able to bring this Colony valuable information and experience in the handling of the pest in the coffee in this country.

With regard to the emoluments proposed for this temporary post on a non-pensionable basis, they will not disturb in any way the salaries or conditions of employment of the permanent officers in this Colony.

With regard to bringing these proposed new rules into force, the hon. Member asked me why they were not now in force. It is not practicable, and it is not advisable, to impose compulsory rules of the kind indicated unless and until you are satisfied as to efficacy of your remedial measures, and it is only after two or three years' experience of these remedial measures that you can give proper effect to such compulsory rules. The time has no more than arrived when in this Colony



we could bring in compulsory measures of the kind proposed on the coffee planters of the country. I submit, therefore, that there has been no delay in the matter.

He also made the suggestion that this provision should have been made in the 1929 Estimates. I thought I had explained, in introducing the motion, the reasons why provision of this kind had not been introduced in the 1929 Estimates. Until a few weeks ago it was believed, on the best information available, that the predatory insects found in the plantations would keep the pest under control. It is only during the last two or three weeks that it has been seen that we cannot rely completely on that. That is the reason why at this stage—and at this stage only—proposals have been submitted by Government for the establishment of these insectaries.

I think that disposes of the points raised by the hon. Member for West Kenya.

With regard to the remarks of the hon. Member for Plateau South, I regret to say that he is not particularly well informed in the matter, and if he had come to the Department to get information at its source he would have been in a better position to comment on the motion now before the House. It was not really due to public clamour that this service has been submitted by Government. I agree that public clamour contributed to it, but let me tell hon. Members of the House that before there was any public clamour in the matter the Department was dealing with the position and would in any case have submitted proposals to Government even if there had been no public clamour of the kind that is mentioned.

Neither is it correct to say that the Director of Agriculture informed anyone that insectaries could not and would not be built because no money was available. As a fact, immediately the proposal was made to me by my expert staff, I telegraphed to California and South Africa for plans of insectaries and for particulars in regard to them. That step was taken before there was any public clamour or any reference in the Press whatever.

THE HON. T. J. O'SHEA: When?

THE HON. THE DIRECTOR OF AGRICULTURE: I have not the date here now, but the hon. Member can take it as a fact.

THE HON. T. J. O'SHEA: This year?

THE HON. THE DIRECTOR OF AGRICULTURE: Some time during the month of May—immediately it was seen that the situation was getting out of hand in the plantations.

I would say also to the hon. Member in regard to his other observations that the Director of Agriculture does not require to be convinced in regard to the value of scientific research or scientific services.

He asked me to state what was the position in the coffee industry in relation to these pests and diseases. I am afraid I should occupy the time of the House inordinately if I covered the whole field, and it is very difficult indeed to summarise the position. I would say this, that each district of the Colony in which coffee is grown has its own particular problem or problems in respect of pests and diseases. While in the Ruiru, Lower Kiambu and Thika districts at the present moment "mealy bug" is the problem, in the Makuyu and Kukusi Hills country the problem is "asterlocanium"; in the district represented by the hon. Member "coffee berry" disease is the chief problem, and in the Nyanza Province again leaf-eating caterpillars and "antestia" constitute the menace to the industry. A great deal of work has been done on these pests and diseases by officers of the Department, but a great deal remains to be done, and notwithstanding any vote that may be passed by this House, a great deal of time must necessarily be occupied in doing the research work on these pests and diseases. The issue is a bigger one than the mere provision of a sum of money in the estimates of the Department in order to enable it to get on with the work. Other countries have found that it takes many years to carry out the research work necessary to get effective control of pests and diseases.

With regard to the remarks of the hon. Member for the Coast, I think there is undoubtedly ample evidence to show that numbers of coffee planters have been indifferent. Some have not banded their plantations at all, either with cresoto or any other form of protection, and some have been too late in banding their coffee trees, with the results as I indicated when I introduced the motion.

I agree entirely with the views expressed by the hon. Member for Nairobi South as to the delay which is likely to take place in making new appointments to the Department if some step is not taken to approve at least a number of new appointments being made. I am in a little difficulty in the matter, and one has to appreciate the position of Government in handling Estimates. If sanction could be given at least to make preliminary enquiries with regard to posts that are likely to be filled in 1930, we should have done something of value. You may, however, care, Sir, to take that into consideration in order to see what, if anything, can be done in that connection.

In reply to the other points by the hon. Member for Plateau South, I am of opinion that the schedule presented to

the House includes expenditure on services of this kind which could be incurred in 1929; as to the additional services, of the kind which I think he had in mind, the expenditure on them could only be incurred in 1930.

THE HON. T. J. O'SHEA: Your Excellency, may I ask whether the losses from the "mealy bug" last year were in the neighbourhood of £100,000.

HIS EXCELLENCY: Perhaps the hon. Director of Agriculture will reply.

THE HON. THE DIRECTOR OF AGRICULTURE: There is no means of arriving accurately at such a figure without a very complete survey of the position, but I should be very surprised indeed, with such information as I have, if the losses suffered last year amounted to £100,000, and if the losses this year will amount to a quarter of a million. I agree that it is very considerable indeed but as to the exact amount I could not say. In any case it is sufficient to justify the House in passing the motion for these additional services.

LT.-COL. THE HON. G. C. DURHAM: Your Excellency

HIS EXCELLENCY: I am afraid you are not in order.

LT.-COL. THE HON. G. C. DURHAM: I am rather intrigued about these losses.

HIS EXCELLENCY: The hon. Director has already dealt with that question. So far as the necessary provision for agricultural staff is concerned, every consideration will be given to the requests of the hon. the Director of Agriculture by Government and I am quite sure that this House will also give every assistance it can in providing the funds. If it is possible to take preliminary steps, such steps will be taken to secure the necessary staff.

The question is in the terms of the motion.

The question was put and carried.

(Council adjourned for 10 minutes).

#### VISIT OF BRITISH ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.

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

"That the sum of £2,800 be inserted in first Supplementary Estimates, 1929, to cover the estimated cost of the forthcoming visit to Kenya of members of the British Association for the Advancement of Science."

Your Excellency, after an interval of 24 years this renowned organisation is visiting the Union of South Africa and His Excellency Sir Edward Grigg took the opportunity of extending to the Association a hearty invitation to visit this Colony. A few weeks ago information was received to the effect that 154 members of the Association would visit the Colony in two parties, arriving about the end of August. A request was made that suitable arrangements should be made for their reception, hospitality and so forth. Your Excellency immediately appointed a representative organising committee to deal with the matter. That committee proposed to organise different tours in the Colony which will be likely to be of interest to our visitors. It proposes also to arrange for lectures and addresses to be given by members of the Association visiting the Colony. That offer has already been communicated to us. Your committee has framed—as well as it could with such scanty information as is available—an estimate of what is likely to be the cost to Government of this visit, and the main items of expenditure embraced in the total of £2,800 are as follows:—

Railway fares, £1,250.—The Railway Administration has kindly consented to grant return fares at half rates. (Government proposes) to meet the cost of railway fares; also the cost of motor transport while the visitors are in the Colony.

Motor transport is estimated to cost £750 but I would explain in connection with this item that a number of private persons will, I understand, be good enough to place their cars at the disposal of our visitors as and when they are visiting different districts in the Colony. It is believed also that private hospitality will be offered to most, if not all of our visitors when they are in Nairobi, but in case that should not cover the whole of the party, provision is made in the estimate for £200 to cover hotel expenses.

I would explain here that the proposal of the Government is that they should be, as it were, guests of the Colony while in Nairobi but that away from Nairobi they should pay their own expenses.

The items further include a sum of £350 to cover such charges as secretarial and clerical assistance, printing, postages and telegrams. A small sum of £50 is set aside to cover incidental expenses in connection with the use of lecture halls for the addresses and lectures to be given during the visit, and £200 is provided for contingencies.

I think there is reason to expect, Sir, that in any circumstances the vote of £2,800 will not be exceeded, but it is due to the Committee to say that they have no very accurate information upon which an estimate can be framed and they have done the best they could under the circumstances.

It may interest members to know that in the light of information which has just come from London, in the first party there will be, representing—

Physics, chemistry and engineering	35
Geology, geography and anthropology	18
Zoology, botany and physiology	22
Economics, education and psychology	20
Agriculture	3

In the second party in the same order there will be, representing—

Physics, chemistry and engineering	35
Geology, geography and anthropology	15
Zoology, botany and physiology	4
Economics, education and psychology	7
Agriculture	8

That makes 141 members out of 154 definitely representing these sciences and subjects. I personally feel, Sir, that Kenya should feel honoured in being embraced in the itinerary of so renowned an Association and be visited by scientists so distinguished and others so well versed in public affairs. The power for good of such a visit to this Colony must be great.

I commend the vote to the favourable consideration of the House.

**THE HON. THE COLONIAL SECRETARY:** Your Excellency, I beg to second the motion.

**CAPT. THE HON. E. M. V. KEMELY:** Your Excellency, I intend opposing this motion. It is a difficult motion to oppose because it means a challenge to hospitality and such a challenge is always a difficult one to resist. But I feel we are taking a disproportionate view of our responsibilities towards our visitors. We have visitors in this country who come, possibly for a few weeks or a few days, but we have other visitors who stay for a longer period and do a tour of service for us. No doubt this will be an excellent advertisement for us, but, Sir, we have liabilities which we should meet before we advertise ourselves.

When I refer to visitors who come to this country for a longer period of time I refer to—well, as an instance, Sir, I would mention the officers of the K.A.R., who are execrably housed. We have had reference made to insectaries which are going to have asbestos-lined roofs. Well, Sir, these officers of ours, who stay in this country for a long period of time, live in execrable conditions in the Northern Frontier. They live in execrable conditions also in Nairobi. I think it is a

scandalous thing to suggest that we should pay more attention to visitors who come for a short time than to visitors who come for a longer time and serve us while they are here.

In the list of the scientific achievements of the party I heard no mention of entomologists. I do not know if that was omitted or whether it was included in some other form or category. But, Sir, if the British Empire cannot produce an entomologist of the capabilities which we require in this country, why on earth should we entertain distinguished visitors who have knowledge of all the sciences but the one that we most require.

Because this is a challenge to hospitality it is difficult to resist it, but I do feel, Sir, that our first duty is to the people of this country and not for the entertainment of members of the British Association, because, after all, we are more honouring ourselves by the suggestion that we should entertain them, and I feel we have a responsibility of a more material character which should first be met before we indulge in this sentimental self-advertisement.

**CAPT. THE HON. H. E. SCHWARTZ:** I should like to ask the hon. Member for West Kenya not to oppose this, because the invitation having been issued, it would be only gracious that there should be no dissentient voice in this Council with regard to that invitation.

I should, if I may, like to express the hope that in future, before any such invitations are issued on behalf of the Colony, Elected Members should be allowed an opportunity of considering whether such invitations should be issued and of considering whether the financial position of the Colony warrants the expenditure to be entailed after a knowledge of what such expenditure will be has been ascertained. Now that the invitation has been sent I think the only course we can possibly adopt is to welcome these people wholeheartedly and in no niggardly spirit, and that is the reason I ask the hon. Member not to be a dissentient voice; but the caveat I have entered with regard to future visits of this and any other Association is one to which I hope those responsible will give heed.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I need to reply very briefly, and then only to the hon. Member for West Kenya. I will join in the appeal by the hon. Member for Nairobi South that his will not be a dissentient voice in regard to this vote. I will put it to him that unless the opportunity is taken now to give a cordial welcome to these members of the British Association in 1929, that opportunity will pass, but the opportunity will remain with him and

others to rectify the other deficiencies which exist in respect of the housing the King's African Rifles and others.

The hon. Member need not be alarmed that there will not be an entomologist among the party. He probably did not notice that I read out the science, zoology, which embraces entomology, and it is within my knowledge that no less distinguished and important a person than Dr. Marshall, the chief of the Imperial Bureau of Entomology, will visit this Colony immediately after the British Association, and spend a considerable time here. He is, in fact, coming to Africa, I understand, as a member of the Association.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, may we have the assurance of Government that in future such procedure as that suggested by the hon. Member for Nairobi South will be followed?

HIS EXCELLENCY: I can only bind myself; as far as I am concerned I willingly give such an assurance.

The question is in terms of the motion.

The question was put and carried.

## BILLS.

### SECOND READINGS.

#### THE APPROPRIATION BILL.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the second reading of a Bill to Apply a Sum of Money for the Service of the year ending the 31st day of December, 1928.

As hon. Members are aware, this measure is a purely formal one designed for the purpose of giving legislative sanction to the Estimates for the current year which have already been approved and put before the House.

THE HON. THE TREASURER: I beg to second.

CAPT. THE HON. H. E. SCHWARTZ: May I ask the hon. the Colonial Secretary, purely on a matter of information, as I cannot make these figures tally—the first preamble to this Bill states that £2,840,197 is the estimate for the year; that is the figure that corresponds to the figure in the extreme left-hand column of the schedule to the fourth Supplementary Estimates, 1928, and to this the Bill provides should be added £270,549, making a total of £3,110,746.

THE HON. THE ATTORNEY GENERAL (MR. W. C. HUGHARD): On a point of order, I think the hon. Member has got the wrong Bill.

CAPT. THE HON. H. E. SCHWARTZ: I have got the Bill to Make Further Provision for the Service of the year ending the 31st December, 1928.

THE HON. THE COLONIAL SECRETARY: That is not the Bill.

CAPT. THE HON. H. E. SCHWARTZ: That is the only one I have been supplied with.

HIS EXCELLENCY: I very much regret that.

Does any hon. Member wish to speak on the second reading?

CAPT. THE HON. H. E. SCHWARTZ: No one seems to have the Bill. I do not know whether this can possibly be put back until we have a chance of seeing it. I quite agree that it is purely formal, but we would like to have a look at what we are voting on.

HIS EXCELLENCY: If that is the case, it would be advisable to take the second reading and put the question, to-morrow morning.

THE HON. CONWAY HARVEY: May I say, in justice to the staff, that a very large number of us did receive copies of this Bill a very long time ago. I myself regarded it as purely formal, a mere regularising of what had been agreed and the putting of it into legal form, and I did not bother about bringing it down. There never has been any debate on this motion in previous years, neither did I think there would be now.

HIS EXCELLENCY: I think it is advisable hon. Members should know what they are voting on. I am told by the Clerk it was circulated on the 16th February.

We will take the second-reading to-morrow.

#### THE ABUSE OF OPIATES PREVENTION (AMENDMENT) BILL.

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATERSON): I beg to move the Bill to Amend the Abuse of Opiates Prevention Ordinance be read a second time.

The object of the Bill is to give effect to the recommendations contained in the Convention passed at Geneva by the League of Nations with regard to the control of opiates and dangerous drugs, to which His Majesty's Government has agreed. The Bill gives certain powers and brings legislation

in this country into accordance with legislation which is being introduced not only in Great Britain but throughout the civilised world. The object of the Bill and of these powers is to keep a record of opium from the point of manufacture to the point of disposal, and to ensure that only opium which is bought in this way is carried. Therefore it becomes necessary that all consignments of opium should be traced through the whole of their course, and ships will now have to declare any opium in transit at any port at which they touch; and they will not be able to divert it except with a diversion certificate, which will only be given provided the import certificate has been given by the country to which it is going.

Other points are in order to ascertain what the correct illicit consumption of opium throughout the world is, and countries must be entitled to get returns from all persons holding stocks of opiates in respect of the countries, and these returns will have to be made to the Central Committee which is being established at Geneva. These powers we do not possess at th moment, but they are given in this Bill.

Similar power also is given with regard to opiates carried by aircraft and, further, certain arrangements are made for penalties which did not exist before.

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

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, are our neighbours on all sides of us doing the same thing, introducing this type of legislation under the League of Nations—the Italians and the Belgians, and so forth?

HIS EXCELLENCY: Can you give any information on that?

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES: I do not know whether Italy is a signatory of the Convention, but I should think she probably is. All British Colonies have to do so. I am not sure with regard to Italy, but I should think it is almost certain.

HIS EXCELLENCY: The question before the House is that the Bill to Amend the Abuse of Opiates Prevention Ordinance be read a second time.

The question was put and carried.

HIS EXCELLENCY: Will it suit hon. Members if the Committee stage of this Bill be taken now?

It has been pointed out to me that the practice usual in this House is to take the Committee stages one after the other, and the second readings one after the other.

#### SPECIFIC LOAN (AMENDMENT) BILL.

THE HON. THE TREASURER: Your Excellency, I beg to move the second reading of a Bill to Amend the Specific Loan Ordinance, 1927, under which contributions to the sinking fund for Colonial Loans shall commence three years from the date on which those loans are raised, or in other words, after three years from the dates on which the interest charges on those loans commence to run. Section 4 of the Specific Loan Ordinance, 1927, under the authority of which both the 1927 Five Millions Loan and the 1928 Three and a Half Millions Loan were raised is not worded very well. Under it the contributions to the sinking fund of the 1928 Three and a Half Millions Loan have to commence not three years from the date of the raising of that loan but three years from the date of the raising of the first loan under the Ordinance—that is, three years from the date of the raising of the first 1927 Five Millions Loan. The proposed amendment, Sir, would bring the commencing date for the Three and a Half Millions Loan into conformity with the general practice previously conformed to and that date would be in the period specified for the purpose in the prospectus of the loan.

I commend the Bill to the consideration of the House.

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

The question was put and carried.

#### NON-NATIVE POLL TAX (AMENDMENT) BILL.

THE HON. THE TREASURER: Your Excellency, I beg to move the second reading of a Bill to Amend the Non-Native Poll Tax Ordinance. The object of this Bill, Sir, is to enable Liwalis and Mudirs to assist in the collection of non-native poll tax at the Coast instead of leaving that duty, as at present, to District Commissioners alone. This will effect an economy and will avoid a possible ultimate increase in the European staff required for this purpose and I am sure that hon. Members will agree.

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

The question was put and carried.

#### CROWN LANDS (AMENDMENT) BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, I beg to move the second reading of a Bill to Amend the Crown Lands Ordinance. This is an enabling Bill to enable the Governor in Council to declare any area of Crown land to be an Arab Reserve or a Communal Reserve.

The need for this Bill has arisen on the Coast where there is an area of 30,000 acres. About 26,000 acres of that area is in occupation by Wasin Arabs, Wasegeju and Wakifundi except in the southern portion where there are a few Watigo as well. Towards the end of last year certain Arabs put forward a claim to communal rights with the natives over the whole of this area at the Coast, about 26,000 acres of which is included in the South Nyika Reserve. Their claim was investigated by Government and eventually a compromise was arrived at, the Arabs agreeing to abandon their claim to the whole area of 30,000 acres provided they were given equal rights with the natives over the 26,000 acres included in the South Nyika Reserve. The Secretary of State was approached with a view to his sanction being obtained to this compromise and his reply was that he had no objection to the proposed agreement so long as safeguards equivalent to those relating to Native Reserves were provided for the settlement area, to be composed partly of natives and partly of Arabs. It is considered that the proper way of providing such safeguards is to amend the law so as to allow of communal reserves (comprised of natives and Arabs) being established on the same footing as Native Reserves. Opportunity has been taken in the amending Bill to provide for the establishment of Arab Reserves, in addition to communal reserves, as it is thought that at some future date such reserves may be required.

The Bill gives to the Governor in Council power to declare that any area of Crown Land, either by general or particular description, and whether the same has been surveyed or not, shall be an Arab Reserve or a Communal Reserve.

That is the occasion for the Bill, Sir, and if it is passed steps will be taken by the Governor in Council to make that declaration.

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

THE HON. CONWAY HARVEY: Your Excellency, personally I do not feel in the least bit enthusiastic about this measure at the moment. I foresee nothing but difficulties in the case of communal ownership of a native reserve. We have not been told, Sir, whether any degree of affinity exists between the natives concerned and the Arabs. I question altogether the wisdom of classing Arabs as natives and putting them into reserves at all. In the Native Affairs Department Report for 1926, Sir, the statement occurs (talking of the Arabs), that those who had land had mostly sold it and young and old had apparently a natural distaste for any form of work, their future being a problem. That being so, Sir, it seems to my mind a very great mistake to dedicate any appreciable area of land to

a class of people to whom that description can be applied by Government. I think, Sir, we should be given, at this stage, some definite information as to the exact position in regard to the Native Lands Trust Bill, which does very definitely come into the picture that has been presented by the hon. Member of this motion, and until I am satisfied that something is being done in accordance with the wishes of this House in regard to that matter, I shall most certainly oppose the second reading of this Bill. I cannot contemplate with equanimity two completely different sets of people having equal rights over a given area of land. We know perfectly well, Sir, that the whole basis of native life is communal but the tribes vary so tremendously in their social and economic and political and industrial life that it is quite incredible to conceive of any two so different races as Arabs and natives combining to develop economically the land which it is intended to endow them with by this measure.

CAPT. THE HON. E. M. V. KENNELLY: Your Excellency, I think the principle involved is one which should be opposed by Members on this side of the House because it means the exclusion from the control of this side of the House of an increasing area of land. I do not know whether the Arab, indeed, is considered as being alien or native to Kenya. He has not been defined, apparently, but Sir, if the principle of excluding from the control of the legislature of the country an area of land larger than is necessary is to be accepted, it might embrace the consideration of the granting of an area of land to aliens such as the Somalis. The suggestion has already been made—it has been fairly rigorously countered—that Somali Reserves should be created in Kenya, and it is on the principle that I oppose this Bill, although no doubt a case can be made out for consideration being given to the Arabs concerned. But, if the acceptance of the soundness of their case postulates the acceptance of this principle, I must oppose it.

THE HON. H. R. MONTGOMERY (Senior Commissioner, Coast): Your Excellency, I may be able to answer that point. The Wasin Arabs, until the introduction of the Non-Native Poll Tax Ordinance, considered themselves natives and paid hut tax. They have always, for generations, lived with these three tribes. Nobody is going to be disturbed at all. It is more a matter of reserving an area at present occupied by people who are not natives. The control does not pass out of the hands of the Government at all. It is still Crown land reserved for certain people. I do hope this will go through because it will save a lot of trouble in survey work and expensive litigation, and, incidentally, a certificate of title will be given to an area of 4,000 acres which has been alienated to a company.

THE HON. T. J. O'SHEA: Your Excellency, it seems to me the case is one which might be met by the appointment of a Select Committee to go into the matter.

HIS EXCELLENCY: I do not think a Select Committee would deal with the principle underlying the Bill, and that is the main issue. I think it is a question that can be perfectly well dealt with by a committee of the whole House.

THE HON. T. J. O'SHEA: In explanation may I say, Sir, that unless some indication is given by Your Excellency that it will be referred to a Select Committee, Members on this side of the House are likely to vote against the principle, whereas, if it is referred to a Select Committee they will probably not take that step.

THE HON. CONWAY HARVEY: Hear, hear!

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, there appear to be two objects in this Bill. The Bill, I understand, was introduced in order to give legislative sanction to an arrangement made by the Commissioner for the Coast (and it probably is a most excellent arrangement) but, as has been done sometimes in the past, advantage has been taken to put in something else, quite quietly, namely, the provision that the Governor can declare any area of Crown land to be an Arab Reserve, the sole reason being that it might be found necessary in the future to have an Arab Reserve. For myself, I would be quite prepared to support that part of the Bill not dealing with Arabs—giving power to the Governor in Council to create Arab Reserves wherever he wishes. I have not mentioned this before because I was not sure whether it would be moved in the whole House or in Select Committee to take out of the Bill those words dealing with Arabs, but I am against the principle of creating Arab Reserves—no single argument has been adduced yet in favour of such a suggestion.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, perhaps I may say at once that the inclusion in the Bill of power to create an Arab Reserve was merely made to facilitate action in that respect, but, in view of the objection taken to the suggestion by hon. Members on the other side of the House, I suggest that no harm would be done by deleting that provision from this particular Bill. So far as the rest of the Bill—the creation of a communal reserve—is concerned, I do trust that opposition to that will not be pressed, in view of the fact that the area that we have in view is at the moment definitely included in the boundaries of a native reserve. There will be no difference in actual practice but only a slight difference in status as between land as a native reserve and land as a com-

munal reserve. Perhaps I should be more explicit as to the reasons why it is desirable for this Bill to be enacted without delay. In regard to the area of 4,000 acres to which I referred, that land has been alienated for many years and was released by way of exchange during 1926. An application for it was made under General Notice 79 by the Ramisi Sugar Company and as there appeared to be little likelihood of a compromise of this sort not being approved they have entered into occupation and are developing the land. But they are unable to get title to it until we pass this motion. We leased this 4,000 acres from the Arabs. That is really the urgent side of this question, and, in view of that, and the deletion of the provision for an Arab Reserve, I trust opposition to the Bill will not be pressed.

HIS EXCELLENCY: Does the hon. Member for Plateau South wish to press his suggestion with reference to referring the Bill to a Select Committee?

THE HON. T. J. O'SHEA: Your Excellency, in view of the special explanations given I do not wish to press it.

HIS EXCELLENCY: The question is that the Bill to Amend the Crown Lands Ordinance be read a second time.

The question was put and carried.

#### THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL.

THE HON. T. D. H. BRUCE (SOLICITOR-GENERAL): I beg to move the second reading of a Bill to Amend the Births and Deaths Registration Ordinance.

Sir, the Births and Deaths Registration Ordinance, 1928, was passed in May of last year, but it has not yet come into force. During the course of the preparations, Sir, made for the coming into force of the Ordinance it was discovered that certain provisions that were necessary for its efficient working had not been embodied in the Ordinance as it stood, and this Bill remedies those defects.

The Ordinance, Sir, was largely concerned with the registration of the births and deaths of the natives of the Colony with a view to statistics being available as to the ebb and flow of the native population.

The whole of the material which concerns the vital statistics of the native population, which of course, Your Excellency, form the vast majority of the population of the Colony, are in the office of the Chief Registrar of Natives. It is considered desirable, therefore, Sir, in the circumstances, that the Chief Registrar of Natives should have the adminis-

trative working of the Ordinance under the instructions of the Registrar General of Births and Deaths, and with this object in view it is proposed to create the office of Principal Registrar, the holder of which office, Sir, will be the Chief Registrar of Natives who will, in addition to performing the duties of Registrar of Births and Deaths under the Ordinance, administer the Ordinance under the instructions of the Registrar General of Births and Deaths. I may say, Sir, that no extra cost will be involved in the creation of this new office, which is created solely for the expeditious and efficient working of the Ordinance. Clause 3 deals with the creation of this new post.

Sir, the Principal Ordinance lays down that it shall be the duty of every Registrar under the Ordinance to forward to the Medical Officer in charge of every district within the registration area a statement of the births and deaths registered by him during each week. It is considered that the Medical Officer of Health appointed under the Public Health Ordinance is the more fitting person to whom this statement should be sent, and clauses 2 and 7 of the Bill effect this alteration.

Clauses 4 and 5 make provision in accordance with the recently adopted practice in England under the Births and Deaths Registration Act, 1926, for the actual certificate of the cause of death, which may contain—and often does contain—confidential matter to be forwarded to the Registrar direct. The person is under an obligation to state that such a certificate has been sent. In this way the certificate of death is kept confidential and, as I say, that practice has recently been adopted in England.

I now come, Sir, to clause 6 of the Bill, which is the last clause to be considered. Clause 6 of the Bill provides that, where a death occurs and there is nothing suspicious, "the magistrate or police officer or other person as aforesaid shall report accordingly to the Registrar who shall issue a permit for the interment or other disposal of the body." In the Principal Ordinance it is provided that in similar circumstances the magistrate or police officer shall himself issue a permit for the interment of the body, but, Sir, the Commissioner of Police has represented that it would be unfair to put the responsibility of deciding whether or not to issue such a permit upon a police officer in a remote station, who may often be of low rank and not really fitted to deal with such a situation. Therefore, Sir, this Bill makes the alteration which I have described, that is, that the Registrar himself shall issue the permit for interment instead of the police officer. I may say that this provision only applies where no medical certificate is forthcoming, and it only applies to the deaths of Americans, Asiatics or Europeans. It is not thought that the change

will cause any inconvenience since it will only be called into play upon comparatively rare occasions, as it does not apply to natives.

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

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

HIS EXCELLENCY: The question is that the Bill to Amend the Births and Deaths Registration Ordinance be read a second time.

The question was put and carried.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg leave to move the second reading of a Bill to Amend the Legal Practitioners Ordinance.

I have to apologise to hon. Members for the fact that the Bill, as circulated, does not contain the objects and reasons. The objects and reasons did appear attached to the Bill which was published in the Gazette, but through inadvertence they were omitted from the copies circulated. However, copies of the objects and reasons have been placed on the table for the convenience of hon. Members.

What the Bill proposes is to amend the law regarding legal practitioners by inserting provision taken from the Solicitors Act in England, provision which has been in existence in the United Kingdom since 1874. Briefly, it provides that any person who wilfully and falsely pretends to be an advocate or who takes or uses any title or name implying that he is qualified to act as an advocate is guilty of an offence.

It also provides that no costs or fees shall be recoverable in any action taken by an unqualified person.

It may appear at first sight that this Bill is introduced solely for the protection of the legal profession, but, while that might be a very worthy object in itself, it is not the only object. The Bill is introduced not only in the interests of the profession but also of the public, and it is from that point of view that I strongly commend the Bill to the House. I hope the House will agree as to the desirability of amending the existing law on the subject.

I move the second reading.

THE HON. T. D. H. BRUCE: I beg to second the motion.

THE HON. CONWAY HARVEY: Your Excellency, I am sure



that all hon. Members on this side will support this Bill, but it should be made quite clear that it is not entirely for the benefit of a much criticised section of society (laughter).

In this age of make-beliefs, Your Excellency, it is highly desirable that society should be protected from the acts of impostors.

HIS EXCELLENCY: The question is in terms of the motion.

The question was put and carried.

#### THE STAGE PLAYS AND CINEMATOGRAPH EXHIBITIONS (AMENDMENT) BILL.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move the second reading of the Bill to Amend the Stage Plays and Cinematograph Exhibitions Ordinance.

This Bill has been framed as the result of the Cinematograph Censorship Committee. In the course of the discussions in that Committee certain matters came to light, and one of these was that what are now known as the "talkies" were probably not included in the scope of the existing law dealing with cinematograph exhibitions. One of the objects of this Bill is to include the "talkie" film under the existing laws.

It was also considered advisable to be in a position to control the activities of those people from Los Angeles and other places, who come to this country in order to stage films for exhibition in other parts of the world. Some of the things they are proposing to do appear to be very undesirable. The local Press the other day, Your Excellency, stated that it was proposed that a lady clad in monkey skins should fraternise with primitive Africans. I think that sort of thing ought to be, so far as possible, prevented in this country. (Hear, hear).

There is also another object, and that is to prevent natives being unnecessarily exposed to risk. I understand certain of these exhibitions are staged with wild animals, and I think that ought to be subject to a certain amount of control.

Those are the two principal objects of the Bill, Your Excellency. I propose the second reading.

THE HON. T. D. H. BRUCE: I beg to second the motion.

THE HON. T. J. O'SHEA: Your Excellency, not for the purpose of enjoying the privilege of being a minority of one, but because it is necessary to voice a protest against some of the intentions of this Bill, I rise to oppose it.

It seems to me we are developing an inferiority complex in this country that is going to make us a laughing-stock everywhere if we carry it much further. Our hypersensitiveness about the relations between black and white for the purpose of producing an artistic work is becoming farcical. Why it should be necessary to introduce a law to prevent white women, for the purpose of taking a picture, fraternising with natives I cannot for the life of me understand. I think that we are becoming absolutely hysterical on this particular subject, and that it should be necessary to introduce a law to restrict people to the extent contemplated from taking films in this country is, I think, absurd. I, for one, would like to dissociate myself from the intentions of the Bill.

CAPT. THE HON. E. M. V. KENALY: Your Excellency, I hoped it would not be necessary to make any defence for the introduction of this Bill which is absolutely essential. It is particularly essential that our responsibility as the civilising agent in Africa should be recognised, and since the effects of cinematograph activities are increasing every year throughout the world it is obvious that their repercussions in regard to our activities as a civilising agent will affect us very materially. It is essential that we should attain some element of control. The hon. the Acting Chief Native Commissioner has already mentioned a material danger which may occur, but that is only a very partial mention of all the dangers that may exist. I feel, Sir, that most hon. Members on this side of the House—I think, all but one—are agreed as to the desirability of introducing this measure.

The suggestion that the measure was required came from this side of the House, and Government actively endorsed that desirability. I hope, Sir, that since the principle of the desirability has been raised, that other hon. Members on this side of the House will now support the motion actively.

LT.-COL. THE HON. C. G. DURHAM: Personally I was rather indifferent as to the fate of this Bill, but because of the remarks made by the hon. Member for Plateau South I am definitely going to support it.

The question was put and carried.

#### CENTRAL ROADS AND TRAFFIC BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, the object of this Bill is to establish one body which will be able to co-ordinate the consideration of all problems dealing with traffic on roads and covering the whole road system of the Colony. At present we have three bodies dealing with these

problems, the Central Roads Committee, which deals with main trunk roads and roads outside the settled areas—in which local government organisation has been established—the Central Roads Board, statutorily established under the Municipalities Ordinance, and the Roads and Traffic Committee. It is highly desirable that all these problems should be considered by one body.

Members will have seen in the Order of the Day for yesterday, Sir, that I have an amendment to propose with a view to simplifying the work of this Board, and I suggest, Sir, that consideration of that should be dealt with in Select Committee. I beg to move the second reading of the Bill.

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I beg to second.

THE HON. CONWAY HARVEY: Your Excellency, hon. Members on this side of the House do support the very broad principle of this measure to the effect that in order to avoid unnecessary expense and duplication of work we should combine the work of two or three committees into one central board. But, Sir, they are not at the moment in the least degree satisfied with the proposed personnel of this board. It is far too heavily laden on the official side, in our opinion, and more especially does this become of importance when one bears in mind that one of the functions with which it is proposed to endow this Board under a Bill that has not yet appeared—the Motor Services Bill—is the issue of licences to motor vehicles on certain roads which are likely to be plying in competition with the Railway. When this board is to be allowed such a comprehensive and arbitrary power, Sir, the selection of its personnel becomes of very great importance to everyone in the country, and we do feel very strongly that there should at least be an unofficial majority. The details as to how that can be arrived at can perhaps be more appropriately discussed in Select Committee—I understood that the hon. Member the Mover of the motion indicated that the Bill would go to a Select Committee.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I wish to support what has already been said by the hon. Member for the Lake and on which all the Elected Members are in agreement, and I hope due consideration of their views will be given by Government. It does seem to me that it would probably have been better if the Motor Services Ordinance had been taken first. The Bill, as I see it, is a very innocent thing in itself in seeking to combine three other committees, but eventually, when the Motor Services Bill is passed, the board will have the right to say whether a license shall be granted on a scheduled road or not. That is a

question that has never been considered yet by this country. It is not understood by the general public. The present Bill under discussion is one of the biggest, and carries the largest significance of any Bill ever introduced into this House, with the exception of the Railway Ordinance, and for that reason, Sir, I hope that full consideration will be given to the views of Elected Members on the question.

LT.-COL. THE HON. W. K. LUCKER: Your Excellency, I am only able to support this Bill subject to the suggestion of the hon. Member for the Lake that it is quite understood that the Select Committee will be entirely free in regard to the constitution of the board. One member in particular of that board I regard as being entirely unsuitable, in the sense—and it is an argument that applies to other boards—that the executive officer can discharge his duties very much better if he is merely in attendance for giving advice and so on, instead of being a member of the board.

My main object in rising, Sir, is to point out that with the very comprehensive and arbitrary powers which will be granted to this board, not only in a general way but in particular—if they are to take control of these motor lorries, buses and so on—there should be some power of appeal from the decisions of the board. I am not sure, Sir, whether that question should be raised in Select Committee or whether it can be discussed on second reading.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, in regard to the composition of the board, so far as the official members are concerned, one of the amendments notified by me yesterday in the Order of the Day was an amendment to section 2, providing for the deletion from membership of the board of the Road Engineer of the Public Works Department. Otherwise, with the exception of the General Manager, Kenya and Uganda Railways and Harbours, and the Commissioner for Local Government, Lands and Settlement, the official membership of this board is precisely the same as that approved for the Central Roads Board and passed at the last session. The fears expressed as to the powers to be exercised by this board do not seem to me to relate particularly to the position now, as the provision in the Bill is that this board shall exercise such powers and perform such duties as may be imposed upon it by the Motor Services Ordinance, and it seems to me that any restriction of the powers of the board could more appropriately be discussed when the Motor Services Bill is under consideration in the House.

HIS EXCELLENCY: The question is that the Bill to Provide for the Establishment of a Central Roads and Traffic Board be read a second time.

The motion was carried.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** Your Excellency, I beg to move that the Bill be referred to a Select Committee, consisting of the Commissioner for Local Government, Lands and Settlement, the Director of Public Works, the Solicitor General, the Members for the Lake, West Kenya and Plateau North, and the Nominated Member appointed to represent Native Interests.

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

The question was put and carried.

#### THE TRIBAL POLICE BILL.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** Your Excellency, I beg to move the second reading of a Bill to Provide for the Appointment, Organisation and Discipline of Tribal Police.

These police, Your Excellency, have been in existence for a great many years under the title of Tribal Retainers, and they are an extremely useful body of men. The administration of the Native Reserves would be practically impossible without their assistance and it is with a view to affording them protection in their duties that this Bill has been brought before the House.

Some two years ago the police force in the Native Reserves was considerably reduced by a total of 158 men, costing, I understand, approximately £5,000 a year. The result of this decrease has been to throw extra duties on these tribal retainers (now to be called "tribal police") and it became necessary to reorganise them and put them on a better footing than they were before.

I have heard, in the course of my service out here, a great many hard things said about tribal retainers in many places, but I do not really think that they are much worse or better than police forces all over the world. Perhaps that is rather too much to say. What I mean is that there are abuses undoubtedly in all police forces, and as long as human nature is human nature there will be abuses. I think, for their position and training and standing, there are not so many abuses really, when you get down to bedrock, among the tribal retainers, as people might think.

There are one or two points in this Bill which I understand will be made the object of criticism, and possibly I may anticipate a certain amount of it by drawing attention to particular clauses.

In clause 6 it is stated that "It shall be lawful for any tribal police officer for any of the purposes mentioned in the last foregoing section, without a warrant to enter and inspect any hut, or any place of resort of loose or disorderly character." That would cover occasions on which in a location the existence of bhung smoking was taking place in a hut, or when stolen stock had been traced up to a village and it was reasonably suspected that they were in a hut in that village; that would enable the tribal police officer to enter into that particular hut.

Another point, Your Excellency, is in section 12, where it is stated that "A tribal police officer shall execute the duties imposed upon him by this Ordinance within the district or area to which he is appointed, but shall, if so ordered by a senior commissioner, district commissioner, assistant district commissioner, liwali or mudir, execute such duties in any other area or place." This would cover occasions on which tribal police officers were called to assist in escorting cash from, say, a place like Kitui into Nairobi. If they were not provided with these powers the protection and duties would cease immediately they left Kitui district. This would enable them to protect their cash or prisoners, as the case might be, all the way into Nairobi.

The latter part of that section might also be criticised in which it says that they may without any such order enter any adjoining district or area for the purpose of detecting crime or protecting life or property." If they were following the tracks of stolen stock it would be ridiculous to stop them at the boundary from going outside their particular area if they could recover the stock or catch the thieves.

Another case might also occur if a tribal police officer was on duty in his particular district and saw a native setting fire to grass or cane in a plantation just over the boundary. This would enable him to arrest that man at once and bring him in.

The Bill as it stands, Your Excellency, simply affords protection to these particular police, principally in the native areas. As it stands, it does not entail any extra cost; undoubtedly, in the course of time, when we organise these tribal police properly, we will come to Government for extra money, but that is a separate matter altogether.

I move the second reading of this Bill, Your Excellency.

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

**CAPT. THE HON. F. M. V. KENEALY:** In this Bill there are one or two principles concerned.

The first principle one meets is the divergence in policy from direct to indirect rule. When the institution of the tribal police first arose I asked then for information in regard to Government's policy—if it was a departure from our previous policy of direct rule of the native inhabitants of Kenya to a policy of indirect rule—because that seems to be its implication. We have had no statement from Government as to whether that is the intention of Government at this stage, but obviously that will begin to be the effect. It seems an insidious way of introducing an alteration in policy, and I should like a statement from Government in regard to that.

One other matter which concerns us is this—is it desirable to ensure (as this Bill will ensure) that the police of a district shall be the regular inhabitants of that district? It may be necessary—in fact, it may be absolutely essential—to introduce police of quite a different tribe, and this Bill will not make that possible. It may be absolutely essential for the effective control and administration of the tribe to introduce policemen of quite a different tribe. That is a matter of principle.

There is another principle concerned, and that is as to the desirability of creating such an organisation at all.

I do not know how it is proposed that the cost of the tribal police should be met, whether the Native Trust Funds should make a contribution to it or not. It must be conceded, I think, that the natives are entitled, as much as any other section of the community, to police protection out of general revenue. If they have specialised police, whose activities are limited and whose beneficial actions are exclusively native, then there should be a greater contribution from native funds than from general revenue, but I think the matter of the contributions of the different communities requires consideration.

I do not think a case has been made out for the establishment of such a body as this, and I am opposed to its establishment until such case has been made out. It may be, later on in the debate, but meanwhile I shall reserve judgment on the principles I have raised.

THE HON. E. POWYS COBB: Your Excellency, I desire to oppose the principle of this Bill.

In the past, I think, one had rather come to the conclusion that the tribal retainer was in the nature of a temporary make-shift, that was endured until the Colony could afford to organise itself more completely. Under this Bill it would appear that this temporary make-shift is going to be established as a permanent force, and, in my opinion, that is a mistaken policy. It seems to me it is an error to establish two kinds

of police forces. If the policing of the country is to be carried out satisfactorily I suggest that it is necessary for one force to have charge of the whole territory and be able to operate over the whole of that territory. It seems to me most undesirable that one police force should have jurisdiction only up to certain imaginary lines and there, even if in pursuit of a criminal, has to stop and wait until it can obtain leave—by telegram or otherwise—to proceed over the boundary into the other territory. In this particular case the distinction seems to be distinctly drawn against the regular police force in that the latter has to stop at a certain imaginary line, whereas, as has been explained by the hon. the Acting Chief Native Commissioner, this new tribal police force is able to go where it likes irrespective of an imaginary line.

The second main point, to my mind, is that, admitting all that the hon. the Acting Chief Native Commissioner has said about the defects of the African police askaris, still, surely there is more chance of the African askari acquitting himself creditably if he has been subjected to thorough training and to thorough discipline. Now I suggest that under the system of the Kenya Police Force that result would more likely be attained than it would be in a loosely organised force which is going to depend for its administration entirely upon the activities of senior commissioners, district commissioners and assistant district commissioners. Those officers, in the first place, are very busy. They have many other important duties. They are probably covering very large territories and their time is fully occupied in their proper administrative duties. They have, I submit, no time to act as the drill sergeants of the police force.

Further, these officers are chosen for other qualities than that they are smart at drill. I think in nine cases out of ten you would find that an efficient administrative officer was an inferior person at the squad drill of the police.

Again, surely, if you are going to maintain discipline and morale and set up a tradition in the force, you have got to have officers who are definitely attached to that force and who spend practically the whole of their working lives with that force. We all know from the exigencies of the service that administrative officers frequently have to change their stations. Surely such a change—particularly with the African, to whom personality is so much—is going to have a serious effect on the morale of that force.

The minor points to which the hon. Member referred—although they may be minor to him—are to my mind serious, if this somewhat irregular police force is going to have the right given it in the latter part of section 12 that a tribal officer

" may without any such order enter any adjoining district or area for the purpose of detecting crime or protecting life or property." I have had a good deal of experience of tribal retainers in the past and I am sure of this, that even when the tribal retainer is acting in close touch with a white officer, that white officer has the greatest difficulty in restraining him in many directions. In many ways he is little more than a licensed levier of blackmail. I have had frequent instances in my own knowledge where the tribal retainer has abused his power in a very scandalous manner and had it not been for the protection afforded by the white officer in control of him it would probably have led to very unpleasant consequences. It seems to me that to let this ill-disciplined force spread about the country is going to set up the kind of dangers and the kind of disagreeable incidents which we all want to avoid.

Further, section 5, to which the hon. Mover also referred, which permits the entering of huts and other places on what may be a very flimsy pretext, is again going to give these tribal retainers astonishing power in the levying of various forms of petty blackmail upon their fellow-Africans. As everybody in this House well knows, if an African, untrained and undisciplined, is given a certain amount of authority, he is very liable to abuse it.

On the main ground, therefore—that I think it is wrong we should set up the tribal police force—and on those minor grounds, I intend to oppose this Bill, Sir.

LT.-COL. THE HON. C. G. DURHAM: Although I agree with quite a lot that the hon. Member for Rift Valley has said I am going to support this Bill.

I have only one quarrel with it and that is covered by section 3.

I would support the last speaker in saying that the senior commissioners, district commissioners and assistant district commissioners cannot be expected to discipline this force for the very good reason that they have got too much else to do. And further, they are shifted about so frequently. It has actually been the case sometimes that district officers have been moved as many as ten times in a year, and what the unfortunate policeman is going to do when he does not realise who his master is going to be from one month to the next I do not know. If Government can see its way to have proper discipline enforced I shall have pleasure in supporting the Bill.

REV. CANON THE HON. HARRY LEAKE: I have had representations from one or two African bodies and persons interested in the welfare of the natives to watch this Bill particularly. The grounds mentioned for their fears were that,

in the first place, it might be hard upon the present tribal retainers, and, in the other, that the prestige of the chiefs or headmen might suffer.

I therefore discussed this matter with the hon. the Acting Chief Native Commissioner and he has assured me that nothing of the kind can really happen, and, so far as the prestige of the Government headmen is concerned, it would be rather enhanced than jeopardised. So I see no reason why I should not support the Bill as I understand its real object is to help them carry out more effectively the work they have been doing in the Reserves.

I would like to say a word with regard to what has been mentioned by the hon. Member for Rift Valley. I fancy I am right in saying that if officers and the Commissioner of Police were to be allowed to have control in the areas which the district commissioners are entirely responsible for, they certainly would find it very difficult indeed to work. It seems to me absolutely essential that the administrative officers should be responsible for discipline in the reserves; that they must have the carrying out of this police work under their control.

With regard to the ordinary policeman, I have been told that he has a right to enter the native reserves if he is hot on the tracks of a thief in exactly the same way as we have been told that these men would be allowed to go into other areas, so I do not think that reason is really one for opposing the Bill.

Personally I agree with a large amount of what has been said by the hon. Member for Rift Valley about these men using their power in the wrong way, but that seems to me inevitable, whether the people concerned are called tribal police or tribal retainers. I think we may as well give these men a trial to see that this sort of thing does not happen.

Personally, I shall support the Bill.

CAPT. THE HON. H. E. SCHWARTZ: Without going into the merits and principles of the Bill, I would ask that this Bill be sent to Select Committee, for one purpose only. A lot of the clauses need to be re-drafted, and there are all sorts of small things on which a great deal of time may be saved if it is sent to Select Committee.

LT.-COL. THE HON. J. G. KIRKWOOD: On general principles I am a supporter of the Bill. As I visualise it, it is really in existence to-day but this is legalising it and the organisation.

I should like to be enlightened on one point. The object of this Bill seems to be to provide for the reform of the tribal police in native areas in duties normally performed by the police of the Colony. Clause 2 seems to be in direct contradiction to that. It is confining the activities of the tribal police to the reserves, and yet it covers the whole Colony. One is in direct contradiction to the other, and it will require alteration.

I think also it would be interesting to know who is the superintendent—would it be the district commissioner? If so, my own opinion is that it would be incorrect to appoint a district commissioner, for no other reason than that they are changed so frequently. It is very difficult to carry on continuity of policy and retain good organisation and discipline in such a case. I suggest that the appointment should be outside the reserves—that it should not be the district commissioner, but that the district commissioner should be a subordinate officer.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:**  
Your Excellency, with regard to the various criticisms that have been made, the hon. Member for West Kenya spoke about direct and indirect rule. As a matter of fact, these tribal retainers are part and parcel of our efforts to keep up indirect rule in this country; they are a domestic police force acting in the native reserves of the Colony under the authority, largely, of the headmen of the Colony. Our endeavours are to make the headmen of the different locations responsible for peace and good order in those locations, and, as they cannot be in two or three places at the same time, they have to employ people to carry out their duties, and those tribal retainers of the past are the tribal police of the future, and they will carry out these duties in the native reserves of this Colony.

I am not quite clear as to the second point. I think the point was raised that the natives are entitled to police protection as well as everybody else. There is no intention of removing the whole of the police force from the various districts—they are to be retained as a main roads and township force. The idea is that the domestic affairs of the location should be carried out by the natives themselves as far as possible.

One hon. Member I think mentioned the fact that there ought to be only one police force for the whole country. I have had a good deal of experience, Your Excellency, of the troubles that arise if a policeman of one tribe goes and tries to carry out his duties among another tribe. I can see nothing but trouble likely to arise. They do not understand the language and the customs; their habits are quite different; they

may be hereditary enemies. Frequently in the past, when regular policemen were allowed in the native reserves, a great deal of trouble has resulted.

The hon. Member for Rift Valley said that he regarded the tribal retainers as only a temporary make-shift. I have mentioned, with regard to that, that we have the force operating over the whole country. I do not think it is possible that the regular police force should carry out police duties inside the native reserves—it would upset the whole of the tribal authority.

With regard to the statement that the policemen had to stop at an imaginary line, that has been the belief of a great many people. The remark has been made for years and years and years and we have done our best to try and disprove it, but apparently without success. Government does not forbid the police force from entering a native reserve in the discharge of its duties, and it has not done so ever really. They have always had permission to follow stolen stock or a hot clug or anything of that kind, to enter a native reserve and do their best. All we do ask of them is to call on the native authorities to help them and report to the district commissioner so that he can co-operate with them to the best of his ability.

There was also a reference to the fact that they will not be subject to such training and drill as the regular police. Your Excellency, I do not think really that they need that if they can be trained in their duties. I do not think we want them to walk about the station and "form fours" and "present arms" and that sort of thing. Their duty is to detect and arrest criminals and prevent crime in the reserves.

He also referred to ill-disciplined forces being spread about the country. There is no intention of allowing the tribal retainers loose all over the settled areas. Ninety-nine per cent. of their duties would be inside their own reserves. Those sections allowing them to go outside are only to meet very exceptional cases when they are following clues.

He also referred to the question of allowing them to enter huts. You cannot prevent abuses, and if they do enter huts and do anything wrong we have the power under this Bill to give them very severe punishment. As a matter of fact, it would be easier to punish them under this Bill for any misdemeanours than it is at present.

With regard to the remarks of the hon. Member for Kikuyu—section 3—the same point was also raised by the hon. Member for Plateau North—there is no intention of putting the district commissioner as superintendent. If section 3 is read carefully you will see that "the superintendence of the

tribal police throughout the Colony shall vest in such person as the Governor may, by notice in the Gazette, appoint." I do not understand how anybody could think that the superintendence of the tribal police throughout the Colony could vest in the district commissioner. I may not have taken up the point correctly, but I cannot understand that criticism.

The idea is to formulate rules, more or less uniform, for these tribal police throughout the Colony, and the Government may appoint the Chief Native Commissioner, possibly to be the superintendent of the tribal police.

I think those are all the points, but I would like to stress the point again that these people have been doing these duties to the best of their ability for many years, and this Bill is principally brought in with the object of protecting them. At the present moment the tribal retainer is not regarded as a public servant and he has not the protection of a public servant. One of the objects of this Bill is to give him that protection. Far and away the greatest part of their duties will exist in the native reserves only, but the fact that native reserves were not specifically mentioned was partly owing to the fact that Turkana and the Northern Frontier Province are not gazetted native reserves yet although they are included under the Bill.

HIS EXCELLENCY: The question as to the reference of this Bill to a Select Committee has been considered.

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

The question was put and carried.

THE HON. CONWAY HARVEY: Your Excellency, it has been the custom in the past to give Select Committees a chance of meeting in the afternoon. It was felt, unless that was done, Sir—we found at the end of the session that none of the Select Committees had had opportunities of reporting at all. I just mention that because it has been the practice in the past.

HIS EXCELLENCY: Only one Select Committee has been appointed so far.

CAPT. THE HON. H. E. SCHWARTZ: Is it going to be the universal practice to sit or not to sit in the afternoon? There was a definite understanding when these new Standing Orders came in that Council would only sit in the mornings, and one of the reasons was to give the reporters time to be ready the next morning with the debate. It was distinctly understood that Council would not meet in the afternoon except for real urgency.

HIS EXCELLENCY: I am quite prepared to meet the wishes of hon. Members but unless Council has some work to do in the afternoon such as Select Committees, and so on, I should

think it would be to the advantage of hon. Members who come from a distance for the business of the Council to be dealt with expeditiously, and that would be facilitated if Council sat in the afternoon.

(Council adjourned to 2.15 p.m.)

#### AFTERNOON SESSION.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that Council resolve itself into Committee to consider the following Bills:

- Abuse of Opiates Prevention (Amendment) Bill.
- Specific Loan Bill.
- Non-Native Poll Tax (Amendment) Bill.
- Crown Lands (Amendment) Bill.
- Births and Deaths Registration (Amendment) Bill.
- Legal Practitioners (Amendment) Bill.
- Stage Plays and Cinematograph Exhibitions (Amendment) Bill.
- Tribal Police Bill.

THE HON. THE TREASURER: I beg to second the motion. The question was put and carried.

#### In Committee.

##### A BILL TO AMEND THE ABUSE OF OPIATES PREVENTION ORDINANCE.

The Bill was considered clause by clause.

##### Clause 1.—Short Title.

HIS EXCELLENCY: The question is that Clause 1 stand as part of the Bill.

The question was put and carried.

##### Clause 2.—Interpretation.

CAPT. THE HON. E. M. V. KENZLY: I feel we should know who the signatories to the Convention are in Clause 2.

HIS EXCELLENCY: I do not think it is necessary, if I may say so, to put in the signatories in Clause 2. If hon. Members are interested in knowing who they are we shall have to adopt a different procedure.

The question is that Clause 2 stand as part of the Bill.

The question was put and carried.

##### Clause 10.—Penalties.

THE HON. T. J. O'SHEA: Your Excellency, am I correct in stating that the penalty suggested is £1,000 or ten years' imprisonment? It seems to me that is rather excessive, Sir. I should like to know if Government considers it necessary to have such heavy penalties.

**HIS EXCELLENCY:** I think the reason underlying the heavy penalty is that a breach of the law relating to the abuse of opiates is very difficult to detect, and when it is discovered it should be the occasion for very severe punishment.

**THE HON. THE ATTORNEY GENERAL:** The reason the penalty is a very high one—I will not just at the moment say what the source of this actual amount is, but there certainly is a precedent for it—is that naturally the offence would be in relation to the importation of opiates, and offences of that kind are considered very serious, and are very heavily punished in all countries. It includes all opiates. Of course, the hon. Member is aware that the penalty imposed is only a maximum penalty. There is no obligation on a court to impose that penalty in every case. It is simply fixed as a maximum.

**THE HON. T. J. O'SHEA:** I fully appreciate the point that the penalty quoted is the maximum, but I always thought, Sir, that we did in legislation fix the maximum penalty in relation to the circumstances of the country, and the fact that we are suggesting such high penalties in this case would lead anyone to think that the amount of crime in this country in connection with traffic in opiates justified the inclusion of such high penalties, whereas, Sir, I understand the position to be that there is comparatively little in this country in relation to opiates. That being the case, I wonder whether it is necessary to include such a high penalty.

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, it is the case that there is very little of this class of crime in the Colony at present. One is glad to know that, but at any time the occasion may arise when it is necessary to deal, and deal very drastically, with an offence against an Ordinance of this kind. A very small quantity of cocaine is worth a very great deal of money where there is cocaine traffic, and accordingly, unless you impose a maximum in the shape of a very high penalty, it may pay persons to commit breaches of the Ordinance, pay the fine, and still make a very substantial profit.

**THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES:** Your Excellency attempts have been made before to control the traffic in dangerous drugs. It was first made in regard to Japan, and the amount went down there several hundred thousand pounds. At the same time it went up in America. The intention is to make these penalties general—the same in all countries—in order to defeat diversion of the traffic.

**HIS EXCELLENCY:** Are you able to say that this is a common penalty for offences of this sort in all countries?

**THE HON. ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES:** That I cannot say.

**THE HON. THE ATTORNEY GENERAL:** One can certainly say, Sir, that the penalty in every country is very high.

**CAPT. THE HON. E. M. V. KENEALY:** Further to this point, I do not like the wording in sub-clause (2)—“articles in respect of which the offence was committed.” Is that intended to apply to the ships in which the stuff was conveyed?

**THE HON. THE ATTORNEY GENERAL:** That, Sir, would be a question for the Court, but I do not think any Court would interpret the section in the way suggested by the hon. Member.

**HIS EXCELLENCY:** That interpretation would include opiates. The meaning is the opiates in respect of which the offence was committed.

**CAPT. THE HON. E. M. V. KENEALY:** I suggest the substitution of the word “opiates” for “articles.”

**THE HON. THE ATTORNEY GENERAL:** I have no objection if the hon. Member of the motion has no objection.

**CAPT. THE HON. E. M. V. KENEALY:** Then, Sir, in Clause 10, sub-clause (3), the word used is “triable” (page 4). I suggest that is an inappropriate word.

**THE HON. THE ATTORNEY GENERAL:** It is a word not universally used, but certainly very usually used.

**HIS EXCELLENCY:** Does any other Member wish to speak on this clause? The question is that Clause 10 stand as part of the Bill.

**THE HON. T. J. O'SHEA:** On a point of order, Your Excellency, was there any amendment to that clause?

**HIS EXCELLENCY:** Your point of order is perfectly sound. The motion is that sub-clause (2) of Clause 10 should read “all opiates in respect of which the offence was committed.” The question now is that the clause, as amended, stand as part of the Bill.

The question was put and carried.

Clause 11.—Power to make rules.

**CAPT. THE HON. E. M. V. KENEALY:** 11 (d), Sir, does not seem very clear. The 19th line reads, “the amount of any opiate.” Does it not apply to every opiate?

**HIS EXCELLENCY:** I think the Bill as drafted is perfectly sound. Do you wish to move an amendment?

**CAPT. THE HON. E. M. V. KENEALY:** No, Sir. I think it is quite clear.

The question was put and carried.

Clause 10.—Reconsideration of sub-clause (2).

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, may I ask that Clause 10 be recommitted for reconsideration. I am not quite happy about the substitution of “opiates” for “articles.” If you look at section 12 of the Principal Ordinance you will find indicated there the particular things which were intended to be included in the word “articles”—opiates, receptacles or materials habitually used for opium or bhanga smoking. The word “opiate” does not include those articles, and I think those are the things intended to be included under Clause 10 (2) in the word “articles.”

**HIS EXCELLENCY:** Not confined to opiates?

**THE HON. THE ATTORNEY GENERAL:** Not confined to opiates, Sir, but to any article used in connection with the use of opiates. I think that was the intention. It is rather difficult to deal with because this is an amending Ordinance, and we have not got the whole of the Principal Ordinance before us. I should like to move, Sir, that Clause 10 be recommitted.

The question was put and carried.

**THE HON. THE ATTORNEY GENERAL:** In view of what I have said, I would like to move that the clause be allowed to stand unamended.

**HIS EXCELLENCY:** The question is that Clause 10, unamended, stand as part of the Bill.

**CAPT. THE HON. E. M. V. KENEALY:** I suggest, Sir, that the clause be amended to conform to the wording in the Principal Ordinance. That would clarify it.

**THE HON. THE ATTORNEY GENERAL:** I should be glad to consider that, if I may be given time to do it; but I cannot consider an extensive Ordinance in a few seconds. I suggest, Sir, if I may, that there is very little in it. The point was raised in regard to the ships which carried an opiate. I cannot for a moment imagine any Court



forfeiting a ship just because there is an opiate on board. I do not think the use of the word "article" was ever intended or could ever be considered as applying to the ship which carried the opiate.

**HIS EXCELLENCY:** The question is that the clause stand as part of the Bill, unamended.

The question was put and carried.

#### SPECIFIC LOAN ORDINANCE, 1927.

The Bill was considered clause by clause.

#### BILL TO AMEND THE NON-NATIVE POLL TAX ORDINANCE.

The Bill was considered clause by clause.

#### BILL TO AMEND THE CROWN LANDS ORDINANCE.

The Bill was considered clause by clause.

#### Clause 2.—Interpretation.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** Your Excellency, I beg to move the deletion of the definition of "Arab Reserve." The reason was, I think, clearly made out during the second reading.

**HIS EXCELLENCY:** The motion is that the definition of "Arab Reserve" in Clause 2 be deleted.

The question was put and carried.

**THE HON. T. J. O'SHEA:** Your Excellency, in Clause 2 there should now be an alteration in the definition of the words "Communal Reserves."

**HIS EXCELLENCY:** No, there is no intention to alter that.

**THE HON. T. J. O'SHEA:** Then, Sir, supposing there is some arrangement for Somalis to occupy a portion of the Native Reserve, would that necessitate another amending Ordinance to make provision for it?

**HIS EXCELLENCY:** Yes. The question is that Clause 2, as amended, stand as part of the Bill.

The question was put and carried.

#### Clause 3.—Power to establish Arab and Communal Reserves.

**THE HON. CONWAY HARVEY:** I do, Sir, very strongly object to Clause 3 being in this Bill at all. I understood from the hon. the Acting Commissioner for Local Government, Lands and Settlement this morning that the sole intention of this measure was to enable provision to be made for Arabs who had been dispossessed. This clause seems to give the Governor in Council enormous power—power to declare any or all the present Crown lands of the Colony to be Native Reserves if he wishes to do so. I think it is very improper indeed, improper that it should ever be considered seriously by Government Governor in Council, that that enormous power should be vested in the hands of the fully appreciated its significance until we came to look into the Bill this morning. In the Native Lands Trust Bill, to which I alluded this morning—and in regard to which no satisfactory reply was given me by Government—I pointed out that that Bill made certain provision for safeguarding the native interests in the matter of land, but there were certain European and other interests also safeguarded

in that measure. This particular clause is giving away a great deal, and giving nothing, whatever in return, and I do think it should be very seriously considered before Elected Members, anyhow, fritter away the Colony's assets in this manner.

**THE HON. THE ATTORNEY GENERAL:** I do not know if the hon. Member has looked at the Principal Ordinance, because the Governor in Council already has power to declare any area of Crown land to be a Native Reserve. All that the present Bill does is to give exactly the same power to declare Communal Reserves. But when my hon. Friend uses the words "fritter away," I would point out to him that the Governor in Council already has power to "fritter away" the land of the Colony for the purpose of creating a Native Reserve.

**THE HON. CONWAY HARVEY:** I was quite under the impression that that power existed under the Native Lands Trust Bill. If I am in error in that respect, I regret having occupied the time of Council, but I have given expression to views on the subject which I hold very strongly, and which I shall continue to hold, on the subject of the assets of the Colony in the shape of its Crown lands and alienated lands—assets which, in my opinion, should continue to be controlled by the taxpayer and the people of the Colony as a whole, and not by the Governor.

**CAPT. THE HON. E. M. V. KENYALY:** Your Excellency, I disagree with the incorporation of this clause in this Bill almost as much as I disagree with the Bill itself. In the definition, apparently, the objectionable part has been removed, but in actual fact it has not, because the definition which remains embraces the principle of the right of the Governor to establish a Communal Reserve, which means, of course, that if there were a native tribe and one other person concerned he could establish a right for that one other person, who might be an alien, without any reference to this House. This does embrace the principle of Communal Reserves, and embraces acceptance of that principle. I must oppose this particular clause and the Bill, as a Bill, on those grounds.

**THE HON. E. POWYS COBB:** I too must oppose this. I fail entirely to be able to reconcile the clause under discussion with the settled land policy of this country. It seems to me to run entirely counter to it.

**THE HON. THE ATTORNEY GENERAL:** May I suggest, Your Excellency, that the points raised now should have been raised on the second reading of this Bill. As the hon. Member for West Kenya has said, Clause 3 is the soul of the Bill, and if you object to Clause 3 you object to the Bill. I do not think there is any getting away from that, and, as I understood the debate this morning, the principle involved in this Bill—which is the power to set up Communal Reserves—was accepted unanimately. What we are discussing now, surely, in Committee, is the details of the Bill. But if hon. Members had any strong objections to put forward on Clause 3, which, as I have said, is the soul of the Bill, the proper time to do it was on the second reading and not in Committee.

**THE HON. E. POWYS COBB:** In reply to that point, I entirely agree with what the Attorney General says, but I distinctly understood this morning—possibly it was due to the bad acoustic properties of this room—that the Acting Commissioner for Local Government, Lands and Settlement had agreed to withdraw this principle.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** I agreed to withdraw the words in Clause 3 which I stated.

**CAPT. THE HON. E. M. V. KENYALY:** But, Sir, surely the greater embraces the less, and a communal reserve may embrace an Arab Reserve as part of the principle.

**HIS EXCELLENCY:** If you read the definition you will see that "Arab Reserve" means "a reserve for Arabs"; a "Communal Reserve" is for "a mixed population of natives and Arabs."

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** I beg to move, Sir, that the words "an Arab Reserve or" in line 15, Clause 3, of the Bill be deleted.

**HIS EXCELLENCY:** The question is that the words "an Arab Reserve or" in line 15, Clause 3, be deleted.

The question was put and carried.

**HIS EXCELLENCY:** The question is that Clause 3, as amended, stand as part of the Bill.

The question was put and carried.

**Clause 4.—Application of Part VI of the Principal Ordinance.**

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** I beg to move, Sir, that the words "an Arab Reserve or" occurring in lines 21 and 22 of this Clause be deleted.

The question was put and carried.

**THE HON. THE ATTORNEY GENERAL:** The marginal notes do not form part of the actual Bill, but the words "an Arab and" should come out.

#### BIRTHS AND DEATHS REGISTRATION (AMENDMENT) ORDINANCE, 1929.

The Bill was considered clause by clause.

#### LEGAL PRACTITIONERS (AMENDMENT) ORDINANCE, 1929.

The Bill was considered clause by clause.

#### STAGE PLAYS AND CINEMATOGRAPH EXHIBITIONS (AMENDMENT) ORDINANCE.

The Bill was considered clause by clause.

**Clause 2.—Interpretation.**

**CAPT. THE HON. E. M. V. KENEALY:** Your Excellency, I do not think Clause 2 (b) meets the entire situation if it implies the limitation of the intention to public exhibition, because a film which was intended only for private exhibition might embrace infringement of the principle of protection of the individual and the maintenance of the decencies. I feel that this limitation of the intention should not be imposed in that definition.

**THE HON. T. J. O'SHEA:** This Bill is justified entirely from the point of view of the consequences of public exhibitions. That being the case, if it were made to apply to every private exhibition.

**CAPT. THE HON. E. M. V. KENEALY:** May I analyse that?—"for public or private exhibition"—the amendment being the interpolation of the words "or private" after "public."

**HIS EXCELLENCY:** Have you moved an amendment?

**CAPT. THE HON. E. M. V. KENEALY:** Yes, Sir, I move that the words "or private" be inserted after the word "public."

**THE HON. THE ATTORNEY GENERAL:** The intention of the Principal Ordinance is to require any person who makes a cinematograph picture to obtain a licence. The reason the words "for public exhibition"

were inserted was in order to avoid the necessity for persons who are sporting "Baby Pathés," I think they are called—those little hand cameras—from having to go to a licensing officer to get a licence. Those little instruments are becoming more and more popular every day, and I think it would be rather hard on people who purchase them if they have to go to a licensing officer to get a licence.

**CAPT. THE HON. E. M. V. KENEALY:** Sir, I entirely agree with that, but it would be impossible to control a man who said, "My intention is to use these films entirely for private purposes," and then, when he once had gone out of the country, he could show them in any way he liked, and we should have no means of getting him back to punish him for lying to us. I feel, Sir, that it is really essential that we should be safeguarded. I admit that it is awkward, and may involve disabilities, but the intention of this Bill is to provide a safeguard for a dangerous situation, and I feel that the situation must be honestly met in all its implications, irrespective of the amount of inconvenience, or almost absurdity, that a means of meeting that these minor things. I feel, Sir, that a means of meeting that disability can be attained, and we should attempt to carry the principle, even if it does involve a certain amount of inconvenience.

**THE HON. THE ATTORNEY GENERAL:** I suggest that the particular individual who makes a cinematograph picture and exhibits it publicly in the Colony should be dealt with under the Ordinance.

**CAPT. THE HON. E. M. V. KENEALY:** But, Sir, may I say that, after all, we are here to protect the well-being of this community which we are attempting to civilise; not only to protect them in their morals and their point of view, and their relationship to the European race, but to protect them from entering into a contract which may endanger their lives as well as their morality. I feel, Sir, that it should be impossible for any individual who takes a picture of this nature to state, and state truthfully, that he intends it for private exhibition only, and thereby to avoid submitting himself to the criticisms of the censoring authority.

**THE HON. T. J. O'SHEA:** Your Excellency, I suggest for the consideration of Government, the introduction at an early date of this Bill to provide for a guarantee that any persons arriving in this country will behave themselves in a fit and proper manner in accordance with a censorship to be set up in the near future (laughter). And we going to endeavour, Sir, to legislate in this House for any and every conduct on the part of any and every individual in any and every relationship in life? Surely to God, Sir, we should have some degree of common sense in dealing with this matter!

**HIS EXCELLENCY:** Order, order!

**THE HON. T. J. O'SHEA:** Well, Sir, can we deal with the situation as it exists? I can understand the desires of Members on this side of the House to control the taking of cinematograph pictures to an extent, but when one comes to consider what it would mean to apply the law which would control the taking of pictures for one's private pleasure, one begins to realise that half thought-out ideas brought into this Council in haste are likely to lead us into absurdities. The public has never been given an opportunity to consider what it means to have this Bill, as it applies to public exhibitions only, brought, or into the Colony, but I feel sure that if the public were given two or three weeks to consider what it would mean to have pictures, taken privately, controlled by legislation, they would be very indignant. I sincerely hope, Sir, the Government will not consider the question of applying this Bill to private exhibitions.

**HIS EXCELLENCY:** The question is that the words "or private" be added after the word "public."

The question was put and lost.

**CAPT. THE HON. E. M. V. KENEALY:** May one ask, Sir, how the intention is to be verified or annulled—how the word "intendeth" is to be translated, and how it is to be brought into effect? Is the

statement of the photographer to be accepted that he intends to exhibit the photograph in all events? If so, he would not have to subject himself to any degree of control at all.

**THE HON. THE ATTORNEY GENERAL:** Sir, it is difficult to answer, I imagine it would very largely depend on circumstances. For instance, we have a company out here at present, who, by their own acts, obviously intend to exhibit publicly the picture they are making, and I imagine they would automatically come under this. But I appreciate, since the Bill was drafted, the difficulties my hon. Friend has raised, and if he will suggest any way of getting over them I shall be only too glad to consider it.

**CAPT. THE HON. E. M. V. KENEALY:** May I suggest the obvious way, Sir—the recommittal of the Bill for the reconsideration of Clauses 2 and 3?

**HIS EXCELLENCY:** Clause 2 is being dealt with. Clause 3 has not yet been dealt with.

**CAPT. THE HON. E. M. V. KENEALY:** I move the recommittal of Clause 2.

**HIS EXCELLENCY:** The question is that Clause 2 be recommitted. The question was put and lost.

**HIS EXCELLENCY:** The question is that Clause 2 stand as part of the Bill.

The question was put and carried.

**CAPT. THE HON. E. M. V. KENEALY:** My amendment has been lost, has it not?

**HIS EXCELLENCY:** Yes.

**Clause 3.—**Insertion of section 24 in the Principal Ordinance.

**CAPT. THE HON. E. M. V. KENEALY:** Clause 3 suffers from the same disability as Clause 2, only in an accentuated form, because it applies to every individual taking part in the making of a film, whether it is intended for public or private exhibition. I see the necessity for the recommittal of Clause 3 also, Sir.

**HIS EXCELLENCY:** The question is that Clause 3 be recommitted.

The question was put and lost.

**HIS EXCELLENCY:** The question is that Clause 3 stand as part of the Bill.

The question was put and carried.

#### TRIBAL POLICE BILL.

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, may I ask if the Committee stage of this Bill be postponed? I was to have had a discussion with the hon. Member for Nairobi South, before the Committee stage, if possible, but I have not seen him since the adjournment for luncheon. If it meets the convenience of the House to postpone the Committee stage until to-morrow, I should be personally grateful.

**HIS EXCELLENCY:** I understand the question refers to a Select Committee, which depends upon one of the clauses. In these circumstances, I think the discussion on this Bill might be allowed to stand over till to-morrow.

**THE HON. THE COLONIAL SECRETARY:** Your Excellency, I move that the following Bills be reported to Council without amendment: Abuse of Opiates Prevention (Amendment) Bill, Specific Loan Bill, Non-Native Poll Tax (Amendment) Bill, Births and Deaths Registration (Amendment) Bill, Legal Practitioners (Amendment) Bill, and the Stage Plays and Cinematograph Exhibitions (Amendment) Bill; and the Crown Lands (Amendment) Bill be reported to Council as amended.

The question was put and carried.

Council resumed its sitting.

#### THIRD READINGS.

**HIS EXCELLENCY:** I have to report to Council that:—

The Abuse of Opiates Prevention (Amendment) Bill,  
The Specific Loan Bill,  
The Non-Native Poll Tax (Amendment) Bill,  
The Births and Deaths Registration (Amendment) Bill,

The Legal Practitioners (Amendment) Bill, and  
The Stage Plays and Cinematograph Exhibitions (Amendment) Bill,

have been considered in committee of the whole Council and have reported to Council unamended, and to report that the Crown Lands (Amendment) Bill has been reported to Council with amendments.

**THE ABUSE OF OPIATES PREVENTION (AMENDMENT) BILL.**

**THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES:** Your Excellency, I beg to move that the Bill to Amend the Abuse of Opiates Prevention Ordinance be read a third time and passed.

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

The question was put and carried.

The Bill was read a third time and passed.

#### THE SPECIFIC LOAN BILL.

**THE HON. THE TREASURER:** Your Excellency, I beg to move that the Bill to Amend the Specific Loan Ordinance, 1927, be read a third time and passed.

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

The question was put and carried.

The Bill was read a third time and passed.

#### NON-NATIVE POLL TAX (AMENDMENT) BILL.

**THE HON. THE TREASURER:** Your Excellency, I beg to move that the Non-Native Poll Tax (Amendment) Bill be read a third time and passed.

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

The question was put and carried.

The Bill was read a third time and passed.

#### CROWN LANDS (AMENDMENT) BILL.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** Your Excellency, I beg to move that the Crown Lands (Amendment) Bill be read a third time and passed.

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

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

*Ayes:* Messrs. Baker, Bemister, Major Brassey-Edwards, Messrs. Bruce, Campbell, Coverdale, Dobbs, Grannum, Horne, Huggard, Logan, Montgomery, Moore, Dr. Paterson, General Rhodes, Messrs. Scott, Walsh, Colonel Wilkinson.

*Noes:* Mr. Powys Cobb, Colonel Durham, Mr. Conway Harvey, Major Johnston, Captain Kenealy, Colonel Kirkwood, Mr. O'Shea, Colonel Tucker.

The Bill was read a third time and passed.

THE BIRTHS AND DEATHS REGISTRATION (AMENDMENT) BILL.

THE HON. T. D. H. BRUCE: Your Excellency, I beg to move that the Births and Deaths Registration (Amendment) Bill be read a third time and passed.

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

The question was put and carried.

The Bill was read a third time and passed.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that the Legal Practitioners (Amendment) Bill be read a third time and passed.

THE HON. T. D. H. BRUCE: Your Excellency, I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

THE STAGE PLAYS AND CINEMATOGRAPH EXHIBITIONS (AMENDMENT) BILL.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move that the Stage Plays and Cinematograph Exhibitions (Amendment) Bill be read a third time and passed.

THE HON. T. D. H. BRUCE: Your Excellency, I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

HIS EXCELLENCY: Council will now adjourn till 10 o'clock to-morrow morning.

*Council adjourned till Friday, 14th June, 1929.*

FRIDAY JUNE 14th, 1929.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on the 14th June, 1929, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.), presiding.

HIS EXCELLENCY opened the Council with prayer.

The minutes of the meeting of 13th June, 1929, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE):—Colonial Loans, Statement submitted to Legislative Council, June, 1929 Session.

BY THE HON. THE DIRECTOR OF AGRICULTURE (MR. A. HOLM):—Department of Agriculture Annual Report, 1928.

NOTICE OF MOTIONS.

CAPT. THE HON. H. E. SCHWARTZ: I beg to give notice of the following motion:—

"That this Council is not prepared to approve section 11 of the Report of the Select Committee on the Land and Agricultural Bank."

THE CLERK OF THE COUNCIL (MR. G. R. SANDFORD): I have received notice of motion from the hon. Member for Plateau North:—

"That this Council is of opinion that the 'Alteration of Time Ordinance' should be repealed."

MOTIONS.

FIRST SUPPLEMENTARY ESTIMATES, 1929.

THE HON. THE COLONIAL SECRETARY: With Your Excellency's permission and that of Council, I would ask permission to move first the second of the two motions standing in my name, namely:—

"That the first Supplementary Estimates, 1929, be referred to a Select Committee of Council."

In doing so I would explain to hon. Members that the intention of the Government is that the first Supplementary Estimates, 1929, should be referred to a Select Committee of Council, namely, the same Select Committee which normally

deals with the Estimates of the Colony every year and, if convenient to Members, the suggestion is that that Select Committee should sit on Monday morning next, at 10 o'clock, at Government House. On that understanding, Sir, I move that the first Supplementary Estimates, 1929, be referred to a Select Committee of Council.

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

The question was put and carried.

#### FOURTH SUPPLEMENTARY ESTIMATES, 1928.

THE HON. THE COLONIAL SECRETARY: I rise to move, Sir:—

"That the Council approve the fourth Supplementary Estimates, 1928, as printed and laid on the Table."

As hon. Members will see, these fourth Supplementary Estimates contain no items of great magnitude. They are largely a question of adjustment of accounts in order to enable the Treasurer to close the accounts for the year, but, at the same time, if hon. Members would desire to consider the items in the Schedule item by item, Government would have no objection to moving the Council into Committee to consider them in that way.

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

THE HON. CONWAY HARVEY: Your Excellency, I think, as in the past, hon. Members can quite safely accept this measure without submitting themselves to the inconvenience of going into Committee. The items are quite innocuous. Hon. Members have had an opportunity of examining them since they were introduced yesterday, and it has been our custom in the past, Sir, to accept these purely adjusting and balancing entries without question.

CAPT. THE HON. H. E. SCHWARTZ: May I ask whether the 1928 Supplementary Appropriation Ordinance is to put into effect, amongst other things, these fourth Supplementary Estimates which we are now asked to pass?

THE HON. THE COLONIAL SECRETARY: On a point of order, I do not think that that Bill is before the Council.

CAPT. THE HON. H. E. SCHWARTZ: I beg your pardon.

THE HON. THE COLONIAL SECRETARY: It has come to the hon. Member in a different capacity.

The question was put and carried.

#### COMPASSIONATE PENSION.

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

"In consideration of Master Tailor C. M. de Souza's 26 years satisfactory service in the King's African Rifles, this Council approves the award to him of a compassionate pension at the rate of Shs. 810 per annum (which is equivalent to three-fourths of the pension which would have been awarded to him had he been serving on the pensionable establishment of the Colony) with effect from the date of his retirement instead of a gratuity of Shs. 1,800 (calculated at the rate of one week's salary for each year of service) to which he is strictly entitled under the Regulations."

This master tailor has reached the age of 58, and in view of his long and meritorious service, it has been recommended that he should be granted a pension instead of a gratuity. In accordance with the rules which are followed in such cases this will only be at the rate of three-fourths of the pension which would have been given had the officer been pensionable.

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

The question was put and carried.

#### THE APPROPRIATION BILL, 1929.

THE HON. THE COLONIAL SECRETARY: Your Excellency, you will remember that the second reading of this Bill, which I moved yesterday, was to stand over to-day in order to give hon. Members an opportunity of studying the Bill. The Bill has already been formally moved by me and seconded.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY: I move that the Council go into Committee to consider the Appropriation Bill, 1929, and the Tribal Police Bill, 1929.

THE HON. THE TREASURER: I beg to second.

The question was put and carried.

#### THE APPROPRIATION BILL, 1929.

The Bill was considered clause by clause.

#### THE TRIBAL POLICE BILL, 1929.

The Bill was considered clause by clause.

Clause 2.—Appointment of tribal police.

CAPT. THE HON. H. E. SCHWARTZ: I beg to move that the word "may" in line 2 be altered to "has"; and the word "approve" in line 3 be altered to "approved".

The sense is the same, and I suggest that the wording is very much better. It will then read:—

"The District Commissioner of any district or area within which the Governor has, by notice in the Gazette, approved of the appointment of tribal police may from time to time appoint."

It is precisely the same thing except these two "mays" are confusing.

THE HON. THE ATTORNEY GENERAL (MR. W. C. HUGGARD): I do not know that I am prepared to agree that it does amount to exactly the same thing if this clause says that the Governor "has approved"—it means he has done something before the Bill has come into operation.

CAPT. THE HON. H. E. SCHWARTZ: It means the district commissioner may appoint tribal police from time to time in any district to which the Governor has, by notice in the Gazette, approved of the appointment. The first step is by the Governor, and afterwards the district commissioner may appoint fit and proper persons.

HIS EXCELLENCY: From my own point of view, I think it would be better that action taken should be after the enactment of the Bill, and "may," from that point of view, may be approved. I think the view taken by the Attorney General, if I may say so, is perfectly sound. Do you wish to press your amendment?

CAPT. THE HON. H. E. SCHWARTZ: No, Sir.

HIS EXCELLENCY: The question is that Clause 2 stands as part of the Bill.

The question was put and carried.

Clause 3.—Superintendence of tribal police throughout the Colony.

LT.-COL. THE HON. C. G. DURHAM: I would like to know, under this Bill, what "superintendence" means. The hon. the Acting Chief Native Commissioner told us yesterday that it might be possible that the Governor would appoint the Chief Native Commissioner as superintendent of this police force. I submit, Sir, that that officer has a great deal too much to do to supervise a force like that. I hold that if you are going to give that force the authority this Bill provides for, you have definitely got to have a man who will superintend and see that there is discipline, and that it is carried out very thoroughly. To my mind this cannot be done by the Chief Native Commissioner or any other administrative officer.

HIS EXCELLENCY: Do you move an amendment to the clause?

LT.-COL. THE HON. C. G. DURHAM: Yes, Sir. I beg to move that the superintendent be appointed outside the administration.

HIS EXCELLENCY: That is not an amendment. What is your amendment to the clause as it stands?

LT.-COL. THE HON. C. G. DURHAM: I should like to move as an amendment that the superintendent should be of the trained disciplined officer type.

HIS EXCELLENCY: You cannot put that in a Bill very well.

Would this meet the case of the hon. Member for Kikuyu: if the appointment was not vested in the Governor but in the Governor in Council? That would give an opportunity of discussion with unofficial members present.

LT.-COL. THE HON. C. G. DURHAM: Do you think that covers it thoroughly?

HIS EXCELLENCY: It ensures that it would be given consideration and discussion. Will you move that?

LT.-COL. THE HON. C. G. DURHAM: I move that.

HIS EXCELLENCY: The motion is that clause 3 be amended by the addition of the words "in Council" after the word "Governor" in line 2.

The question was put and carried.

Clause 6.—Power to enter premises without warrant.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, should it not be persons "of loose or disorderly characters"? At present the disorderliness or looseness refers to the character of the place, which is not the intention, or, if it is the intention, it should be clarified. I move the substitution of the word "characters" for the word "character"—the last word in the clause.

HIS EXCELLENCY: The question is that the last word in the clause should be altered from "character" to "characters."

The question was put and carried.

THE HON. E. POWYS COBB: Your Excellency, I would like to move that words be added at the end of clause 6, namely, "within the boundaries of the Native Reserves."

I understand the purpose of this Bill is to deal with affairs inside the Reserves and not outside. Therefore, I think this power of visit and search should be limited to the kind of territories to which the Bill is meant to apply.

THE HON. H. R. MONTGOMERY (SENIOR COMMISSIONER, COAST): In that connection, may I have permission to point out that these tribal police will operate in areas outside the Native Reserves, such as the Northern Frontier, Lamu, and so on.

THE HON. THE ATTORNEY GENERAL: I think, as the hon. Member explained yesterday, that the actual words "Native Reserves" were omitted from the Ordinance because it is intended to have these tribal police in areas which, though actually native areas, are not gazetted at present as Native Reserves.

THE HON. E. POWYS COBB: I understand that, Sir, but also I think there is the point that these tribal police should not be free to roam over settled areas. May I instance the case of a farm which is adjacent to a Native Reserve? I submit that it is not the intention of this Bill, or of the hon. Member, that these tribal police shall be free to visit any hut or any place on an occupied farm. If I am correct in my contention, I suggest it is rather the duty of the hon. Member of the Bill to find words which will give more clear effect to his meaning.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. G. M. DOBBS): I think Clause 12 shows clearly that they can only enter an adjoining district or area for the purpose of "detecting crime or protecting life or property." The suggestion is that, for instance, if the Lumbwa Native Reserve were declared a tribal police officer the tribal police force would be appointed, such a tribal police officer would have no powers whatever outside the Reserve unless he is given powers under Clause 12. The actual area published in the Gazette will, in all cases, I should say, be a native area solely, but the actual name "Reserve" is not put in so that it may include those areas on the Coast which are not actually Reserves, and the Northern Frontier and parts of Turkana.

THE HON. E. POWYS COBB: Your Excellency, it was with regard to the last words of Clause 12 that I moved this amendment. It seems to me that the last words of Clause 12 do very definitely permit a tribal policeman, without any such order, to enter an adjoining district for the purpose of detecting crime. These are very wide words, "for the purpose of detecting crime." In the hands of an

undisciplined force these words may be taken advantage of for the perpetration of all sorts of improper acts on territory of a nature which the hon. the Acting Chief Native Commissioner admits he does not intend these people to go. I submit that if objection is taken to the words "within the boundaries of the Native Reserves," then there should be some words put in excluding the settled areas. My point will be met by either restricting to the Reserves or of excluding the settled areas.

**HIS EXCELLENCY:** What amendment are you actually moving?

**THE HON. E. POWYS COBB:** I move, Sir, that the words "within the boundaries of the Native Reserves" should be added to Clause 6, but, if the hon. the Acting Chief Native Commissioner objects to that and would rather have it reversed, I am perfectly prepared to move an amendment in the sense that he desires.

**HIS EXCELLENCY:** You are moving an amendment. May I have details of the amendment?

**THE HON. E. POWYS COBB:** May I just draft one, Sir.

I think it will take this form: "Provided that such hut or place is not within an alienated area." I trust that is free from the objection that the hon. the Acting Chief Native Commissioner has raised.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** Am I to understand that if they are following a man who has committed a murder, and he gets over the border and slips into a hut, that the murderer will be perfectly safe?

**THE HON. E. POWYS COBB:** Your Excellency, I understand that if crimes are committed within the settled area, it is the business of the Kenya Police to deal with them. I submit that it, on the one hand, the Kenya Police do not operate in the Reserves, the tribal police should not operate in the settled territory.

**HIS EXCELLENCY:** It has already been pointed out that that is a common misconception of fact. As a matter of fact, the Kenya Police are entitled to go into the Native Reserves, if in pursuit of a criminal, and this Bill provides for the case of a tribal policeman pursuing a person outside the Reserve which is normally the area in which he works.

**THE HON. E. POWYS COBB:** I submit that, as a matter of administrative practice, the Kenya Police do operate in the settled areas and do not operate in the Reserves.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** I think there is a sort of idea in the country that we are divided into completely watertight compartments, which I should like to dispel. Reserves should have the desire to preserve law and order and catch criminals, and what we want is co-operation. We do not want an arbitrary line drawn like that. That idea, I thought, had been exploded. Similarly, on the other side, if our people are following criminals, they ought to be allowed to co-operate. I do not think the slightest desire to let their tribal retainers loose over farms at all. They have got all they can do to look after the Reserves without operation; we do not want to be separated into absolutely watertight compartments.

**THE HON. E. POWYS COBB:** I entirely echo the sentiments of the hon. the Acting Chief Native Commissioner, and it was with great regret I found he was opposed to the view I ventured to voice yesterday. Since he has decided, apparently, to have the police force, and to some extent, to set up watertight compartments, I suggest that what I am now advocating is only reasonable and logical.

**CAPT. THE HON. H. E. SCHWARTZ:** May I ask the hon. the Attorney General if it is not a fact that, if Clause 6 stands as in the printed form, it will be strictly permissible for a tribal police officer to go into any place which he thought was of a disorderly character, whether European or otherwise, in the exercise of bringing offenders to justice. I do not suggest that it would happen, but we are passing a law, and to allow tribal policemen to enter into any European house which is within his district.

**THE HON. THE ATTORNEY GENERAL:** Clause 6 is clearly governed by Clause 12, which says that the tribal police officer shall execute the duties imposed upon him within the district, and he could only go outside that district in accordance with the terms of Clause 12.

**REV. CANON THE HON. HARRY LEAKY:** It seems to me that it might be really harmful, and not useful, to refuse to permit these people sometimes, on occasion, to go into the settled areas. My experience is that quite often a settler, living on the border of a Reserve, asks the chief to help him on some job, and he and one or two of his tribal retainers are able to do better than the police, who are foreigners. I think it might really harm the cause we want now to help if we made it impossible to go in.

**HIS EXCELLENCY:** The question is that at the end of the clause be added, "provided that such hut or place is not within an alienated area."

The question was put and lost.

**HIS EXCELLENCY:** The question now is that Clause 9, as amended, stands part of the Bill.

The question was put and carried.

Clause 7.—Power to lay information.

**CAPT. THE HON. E. M. V. KENEALY:** Is it necessary to provide for the situation as mentioned in Clause 7 at all? Surely it is axiomatic that any man can lay information before a magistrate, whether he is a police officer or not.

**THE HON. THE ATTORNEY GENERAL:** Your Excellency, I think I am right in saying that this section was taken from the Police Ordinance—section 19.

**CAPT. THE HON. E. M. V. KENEALY:** If that is so, I shall not press the point.

**THE HON. THE ATTORNEY GENERAL:** It is exactly the same clause.

Clause 8.—Power of tribal police officers to inspect licences, permits and passes.

**CAPT. THE HON. E. M. V. KENEALY:** "A tribal police officer may stop and detain any person whom he sees or suspects of doing any act or thing. . . ." I do not think that is exactly what it means; it might mean just as much as the words. The word "sees" ought to come out, surely, because that is an all-embracing sort of permission to give—that he may arrest anybody whom he sees. One cannot see a man doing any actual thing.

**THE HON. THE ATTORNEY GENERAL:** You see or suspect of.

**HIS EXCELLENCY:** Whom he sees doing any actual thing.

**THE HON. E. M. V. KENEALY:** I think it should be clarified, Sir.

**CAPT. THE HON. H. E. SCHWARTZ:** I beg to move that the words "his licence" in the last line be deleted, and the following words substituted: "such licence, permit or pass."

CAPT. THE HON. E. M. V. KENEALY: I do press that amendment; I think the words should be "suspects of doing or sees doing," because it is not English as it stands.

HIS EXCELLENCY: Does it matter which way round you put it? Do you move that amendment?

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

THE HON. THE ATTORNEY GENERAL: I may remark that this section is also copied from the Police Ordinance.

HIS EXCELLENCY: I do not think any questions have arisen as to the interpretation. Do you still press your amendment?

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

HIS EXCELLENCY: The hon. Member for Nairobi South has moved that "his licence" be deleted in sub-clause (D) of the clause, and "such licence, permit or pass" substituted.

That seems a reasonable and sound amendment.

The question was put and carried.

Clause 11.—Assault in execution of duty.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I would like to ask the hon. the Attorney General whether he will be prepared to accept an amendment, to cross out the words "as such tribal police officer" in lines 2, 4, and 7. It is most extraordinary reading as it stands at present. It is perfectly clear without the words. I hope the hon. the Attorney General will accept that.

THE HON. THE ATTORNEY GENERAL: I raise no objection to the acceptance of that. I take it the words are put in the clause because, after all, a tribal police officer might have duties in some other capacity, and the idea was to limit the protection provided for in this section to him in the capacity of tribal police officer, but I do not think any confusion is likely to arise. I accept the amendment.

The question was put and carried.

Clause 12.—Tribal police ordinarily to act within their own district.

LT.-COL. THE HON. J. G. KIRKWOOD: I beg to move that in line 6, from after the word "place" to the end be deleted. The words are: "and may without any such order enter any adjoining district or area for the purpose of detecting crime or protecting life and property." That will meet the objection put up on Clause 6. It would still mean that the tribal police could enter a district, provided they were ordered to do so, as stated in the first part of that paragraph. It has also been pointed out that they may go either over the settled areas or the Reserves, and would have the right of crossing the line in the course of their duty. It would take away the problematical aspect of the question of allowing the tribal police to wander about any settled areas without orders.

CAPT. THE HON. H. E. SCHWARTZ: If the hon. Member will alter his amendment so as to delete the words "detecting crime," it would then read "and may without any such order enter any adjoining district or area for the purpose of protecting life or property."

THE HON. ATTORNEY GENERAL: The immediate result of that amendment would be, for instance, if a tribal police officer is chasing a murderer and he comes to the boundary, he has to stop there, go over.

CAPT. THE HON. H. E. SCHWARTZ: Surely, Your Excellency, if you are chasing a murderer you are not detecting crime. A crime has been committed and you are trying to catch the murderer.

HIS EXCELLENCY: Are you protecting life?

CAPT. THE HON. H. E. SCHWARTZ: I suggest, under the circumstances given by the hon. the Attorney General, he is not correct.

THE HON. THE ATTORNEY GENERAL: If my hon. friend will accept the amendment to substitute "criminals" for "crime," I have no objection.

CAPT. THE HON. H. E. SCHWARTZ: I am quite prepared to accept the words "apprehending criminals."

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: I do not think that would cover the case of a man who was following the tracks of stolen stock. If that was accepted it would mean he would follow it up to the border, and then have to go back to the district commissioner for a pass to go somewhere else.

HIS EXCELLENCY: It is a very important point, I think.

LT.-COL. THE HON. J. G. KIRKWOOD: Surely, the objection is, as already pointed out, that in the case of detecting crimes or following murderers it is not necessary to go back to get permission. If that exists in the settled areas, as it surely does, it should exist on the Reserve side.

HIS EXCELLENCY: It will be if you delete this clause. I take it the European police are prevented from entering?

THE HON. THE ATTORNEY GENERAL: No, Sir.

LT.-COL. THE HON. J. G. KIRKWOOD: You say that it is an unwritten law if it is in the course of their duties—that is conceded. Otherwise it would not be conceded unless there was some prohibition somewhere in the laws of Kenya.

THE HON. THE ATTORNEY GENERAL: I would like to make it clear there is no law, written or unwritten, which prevents a policeman from going into the Native Reserves.

CAPT. THE HON. H. E. SCHWARTZ: My object is not in any way to stop malefactors being caught. It is obviously ridiculous to stop a person at an imaginary line when he is about to catch a malefactor, but I do not want that person allowed to go in unless he knows there is a malefactor. "Detecting crime" may mean anything. I should think that if you substituted "apprehending criminals," it would all respect to the hon. the Acting Chief Native Commissioner, and have covered it, because you know the crime has been committed, and you are after the man who has committed the crime. I do not want to raise ridiculous barriers, but I do think "crime" is too wide, and I will ask the hon. the Attorney General if he cannot accept the words "apprehending criminals."

HIS EXCELLENCY: You are moving this amendment?

CAPT. THE HON. H. E. SCHWARTZ: My amendment is that the words "detecting crime" in the last line be deleted, and substituted by "apprehending criminals."

LT.-COL. THE HON. J. G. KIRKWOOD: I withdraw my motion.

THE HON. THE DIRECTOR OF AGRICULTURE: I would like to suggest to that hon. and learned Member should reconsider these words. To my mind a person is not a criminal until he has been convicted of a crime, and I think those words would be entirely wrong in this clause.

CAPT. THE HON. H. E. SCHWARTZ: I suggest that this should go to a small Select Committee. I am certain we can get agreement if only we have time.

Will Your Excellency allow me to move that progress be reported?



HIS EXCELLENCY: I would like to get this Bill dealt with this morning. I suggest you use the word "offenders" instead of "criminals."

CAPT. THE HON. H. E. SCHWARTZ: I am quite prepared to do that.

THE HON. J. C. COVERDALE: May I make a suggestion in this clause? I quite agree with the hon. the Acting Chief Native Commissioner that the amendments suggested as regards deletion would simply, in many cases, provide sanctuary for criminals, who would pass out of the Native Reserve, to the settled areas in the belief that they could not be followed. The amendment I suggest is "for the purpose of pursuing suspected persons and protection of life and property."

THE HON. THE COMMISSIONER OF CUSTOMS (Mr. G. Walsh): Might I suggest that this could possibly be overcome by inserting after "detecting crime" the words "committed within such districts."

THE HON. THE ATTORNEY GENERAL: I do not know what "such district" means; does it mean the district to which the policeman is appointed?

THE HON. THE COMMISSIONER OF CUSTOMS: The district to which he is appointed—in the second line.

HIS EXCELLENCY (to the hon. Member for Nairobi South): Do you withdraw your amendment in favour of that?

CAPT. THE HON. H. E. SCHWARTZ: I think my amendment is really exactly the same—"apprehending criminals"—but I do not mind; whichever the hon. the Attorney General thinks best.

HIS EXCELLENCY (to the hon. Member for Coast): Do you wish to press your amendment?

THE HON. J. C. COVERDALE: I had not heard the previous discussion, and I had no intention of making a further amendment. I did not know the other had been made.

HIS EXCELLENCY: I understand you withdraw it.

THE HON. J. C. COVERDALE: Yes.

HIS EXCELLENCY: The question is that after the words "detecting crime" in Clause 12 should be added the words "committed in the district or area to which he is appointed."

The question was put and lost.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I understood Government accepted that; I should like to give effect to my motion.

HIS EXCELLENCY: I am quite prepared to take your motion, that is, for "detecting crime" be inserted the words "apprehending offenders."

CAPT. THE HON. H. E. SCHWARTZ: Yes, Your Excellency; I hope hon. Members will accept that.

HIS EXCELLENCY: Perhaps the hon. the Acting Chief Native Commissioner will give his advice on that.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: I suggest "apprehending suspected persons."

HIS EXCELLENCY: Do you accept that? There is a great deal of unnecessary suspicion about this Bill.

CAPT. THE HON. H. E. SCHWARTZ: I think personally I would accept that, because "apprehending suspected persons" applies to what I want. Yes, I will agree to that.

HIS EXCELLENCY: The question now is that for the words "detecting crime" be inserted the words "apprehending suspected persons."

The question was put and carried.

#### Clause 13.—Penalties.

CAPT. THE HON. E. M. V. KENEALY: As Government has parried criticism by quoting the fact that this is based largely on some previous clauses of the ordinary Police Regulations of the country, I hope Council will be prepared to accept an amendment of this—that it shall read, instead of mentioning the definite penalties that are in vogue if a man fails to do his duty as a policeman satisfactorily, "subject to the disciplinary control which applies to the Kenya Police Force." That is bringing them as much in line as possible.

THE HON. THE ATTORNEY GENERAL: This is one of the clauses that is not taken verbatim from the Kenya Police Ordinance, and the reason is that some of the penalties imposed in the case of the police are inappropriate in the case of tribal police. For instance, one of the punishments in the case of African constables is confinement to quarters; I do not know whether it is anticipated that the tribal police would have quarters.

THE HON. E. POWYS COBB: May I point out that sub-section (a) contains that provision.

THE HON. THE ATTORNEY GENERAL: I thought no particular expense was to be involved.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: They have houses to sleep in, Sir. I do not think these are all the punishments that could be inflicted on the Kenya Police Force; we choose out those which would be more applicable to the tribal police.

THE HON. THE ATTORNEY GENERAL: In effect, the punishments are more or less the same, although the phraseology is not word-for-word. The only punishment which appears to be omitted from the present Bill is "removal from any office of distinction or special emoluments." I think that would be inappropriate.

HIS EXCELLENCY: It is certainly my view to have the whole of the legislation dealing with tribal police in one document, and this appears to be a very simple provision for the maintenance of discipline. I do not know whether the hon. Member wishes to pursue his amendment?

CAPT. THE HON. E. M. V. KENEALY: If it is not accepted in that form, I would like to move an amendment to 13 (3). For instance, I should like the abolition of that proviso—medical attendance at corporal punishment—the whole of that sub-clause.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: This is to cutting the tribal police officer, I think. I cannot see any object in cutting it out.

CAPT. THE HON. E. M. V. KENEALY: It imposes an obstacle where there is no need for an obstacle. One works on the hypothesis that these disciplined and trained men are healthy persons, and any healthy man can stand and enjoy a flogging. I think it is introducing an unnecessary obstacle where none is required.

HIS EXCELLENCY: The question is that sub-clause (3) of Clause 13 be deleted.

The question was put and lost.

CAPT. THE HON. H. E. SCHWARTZ: May I move an amendment to 13 (1), that the second line should read, "any act or conduct to the prejudice of good order or discipline," instead of "any act, conduct or disorder to the prejudice of discipline." I think that is the ordinary form these words take in the Army Act.

THE HON. THE ATTORNEY GENERAL: That section, as drafted, again comes in the Police Ordinance—I merely mention it.

The question was put and carried.

LT. COL. THE HON. R. WILKINSON (Officer Commanding Troop): I suggest that paragraph 1 (b) should be altered from "fatigue duty" to "extra duty"—there is no such punishment as "fatigue".

The question was put and carried.

LT. COL. THE HON. R. WILKINSON: In the same paragraph, sub-clause (c), I suggest that the words "office of a" and "officer" be deleted; the paragraph would then read "dismissal from the tribal police."

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: I do not wish to split hairs, but in view of the first amendment passed, suggested by the hon. the Officer Commanding Troops, I suggest that sub-clause (c) be deleted, and that (b) should read "extra duty or guards."

HIS EXCELLENCY (to the hon. the Officer Commanding Troops): What have you to say to that?

LT. COL. THE HON. R. WILKINSON: I thought of that, but I did not put it up because it would mean altering all the paragraphs.

HIS EXCELLENCY: Is it necessary to put in sub-clause (1) (c), "extra guards," if you have got "extra duty" in (1) (b)?

THE HON. THE ATTORNEY GENERAL: I understood from the hon. the Officer Commanding Troops that the words "fatigue duty" had no meaning; they appear to have some meaning in the Police Force, because it is provided for in the Ordinance.

LT. COL. THE HON. R. WILKINSON: Then I think it ought to be taken out of that Ordinance.

CAPT. THE HON. H. E. SCHWARTZ: My motion is that (c) be deleted and (b) read "extra duty or guards"; if Your Excellency considers that "duty" includes "guards" then (c) should be deleted and the word "or" deleted.

HIS EXCELLENCY: Military opinion might be advisable.

THE HON. THE ATTORNEY GENERAL: I am advised by a distinguished soldier sitting behind me that he has frequently done fatigues.

LT. COL. THE HON. C. G. DURHAM: Have you done "extra" fatigues?

LT. COL. THE HON. R. WILKINSON: The expression in the army is "fatigue," not "fatigue duty." A man is put on fatigue. In the ordinary way a man is given confinement to barracks, which means doing fatigues. There is no such word as "fatigue duty"—the duty may be a fatigue, but the word is not used in that way.

HIS EXCELLENCY: The motion is that sub-clause (c) be deleted, and that in (b) the word "guards" be added after the word "duty."

The question was put and carried.

LT. COL. THE HON. R. WILKINSON: I beg to move that the last full stop of that whole paragraph should be deleted and a comma inserted, followed by the words "provided that such punishment shall not be increased." That means, Your Excellency, that a punishment once given cannot be increased by the supervising officer.

HIS EXCELLENCY: The motion is that after the last word of sub-clause 4 the words "provided that such punishment shall not be increased" be added.

The question was put and carried.

Clause 14.—Rules.

CAPT. THE HON. E. M. V. KENEALY: Is that in conformity with the Police Ordinance, or is it the Governor in Council in the Police Ordinance, because, if so, I should like to amend it to conform with that Ordinance.

THE HON. THE ATTORNEY GENERAL: Under the Police Ordinance it says that this function shall be vested in the Governor.

CAPT. THE HON. E. M. V. KENEALY: I move that "Governor" read "Governor in Council" in this one. The Government of the country is not the Governor but the Governor in Council.

HIS EXCELLENCY: The motion is that after the word "Governor" in clause 14 the words "in Council" be added.

A division was called.

CAPT. THE HON. E. M. V. KENEALY: Before the count is made, may we have Your Excellency's vote?

The question was lost by 13 votes to 19.

Agas.—Messrs. Bemister, Paddy Cogh, Coverdale, Col. Durham, Mr. Harvey, Major Johnson, Capt. Kenealy, Col. Kirkwood, Canon Lenkey, Messrs. O'Shea, Scent, Col. Tucker, His Excellency the Acting Governor.

Votes.—Mr. Baker, Major Brassey-Edwards, Messrs. Bruce, Campbell, Babb, Fitzgerald, Gramann, Holm, Horne, Huggard, Logan, Malik, Montgomery, Moore, Dr. Paterson, General Rhodes, Messrs. Sikes, Walsh, Col. Wilkinson.

HIS EXCELLENCY: The question is that clause 14 stand as part of the Bill.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that the Appropriation Bill, 1929, be reported to Council unamended, and the Tribal Police Bill, 1929, be reported to Council as amended.

The motion was carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report without amendment a Bill to Apply a sum of Money for the Service of the year ending the 31st day of December, 1929.

I have to report with amendment a Bill to Provide for the Appointment, Organisation and Discipline of Tribal Police, 1929.

THIRD READINGS.

APPROPRIATION BILL, 1929.

THE HON. THE COLONIAL SECRETARY: I beg to move that the Appropriation Bill, 1929, be read a third time and passed.

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

The motion was put and carried.

The Bill was read a third time and passed.

## TRIBAL POLICE BILL, 1929.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: I beg to move that the Tribal Police Bill, 1929, be read a third time and passed.

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

The motion was put and carried.

The Bill was read a third time and passed.

## PRESENTATION TO ATTORNEY GENERAL.

HIS EXCELLENCY: Before I adjourn the House until Tuesday next, the 18th June, I have a very pleasant duty to perform, and that is to make a presentation to the hon. the Attorney General, who is, as hon. Members know, about to leave us. I cannot do better than read the presentation which accompanies the cheque:—

"Presentation to Honourable W. C. Huggard, K.C. B.A., LL.D., by those who have had the privilege of being associated with him on the Executive and Legislative Councils during his tenure of the appointment of Attorney General to the Government of the Colony and Protectorate of Kenya, 1926-1929, in recognition of his valuable services and with the best wishes for his continued success and prosperity."

I am quite sure I am voicing the feeling of this House in saying that we all regret that we are losing Mr. Huggard from Kenya.

MR. W. C. HUGGARD: Your Excellency and hon. Members, I need hardly say that I am very deeply grateful for this mark of appreciation of my services, such as they are, while I have been in Kenya. I am very glad, Sir, to have this opportunity of publicly expressing my very great appreciation of the invariable kindness and consideration which I have received from Members of this House, both unofficial and official. That kindness and consideration, Sir, has made my work a real pleasure, and amongst the very many happy recollections that I shall take away with me from Kenya will be my recollection of my very happy association with this House.

Your Excellency, I once more thank this House very sincerely for this generous gift. In due course I shall purchase a memento with it, and that will always serve to remind me of my happy association with the Legislative Council of Kenya. (Hear, hear.)

Council adjourned until 10 a.m. on Tuesday,  
the 18th June, 1929.

TUESDAY 18th JUNE, 1929.

The Council assembled at 10 a.m. on the 18th June, 1929, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.) presiding.

His Excellency opened the Council with prayer.

## MINUTES.

The Minutes of the meeting of the 14th June, 1929, were confirmed.

## PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. RHODES):

Report on the Administration of the Kenya and Uganda Railways and Harbours for the year ending 31st December, 1928.

BY THE HON. THE TREASURER (MR. R. C. GRANNUM):

Statement of Excesses on Sub-heads which have been met out of Savings under the same Head as at the 30th September and 31st December, 1928.

BY THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):

Report of His Majesty's Eastern African Dependencies Trade and Information Office, London, for the year ending 31st December, 1928.

BY THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE):

Report of Select Committee on first Supplementary Estimates and first Supplementary Estimates as amended.

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

Fourth Report of the Roads and Traffic Committee on Competition between Roads and Railways.

## MOTOR SERVICES BILL.

THE HON. THE COLONIAL SECRETARY: With Your Excellency's permission, I rise to make a brief statement as to the procedure which the Government proposes to adopt in respect of the Motor Services Bill, which was read a first

time at the opening meeting of the present session. That Bill is the direct outcome of the Fourth Report of the Roads and Traffic Committee; a copy of which has been laid on the Table to-day. The reasons which led the committee to recommend the passing of this legislation is clearly set out in that report, and in the very closely reasoned memorandum by the late Sir Christian Felling. The proposals, admittedly, provide for quite a new departure in policy, so far as this Colony is concerned, and it has become abundantly clear since the publication of the Bill that the question has raised considerable public interest and controversy. For that reason the Government is most loth to appear to be in any way pressing this measure. The Government is fully alive to the importance of the principles involved, and the effect which they might have on the material prosperity of this country if closely carried out. For that reason the Government proposes not to proceed with the second reading of this Bill until the next meeting of Council on the 15th July. This will have the added advantage of giving Government an opportunity of consulting the Inter-Colonial Railway Advisory Council, and also, if possible, of obtaining the views of the Governments of Uganda and Tanganyika on the proposals.

THE HON. CONWAY HARVEY: Hear, hear!

#### NOTICE OF MOTIONS.

THE HON. THE COLONIAL SECRETARY: With your permission, Your Excellency, I would like to point out that by an error the motion standing in the Hon. E. Powys Cobb's name should appear in the Order of the Day as a Notice of Motion, as notice of that motion has not been formally given to Council. I would, therefore, request Council to regard the motion as a Notice of Motion, and later on this morning Mr. Powys Cobb will be given an opportunity of moving the suspension of Standing Orders in order to take up his motion at once.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, may I give notice of a motion at this stage? I did not know that motions were being called for.

HIS EXCELLENCY: We are not calling for motions. It was merely an explanation. A matter standing as a motion should have been a Notice of Motion.

CAPT. THE HON. E. M. V. KENEALY: I beg to give notice of a motion:—

"That this Council approve the appointment of a statutory body to deal with land alienation and control."

#### ORAL ANSWERS TO QUESTIONS.

##### RETIREMENT OF HEADS OF DEPARTMENTS.

THE HON. P. ARTHUR BEMISTER asked:—

"How many Heads of Departments have been allowed to extend their term of service beyond the retiring date during the past three years; how many, if any, are proposing to extend their period this year; what advantage, either administrative or financial, accrues to the Colony by this practice?"

THE HON. THE COLONIAL SECRETARY: The reply to the first two parts of the question is that during the last three years eight Heads of Departments have reached the age of 50 years, and have been allowed to extend their tours of service. Two of these officers are proceeding on leave this year prior to retirement.

With regard to the third part of the question, the extra cost to the Colony is the amount which the officer concerned may draw by way of pension. The administrative advantage of retaining the services of an experienced Head of Department must depend upon the circumstances in each case.

##### REBATE ON POWER KEROSENE.

COL. THE HON. C. G. DURHAM asked:—

"Will Government take steps to refund purchasers the amount that may be due on kerosene bought in lesser quantities than 40 gallon lots, purchased in such lesser quantities unwittingly during the early part of the year prior to the Bill becoming law, Government having sanctioned retrospective claims?"

THE HON. THE COLONIAL SECRETARY: Since section 6 (2) of the Kerosene Oil (Repayment of Duty) Ordinance of 1928, clearly provides that no claims may be made in respect of the repayment of duty on supplies of a quantity less than 40 gallons Government has no option in the matter. Retrospective claims referred to claims in respect of quantities of 40 gallons or over.

##### FOREST FIRES.

COL. THE HON. C. G. DURHAM asked:—

"In view of the disastrous fires that occurred during the last dry season, will Government take steps to prevent the destruction of forests caused by fires started by honey-hunters and the carelessness of other persons by regulating entry of all persons into forest areas during the dry season?"

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: In regard to the Kinangop area, Government proposes to close this area under section 4 (f) of the Forest Ordinance from December to March, and to take such other steps as appear advisable for the prevention of fires, including an increase in the number of Forest Guards and Patrols, and the registration of honey boxes, and the control of their location in the forest.

LOROGHI PLATEAU.

COL. THE HON. C. G. DURHAM asked:—

“ Will Government state what the present position in regard to European settlement in the Loroghi Plateau Area is?”

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Government is unable at present to make any statement on this subject which the Governor is understood to be discussing with the Secretary of State.

LT.-COL. THE HON. J. G. KIRKWOOD asked:

“ To what extent does famine condition exist in the Colony, and where?”

THE HON. THE DIRECTOR OF AGRICULTURE (MR. A. HOLM): Famine conditions prevail to a varying extent in the following districts:—

Digo,

Kilifi,

Malindi,

Lamu,

Northern Frontier Province,

Meru,

Embu,

Voi,

Machakos,

Kitui,

Baringo,

and various districts in the Kerio Province.

CAPT. THE HON. E. M. V. KENEALY: Arising out of that answer, what is Government's definition of “famine?” Does it mean only the lack of distributing facilities or is Government's acceptance of the term the true definition of the word?

HIS EXCELLENCY: I think the answer to that is obvious.

LOCUST CAMPAIGN.

COL. THE HON. J. G. KIRKWOOD asked:—

“ The cost of the locust campaign to date?”

THE HON. THE DIRECTOR OF AGRICULTURE: Approximately £50,000.

FAMINE RELIEF.

LT.-COL. THE HON. J. G. KIRKWOOD asked:—

“ (a) The amount of maize and posho bought to date by the Food Control Board in connection with famine relief.

“ (b) Where sent.

“ (c) Price paid f.o.r.

“ (d) Amount distributed, quantity in hand and where, and in what condition, i.e., damaged or otherwise.

“ (e) Amount of maize or posho removed back from Meru.”

THE HON. THE DIRECTOR OF AGRICULTURE:—

(a) 30,616 bags. In addition quantities have been purchased from Local Native Council funds.

(b) Embu, Meru, Digo, Voi, Lamu, Kilifi, Northern Frontier Province.

(c) 2,000 bags maize purchased at Shs. 15 per bag. All other maize purchased at Shs. 14/30 per bag. 11,200 bags maize meal at Shs. 16/50 per bag. 900 bags maize meal at Shs. 18 per bag at Kutu (Embu). 4,000 loads maize meal at Shs. 8/25 per load delivered Meru.

(d) Meru:—Distributed 11,235 bags. Quantity in hand, 4,972 bags.

Embu:—Distributed 7,333 bags. Quantity in hand, 3,836 bags.

As far as is known the supplies sent to other districts have been wholly distributed. No reports have been received of any of these supplies having been damaged or that they are in bad condition, with the exception of 20 tons which were lost at sea in transit by dhow to Lamu.

(e) It is not known that any maize or maize meal has been so removed.

LT.-COL. THE HON. J. G. KIRKWOOD: Arising out of that answer, Your Excellency, may I ask what price has been charged and realised for the distribution of the articles in question?

HIS EXCELLENCY (to the hon. the Acting Chief Native Commissioner): Can you answer that question?

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. C. M. DOBBS): The maize is being sold, Sir, at Sh. 5 a load, and the maize meal at Sh. 6. Up to date I think about £6,000 has been recovered.

LT.-COL. THE HON. J. G. KIRKWOOD: Arising out of that answer, Your Excellency, may I further ask what is the policy of Government in the retailing and disposing of posho and maize at approximately 50 per cent. of its cost value?

HIS EXCELLENCY (to the hon. the Acting Chief Native Commissioner): Can you answer that or do you want notice of it?

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: I do not think it is 50 per cent. I think it is more—a good deal more.

HIS EXCELLENCY: I am not quite clear what "cost value" means. Do you mean cost-of the article f.o.r. or the cost at the place of distribution?

LT.-COL. THE HON. J. G. KIRKWOOD: Taking maize at Sh. 14/50, plus Sh. 2 railage Narro Moru, plus Sh. 10 or Sh. 11 motor transport to Meru, it would make approximately 50 per cent. more than the price charged for by the Department.

THE HON. T. J. O'SHEA: May I ask to what vote it is proposed that this very considerable loss should be charged.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: As far as I know, it will be met out of the general funds of the Colony.

THE HON. T. J. O'SHEA: Your Excellency, if that be the case, may I ask why it is then that some greater effort is not made to secure something like more reasonable payment for the food supply.

HIS EXCELLENCY: I think so far as the policy underlying the price charged to natives is concerned, that it was thought by Government that the natives should be charged a reasonable price for food delivered to them in districts which are affected by famine—some price to bear some resemblance to the price of food in those places in normal times.

THE HON. T. J. O'SHEA: In view of that answer, may I ask why Government has been so ultra-humane in the matter—why greater efforts should not be made to see that the natives in these so-called famine areas are sent out to work? May I

also ask whether Government is aware that in the Kilifi area natives are refusing work because they are able to get food very much cheaper than if they worked for it?

LT.-COL. THE HON. C. G. DURHAM: Arising out of the various answers, may I ask whether the Department concerned advertised for cartage for this maize and what the price was that they paid?

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: So far as I know, Sir, no advertisement was published asking for transport contracts. The matter had to be done in a great hurry. We were afraid that the rains were on us and we wanted to get the stuff through to Meru. The highest charge made was at the rate of 75 cents per ton per mile. That is, Sh. 1/50 for the double journey—75 cents each way. I hardly think that anybody will say that that is an exorbitant rate, Sir.

CAPT. THE HON. E. M. V. KENEALY: Arising out of that answer, may I point out that the individual who got the original contract immediately sublet the total of that contract to sub-contractors and made 50 cents a bag profit on each load that was carried; so presumably the smaller price that was obtained by the original contractor could have been obtained by Government.

HIS EXCELLENCY: Government has no knowledge of that fact. I suppose the hon. Member is able to substantiate the statement made.

LT.-COL. THE HON. J. G. KIRKWOOD: May I ask, Sir, whether it is true that the original contract is Sh. 1/50 per ton mile. I think you are rather confusing that quoted by the Acting Chief Native Commissioner—the price from Narro Moru to Meru by the people who actually took it. It is not stated that the original contract was Sh. 1/50 or otherwise.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: I am afraid, Sir, I do not quite understand what the hon. Member is trying to get at. All I know is that the price paid by Government was not more than 75 cents per ton per mile for the single journey and 75 cents back.

HIS EXCELLENCY: Sh. 1/50 per ton mile for the return journey.

LT.-COL. THE HON. C. G. DURHAM: That is, Sh. 1/50 per ton mile just for cartage.

THE HON. T. J. O'SHEA: Your Excellency, may I revert to my question about conditions in the Kilifi district.

HIS EXCELLENCY: Government has no knowledge of those facts to which you refer.

THE HON. T. J. O'SHEA: May I ask whether Government is aware that at the copper mines near Mariakani the local natives refused work at Sh. 20 per month and are receiving famine relief?

HIS EXCELLENCY (to the hon. the Acting Chief Native Commissioner): Have you any knowledge of that fact?

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: All I know is that the natives on the Coast are being charged the whole cost of food which is supplied to them. Meru and Embu are the only places where they are not being charged the whole cost.

THE HON. E. POWYS COBB: In view of the high cost of maize at the points of distribution and the difficulty which the Government appears to be encountering in collecting that price from the natives, may I ask if Government will consider the advisability of using other and cheaper forms of foodstuffs, which I believe Government experiments and private experiments have proved to be equally, if not more, nutritious than maize and maize meal.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I should be glad to reply to that question, but, on a point of order, I submit it does not arise on the question before the House.

#### BUD-ROT IN PLANTS.

LT.-COL. THE HON. W. K. TUCKER asked:

"Does the Hon. the Director of Agriculture realise the grievous extent to which Bud-rot has developed throughout the Coastal Coconut Plantations; the heavy losses already incurred, and the probability of the industry being permanently injured; and, if so, cannot the power which he possesses under the Diseases of Plants Prevention Ordinance be more actively employed."

THE HON. THE DIRECTOR OF AGRICULTURE: It is realised that Bud-rot is prevalent in Coconut Plantations on the Coast, and that loss is being suffered. The method of control is well known, and the powers exercisable under the Diseases of Plants Prevention Rules, 1927, have been applied to such extent as has been possible with the staff at present available. An additional appointment is provided in the Estimates this year, and on it being filled the Department will be in a position to administer the Rules more effectively.

#### PLANS FOR NEW SUPREME COURT.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I understand that the next two questions standing on the

Order of the Day have been withdrawn. I therefore beg to ask the question standing in my name:—

"Arising out of the answer given by the hon. the Colonial Secretary to the question regarding the new Supreme Court, will Government state whether the plan referred to in that answer is to over-ride the plan which I understand has already been prepared by Sir Herbert Baker, and paid for many years ago?"

THE HON. THE DIRECTOR OF PUBLIC WORKS: Only a sketch plan was prepared early in 1926. This sketch plan was for a site for the Supreme Court which has now been abandoned. The fee paid for that sketch plan will be merged in the fees to be paid for the plans for the building at the site which has now been decided on, and there will be no extra expense to Government on account of the change of site.

THE HON. T. J. O'SHEA: On a point of order, Your Excellency, I sent a series of questions to the Clerk of the Council about ten days ago, and no answers have been tabled.

HIS EXCELLENCY: I am assured that your questions were received, but the answers are not ready.

THE HON. T. J. O'SHEA: Your Excellency, may I record my protest against the delay in giving answers to some rather simple questions?

HIS EXCELLENCY: Certainly!

#### MOTIONS.

##### ALTERATION OF TIME ORDINANCE.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I beg to move the motion standing in my name:—

"That this Council is of the opinion that the 'Alteration of Time-Ordinance' should be repealed."

I do so because I believe it is the almost-unanimous wish of the country that this Bill should be repealed. It will be remembered that last year the Ordinance was passed after 8 or 9 years persistent attempts in this Council, and eventually it was put through on a free vote. With all due respect to official Members, I cannot agree that they should have been given an opportunity of voting their own time (laughter).

I submit, in the general interest of the country, that it should be repealed. It has been found most inconvenient to the producers of the country. The difference between the official time and the time they work by (the sun), creates a great deal of anomalies, and arouses suspicions in the minds of the natives, and you get P.W.D. gangs, working on the roads,

completing their tasks earlier than the time fixed on the adjoining farms. It has led to a great deal of difference between the employees and employers of natives. I submit it is against the interests of education—a great inconvenience to the teaching staffs throughout the country—and is also very detrimental and a great danger to our rising generation. We all know, and we all consider that somewhere round about four o'clock in the afternoon is a safe time as regards the sun, and I submit that those in charge of children are liable to be misled by taking four o'clock to mean four o'clock—actually half past three, sun time. It is a very great danger, and I submit a great deal of harm is still being done to the rising generation of this Colony. I am told the Ports and Harbours wish the return of it. It is a great inconvenience, and upsets the satisfactory working of the Port and Harbours. We were told by the late Sir Christian Felling that he was in disagreement with it. As far as the Heads of Departments are concerned it makes little difference to them—they can make their own hours.

The native under present conditions, I understand, has got to rise to get to his work before daylight, and all employers of labour know the great disadvantage and uneconomic value one gets from the return of labour that is turned off in daylight, and turned out in the cold before sunrise.

It was argued that it would be a great incentive to sport—that it would give an extra half hour for golf—but I have yet to learn that the balances of any golf clubs are in any more satisfactory positions to-day than they were before the passing of this Ordinance. It seems to be, from that point of view—from the point of view of those who take that line of argument—to be a question of sport versus production. I maintain that in a Colony such as ours, where the agricultural industry is the primary industry, it should get due and favourable consideration, and not be handicapped by the Alteration of Time Ordinance.

It would also appear that it is an Ordinance that legislates for towns versus country districts. One might even take it further and say it is an Ordinance that was passed for the convenience of Nairobi. I am given definite assurance in reliable quarters that the repeal is favoured in Mombasa, and I believe a number of the Heads of Departments in Nairobi, on a free vote, would vote for this motion, and I see no reason why it should not be repealed.

I submit, Your Excellency, that as far as Nairobi is concerned it could, by agreement, keep the same time as it has got to-day under this Ordinance, without inconveniencing the rest of the country. It could also implement its wishes as

regards hours by the Shops Hours Act. I submit it is quite unnecessary to put through special legislation such as the Alteration of Time Ordinance.

I do not wish to prolong the discussion on this measure. It is a motion that everybody is fully aware of, and, no doubt, they have made up their minds on what line of action they are going to take—and no persuasion, whether for or against, will alter that fact. I moved the motion to bring this matter up for discussion, and also to give the House an opportunity of expressing its opinion, and I sincerely hope that everything will be weighed up, and that the great inconvenience throughout the country will be considered, and the small inconvenience or disability of the extra half hour to be gained in Nairobi set against the loss of that time and the additional inconvenience and consequences caused in the different branches of industry in departments throughout the Colony.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, with the object of giving this motion status, and enabling it to be debated, I wish to second it, without prejudice to the issue involved.

THE HON. CONWAY HARVEY: Your Excellency, as I understand that Government is not prepared to accept this motion in the form in which it has been introduced, I beg leave, Sir, to move an amendment in these terms:—

“That this Council is of opinion that a Committee be appointed to investigate the effect of the Alteration of Time Ordinance, 1928, and to make recommendations regarding any change which the result of such investigation may show to be in the public interest.”

Now, Sir, I have no desire to traverse the arguments for and against the Daylight Saving measure, but I intend briefly to endeavour to make out a case for the appointment of a Committee in the terms of my amendment. It will be remembered, Sir, that last year, when this Bill was considered, it was passed by a comparatively narrow majority in this House after very careful examination by a special committee that had been appointed for the purpose of examining the proposal in detail. That committee, Sir, was composed almost entirely of hon. Members who had displayed marked hostility to this pet child of the hon. gallant and learned Member for Nairobi South. Members of the public, Sir, were invited by notices in the Press to appear before that committee and express their views. Very large numbers did so, both individuals and representatives of public bodies, and almost unanimously, Sir, they pronounced definitely in favour of this proposal being given a fair trial. The Convention of Associations, the Nairobi Chamber of Commerce and many other Chambers, some of



whom have since changed their minds, at that time, in no uncertain voice, supported the recommendations of that committee. Farmers' Associations, Sir, were also circularised but very few took the trouble to reply to those circulars, and those who did left the impression on the minds of members of the committee that it was a matter of complete indifference to them whether or not the change was introduced. Their attitude was, "it is not going to worry us very much, if at all. If it is going to be of benefit to some of the towns, give it a show." In the face of such overwhelming evidence, Your Excellency, the committee—composed of fair-minded, reasonable men—had no option whatever other than to recommend to Government the acceptance of the proposal. But alas, Sir, the passage of this Ordinance was the signal for a terrific outburst of hostile criticism, and now that a very fair trial has been given to the innovation, I, Sir, quite honestly say that great inconvenience has been sustained in every case by practically the whole of those whom I represent, namely the residents in Nyanza. The farmers, Sir, who have always started their labour by the sun and knocked off at a definite hour in the afternoon, complain that they have lost half an hour of each working day throughout the year. The missionaries, Sir, and others in Kisumu, complain very bitterly indeed that it is quite impossible for their people and natives generally to reach their places of education—schools and factories and places where natives receive education in the form of work—at the time appointed for the commencement of their tasks. The third section, Sir, is that represented by the heads of the Kenya and Uganda Railway Marine. They have made the very strongest representations to me, Sir, that it is physically impossible for thousands of their Indian and native employees to perform their religious observances (in the case of the former), and prepare their food in accordance with immemorial custom preparatory to reaching their places of employment at the appointed time. The genuineness of these objections, Sir, must be apparent to anyone who takes the trouble to remember that Kisumu, owing to its extreme western geographical situation, is at a very great disadvantage, compared with the rest of the country. In any case, Sir, before the clock was advanced half an hour, they already had approximately half an hour more daylight than other people in other parts of the country, and, of course, they had the sunrise half an hour later in the morning, which did definitely impose quite a serious disability on this very large section of the community. I am told, Sir, that since this measure came into effect there has been a very great change of opinion, even in Nairobi. Undoubtedly, Sir, a very large number of people have found that the proposal has not turned out quite so well as they anticipated and it is seriously suggested, Your Excellency, that the measure

has been given a fair trial and found wanting. We cannot approve of Government by minority and I suggest, with respect, Sir, that the only possible way of finding out what the majority of the people of Kenya require is to appoint a committee of fair-minded people, who, in my opinion, should invite evidence and expressions of opinion from all and sundry, and put up a considered report for the consideration of Government and this House. Your Excellency, I commend my amendment to the consideration of this House.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I rise to second this amendment because I am adopting the same view as I have always adopted, and carrying out an undertaking which I have always given on every occasion that I have brought this matter up before the Ordinance came into force. I have always said that I only had one object in bringing it up, because I honestly believed it would benefit the community as a whole and the towns in particular. I have always admitted that an innovation of this sort must necessarily be in the form of an experiment. No one can be wise enough to foresee with certainty how any particular measure will affect the community as a whole. I have always stated that if, after a fair trial has been given, it has been found that it has been a disadvantage—I should be the first to say so. I have taken the trouble, in the short period I have been back, to try and ascertain from everyone I have spoken to—both in towns and country—his views, and I can honestly say that the result of this investigation has certainly not been that stated by the original mover of the motion. I agree that the only fair thing to do is to give the country an opportunity of expressing its views after the measure has been in force a year. That is the only fair thing to do; that is the only procedure that any fair-minded man would be ready to adopt. I would appeal to the hon. Member—as I am sure he is fair-minded—to withdraw his motion at this stage in favour of the amendment put up by the hon. Member for the Lake. If that committee is appointed I would appeal, here and now, to the public of the Colony to give evidence and show a little more interest than they did when the last committee sat; and let the evidence be given, not only by those who are against it, but by those who are for it. Do not let those who are in favour of the measure remaining on the Statute Book think that it must remain for ever, like those who were against it before thought that because it was not a *fait accompli* it could never become one. Let those people who feel so strongly one way or the other drop their apathy and come forward and give the evidence before the committee. Then we shall find out, as the hon. Mover of the amendment has stated, what the real feeling of the country is. If it can be shown by that committee that

the country as a whole is against it, and for good reason, I shall be the first to admit that I was wrong, as I promised to do. I commend the amendment to your consideration.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, in view of the amendment, and the very able speech that has been put up by the hon. Member for the Lake, also by the hon. Member for Nairobi South, I think it would be advisable, in view of the atmosphere that one senses in the Council this morning, to withdraw my motion. I think by doing so the realisation of my intentions will eventually eventuate. But I would warn the House against the possibilities of appointing a committee on that question. I would like to say we are rather getting snowed under with committees, and I do personally express my own regret that we could not have taken the straight issue this morning. It is a very expensive method of arriving at a conclusion, directly or indirectly, because it costs the Government considerable money and it does not always realise anticipations. It has been stated by the hon. Member for the Lake that when the previous committee of enquiry was set up they got very little support, and a great deal of apathy, from the country in general, and I am very much afraid that will happen again. I suggest the Government consider the advisability of appointing a travelling committee to visit three or four centres at a given date to hear evidence.

HIS EXCELLENCY: Do I understand you withdraw your motion in favour of the amendment?

LT.-COL. THE HON. J. G. KIRKWOOD: Yes, Sir, in favour of the amendment.

THE HON. THE ATTORNEY GENERAL: On a point of order, must not the amendment be put before the original motion is withdrawn. Otherwise the amendment disappears as well.

THE HON. F. A. BEMISTER: Your Excellency, I would like to support the amendment but I would like to ask whether the evidence in connection with the working of the Daylight Saving Bill could be obtained from others than Europeans. The effect at the Coast does not really matter to Europeans because at the Coast we have no hours (laughter). The only thing we had put to us as to why the Bill was such an excellent measure was that it would give half a dozen young fellows half an hour's extra tennis. I do not know much about tennis but I do have a lot of communications from certain religious bodies and it has been found that great inconvenience is occasioned by the alteration of hours. If their evidence could be taken it would be a great advantage to the committee.

THE HON. T. J. O'SHEA: Your Excellency, I have much pleasure in supporting the amendment. There are two reasons, either of which, I think, would completely justify it. In the first place the Bill was passed on the distinct understanding that after a probationary period the whole question would be re-examined. I think I am right in saying, Sir, that several Members on the opposite side of the House voted for the measure on that distinct understanding. They thought it only right that this idea—so eloquently pressed for a number of years by the hon. Member on my right (Capt. Schwartz)—should be given a trial, and that at the end of that trial period, if it had not been fully justified, then the matter should be reopened. The second reason, Sir, that justifies the amendment is that there has been such an expression of opinion against the working of the Ordinance as to justify an enquiry at this stage. I think it is also, Sir, only right that, inquiries having been made before the Bill was passed, further enquiry should also be made before there is any attempt to repeal it. If a committee is appointed to make enquiries I sincerely hope we shall do everything possible to make the range of its inquiries as wide as will cover all sections of the community.

With regard to the question raised by the hon. Member for Mombasa, it was never suggested that the evidence should be in any way partial. On the contrary, I think it was in the belief that the effects of the measure would be beneficial to other than European sections of the community, that it was perhaps supported by certain Members of this House.

THE REV. CANON THE HON. HARRY LEAKEY: Your Excellency, as one who took some part in the discussion when this Bill was before the House a year ago, I wish to support the amendment, because, as I pointed out at that time, I was entirely in favour of giving it a trial, so that we might see whether it was beneficial or not. I am sorry to say I have not entirely changed my views on the matter. I still believe that it is a beneficial measure. On the other hand, I am sorry to think that farmers and others in the country have suffered in any way. One naturally does not want to put anybody to inconvenience. My own view is that a great many people have unquestionably learned to rise earlier and go to bed earlier, which is beneficial to health, owing to the change which took place last year. However, that does apply more particularly, I know, to towns than to the country, and if religious bodies and others are suffering in any way, it would be extremely selfish for us to force it. Therefore, I support the amendment very heartily indeed and I do hope that all interested will try and give evidence, so that we really do know what is the opinion of the Colony.

**HIS EXCELLENCY** : The amendment is in the following terms :—

" This Council is of the opinion that a Select Committee be appointed to investigate the effect of the ' Alteration of Time Ordinance, 1928,' and to make recommendations regarding any change which the result of such investigation may show to be in the public interest."

The question was put and carried.

**HIS EXCELLENCY** : I propose to appoint the following hon. Members to the Select Committee :—

The hon. Acting General Manager (Chairman), the hon. the Director of Agriculture, the hon. Member for Mombasa, the hon. Member representing the interests of African Community, the hon. Member for the Lake, the hon. Member for Nairobi South, the hon. Member for the Rift Valley and the hon. Member for Plateau North.

**THE HON. A. H. MALIK** : On a committee of this nature, Sir, where it is thought all the communities should take part in investigations, I think it is necessary that there should be an Indian representative on the committee.

**HIS EXCELLENCY** : I think it would be perfectly possible for you, as an Indian Member of this House, to give evidence before the committee if you wish to.

**THE HON. CONWAY HARVEY** : Your Excellency, on a point of order, apropos of the last remark that was made, might I, with very great respect, venture the opinion that my hon. colleagues on this side of the House would welcome the inclusion of the hon. Indian Member as a member of this committee.

**HIS EXCELLENCY** : The committee I have appointed is more or less the same committee as that which dealt with the original question. I do not know whether there was an Indian Member of the House at that time. Perhaps you can inform me.

**CAPT. THE HON. H. E. SCHWARTZ** : I believe the Committee was appointed at Mombasa in 1926—August, 1926, on an amendment moved by the hon. the Director of Agriculture. I think the Indian Member was elected in February, 1927.

**THE REV. CANON THE HON. HARRY LEAKEY** : I would like to second the proposal in regard to an Indian Member on the committee.

**HIS EXCELLENCY** : Well, in view of what has been said, I will add the Hon. A. H. Malik to the list of members, if he can afford time to attend the committee.

### MOTION WITHDRAWN.

**CAPT. THE HON. H. E. SCHWARTZ** : As I have been informed by Government that an opportunity will be given at a later date of discussing and considering the whole report of the Select Committee appointed to consider the Land and Agricultural Bank, I wish to withdraw the motion, by leave of the House, Your Excellency, standing in my name to-day, so as not to argue the matter piecemeal.

### SUSPENSION OF STANDING ORDERS.

**THE HON. THE COLONIAL SECRETARY** : With Your Excellency's permission I beg to move the suspension of Standing Orders in order to enable the House to deal with the two notices of motion which stand in my name to-day.

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

**THE HON. THE COLONIAL SECRETARY** : Your Excellency, with your permission and that of hon. Members, I suggest it would save the time of the House if the two motions standing in my name were amalgamated to read as follows :—

" That the Report of the Select Committee on First Supplementary Estimates, 1929, be approved, and that this Council approve the First Supplementary Estimates, 1929, with the amendments proposed by the Select Committee."

If hon. Members are agreeable to that, I formally move the motion in that form.

**HIS EXCELLENCY** : I will put the first question, that Standing Orders be suspended. Will those in favour say " Aye."

**THE HON. THE TREASURER** : I beg to second the motion. The question was carried.

**HIS EXCELLENCY** : The question is in the terms of the motion. Will those in favour say " Aye."

The question was carried.

**CAPT. THE HON. E. M. V. KENEALY** : On a point of order, Your Excellency, was the motion seconded?

**HIS EXCELLENCY** : Yes, by the hon. the Treasurer.

**CAPT. THE HON. E. M. V. KENEALY** : Does that mean that the First Supplementary Estimates have been passed?

**HIS EXCELLENCY** : It does.

**CAPT. THE HON. E. M. V. KENEALY** : That is very distressing because there are certain points which require elucidation.

**THE HON. T. J. O'SHEA:** Your Excellency, on a point of order, may I point out that the adoption of this motion was moved prior to the suspension of Standing Orders. That being the case, Sir, I believe it has not been properly passed.

**THE HON. THE COLONIAL SECRETARY:** On a point of order, Sir, I do not think the motion was put until after the suspension of Standing Orders.

**CAPT. THE HON. H. E. SCHWARTZ:** I think the hon. Member on my left (Mr. O'Shea) is trying to get everyone out of a little difficulty. It was not understood that the question being put was, in fact, the passing of the First Supplementary Estimates. Your Excellency will recollect that Members, at the meeting of the Select Committee yesterday, did ask to be allowed to have an opportunity of asking certain questions, and I think I am right in saying that Your Excellency assented to that course. The real point of the hon. Member on my left is that as the hon. the Colonial Secretary moved this motion before the question for the suspension of Standing Orders had been put, strictly speaking, it is out of order. It is hoped, Your Excellency, that you will allow the question of the passing of the First Supplementary Estimates to be put again and allow the debate to take place, as the hon. Members wish. I would urge Your Excellency to allow that course; seeing that it is such an important subject as Supplementary Estimates.

**HIS EXCELLENCY:** I have no wish at all to stifle any form of discussion. The suspension of Standing Order was moved and carried and the substantive motion was subsequently put. Perhaps it would be convenient if any questions which Members want to raise on First Supplementary Estimates are raised at the present stage.

**CAPT. THE HON. E. M. V. KENBLY:** Head XXVIIIa.—Miscellaneous Services Extraordinary—last item in that list—*theft of money at Narok.* There is, Sir, an explanation as to why Government favours the meeting of the expenses in connection with the theft of that money. But, Sir, I do not consider that explanation is adequate or satisfactory. Elected Members and Government itself, Sir, are trustees of the public purse, and, in this particular instance, Government appears to be more concerned with saving its own face than acting as guardian of the wealth of the country.

Now, Sir, there are two responsibilities involved in this particular vote, and one is a responsibility to a Native Trust Fund. I recognise, and admit readily, that our responsibilities to a Native Trust Fund must be carried out. Having accepted the responsibility of guardianship, it is quite proper that we should meet the charges through our failure in that capacity. Government must recognise and admit that liability, but, Sir,

in this particular case, although that liability can be met by Government, it should be recoverable from the officer responsible in this particular case. I asked these questions yesterday in Select Committee and the answers I received were capable of demonstrating that the officer was responsible for this loss, and therefore, he should meet the charge which Government properly meets in the first instance. Was there a safe at Narok when the theft occurred? The answer was that there was a safe. The second question was—was the safe used by the officer? The answer was that the safe was not so used. I suggest, Sir, that if there was a safe, and the safe was not used, no explanation can be a satisfactory one other than that the key was lost. There can be no sentimental reason or suggestion which can exculpate the officer from using a certain degree of common-sense in utilising a safe for what is surely a common purpose. I oppose this vote, Sir, and I hope Elected Members will join with me in opposing it.

Your Excellency, there is another item on page 6, Head XXXa. Again it is the last item in that category. Government evidently is rather ashamed of putting in these two items, and Government has adopted the humble policy of putting them in as the last ones on the lists. Here is another matter which involves a principle. There is an explanation, but again the explanation is neither satisfactory nor adequate. Again, Sir, the principle of acting as guardians of the public purse has fallen into abeyance in this particular vote. Certain water holes, which entirely and improperly the Masai tribe has been using for years, entirely and properly have now been definitely demarcated as being outside the Masai Reserve. But, Sir, these water holes have been definitely outside the Masai Reserve for years, although that demarcation has not been clearly made. The fact that the Masai have not clearly understood that these water holes were outside their Reserve postulates an administrative failure, and Sir, I suggest seriously that it is not proper for this House to vote money to subsidise administrative failures. Now Sir, in this instance, the Masai have gained for a period of years an advantage in the use of water holes to which they had no claim or title conferred upon them, and it would seem proper at this stage for the country to make some charge on the tribal funds of that tribe for reimbursement for an advantage which they got from the country. But instead of such a suggestion being made, Government is imposing on the country a relatively unlimited liability in respect of the provision of free water holes, presumably containing water, but it may not be possible for Government to find that water there. I hope Elected Members on this side of the House will oppose this also. It seems reasonable, Sir, that if these people are using water where they wrongly used water to which they had no claim in the past, then they should

meet a charge out of their tribal funds, and their funds are well able to meet such a situation as this. I oppose this as well, and I hope I shall receive the support of Members on this side of the House.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, those of us on this back bench of the House have had scarcely time in which to acquaint ourselves with the general procedure and, in particular, with the procedure adopted in obtaining money to meet Government expenditure. Consequently, from hour to hour new points of view occur to us. Although yesterday we were—I certainly was—a party to the unanimous adoption of these Supplementary Estimates, I would be grateful, Sir, for your indulgence in allowing two or three relevant observations to be made on the document as a whole, if that is permissible, as distinct from wishing to go back to any of the details which we so thoroughly discussed yesterday. Have I your permission, Sir?

HIS EXCELLENCY: Yes.

LT.-COL. THE HON. W. K. TUCKER: I am not altogether unacquainted with Government finance, Sir, in the sense of being associated with the Railway in our country for many years, nor can I plead ignorance of finance generally from the point of view of commercial and estate life. I desire to draw comparison between my experience in these two spheres very briefly.

First of all, I rather want to make this point, that I do not believe, Sir, that Government to-day sees eye to eye with this side of the House as regards the degree of economy that is called for by the circumstances. As an instance, rather to prove in my own mind that view, I would perhaps put it this way. The main Estimates last October and November were adopted when different conditions—I suggest, substantially different conditions—prevailed. You have only got to look at the very unfortunate cable that appeared in last Friday's newspapers to realise information which emanated from a Government Department. It was certainly the case that when this Council adopted the Estimates for 1929 they never dreamt that it would be necessary officially to deprecate or discourage the immigration of a single soul—European, certainly, of any description—into this country, and even on the explanation which has been put forward, and which we accept, it is the fact that to-day circumstances exist in this country, Sir, which have caused Government to suggest that at any rate temporary delay in the arrival of men, who, from every other point of view, might worthily enter this country. Well then, Sir, that is one point of view. The other one is this, as regards Government varying in its view as to the degree of the need for economy.

Yesterday we spent a good deal of time in discussing a vote which was passed last October, and which was pushed forward to the First Supplementary Estimates, conditional upon the finances of this country then being satisfactory. That vote does not appear on the Supplementary Estimates now under discussion. I wanted to make the point that Government apparently did not think the finances were satisfactory.

Just in a sentence, I would like to mention this, Sir, that since this House last met the constituency for which I stand has fought a very hard election; three candidates have been in the field and all of them have made a prominent plank in their platform the question of Government expenditure. The constituency consists of people with a very great interest in this country, controlling large blocks of money, people who yield to none in their optimism with regard to the ultimate success of this country, people who are viewing with the greatest concern expenditure to-day at a moment when their business is temporarily under a cloud of pests and diseases, and when, in consequence, there is a marked degree of depression existing.

Now, Sir, if I may, I would like to go back to the two other forms of finance I just mentioned.

In the case of the Railway, they too budgetted at about the same time that this Council budgetted. Many of us budgetted for our own businesses about the same time. Now, five or six months afterwards, that is to say, about the month of February, when these troubles were looming in the distance, it was my privilege to collaborate with an hon. Member on the other side of the House, the Head of one of your spending Departments, Sir, in representing to the Railway that, in the light of these new developments, that budget should be overhauled from top to bottom, that Heads of their Departments should endeavour to shelve items which were passed at a time when we did not know of these troubles, and which might very well be postponed until another year in the new circumstances. Well, Sir, I am glad to be able to state that that proposal was adopted, and has been successfully carried out. I do wonder, Sir, whether it is not equally possible for all the other Government Departments to review any unexpended portions of the 1929 budgets, in the hope that something or other may be done to neutralise this extra expenditure which is now being passed by this House.

After all, Sir, in respect of business generally, it is the usual thing, if one's subordinate puts forward a new form of expenditure, to ask first whether it cannot take the place of something previously intended to be spent.

One other observation on this document occurs to me, Sir—the form of finance is so entirely new that it has taken a great deal of time and trouble to understand it. I would refer to two columns only in the document: First, the column on the extreme right talks about "expected savings." While, yesterday, Sir, you were sufficiently indulgent to allow certain questions to be asked, yet, I think, we left that Select Committee with a clear understanding that it was not the responsibility of Elected Members to examine those items, or, in other words, to know whether work which this House had authorised had really effected savings or whether, in fact, the work had not been wholly completed.

The second column I should like to refer to, Sir, is a column which was scarcely, if at all, mentioned yesterday, but which I regard as possessing considerable importance; that is, the re-votes. Now, Sir, as I understand it, all those items were voted by Council under a slightly different atmosphere when the ordinary budget was being prepared. I suggest that money was possibly voted a little more freely when it was considered that those items would come out of surplus balances, than it would have been had it been known that the income of the country had been depleted. I may be entirely wrong in assuming that although the budget, as prepared last October and November, balanced itself, or showed the slightest possible profit, that the absorption of this £218,000 by way of a re-vote is calculated to turn the balance very materially on the wrong side.

Those are all the observations I wish to make, beyond this: that the remarks made with regard to Government were made in the most friendly spirit. I do feel that the view of the man in the street, the view of the public, should be brought into this House as often as possible, in order that we may dispel such prevalent views as that towards the end of every year there is a tendency to spend money because it is not available when the new year begins, and that, so long as the revenue is coming in well, it does not matter quite so much whether the most strict economy be observed as in other circumstances, which again is not the way that we are used to in commercial life.

I thank you, Sir, for allowing me the indulgence to speak in this general way.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, there is one item I would like to refer to in these Estimates; and that is on the Military Vote. I know we thought it necessary to purchase additional mechanical transport because the K.A.R. battalion has been reduced by one company. We understood that that would mean a very large saving to the country. The point I would like to raise, Sir, is this: We

were given to understand that seven lorries had been purchased—I refer to those heavyweight "Albion" lorries—and I would like to ask the Director of Public Works whether he is satisfied, after having purchased these very heavy lorries, that the bridges of the country will be able to carry them. It is understood that these lorries are from three to four tons, and it means that these bridges will have to carry additional weight. I would like to know, before we spend all this money, that the country will not be saddled with the cost of erecting expensive bridges to carry the lorries.

THE HON. T. J. O'SHEA: Your Excellency, owing to a misunderstanding, it looked as though these Estimates were being passed without a word of discussion, and I was very much perturbed. I thought that at least, Sir, Government would treat us to an explanation of these Estimates. It is customary—I think I am right in saying—for Government to do so, and not altogether for the edification of this House.

THE HON. THE COLONIAL SECRETARY: On a point of explanation, as far as I have been able to ascertain from earlier copies of Hansard, the procedure which has been followed in regard to Supplementary Estimates is that when they have been fully considered in committee, as they were yesterday, a formal motion should be put, and though any Member is free to ventilate any further points he wishes to, I do not think reference to Hansard will show that anything in the form of a full-dress debate takes place. If that is desired by hon. Members, I suggest that a formal amendment should be moved that the Council go into Committee and consider the schedule item by item; but I do not think that is the desire of hon. Members. I do not think there is any desire to stifle ordinary comment in the manner in which mention was made this morning.

THE HON. T. J. O'SHEA: Your Excellency, the procedure suggested by the hon. Member was certainly not in my mind. I was just calling attention to the procedure of Government in the past in making a comprehensive statement covering such Estimates: In this case, I think it is very necessary, Sir, because, if such a statement had been made, it would have saved a considerable amount of misunderstanding, and a considerable amount of suspicion and uneasiness regarding these Estimates. There is, too, a very large proportion of re-votes.

HIS EXCELLENCY: I think I stated that in my speech to Council.

THE HON. T. J. O'SHEA: They also, Sir, cover, to a very large extent, provision for various projects that have recently been considered by this House. But the public has a very short memory, and, apparently, they have been forgotten. If

is obvious from the remarks of the last speaker that, even in the House itself, there is a certain amount of misunderstanding regarding these moneys.

I should like to take this occasion, Sir, of registering my protest against the increase in the Military Vote. When the Military estimates were being passed last year we were left with the impression that an appreciable saving was going to be effected by the cutting down of a company of the K.A.R. Now we find, however, that a very large proportion of that saving for this year has to go in the purchase of mechanical transport. I must confess that I feel sceptical of the efficiency of a military organisation that cannot foresee two or three months ahead in such a direction as that. I should like Government to explain why it is that the necessity for this mechanical transport was not foreseen as late as November last. If it was foreseen, why was Council not advised. If it was not foreseen, what new circumstances have arisen since to justify this expenditure on these very expensive lorries. Also, Sir, I should like to take advantage of the passing of a small vote in connection with famine relief to express my very emphatic opinion, after hearing the answers given to certain questions this morning about famine relief, that Government had no justification whatever for the passing of famine relief measures at the last session of Council. At that time, Sir, Members on this side of the House took up this attitude: that, if there were justification for any such measures, it would have their very full support, but that it was up to Government to prove the justification. We gave Government the benefit of the doubt because we thought it would be a very serious thing indeed to saddle ourselves with the responsibility of tying Government's hands in dealing with a famine situation, and we allowed these measures to go through; but so far, I must say, so far from seeing justification for such action, I think Government at a later stage will have to answer to the public for actions which it will find very hard to justify. The figures mentioned this morning show that there was anything but a state of famine in this country. I hope, Sir, before this motion is formally put, that the hon. the Colonial Secretary will give, for the edification of a wider audience than this House, some analysis of the large sum of money which is being now voted.

CAPT. THE HON. H. E. SCHWARTZ: Reverting to the remarks of the hon. Member for Nairobi North, I can assure him that his constituents are not alone in being desirous that the person representing them in this House should watch with the greatest eagerness the attitude of Government so far as its expenditure is concerned, but I think, in fairness, it should be remembered what a very big difference there has been in that attitude since, two years ago, Elected Members pressed on

the Government, and obtained Government's agreement by continual pressure, that, as far as possible, Supplementary Estimates should be reduced to a minimum. The practice up to two years ago was that you produced a budget which had no relation in effect at all to what you were going to spend, and you spent the rest of the year in producing Supplementary Estimates every time Council met. Hon. Members on this side of the House pointed out to Government that that was an entirely wrong procedure, and that Heads of Departments should be instructed to frame their Estimates with some degree of accuracy as to what they were likely to spend. Government accepted that suggestion and the position has been very different from then onwards. I think every hon. Member of this House who was here two years ago will agree that the amount now asked for annually in Supplementary Estimates is very different from what it was before.

I did not quite gather whether the hon. Member for Nairobi North was, on this occasion, suggesting that these Supplementary Estimates were a mark of Government extravagance. Although I think that Government are far too lavish with their recurrent expenditure in annual budgets, I do not think this is an occasion on which we can justly complain that unnecessary expenditure has been indulged in, with the possible exception of one or two items.

The position really is, Your Excellency, that the new services asked for in these Supplementary Estimates, as framed, total £99,000, of which the following five items form the bulk:—

- £22,000—Agricultural Department Extraordinary.
- £41,000—Public Works Extraordinary.
- £5,000—Post Office Extraordinary.
- £12,000—Miscellaneous Extraordinary.
- £5,000—Military.

The £5,000 Post Office Extraordinary has disappeared and has become only £612, because Government has agreed that the financial position of the Colony does not warrant the proposed erection of the Kisumu-Kisii telephone line.

Of the £22,000 Agricultural Extraordinary, £20,000 is due solely, I understand, to locusts, and no one would venture to say that the money had not got to be spent.

The £41,000 Public Works Extraordinary is practically all capital works; and most of the £12,000 Miscellaneous is non-recurrent. So that we are left with £5,000 Military, which my hon. friend says is capital expenditure too. I should call it somewhere between capital and recurrent, because, although it is not recurrent every year, an Albion motor lorry

will only last three or four years; it is certainly not fair to put it down as recurrent expenditure—it would be more correct to call it capital.

So the vast bulk of the new services estimated for are either for capital expenditure or for unforeseen expenditure caused by havoc by locusts.

I have always held the opinion that what has got to be watched in Government expenditure is the recurrent expenditure; a continual increase in the recurrent expenditure is what really matters. If you expend money out of surplus balances on capital works, it is sound finance; if you are continually increasing your personnel, without any regard for the future, and increasing your recurrent expenditure, firstly, you can never reduce such expenditure in times of distress, and, secondly, it goes to swell that frightful nightmare, namely, our pensions commitments. For my part, I shall do everything in my power to see that the ordinary recurrent expenditure of Government in the Estimates, as framed for the year, is kept down to the absolute minimum, provided that adequate services to run the country are provided.

LT.-COL. THE HON. W. K. TUCKER: On a point of explanation, may I assure my hon. and learned friend that I obviously did not regard the Supplementary Estimates that we dealt with yesterday as extravagant, or I should not have voted in favour of them as I did. It appeared to me to be an opportunity of reflecting the views outside this House, and of endeavouring to get Government to attune themselves to the financial action that the rest of the country is pursuing at the present time.

THE HON. E. POWRS COBB: I would like to refer very briefly to one general aspect of these accounts. It is an old point that was raised in this House seven or eight years ago, namely, the form in which the accounts themselves are presented. I submit that the form is almost medieval, and that whereas it probably gives the maximum amount of trouble to produce it affords the minimum of information to the ordinary reader. That my point is not unreasonable, I would remind this House of the changes in this matter which have taken place elsewhere within the Commonwealth. The House of Commons has made repeated attempts to reform the manner in which its account are produced, and in the various self-governing Dominions there have been examples of such attempts and of their successful realisation. Probably the latest and most successful attempt is that of New South Wales in its budget statement of 1928-29. I would submit, Sir, this is really a matter of primary importance because, if real economy and real efficiency are to be arrived at, it is essential that everybody who has to do with public finance should be able to

analyse the question with ease and accuracy. I submit that, unless one happens to be an archaeologist who has given careful study to this particular form of medieval representation of accounts, it is very very difficult to understand them. When we find that they differ so very widely from the systems adopted by railways and other large and successful organisations, I think that perhaps there is a case for examination. I know well that the money does not lie with the Government; I know well that the time has come when this of this Council, but I suggest the time has come when this Government might be well advised to make representations to the proper quarters to modify the form in which the accounts are presented.

Council adjourned for ten minutes.

LT.-COL. THE HON. J. G. HURWOOD: Your Excellency, may I refer to the item 45, 46, Preliminary Survey under the Closer Settlement Scheme? I was given an assurance yesterday in Committee that no expenditure would be incurred without consulting the Ministers. On further consideration, I would like to know that further and ask for an assurance that the Closer Settlement Scheme will not be implemented pending the return of the Governor-General to this Colony and a full and important opportunity given to this Council to discuss the Closer Settlement Scheme under present-day conditions and information. I would like to be assured to the principle of the Closer Settlement Scheme, but we have not agreed to the details. Certain details in a final scheme have been put up, but they have not been agreed to in detail.

His Excellency: That is hardly relevant, is it, to the question before the House?

LT.-COL. THE HON. J. G. HURWOOD: Well, Sir, I think it is relevant to the item 45, 46, Preliminary Survey under the Closer Settlement Scheme. I am asking that action be deferred pending the return of the Governor-General to the Colony and allowing us to judge of the scheme after a full and impartial Government. I am sure that instead of holding up the Closer Settlement Scheme...

His Excellency: You mean the Closer Settlement Scheme, don't you?

LT.-COL. THE HON. J. G. HURWOOD: The Closer Settlement Scheme. I am sure it will show the tendency of opening it up, not making it an expense if it is carried out by the financial Ministers that the one representing today, as well as I am sure, I will probably not be a good deal of discussion here on, will show the scheme not of their selection. I ask that that scheme be shown.



THE HON. THE TREASURER: Your Excellency, I do not propose to deal with any of the details of the Estimates, because my hon. friend the Colonial Secretary can do that, but I should like to make a few remarks on the general question which has been raised. The first thing I should like to reply to are the remarks of the hon. Member for Nairobi North to the effect that conditions were rather different a few months ago from what they are to-day. That is quite true, of course, as regards the fact that the locust menace and things of that sort have arisen, but I should like also, on the other side of the picture, to point out that when the main Estimates of Revenue and Expenditure were passed for 1929 it was not then known that the Colony would have a very handsome surplus from 1928. There was a surplus last year of something like £183,000 and that surplus was always regarded—if there was a surplus at all, as was hoped—as the source from which the re-votes, which had been kept from the 1929 Budget, would be met. We have in fact a sum of £183,000 with which to meet re-votes from 1928, which were not included in the Budget for 1929. I would also remind the House that, to meet the re-votes and other expenses that are included in these Supplementary Estimates, there was a surplus in the Budget for 1929 of something like £77,000, regarding which it was hoped to use that amount in reduction of taxation. Well, Sir, that question of reduction of taxation has been held in abeyance, and that surplus will therefore be available towards helping to meet the expenditure in Supplementary Estimates.

There seems to have been an impression, Sir, in the minds of some Members that, because items go in as re-votes, these sums of money must necessarily be spent. It was up to any Member yesterday to question any re-vote, and, if they felt that the question was such that the expenditure shown under re-votes was not justified, it was quite open to them to question them at the time or at any time.

I much regret, Sir, that the financial report is not before Members because I think it would perhaps ease their minds as regards the financial position of the Colony. Reference has been made to the fact that the financial position is not quite satisfactory. That is only so as regards special items of expenditure, because, if I may say so, the revenue is coming in—as Your Excellency said in your opening speech—in accordance with and up to the estimates which were framed and which formed part of the 1929 Budget.

I should like, Sir, to mention the fact that a circular was issued earlier in the year requesting Heads of Departments, in view of possible extra expenditure in connection with the locust menace and famine relief, to reduce their expenditure as much as possible, and that, I think, is in accordance with

the suggestion put forward by the hon. Member for Nairobi North, who said that in a business that was what would be done. It has been done.

It is open, I think, to any Member of the Select Committee to ask for information in regard to any saving. Savings, of course, mean that that money will not be spent during the year; it does not necessarily mean that the money will not be asked for in a subsequent year. In many Colonies that column is not shown in the Supplementary Estimates, but I think it should be shown. For instance, if hon. Members are asked to vote £200,000 for famine relief, and then Government finds that only £50,000 has been spent, the balance will be saved, and hon. Members ought to know.

With regard, Sir, to the remarks of the hon. Member for Rift Valley about the archaic form of the accounts, I do not agree with him at all. I think that he is probably losing sight of the great difference that exists, and must exist, between Government accounts and commercial accounts. Commercial accounts, briefly explained, may be stated to be accounts of accretals; Government accounts are accounts based on a cash basis. It would be of no advantage whatever to swell, for instance, the surplus of the Colony by perhaps several millions of pounds by including on the assets side of the balance sheet the value of all Government buildings; that, of course, would be done in a commercial system of accounts, but what on earth would be the use of it to a statesman, when he comes to deal with the Budget, to find that he has a surplus shown on the balance sheet of perhaps several millions of pounds, and then to find that the only part of those assets which he can spend is possibly the few hundred thousand pounds represented by cash. In my opinion, it is perfectly absurd to follow the commercial system of accounts in a Government. What one wants to know in framing a budget is how much revenue you expect to receive, and, therefore, how much expenditure you can incur.

I think my hon. friend the Colonial Secretary will deal with the question raised by the hon. Member for West Kenya about the loss of money at Narok, but I would just like to say that in my opinion there was undoubtedly an error of judgment on the part of the district commissioner in dealing with the money. There was certainly no carelessness, and I doubt, Sir, whether the hon. Member, if he thinks of the matter from that point of view, will really wish to require that the district commissioner should make good this amount. He acted in good faith; he believed he was carrying out regulations; he had been told, he said, by some senior official (he suggested it was the auditor who came round) that he had no right to keep that money in the Government safe; he took it out in good faith, and placed it under a guard, and that guard were

eventually the robbers who stole the money. I do not think, Sir, that an officer who makes an error of judgment should necessarily be required to make good the money which is lost through that error of judgment. If it were a matter of carelessness, I should be the first to say he should pay, but it was not a matter of carelessness.

I hope, Sir, I have dealt with the points; but if there is any other point, I should be very pleased to refer to it.

**THE HON. THE DIRECTOR OF AGRICULTURE:** The question raised by the hon. Member for Plateau South in regard to the action taken by Government in connection with famine relief is one to which I may be expected to give a reply. I hope in the course of my reply on behalf of Government to be able to satisfy the hon. Member that there was justification for the action taken by Government, and that justification still exists.

It is quite true, Sir, that the number of applicants who were found at a later stage to be actually suffering from famine conditions was much smaller than when Your Excellency made a statement to this House at the time when the Food Control Ordinance was introduced. I hope, however, that the hon. Member himself and every other hon. Member of this House will feel that that is all to the good. It is all to the good of the applicants concerned, it is all to the good of Government financially, and it is all to the good of the country. He might perhaps have been more satisfied in his own mind if a greater number of natives had been suffering from famine conditions.

Now, Sir, the action taken by Government as famine relief falls under two or three heads. There was first the prompt action taken under the Customs Management Ordinance, whereby the export of foodstuffs overseas was prohibited except under licence. There was the further action taken under the Food Control Ordinance itself by the Food Control Board. I have no hesitation in saying to this House that had that action not been taken, and promptly taken, the country would have been in a very serious position to-day in respect of food supplies. In my judgment, and I believe also in the judgment of my colleagues on the Food Control Board, we would probably have been importing food supplies to this Colony during the month of June but for the measures taken to hold the position securely in respect of food supplies, and to prevent supplies from going overseas which would normally have gone in the course of trade, and to provide food for the people of the Colony. The Food Control Board called for a return of stocks of foodstuffs held on the 15th March last. That showed, on the estimates framed on them and on the basis of the estimated consumption of food in the Colony, that there was no more than sufficient food to meet the needs of the

Colony until the next crop came in, and, at the same time, supply the normal requirements of trade to the neighbouring territories, which Government undertook to do. The Food Control Board has called for a further return from merchants and others holding stocks; that return is to be made up to the 15th of this month. I regret I have not got the return completed, otherwise I should have been glad to have given information to this House this morning, but we have every reason to believe that, notwithstanding all the care that has been exercised in the matter, we shall no more than carry through until the next crop comes; indeed, there is growing evidence at the moment of an increasing shortage of supplies of foodstuffs generally throughout the Colony, and I should personally not be surprised to find that we shall have to import foodstuffs to keep the Colony going before the next crop comes in. It is clear to the Food Control Board that had those precautions not been exercised by Government a very serious position indeed might have been created.

There is also another aspect of the matter, and that is the price factor. The effect of the measures taken by Government was to steady prices in the Colony. At the same time, I do not think it can be said by any party interested, whether buyers or consumers, that the decision of the Food Control Board was not a fair one. Immediately following the action taken by Government, through proclamations, in preventing the movement of certain foodstuffs from the Native Reserves, the price of these foodstuffs in Nairobi rose within one week by 33 to 50 per cent. I suggest for the consideration of the House that if action had not been taken, as it was taken, I believe, fairly, under the Food Control Ordinance, opportunities would have been given to the different parties interested in this Colony—I am not thinking in particular of any one party or another, but to the different interests concerned—of exploiting prices, with results entirely detrimental to the Colony itself and to every interest concerned.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** Your Excellency, with regard to the matter raised by the hon. Member for West Kenya, in regard to the Masai water holes, I have gone into this matter very carefully in the last few months, and I do not think there can be any question of the Masai having used these water holes from time immemorial. In the case of one water hole (Simbu) there is actually in the Official Gazette for 1916 a notice gazetted in a township in the neighbourhood of the same water holes as that actually in the Masai Reserve. It is a well known fact that water without grass is no use, and that grazing without water is no use. If these water holes were taken away from the

Masai without any alternative water holes being given them it would throw an enormous area of grazing out of use, I think that is all.

**THE HON. THE DIRECTOR OF PUBLIC WORKS :** I find some difficulty in replying to the question of the hon. Member for Kikuyu, chiefly because my Department is only indirectly concerned with the construction of the roads where these heavy lorries are to be used. I do know, however, that there are very few bridges in the Northern Frontier Province, and, such as there are, are of very small span. I cannot think that any serious expenditure would be incurred in making these bridges sufficiently safe for lorries weighing in all 7 or 8 tons.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT :** Hon. Members will remember that exactly a year ago the Claser Settlement proposals were approved in this House. Those proposals submitted three schemes—A, B and C.

As regards the A scheme, it is definitely a scheme for small holdings, the financing of which must await the general financing proposals under the Land Bank Bill.

Scheme B provides for a number of farms in two areas—one in Trans Nzoia, and one in the neighbourhood of Thomson's Falls and Ndaragua. The Trans Nzoia section of the scheme also allows for allottees from home, who would be assisted to some extent from the Land Bank, but the allotment of farms in the Thomson's Falls and Ndaragua area is definitely set aside for local applicants with some means, and it is not anticipated that occupation of those farms would necessarily have to await the introduction of any Land Bank measure.

In so far as survey is concerned, we have, in the Land Advisory Board, considered to what extent we should inaugurate a survey of the farms concerned in this scheme as a whole, so that when other measures are passed there will be no undue delay in putting the scheme into operation, and we decided that the first section which should be surveyed was the section dealing with the Thomson's Falls and Ndaragua area, where, as I say, applicants are intended to be local applicants with some means. Before the decision to begin the survey was made, a discussion of these proposals ensued between the local District Committee and myself and the Land Board, and after correspondence between all sections the Land Board did decide to proceed with its proposals in this regard, particularly in view of the fact that the local applicants who would be eligible to come on to those farms would be able to satisfy themselves as to the conditions before they made their applications. Should, however, the divergent view held by

the local people and by the Land Board prove that the local people were after all in the right and we were in the wrong, things would right themselves in view of the fact that applicants, before applying for those farms, would satisfy themselves that the conditions were such as would enable them to make a success of them. Yesterday, Sir, when the matter was discussed in regard to the assurance that, before surveys were made, the surveyors would consult with local opinion, I was under the impression that the survey in this area had actually started. It had been the intention of the Surveyor General to employ licensed surveyors in that area, and, so far as we were aware, he had proceeded with that intention, but I find now that he is hoping to put the ordinary district survey staff on to that work, and, therefore, the terms in which the assurance was given yesterday will, in fact, apply to every survey which will be undertaken in connection with this scheme. I think, Sir, in view of that explanation, there is no reason why the survey in this particular area should be further delayed.

**THE HON. THE COLONIAL SECRETARY :** My colleagues have replied in detail to most of the comments that have been made, and it is not therefore necessary for me to keep the House long. There are one or two points, however, which have been referred to which I will now briefly deal with.

The hon. Member for West Kenya, in referring to the theft of money at Narok, used the expression that we were being guilty—if that is the right word—of "face saving." I should like to take strong exception to that remark. I am not an authority on beauty parlours or vicarious charity, as the hon. Member suggests, but I do suggest Government has not tried to save anybody's face whatsoever. In the explanation a perfectly clear statement of the facts was given, and in view of these facts, does the hon. Member think the officer concerned should be saddled with the pecuniary loss involved by an error of judgment?

The hon. Member for Nairobi South raised in general terms the way in which the Supplementary Estimates were put forward and drawn up as a whole, and any remarks I might have had to make have already been made both by my hon. friend the Treasurer and the hon. Member for Nairobi South.

The hon. Members for Kikuyu and Plateau South have raised definitely the question of the K.A.R. expenditure. The position, as I understand it, is that the Select Committee on the Estimates last year agreed to reducing the establishment by one company and the savings anticipated were in the region of £16,800. Since that resolution was made, our military

advisers have stated that it is essential for the safety of the Colony that this mechanical transport should be supplied, and Government feels that it must accept that advice. That has necessarily involved capital expenditure which probably does this year more or less set off the saving of £16,800 to which I have referred, but hon. Members must remember that this is capital expenditure and not recurrent expenditure such as that entailed on the company.

The hon. Member for Plateau South also raised the general question of the financial position, and asked that I would make a short analysis of it. Again, any remarks that I might have to make have been largely forestalled by the remarks of the hon. Member for Nairobi South, but the figures which he gave in his speech are subject to some small alteration owing to the action taken yesterday in the Select Committee.

I quite agree with what I feel are probably the feelings of the Unofficial Members, that to come to Council so early in the year, and ask for £579,708 on Supplementary Estimates, requires explanation. I entirely agree with them, but the reason why the sum is so large is due to the special method in which the Budget was drawn up last year. Contrary to the ordinary procedure in drawing up the Budget, whereby re-votes have to be recorded as provided for in the Budget of the year, these re-votes were not provided for, but were to come out of surplus balances for 1928. Therefore, if this sum of £579,708 be more carefully analysed, it will be found that it may be divided into the following three heads:—

(1) Amounts which have already been approved by motion in Legislative Council, which come to some £266,268. The items included in these amounts are items which I think all hon. Members will agree are of urgency, such as Famine Relief, Baringo and Northern Turkana Districts, £4,350; Seed for Issue, Native Agriculture, £6,000; Locust Destruction, £25,000; Famine Relief Measures, £2,000; to which must be added the sums which Council agreed to by resolution on the first day—Northern Frontier Province and Turkana Roads, £4,500; Local Government Grants, £13,568; British Association Visit, £2,800. That accounts for the amounts approved by motion in Legislative Council.

(2) Re-votes, to which I have referred, and which my hon. friend the Treasurer has referred at greater length, amount for £218,595; leaving for—

(3) New services, which the Council has really been asked to vote at the moment, the sum of £94,745. Their relative necessity and urgency were before hon. Members in Select Committee yesterday, and they had every opportunity, which I have no doubt they took, of satisfying themselves as to their

necessity. The position therefore is that at the moment, for new services, we are only asking for £94,745.

I do not think that, in view of the explanation I have given, the sum of £579,708 need cause so much alarm as it might if the figures had not been so analysed.

THE HON. CONWAY HARVEY: On a point of order, may I make a minor correction; the hon. gentleman stated the sum of £2,000 as having been expended on famine relief measures. I suggest that the amount should be £200,000.

THE HON. THE COLONIAL SECRETARY: Quite right; I thank you very much.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of personal explanation, Your Excellency, I should like to make it clear that I said the schemes should be deferred pending the return to the Colony of Sir Edward Grigg because, being at home, he would probably have had conversations with the present political party in power and the Overseas Settlement Committee, and would probably obtain information in connection with the financing of the Land Bank. There was nothing else in my mind; I should like to make that perfectly clear.

HIS EXCELLENCY: Owing to the confusion in the minds of the House at the beginning, I will now put the motion again.

The question was put and carried.

#### SUSPENSION OF STANDING RULES AND ORDERS.

THE HON. E. POWYS COBB: I beg leave to move the suspension of Standing Rules and Orders in order to be allowed to move the motion which stands in my name.

THE HON. CONWAY HARVEY: Your Excellency, I beg leave to second that.

The question was put and carried.

#### MOTION.

##### LOCUST INSURANCE.

THE HON. E. POWYS COBB: Your Excellency, I beg to move the motion which stands in my name on the Order of the Day:—

“That a Select Committee be appointed to investigate the feasibility of framing a contributory scheme of partial insurance against damage which may be done by locusts to the agriculture of the Colony, such scheme to have the aim of enabling the farmers who may suffer loss by the depredations of locusts to carry on their business until

such time as their farms have recovered therefrom, but not to aim at full compensation for the damage so caused." I would ask leave of the House to make two small verbal amendments in it, namely, that the first sentence should read, "That Government be requested to appoint a committee," and in the second line strike out the word "contributory". The object of these two small amendments is to permit of a committee of wider scope being appointed, and, after it has been appointed, to leave its hands freer to evolve any sort of scheme it may think desirable.

Sir, I do not propose to enter in any detail into this question, because it is a matter with which hon. Members of this House are familiar. I think it is only necessary for me to attempt to outline very briefly the main facts of the situation and to endeavour to set up a prima facie case for a committee.

The main factors of the situation are that farmers—particularly cereal farmers—in this Colony have suffered a succession of bad seasons; in some cases two, in some cases three. The result of these bad seasons has been to weaken their financial position. At the present time there is a menace of further destruction of crops by locusts. Should that destruction take place, there will be a certain number of farmers whose position will be exceedingly critical.

The risk from locusts is very difficult to estimate. The successful and energetic campaign which the Agricultural Department have carried out against the swarms of hoppers which are at the present time hatching in this Colony is producing results which are at least very hopeful, but I think the hon. the Director of Agriculture will agree with me that it would be rash at the present time to endeavour to forecast what the final results of that campaign will be.

Therefore a risk, the amount of which it is impossible to estimate, does exist, and that risk is very imminent. If damage is going to be done, it will probably be done within a comparatively few weeks, at a time when the crops are in their most vulnerable state. There is also the further risk that, even supposing the best results are obtained by the present locust destruction campaign, there is always the possibility that, if a period of drought should again set in, further swarms may come down from the north, either from Abyssinia or the Sudan. I understand that the position in the south is fairly well secured, because the Government of Tanganyika is carrying out measures very similar to those which our own Agricultural Department is carrying out.

The main factors of the insurance scheme are these: The total area under coffee may be taken roughly at 84,000 acres, the area under sisal 92,000 acres, and the area under

cereals 332,000 acres. I think it is generally admitted that the risk to sisal is very small, and that the risk to coffee is also small. Therefore that area of agriculture which is chiefly liable to damage is 332,000 acres of cereal crops. I think, therefore, that in all probability the committee will decide that any scheme which it may adopt will aim mainly at the protection of the cereal area.

The proposal in the minds of those who are very anxious that this scheme should be formulated is, not that the insurance should cover the value of the crops destroyed, but that the sum insured should be the minimum sum per acre which will enable the farmer who has suffered devastation to re-plant his land and to live until the next harvest. In the case of cereals that figure is estimated at possibly £2 per acre.

So far as I have been able to ascertain—and I do not pretend that I have been able to search very widely in the short time at my disposal—even in the very severe invasions of locusts, where the devastation has been spoken of as extreme, the actual amount of damage to crops which has been sustained in any country has not reached the figure of 30 per cent. Thirty per cent. of damage therefore may be looked upon as an extreme figure.

To apply the figures I have given to our present position—  
Total acreage, 332,000 acres.  
One-third of that (30 per cent.), roughly 110,000 acres.  
To insure that for £2 per acre might impose upon the insurer the liability to find £220,000.  
Add to that a maximum figure for administration of say £20,000.

The total sum of money involved is therefore £240,000. Again, looking at things from a maximum point of view, assume an outside premium of Sh. 4 per acre; on 332,000 acres that is roughly £66,000. Subtract £66,000 from £240,000, and the answer is £174,000, which is the total possible sum, taking every figure at its maximum, that the insurer might have to find.

Taking into consideration the great risk which is run, I submit that that figure is not an unreasonable one, and it compares favourably with the recent vote of this House for famine relief.

That the general idea of an insurance scheme is not looked on in commercial circles as an impossibility is proved by the fact that commercial insurance companies in this Colony have already been in both written and telegraphic correspondence with underwriters in London for some time past, and I think I am justified in saying that they do not look on a proposal by

London of a workable proposition as improbable. That goes some way, but I should state that so far as I have been able to ascertain no satisfactory form of locust insurance has been evolved in other countries. Perhaps our information is incomplete. I believe the hon. the Director of Agriculture will confirm me in saying that so far replies have not been received from the countries which are more likely to have evolved some scheme; for example, the United States of America and the Argentine. Replies have mainly come from such countries as Iraq, Cyprus, Palestine, and Egypt, which are not in any sense, I submit, comparable to this country as to the conditions of its agricultural population.

I think, therefore, that I am justified in hoping that this House will accept this motion, more particularly because it commits the House to nothing except an inquiry, and I do submit that the facts of the case are sufficiently grave to justify an inquiry, and an inquiry without loss of time.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, it is delightful to see the ponderous inertia of Government beginning to overcome itself. We see that in the Government's acquiescence in discussion of this proposal as an emergency discussion. I hope Government will go further and agree to the appointment of this committee. This is no new proposal, Sir. The proposal was made some time ago, and the Agricultural Department undertook to investigate the possibility of applying such a scheme. We have not yet had a report from that Department, although the situation has developed adversely to ourselves in the meantime. But, Sir, we are now asking Government to do a little more. We are asking Government to come part of the way up the mountain with us, and take, not a narrow commercial view of the situation, but a wide and statesmanlike view. We won't ask the Government to come to the very top of our mountain, because the rarity of the atmosphere there might embarrass them; but we ask them to come part of the way up the mountain and view it from the same point of view and from the same altitude that we ourselves have attained to in the analysis of this particular situation. Bogeys no doubt will be mentioned by Government in possibly introducing obstacles to this, but bogeys are theoretical, and bogeys are utilised to frighten little people, and they are effective in frightening little people. I trust the suggestion that the Government of this country.

HIS EXCELLENCY: I may perhaps shorten the hon. Member's observations by stating that Government is prepared to accept this motion.

CAPT. THE HON. E. M. V. KENEALY: Thank you, Sir. I am very happy to hear that. The point I would like to urge is that the principle has already been conceded by

Government in so far that Government has made free distribution of seeds to natives of this country for planting areas which otherwise would not have been planted. I do hope, Sir, that as the Government has agreed to appoint this committee it will appoint it immediately, and that it will meet this week. The situation is an urgent one. I second the motion.

THE HON. T. J. O'SHEA: The information that Government is prepared to accept this motion makes it unnecessary to say very much more on the subject. I could not imagine it possible for Government to turn down such a motion, because it merely calls for an inquiry into the feasibility of doing something that a large section of the community thinks should be done. I support it very heartily because it implies a desire on the part of people likely to be affected by this locust menace to indulge in a little self-help. They might very well have refrained from taking any action in this matter and waited till things became worse and then called upon us as their representatives to demand assistance from the Government. Instead of pursuing any such policy they have pressed that an inquiry should be held into the possibility of combining before the menace overcomes them, in a way that will enable them to do something for themselves should the worst happen. That principle of self-help is one that I think should get every encouragement from the community, and so I hope Government will hold this inquiry immediately.

HIS EXCELLENCY: The question is in the terms of the motion.

The question was put and carried.

HIS EXCELLENCY: With regard to the composition of the committee, it will require some consideration as it is not a Select Committee of this House, and possibly it will be useful if gentlemen who are not Members of this House sat on it. But the committee will be appointed at the earliest possible moment.

The House stands adjourned till the 15th July.

Council adjourned till Monday, 15th July, 1929.

MONDAY, 15th JULY, 1929.

The Council reassembled at 10 a.m. at the Memorial Hall, Nairobi, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.) presiding.

His Excellency opened the Council with prayer.

#### ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

##### EX-OFFICIO MEMBERS :

THOMAS DUNDAS HOPE BRUCE, Acting Attorney General.

EDGAR GEORGE BALE, Acting Commissioner of Customs.

##### NOMINATED OFFICIAL MEMBERS :

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

SAMUEL FREDERICK DECK, Acting Senior Commissioner, Masai.

#### COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY : With regard to the Report of the Committee appointed to consider Insurance against Destruction by Locusts, the Government has carefully considered that Report and it has decided that it cannot adopt it even with the modifications suggested.

The first recommendation dealt with therein was that Government should undertake the insurance of cereal crops against destruction by locusts at the rate of Sh. 3 for an insurance of Sh. 40 per acre. The suggestion is one which I gather commercial insurance companies would not look at, especially as it would appear that one premium only could be relied upon and that there is no ascertained basis upon which to calculate the risk. The amount of premiums which would be subscribed is also unknown, although there is a suggestion that a minimum of 100,000 acres would be insured.

Government also cannot undertake the suggestion that it should make a free contribution, pound for pound, for any such insurance fund managed by non-Government agents, such contributions to come into operation when the premium fund was exhausted by claims.

The Government is, however, prepared to adopt the third suggestion which appears in the Report, that is, to consider and enact legislation on the lines of that dealing with damage by drought in South Africa, or hurricanes in the West Indies, whereby, under certain conditions and safeguards, persons suffering damage by locusts can obtain advances from the Government for re-planting cereals, such advances to be secured on future crops and to be at a reasonable rate of interest. That draft legislation is in course of preparation by the hon. the Attorney General.

#### MINUTES.

The Minutes of the Meeting of the 18th June, 1929, were confirmed.

#### PAPERS LAID ON THE TABLE.

By THE HON. THE COLONIAL SECRETARY (MR. H. M. M. MOORE) :—

Report of the Kenya Tariff Committee.

Abridged Report on the Post and Telegraph Department, 1928.

Judicial Department Annual Report, 1928.

Schedule of Experts engaged by Government during 1926, 1927 and 1928.

Revised Statement of Colonial Loans.

By THE HON. THE TREASURER (MR. R. C. GRANNUM) :—

Financial Report and Statement for the year, 1928.

Report of the Committee on Locust Menace Crop Insurance.

By THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : (MR. W. M. LOGAN) :—

Report of Select Committee on the Central Roads and Traffic Bill.

By THE HON. THE ACTING COMMISSIONER OF CUSTOMS (MR. E. G. BAILE) :—

Annual Trade Report of Kenya and Uganda for the year ended 31st December, 1928.

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

Memorandum on Nanyuki Water Supply.

By THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. G. D. RHODES) :—

Colonial Audit Department Report on the Accounts of the Kenya and Uganda Railways and Harbours for the year, 1928.

#### ORAL ANSWERS TO QUESTIONS.

LAND DEVELOPMENT CONDITIONS, PLANTING OF TIMBER.

THE HON. CONWAY HARVEY (on behalf of the Hon. T. J. O'Shea) asked :—

" Land.—Whether in view of the promise to give favourable consideration to the proposal, Government has yet decided to make the planting and maintenance of an area of timber a part of the development conditions in all future alienations of agricultural land."

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : This proposal was fully considered by Government in 1927 and was rejected on the grounds of difficulty and expense of inspection, without which it was considered provisions would be a dead letter. The question of enacting legislation to secure the existing afforestation on unalienated lands has, however, recently been raised and referred to the Land Board for consideration.

#### ANTI-MALARIAL WORKS.

THE HON. CONWAY HARVEY (on behalf of the Hon. T. J. O'Shea) asked :—

" A. What work has been done to the end of last month out of the monies voted by Council in this year's Estimates for anti-malaria work in (a) Eldoret, Kitale, and Turbo; and (b) elsewhere?"

B.—Will Government favourably consider publication through the medium of the Press of a quarterly statement of the anti-malaria work being done by the Medical Department."

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATTERSON) : A. (a) A special Farm Medical Officer has been posted in the Trans Nzoia since the beginning of February. Two mosquito survey teams under European Field Overseers have been maintained as follows :— In the Trans Nzoia from 1st January to date, in the Uasin Gishu from 1st January to 20th February, and from the middle of May to date.



An investigation into the control of malaria among farm labourers by means of quinine is being carried out in the Trans Nzoia. The Anti-Malaria Engineer has visited the Trans Nzoia and the Uasin Gishu on two occasions (in January and May) to obtain data for the preparation of anti-malarial drainage schemes. A European Sanitary Inspector has been maintained by the Kenya and Uganda Railways and Harbours Administration for the lines running through the Uasin Gishu and the Trans Nzoia since January 15th. Estimates have been obtained from Eldoret for filling and draining borrow pits in Eldoret and funds have been allocated therefor. Additional funds have been allocated for temporary work on the Sesiari River in Eldoret. Routine oiling has been continued in Eldoret and Kitale.

A. (b) An expert malariologist has been engaged by Government to visit the Colony. This officer arrived in the Colony in March and has since visited Mombasa, Nairobi, the Kiambu District, the Uasin Gishu and Trans Nzoia Districts (twice), Kisumu, the Central Kavirondo District, and the Teita District. Propaganda literature, dealing with the prevention of malaria has been distributed by post to occupiers of farms and estates throughout the Colony.

Sites for hospitals have been selected at Kiambu, Digo, Kericho. Plans have been completed in the first of these hospitals and are in the course of preparation in the case of the second two. The Anti-Malaria Engineer has visited the townships of Kericho and Kisumu, and the Teita and other districts.

B. The answer is in the affirmative.

#### HIGH SCHOOL FOR BOYS AT KABETE.

THE HON. CONWAY HARVEY (on behalf of the Hon. T. J. O'Shea) asked :—

"What progress is being made with the building of the High School for Boys at Kabete?"

THE HON. THE DIRECTOR OF PUBLIC WORKS: The majority of working drawings have now been received from the Architect, Mr. J. A. Hoogterp, and the bills of quantities are in the course of preparation. It is anticipated that tenders for the building will be called for in September. In addition, an order has been placed for 1,000,000 bricks, 200,000 of which have already been delivered on the site. The structural steel work is on order from the Crown Agents.

It is hoped that the school will be opened in time for the first term of 1931.

#### NEW SCHOOL BUILDINGS AT ELDORET.

THE HON. CONWAY HARVEY (on behalf of the Hon. T. J. O'Shea) asked :—

(A) When the plans for the new school buildings at Eldoret were being drafted did the local education authorities advise Government that the minimum boarding accommodation to be provided should be for not less than 80 pupils?

(B) For what number is provision made in the new buildings?

(C) If that number is less than 80, did Government advise the local authorities prior to the buildings being started that the plans would not provide for 80 boarders?

(D) What is the total boarding accommodation now available at Eldoret, and how many boarders are now in residence?

(E) What is the cost to date of the new buildings, including the cost of the extra land and house acquired for extension of the school grounds?

(F) What will be the total cost when the work is completed?

(G) Does that figure asked for in (F) include the cost of laying out the grounds, and will that work be done this season?"

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT) :—

(A) The Board of Governors in the first instance recommended accommodation for 80 boys and subsequently altered this to 50.

(B) Forty-eight.

(C) Yes, the plans for the new buildings were specifically approved by the Board of Governors who had, subsequent to the advice previously given, recommended that this new boarding house should accommodate 50 boys.

(D) Boys.—Accommodation 48, in residence 35. Girls.—Accommodation 52, in residence 32.

(E) The expenditure on Eldoret School to 22nd June, 1929, is :—

On the new buildings	£36,465	13	0
Expenditure on the house recently purchased	1,300	0	0
Expenditure on purchase of extra land for the extension of the school grounds	2,466	8	0
	£40,232	1	70

(F) The total cost when the work is completed is expected to be:—

New buildings ... ..	£40,000	0	0
Extra land and house acquired for the extension of the school grounds ...	3,766	8	0
	£43,766	8	0

(G) (1) The above expenditure includes the cost of laying out the grounds adjoining the new school buildings in so far as the layout has been decided. This work is now in hand.

(2) The layout of the area recently acquired for additional sports grounds is under discussion between the Principal, Eldoret School, and the Acting Executive Engineer, Public Works Department, Eldoret. Plans will be prepared in the near future, and the work will be done as soon as climatic conditions permit.

NOTE.—Until details are available of what is required under (2) no estimate of the cost can be given. This will be additional to the amount given under (F).

#### EXPORT OF FOODSTUFFS.

LT.-COL. THE HON. C. G. DURHAM asked:—

“Has a Provincial or District Officer the power, without reference to the Food Control Board, to prohibit the export of food supplies from the area under his administration?”

THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE): A Provincial or District Officer has power, without reference to the Food Control Board, to prohibit the export of food supplies from the area under his administration if such power is granted to him by a Proclamation issued by His Excellency the Governor under the powers conferred upon the Governor by section 3 of the Food Control Ordinance, 1929.

#### MAIZE FROM SOUTH NYERI DISTRICT.

LT.-COL. THE HON. C. G. DURHAM asked:—

“(1) Did the Provincial Commissioner, Kikuyu, and/or the District Commissioner, South Nyeri, prohibit the export of maize and/or maize meal from the South Nyeri District about the beginning of June, 1929?”

(2) If so, was such action taken arbitrarily or after consultation with the authority of the Food Control Board?”

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. C. M. DOBBS): (1) The export of maize and/or maize meal from South Nyeri without the written permission of the District Commissioner was prohibited by Proclamation No. 31 issued by His Excellency the Acting Governor which appeared in the Official Gazette of 5th February, 1929, P. 225. Early in June the District Commissioner owing to a severe local shortage temporarily withheld the permission to export as was within his competence under the Proclamation.

(2) The withholding of permission was within the competence of the District Commissioner under the power granted to him in the Proclamation.

#### WATER, LAND BANK, FENCING AND DIPPING BILLS.

LT.-COL. THE HON. J. G. KIRKWOOD (on behalf of Capt. the Hon. E. M. V. Kenenly) asked:—

“Will Government state when the following Bills of an important domestic character will be taken:—

1. Water Bill.
2. Land Bank Bill.
3. Fencing Bill.
4. Dipping Bill?”

THE HON. THE COLONIAL SECRETARY: (1) The Water Bill is under reference to a Select Committee whose Report will be laid during this session.

2. The Report of the Select Committee on the Land Bank Bill has been laid on the table. Copies of the Report have been sent to the Secretary of State for discussion with the Governor. Subsequent action to be taken by the Government with regard to this Bill will depend upon the result of these discussions.

3 and 4. As announced by His Excellency in his address to Council on 12th June, Government intends to proceed at an early date with the Fencing and Dipping legislation.

#### COMPASSIONATE ALLOWANCE TO MATTHEW WELLINGTON.

LT.-COL. THE HON. C. G. DURHAM asked:—

“In view of the fact that Matthew Wellington the old and trusted servant of David Livingstone, the great explorer who did so much for the opening up of Africa, is now too old to support himself by work, and is practically dependent upon charity, would the Government consider offering him a compassionate allowance or small pension for the remainder of his life?”

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: Government has considered the proposal to provide Matthew Wellington with a pension but regrets that it does not feel justified in adopting it in view of the fact that as Mr. Wellington was never in Government service he would appear to have no just claim to be maintained from public funds.

REV. CANON THE HON. HARRY LEAKEY: Arising out of that question, Your Excellency, am I in order in speaking?

HIS EXCELLENCY: I am afraid not.

REV. CANON THE HON. HARRY LEAKEY: I beg your pardon. I mean arising out of the answer.

HIS EXCELLENCY: Do you wish to speak or ask a supplementary question?

REV. CANON THE HON. HARRY LEAKEY: I wish to make a statement with regard to the answer.

HIS EXCELLENCY: I am afraid you cannot do that.

#### ADVANCES OF PAY TO NATIVES.

LT.-COL. THE HON. J. G. KIRKWOOD (on behalf of Capt. the Hon. E. M. V. Kenealy) asked:—

"Will Government undertake to check the pernicious practice of employers making continually increasing advances of pay to natives on recruitment or engagement?"

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: Government has under consideration a Bill to amend the Employment of Natives Ordinance which Bill contains a clause prohibiting advances to any natives in excess of one month's wages or the value thereof on a condition expressed or implied that he, or any dependent of his will enter upon, or extend the period of, any employment.

#### ENGAGEMENT OF EXPERTS.

THE HON. F. ARTHUR BEMISTER asked:—

"To ask for a schedule showing all details in connexion with the engagement of experts to the Colony during the period January 1st to December 31st for the years 1926-7-8, showing the following particulars:—

- (1) Name of expert.
- (2) Special work engaged on.
- (3) Period of engagement.
- (4) Salary and emoluments.
- (5) Names of those (if any) placed on the permanent staff."

THE HON. THE COLONIAL SECRETARY: A schedule giving the information required has been laid on the table.

THE HON. F. ARTHUR BEMISTER: Arising out of that, Sir, may I ask if experts are appointed by this House, or in consultation with this House, or only in consultation with the Head of the Department requiring his services?

THE HON. THE COLONIAL SECRETARY: Unless additional expenditure is required, in which case it would necessarily come to this House for consideration, every question of the engagement of an expert is not necessarily referred to the Legislative Council.

THE HON. CONWAY HARVEY: Arising out of that, Your Excellency, may I ask why expenditure which is involved in the first visit of the expert is not also approved by this House before being incurred by Government.

THE HON. THE COLONIAL SECRETARY: If the hon. Member could inform me as to which particular visit he is referring to, I might be able to give him the information required; as a general proposition I find some difficulty in answering.

THE HON. CONWAY HARVEY: Their name is legion. The one particularly in my mind at the moment is the very expensive business of a town-planning expert some years ago and numerous sanitation experts. If I was able to make the necessary investigation I am sure I should find at least half a dozen others.

LT.-COL. THE HON. C. G. DURHAM: On a point of order, may I go back to the answer to my question with regard to Matthew Wellington?

HIS EXCELLENCY: I am afraid you are too late.

LT.-COL. THE HON. C. G. DURHAM: But, Sir, I have only just got the information. I understand he was in the Public Works Department service for 17 years.

HIS EXCELLENCY (to the hon. Member for Lako): What is your supplementary question?

THE HON. CONWAY HARVEY: My supplementary question was why has Government not consulted this House before incurring expenditure in connexion with the visits of experts? The hon. Gentleman who replied, Sir, stated that if additional expenditure was required reference would be made to this House—my question is why is reference not made before the first expenditure is incurred?

CAPT. THE HON. H. E. SCHWARTZE: Also, on a question arising out of that answer, is it not a fact that the reason the

sanction of Legislative Council has not been sought for these experts is because prior Colonial Secretaries have not held the view, which I am glad to see this one does, that it is necessary. (Laughter).

#### MOTION.

HIS EXCELLENCY: There is a motion standing in the name of the hon. Member for Kenya. He is not here. We will pass to the next business.

#### MOTOR SERVICES BILL.

THE HON. THE COLONIAL SECRETARY: Your Excellency, before I rise formally to move the first reading of the Bill standing in my name, with Your Excellency's permission and that of the Council, I should like to make a brief statement by way of explanation as to why the second reading of the Motor Services Bill does not appear on the Order of the Day to-day.

Hon. Members will recall that at the last meeting I stated, in explanation of the policy which Government proposed to follow, that, in order that there might be no suggestion that Government was rushing this matter, the second reading of the Bill would be postponed until the July meeting of Council, in order to give ample time for the subject to be ventilated. I also added that it would have the additional advantage that, by that means, we might obtain the views both of the Railway Advisory Council and of neighbouring Governments.

In the interval which has elapsed the Government has now received a definite statement from the Uganda Government that it is not prepared at the present time to introduce any legislation of the kind under contemplation. Further, this question was considered at the Railway Advisory Council, at which it was decided to report to the High Commissioner for Transport that the Council commends the Motor Services Bill, and, from the Railway point of view, commends its motives, but is of opinion that further investigation should be made. Further, from correspondence which has appeared in the public Press and elsewhere, it has been borne in upon Government that there is a very divided state of opinion in the country on the question of this Bill, and, further, that the public has difficulty in forming an opinion because it is not sure that it has got all the facts before it.

I am therefore authorised to state that it is His Excellency's intention not to take up the second reading of this Bill until a special committee has been formed—and a representative committee, not necessarily entirely of members of this Council—to investigate the principles underlying the Bill and to make a report to the Government.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, before that committee commences its sittings, may I ask the hon. the Director of Public Works to publish a statement setting out the arguments in favour of the Bill in order that people may have something concrete on which to work?

THE HON. CONWAY HARVEY: Your Excellency, may I point out, on a point of order, that that has already been done. The committee under the chairmanship of the hon. the Director of Public Works did issue a report which has been published, and incorporated in that report was a long statement by the late General Manager of the Railways setting forth in detail the reasons for its introduction.

THE HON. THE ACTING ATTORNEY GENERAL: May I also point out the fact that the reasons for the Bill are fully set out in the Objects and Reasons attached to the Bill which has been published. They are entirely set out there. I do not think there is really anything else to add to the reasons.

#### BILLS.

##### FIRST READINGS.

##### THE SUPPLEMENTARY APPROPRIATION BILL.

On the motion of the hon. the Colonial Secretary the Supplementary Appropriation Bill was read a first time.

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

##### THE EXPLOSIVES BILL.

On the motion of the hon. the Acting Attorney General the Explosives Bill was read a first time.

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

##### THE CIVIL PROCEDURE (AMENDMENT) BILL.

On the motion of the hon. the Acting Attorney General the Civil Procedure (Amendment) Bill was read a first time.

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

##### THE MALARIA PREVENTION BILL.

On the motion of the hon. the Acting Director of Medical and Sanitary Services the Malaria Prevention Bill was read a first time.

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

## SECOND READINGS.

## THE FENCING BILL.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. ALBY HOLM): Your Excellency, I beg to move the second reading of a Bill to make Provision for the Fencing of Farms and other Holdings.

Hon. Members will recall that the second reading of this Bill was assented to by the House at a previous session when it was referred to a Select Committee. The Report of that Committee was laid on the table. On its recommendations the Bill has been reprinted, and it was decided to reintroduce it in order to facilitate the business of Council. This unusual step was considered advisable in view of the numerous and comprehensive character of the amendments made to the Bill when it was in Select Committee. The Committee, however, did not alter seriously the principles of the original Bill, though they found on close examination of a complicated and controversial measure of this kind that much amendment and redrafting to meet the conditions of this Colony was necessary.

I should like, and I feel sure that my colleagues on the Committee are in accord, to take this opportunity of bearing testimony to the value of the advice and help given by Mr. Colville during the period in which he acted as Member for the Rift Valley. I would also mention that a great deal of work has been devolved upon my friend the hon. Acting Solicitor General in making what practically amounted to a redraft of the Bill.

In the circumstances it does not appear necessary that I should reiterate the remarks I made as to the principles of the Bill, when introducing the second reading of the original Bill. They still stand. I propose to confine my remarks to a short statement and explanation of the main features of the Bill now before the House as compared with the original Bill.

Taking Clause 2 first, in the definitions of "holding", and "owner", native and forest reserves, Crown land, also railway, road and local authorities, have been embraced in order that where applicable they might be brought within the scope of the Bill without recourse, as far as it might be avoided, to separate sections and provisions in the Bill dealing with them.

In Clause 3, the procedure to be adopted in the exercise of a local option is more clearly set forth than in the relative sections of the original Bill. The steps are shortly as follows: First, the declaration of a "Fencing District" by the Director of Agriculture, next the convening of a meeting by the District Commissioner of all the owners in this fencing district, and, on a majority of two-thirds of the owners being in favour of the

application of the Ordinance, then the Governor shall declare such district to be a proclaimed district for purpose of the Ordinance.

It will be noted that owners absent from the meeting are deemed to be in favour of being brought under the Ordinance unless they have expressed themselves in writing to the contrary.

Clause 4 sets forth the manner in which native areas may be brought under the provisions of the Ordinance.

In Clause 6 the principle is laid down that adjoining owners in a proclaimed district shall each contribute half the share of boundary fences and that applies equally to Railway and Road Authorities. The Committee decided that the contribution to be made by owners on the basis of "beneficial use" as indicated in Clause 4 of the previous Bill should be amended accordingly, with this qualification that, as stated in the proviso of Clause 7 2 (b), an owner may not be called upon to contribute half the cost in respect of fencing in an infected area outside a proclaimed area if he can show that he derives no benefit therefrom.

In Clause 12 an important alteration has been made. The Committee considered that compulsory fencing of a holding which was within a "guard area" should be removed as the view was held that such provisions would become far more extensive in their application than was perhaps originally contemplated. The compulsory fencing of a holding in an infected area within a clean area remains, but the term "guard area" which was defined and included in the original Bill is now excised.

Clause 31 provides that only with the authority of the Governor in Council and under conditions prescribed by him may fences with gates be erected across public roads.

Clause 42 is important and may be compared with Clause 43 of the original Bill. As the Bill now stands the Railway Administration will pay the whole cost and repair of fences whenever a line of railway traverses a holding or part of a holding which has been completely fenced. In a similar case whenever a public road traverses a holding the cost of the fence is to be borne in the following proportions:—

75 per cent. by the Road Authority and  
25 per cent. by the owner of the holding.

I would add that these recommendations were arrived at by the Committee after lengthy discussion with the representatives of the Railway Administration and the Public Works Department.

The original Bill contemplated that advances would be made by the Land and Agricultural Bank towards the cost of erection of dividing fences in obligatory areas. In the revised clause, 45, advances may be procured from two sources for the erection of fences, whether in unproclaimed districts or otherwise, either from the Land Bank or from such other public funds as this Council may set aside for that purpose. The main object in inserting this provision was to prevent delay which might arise through the establishment of the Land Bank being deferred.

In a Bill so controversial in character as that now before the House, it is perhaps remarkable that the Select Committee reached unanimous agreement, excepting in regard to certain reservations submitted by the Chief Native Commissioner at that time (Mr. Maxwell).

The points so raised will doubtless be examined by the House. I may add, however, that they were brought under review not only by the Committee as a whole, but by the legal adviser serving on the Committee.

Finally, I would mention that additional to the commitment of £7,000 as stated in the Objects and Reasons, a sum will be required to defray the cost to be borne by the Road Authority, making a total of, say, £10,000, part of which may be recoverable. It is impossible, however, on such scanty information as is available at the present time with regard to the operation of the Ordinance, to frame an estimate possessing a degree of accuracy.

It should also be mentioned that additional to that expenditure, staff for the administration of the Ordinance will be required—it is considered that the appointment of a Superintendent of Fencing and one Clerk, perhaps also an Inspector, will be necessary.

In conclusion let me say that the value to be derived from the operation of this Ordinance will largely depend upon the attitude and practice of farmers themselves. It provides the ways and means for progress, and it is to be hoped that full advantage will be taken of it for the better management of pastoral areas, for the protection of crops, and, in the particular conditions of this Colony, for the prevention and control of stock diseases which are not infrequently the result of surreptitious movement of native-owned cattle. Nothing is more calculated to impede such movement than the fencing of farms on an extensive scale.

The Bill as now presented to Council represents the work of the Select Committee extending over many meetings, and I now submit it for the favourable consideration of the House.

THE HON. THE ACTING SOLICITOR GENERAL (MR. A. J. MCCARTHY) : Your Excellency, I beg to second the motion.

THE HON. CONWAY HARVEY : Your Excellency, as a member of the Select Committee which produced the Report which now takes the form of this new Bill which has just been introduced, I do cordially support everything which the hon. Mover has said, but, Sir, I have just received a telegram from the hon. Gentleman, the Member for the Rift Valley, expressing his regret that he is unable to be here to-day owing to illness, and I therefore feel it my duty, Your Excellency, to crave your indulgence to the extent of submitting a request that the committee stage of this Bill be taken to-morrow. The hon. Member representing the Rift Valley does, Sir, undoubtedly represent an enormous pastoral interest and, in spite of the fact that the Member acting prior to the present Member did agree entirely with the Report of the Select Committee, I think it is well that we should endeavour to make legislation of this far-reaching importance as perfect as possible. I therefore crave Your Excellency's indulgence on behalf of the hon. Member for the Rift Valley, and ask that the Committee stage of this Bill be taken to-morrow.

HIS EXCELLENCY : Does any other hon. Member wish to speak.

The question is in the terms of the motion.

The question was put and carried.

HIS EXCELLENCY : With regard to the committee stage, I am quite willing to fall in with the hon. Member's suggestion.

#### CATTLE CLEANSING BILL.

THE HON. THE DIRECTOR OF AGRICULTURE : Your Excellency, I beg to move the second reading of a Bill to Provide for the Cleansing of Cattle.

As in the case of the Fencing Bill, considerable alterations were made to the original Bill by the Select Committee to whom it was referred and for similar reasons to those which applied to the Fencing Bill it was decided that the Bill now before the House should be republished and reintroduced.

In these circumstances, it does not appear necessary that I should reiterate the arguments in favour of the principles of the Bill which I gave on the second reading of the original Bill. They are well known to hon. Members, and it is, I believe, fully admitted that the progress of the cattle industry and the control and prevention of the spread of cattle diseases is closely

bound up with dipping measures. For too long a period cattle owners have failed adequately to protect their individual interests and the interests of others have suffered because of neglect. It is considered that the time has arrived when an element of compulsion in certain circumstances should be provided by legislative means.

Coming to the Bill before the House, and comparing it with the original Bill, I would invite attention to some of its salient features and the chief alterations made while the Bill was in Select Committee.

In the definitions, certain alterations have been made, largely for the sake of clarity. The definition of " tick infestation " has inadvertently been omitted in the printed copy. It will be given a wider meaning than in the original Bill where the number of ticks on a given number of cattle was stated. That is, I believe, the practice in Southern Rhodesia, but in the Union of South Africa it is found desirable not to restrict the definition in that manner. Then in regard to the definition of " tick-destroying agent " the Select Committee thought it advisable not to specify the percentage of arsenious oxide in the solution, and that either arsenious oxide or other ingredient should be prescribed from time to time by the Chief Veterinary Officer in the light of experience and the advancement of knowledge with regard to tick destruction.

Clause 3 provides for the declaration of a " cleansing district " by the Chief Veterinary Officer and the creation of a " proclaimed district," and the steps to be taken follow closely the similar provisions in the Fencing Ordinance, whereby that measure of local option is exercised. Sub-clause (f) of this main clause enables an area occupied by 15 landowners who are desirous of being brought under the provisions of the Ordinance to be declared a proclaimed district by the Governor.

Clause 4 prescribes the manner in which a native area may become a " proclaimed native district."

For the better protection of " clean areas " Clause 5 makes the Ordinance operative, as in the case of a proclaimed district; to all " guard areas " and infested areas within a clean area, and Clause 6 makes its operation compulsory in all proclaimed districts and proclaimed native districts.

With regard to the powers of inspectors, for example in Clauses 7 and 11, it has been represented that they are too extensive. I would submit, however, that prompt action may often be found necessary and offended parties have always recourse of appeal for redress—*i.e.*, to the Chief Veterinary Officer or higher authority when their case, as always, will receive the fullest consideration on its merits.

Clause 8 maintains the powers conferred upon the Chief Veterinary Officer or inspector temporarily to exempt owners from the provisions of the Ordinance under certain adverse conditions, but the Select Committee did not consider it necessary to repeat the administrative action which the similar clause in the original Bill included.

Clause 9 tightens up the action to be taken in respect of the dipping of cattle in a proclaimed district or proclaimed native district when they are not the property of the landowner, also the information which should be recorded in the register.

An important clause is 12, which deals with advances to landowner, Local Native Councils or other native authority for the erection of dipping tanks and while, as in the case of the Fencing Bill, where it is stated that advances may be made from a Land and Agricultural Bank, it also indicates that provision may be made from other public funds.

Clauses 14 and 15 deal with the provision by Government of dipping tanks for the common use of cattle owners in suitable places, or in certain townships on payment of prescribed fees, also the obligations which rest upon municipal or local authorities.

Other sections of the Bill appear to call for no particular comment.

Reference was previously made to the additional expenditure involved by the operation of this Ordinance. It was estimated at £6,000 per annum. Since its original introduction, however, the staff of the Veterinary Department has been strengthened in several directions and it is not considered that so large an additional expenditure will now be found necessary.

I now commend the Bill to the favourable consideration of the House. It is a measure which, in combination with the Fencing Bill, is calculated greatly to reduce the incidence of stock diseases and to provide the most effective means of controlling their spread.

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

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

The question is in the terms of the motion.

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, would it be possible, in order to facilitate business and not waste half the morning, to proceed with the second reading of

Bills, which have already passed their first reading, by suspending Standing Orders? Otherwise we shall finish the business for the day.

**HIS EXCELLENCY:** There is a possibility of taking the Committee stage of the Cattle Cleansing Bill, unless the hon. Member for the Lake wishes his remarks in connexion with the committee stage of the Fencing Bill to apply to the Cattle Cleansing Bill also.

**THE HON. CONWAY HARVEY:** Your Excellency, my remarks apply equally to both Bills, on behalf of the Member for the Rift Valley.

**HIS EXCELLENCY:** I am rather opposed to the unnecessary suspension of Standing Orders. The Council stands adjourned till to-morrow.

*(Council adjourned to 10 a.m., Tuesday, 16th July.)*

TUESDAY, 16th JULY, 1929

The Council assembled at 10 a.m. on the 16th July, 1929, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.) presiding.

His Excellency opened the Council with prayer.

#### COMMUNICATION FROM THE CHAIR.

**HIS EXCELLENCY:** Before we go on with the business of this Council, Members, I am sure, will be interested to hear the latest news as to the King's health.

15th July. Bulletin issued to-day is as follows: "Operation on His Majesty the King has been performed. Portion of two ribs were removed in order that circumscribed abscess 1½ inches across should be directly drained and treated. The condition of His Majesty is satisfactory."

#### MINUTES.

The Minutes of the meeting of the 15th July, 1929, were confirmed.

#### PAPER LAID ON THE TABLE.

**BY THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. C. M. DOBBS):—**

Summaries of Receipts and Expenditure of all existing Local Native Funds for the year 1928.

#### NOTICE OF MOTIONS.

**LT.-COL. THE HON. J. G. KIRKWOOD:** Your Excellency, I wish to give notice of motion to discuss the proposals of the Alteration of Time Committee.

**HIS EXCELLENCY:** What is your motion?

**LT.-COL. THE HON. J. G. KIRKWOOD:** The motion, Sir, is to discuss proposals—the proposed action of the Alteration of Time Committee. I am giving notice of motion for to-morrow. I wish to discuss certain actions proposed to be taken by the Alteration of Time Committee. I beg to move, Sir, that the special sitting of the Daylight Saving Committee should exclude Plateau North and Plateau South.



CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, I do not know whether this is the occasion on which to submit to Your Excellency that this motion is out of order, or when it is brought up.

HIS EXCELLENCY : When it is brought up, I think.

THE HON. E. POWYS COBB : Your Excellency, I beg leave to give notice of the following motions :—

(1) That a Select Committee be appointed to review the Motor Traffic Ordinance, 1928, in the light of the experience of the last six months and to make recommendations.

(2) That this Council regrets the decision of Government, announced by His Excellency in his speech opening the session, in the matter of insurance against damage by locusts, and recommends that the scheme of partial insurance set out in paragraph 24 of the Report of the Committee on Locust Menace Crop Insurance be adopted, and that the legislation necessary to give effect thereto be considered during the present session.

#### ORAL ANSWERS TO QUESTIONS.

##### CONSIDERATION OF REPORTS.

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

" Will Government set aside a definite time for the consideration by this House of the Reports of Auditor, Land Bank Committee, Film Censorship Committee, Telephones Committee, and other papers laid? "

THE HON. THE COLONIAL SECRETARY (MR. H. M. M. MOORE) : It is open to the hon. Member under Standing Rules and Orders to submit propositions to the Council on matters contained in reports such as those mentioned, by giving notice of motion on any subject he wishes to be debated in the Council.

THE HON. T. J. O'SHEA : Arising out of that answer, may I ask whether Government would not find it more convenient to move the adoption of these Reports as and when laid?

THE HON. THE COLONIAL SECRETARY : Your Excellency, with a Report such as the Auditor's Report, I do not think there is any question of adoption or otherwise. It is laid for the information of Members, and, if there is any point made in that Report on which a subsequent motion is desired, it is open to hon. Members to move it.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, is it not highly desirable that the Government should give some

indication of its intentions as to whether it approves of a Report or not? Otherwise, a lot of unnecessary work will be done by Members on this side of the House analysing the Report in detail, as we shall not know whether Government has approved the Report or not.

HIS EXCELLENCY : I would draw the hon. Member's attention to the fact that this is a Legislative Council and not an Executive Council.

THE HON. T. J. O'SHEA : Arising out of that answer, may I ask whether Government would not find it more convenient to move the adoption of Reports of Committees appointed by this House?

THE HON. THE COLONIAL SECRETARY : Your Excellency, I think that, perhaps, there is some confusion in the mind of the hon. Member who asked this question. In my mind, there is a clear distinction between the Report of a Select Committee of this Council, and, say, a Departmental Report which is laid on the table for the information of this Council. In the case of a Report of a Select Committee of this Council, which is laid on the table, I understand the proper procedure is this :—If the Government wishes to proceed with the recommendations made in that Report, on the Government side a motion is drawn up recommending the adoption of the Report, or the adoption of the Report with such minor amendments as the Government desires to make. This procedure is in fact, being adopted in the case of the Film Censorship Committee Report. If, however, Government does not wish to proceed with the recommendations of a Select Committee, the Report of the Committee is before Council, and it is open to any Member to give notice of motion in respect of that Report.

THE HON. T. J. O'SHEA : Your Excellency, arising out of that answer, may I ask, then, why did Government introduce and then withdraw the legislation arising out of a Report of a Committee, the adoption of which Report was never moved in this House, so as to give Members an opportunity of debating the recommendations of that committee—the Traffic Control Committee. The Report of that Committee never had its adoption moved in the House.

HIS EXCELLENCY : What is the status of that Committee? Can the hon. Member tell me?

THE HON. T. J. O'SHEA : Your Excellency, speaking from memory, that Committee was appointed by this House.

THE HON. CONWAY HARVEY : May I explain, Your Excellency, that this was a Committee appointed many years ago by His Excellency the Governor, and it was a very representa-

tive committee, consisting, among others, the Town Engineer of Nairobi, Mr. Galton Fenzi, and one or two other individuals—Colonel Maxwell was one. It was a special Committee appointed by His Excellency the Governor.

HIS EXCELLENCY: Not a Committee of this House.

THE HON. CONWAY HARVEY: Not at all, Sir.

#### NOXIOUS WEEDS.

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

"Will Government state its intentions and practice in preventing the growth of noxious weeds, e.g., S.A. marigold, hashish (bhang), selanum or wild tobacco?"

THE HON. THE DIRECTOR OF AGRICULTURE (MR. ALEX. HOLM): No legislation for dealing with such noxious weeds, other than Indian hemp, i.e., bhang, exists at present in this Colony, and having regard to the considerable expenditure which would be involved on inspection and in other directions for its proper administration, it is not the intention of Government to introduce further such legislation at present. It is considered that this matter is one which could appropriately and advantageously be dealt with by Local Councils.

Warnings have been issued in the Press and in other ways in regard to controlling the spread of Mexican marigold.

The growing of bhang, or Indian hemp, is prohibited under the Abuse of Opiates Prevention Rules. It is not regarded from a purely agricultural point of view as a noxious weed.

The reference to "solanum or wild tobacco" is not understood.

The hon. Member may recall that at a recent meeting of the Convention of Associations, a motion requesting legislative and administrative action for purposes of dealing with noxious weeds was defeated.

CAPT. THE HON. E. M. V. KENEALY: Arising out of that answer, Sir, what control has the Department of Agriculture over the growth of noxious weeds on Railway premises; and if the Department does not consider it necessary to deal with these weeds, because it has not the necessary legislation enabling it to do so, how is it that the Department can deal with locusts under the Diseases of Plants Ordinance (laughter)?

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I think I should require notice of that somewhat lengthy question. Suffice it to say that notice has been drawn by the Department to the Railway Administration of the presence, from time to time, of certain weeds growing within the area of their administration.

THE HON. CONWAY HARVEY: Arising out of that answer, Your Excellency, may I ask the hon. Member what steps he has taken to remove the menace of *Striga Hermonthica*, many acres of which exist on the road reserves and Railway reserves in European and native areas between Lumbwa and Kisumu?

HIS EXCELLENCY: Has it got any other name?

THE HON. CONWAY HARVEY: *Striga Hermonthica* is the only name I know, Sir.

THE HON. THE DIRECTOR OF AGRICULTURE: That so-called pest or parasitic weed is at present being dealt with under the Diseases of Plants Ordinance.

THE HON. CONWAY HARVEY: Your Excellency, it is known to the Kavirondo as *Kitonga*.

#### KEDOWA-KISII BRANCH RAILWAY LINE.

THE HON. CONWAY HARVEY asked:—

"Will Government be pleased to arrange for an economic survey of the area which would be served by a branch railway line, Kedowa-Kisii at an early date?"

THE HON. THE COLONIAL SECRETARY: Instructions for the undertaking of a further economic survey in the near future were recently issued to the Department concerned.

#### CIVIL SERVANTS' HOUSING SCHEME.

CAPT. THE HON. H. E. SCHWARTZ asked:—

"Can Government state when it is intended to put into force the scheme for the building of houses by Civil Servants, which scheme was approved by this Council more than a year ago?"

THE HON. THE COLONIAL SECRETARY: The Scheme for Government advances to European Civil Servants to enable them to acquire their own houses has now received the approval of the Secretary of State for the Colonies in principle, subject to a satisfactory decision being made regarding the source of funds for financing the scheme.

The source of funds has now received consideration and it is hoped to bring the scheme into force in the near future.

THE HON. T. J. O'SHEA: Arising out of that answer, Your Excellency, may I ask whether, when this scheme is put into operation, Government will continue the present practice of leasing from civil servants their own houses at a much higher rental value than is justified by the capital cost?

THE HON. THE COLONIAL SECRETARY: Your Excellency, I have not any information as to the existing practice. I should like notice of the question.

THE HON. T. J. O'SHEA: Your Excellency, I did not catch that answer.

HIS EXCELLENCY: The hon. Member would like notice of that question. He is not in possession of the facts.

### MOTIONS.

#### CENTRAL OFFICES AND LAW COURTS, NAIROBI.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the following resolution standing in my name:—

"That this Council hereby approves the expenditure of a sum of £420,000 upon the purposes specified in the Schedule hereto and undertakes to approve the inclusion of such sum in the Schedule to a future Loan Ordinance together with such further sums as may be necessary to cover the cost of the issue of such Loan.

#### SCHEDULE.

Central Offices, Nairobi, and approach roads thereto	£310,000
Law Courts, Nairobi	110,000
<b>Total</b>	<b>£420,000.</b>

Hon. Members will be aware that in the Report of the Select Committee of Legislative Council on Loan Proposals in 1925 that Committee stated that they considered that, among other works which were necessary, were the erection of Central Offices and Law Courts in Nairobi, and they suggested a total figure of £250,000 for the former and £80,000 for the latter. Since that date, the question has been gone into by Government and careful consideration has been given to the question of siting both the Central Offices and the proposed Law Courts in connexion with the proposed Nairobi Town Planning Scheme. The requirements of the various Government Departments concerned have also been carefully considered.

In April of this year a sub-committee of Executive Council, which was specially appointed to consider this question, reported to Government and made the following recommendations:—

(1) That the Central Offices of Government in Nairobi should be situated on the Secretariat Hill. The accommodation proposed for these Central Offices comprises a Legislative

Council Chamber to seat 60, with four large committee rooms, and offices and waiting rooms in connexion with that. Also, it provides accommodation for the following Departments:—

Secretariat.  
 Department of Local Government, Lands and Settlement.  
 Chief Native Commissioner.  
 Treasury.  
 Audit.  
 Attorney General.  
 Forest Department.  
 Agricultural Department.  
 Survey and Registration Department.  
 Education Department.  
 Medical Department.  
 Public Works Department.

(2) The second recommendation of that sub-committee was that the Law Courts and District Offices be sited in the proposed City Square. The District Offices were to comprise certain other Departments, which it was considered desirable should be nearer to Nairobi town, as the public required more easy access to them. They were the Post Office, Game Department, Customs, Government Press, Prisons and Military.

(3) The third recommendation was that the Kenya Police Headquarters should be separately sited from the Central Offices and Law Courts. Further, that local departmental activities, such as the Public Works Department yards and Veterinary requirements, should be sited separately from (1) and (2).

An estimate of cost (only an approximate estimate) was got out to meet these requirements, and the figures arrived at were:—

Nairobi Central Offices	£260,000
Further provision for necessary road deviation to give access to the site	50,000
Law Courts	110,000
District Offices	80,000
Police Headquarters and Lines in Nairobi	60,000

The estimate for the Police Headquarters and Lines is an approximate sum, and I do not think is closely estimated for.

These proposals were put forward to the Secretary of State and he has sanctioned the proceeding at once with the sum of £310,000 for Central Offices—that is, £260,000 plus £50,000 for road deviation—and £110,000 for the Law Courts, but has

stated that, pending the preparation of a further Loan Schedule for essential loan expenditure to be made in the future, he is not prepared to sanction immediate funds being voted for the purposes of District Offices and Police Headquarters.

The Resolution which I have read out is laid before Council and I beg formally to move the Resolution standing in my name.

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

THE HON. CONWAY HARVEY: Your Excellency, although I have felt a long time that Supreme Court buildings and Central Public Offices are long overdue, I am not satisfied myself that we should be justified in spending large sums of money for a building situated on a site so inaccessible to the public as Secretariat Hill. (Hear, hear).

So far as the Supreme Court is concerned, Your Excellency, I have been greatly impressed by the eloquent appeal by the hon. and learned Gentleman on my left (the Member for Nairobi South) on numerous previous occasions. It appears to be the tradition, Sir, from my knowledge of other countries, that the architectural magnificence of these buildings should bear some relation to the fees drawn by those who work in them; that being so, I am not quite satisfied that £110,000 is an adequate sum. (Laughter).

Quite apart, Sir, from the symbol which these Central Government Offices and Supreme Court building would represent for faith, solidity and permanence, I believe the expenditure can be amply justified on economic grounds. I consider, Sir, that it is perfectly disgraceful that Government servants should be called upon to work under such sordid and insanitary conditions as they have been working under for many years in Kenya. A second very strong economic argument to my mind, Sir, is the convenience of the public. Hundreds of members of the public are constantly visiting these Government offices every day, and it is very very inconvenient indeed for them to transact their business under existing conditions. But, Sir, I do regard it as of very vital importance that the Central Government Offices should embrace the maximum possible of Government activities, and that they should be sited not more than a mile, we will say, from Nairobi town.

I hope, Sir, that when Government starts on this work they will make the fullest possible use of local supplies and make the maximum number of purchases from people who are in a position to supply goods and materials at competitive prices.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I hope this motion will be unanimously resisted by hon. Members

on this side of the House, not because the work is not necessary, but because we have not agreed upon where these offices are to be erected, and, until we are told that, it is our duty to oppose this motion. Until we have a solution of that problem, which I think, Sir, should be submitted before the introduction of this one, I feel that all Elected Members should vote against this motion. I intend to do so.

LT.-COL. THE HON. C. G. DURHAM: I am delighted to see the provision being made for a High Court. We all must admit that the present building, to say the least, is disgusting.

With regard to the Central Offices, I want to support the hon. Member for the Lake. I think Government would be entirely wrong if it built these offices on the Hill site, as stated by the hon. the Colonial Secretary. When he made his remarks about the £50,000 for the road, may I ask whether it is Government's intention to buy the Hill? It seems that £50,000 would not only make the road but buy the Hill on which the offices stand. I intend to vote against the money voted for this part of the motion.

THE HON. T. J. O'SHEA: I sincerely hope that Government will see fit to refer this matter to a committee before letting it go to a division. I think we are all agreed that it is very necessary to get on in the near future with the erection of Central Offices, and also a Court, but it is hardly fair to expect us, without going further into the matter, to vote now a sum of £420,000, with the knowledge that further large sums would be necessary to complete the scheme. Unless I have made a mistake in my hasty figures, a total sum of £560,000 is involved. In view of the large amount of money involved, Your Excellency, I hope you will agree to refer the matter to a committee for further consideration.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, while agreeing as to the desirability of Central Offices, also a new Court House—I feel both can be justified—I do not think this is the moment to pass this motion. I think much more information should be required by this side of the House certainly before we could vote the £420,000 asked for. I should like to know, before I commit myself, our financial stability at the present moment—or our ability to face this amount for the purpose that is asked for—in view of the famine expenditure, the expenditure on locusts, and the absence of information as regards our present financial standing. I suggest that it would be advisable to refer this to a committee of the whole of the Elected Members and such Members of the Government side of the House as may be considered desirable by Government. We could then clarify our minds on the subject and come to a decision.

CAPT. THE HON. H. E. SCHWARTZE: I beg leave, Your Excellency, to move an amendment, which I trust Government will accept, that the sum of £420,000 be altered to read £110,000, the word "purposes" be altered to "purpose" and that in the Schedule the words "Central Offices, Nairobi, and approach roads thereto—£310,000" be deleted, and the total be altered from £420,000 to £110,000.

That amendment really means, Sir, that this Council will approve the expenditure of £110,000 on the erection of a Supreme Court, but will not, at this stage, vote £310,000 for Central Offices. I move that, Sir, and I sincerely trust Government will accept it, because I do think this question of the Central Offices should be referred to a Select Committee of this House, which has to sanction the expenditure, and decide both on the question of site (which I consider a very very important question) and on the question of the sum allocated for roads, which I think is out of all proportion to what is necessary, and finally, to consider whether there is not already a building in Nairobi which it would be possible to acquire at very much less cost and which would make very admirable Central Offices for a very large number of Government Departments.

At all events, Your Excellency, all these questions are questions which I think we should be entitled to discuss in Select Committee, and to consider and report on to this Council.

There seems to be unanimity on the question of the Supreme Court. The site has definitely been fixed now by Government and there is no question with regard to that site, however inappropriate it may be. At all events, that, I believe, would have the unanimous support of Members on this side of the House.

I move this amendment, trusting Government will accept it.

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

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, in supporting the amendment of the hon. Member for Nairobi South, I would like to make it quite clear—I think it is tolerably clear from the remarks on this side of the House—that none of us has the desire to perpetuate longer than is possible the discomfort under which Government servants are working to-day, and this amendment is mainly inspired by the question of site, a very very important consideration, a consideration which has been fixed in the case of the Law Courts but not in the case of the Central Offices.

I regard this, Sir, as one of those issues which should not be decided on our personal ideas so much as on the desires of

our constituents, and I must frankly state that, in so far as the people whom I temporarily represent are concerned, I do not know their wishes, although I am inclined to believe that their desire would be to move further into the town rather than to follow out the proposals of the motion.

I am prompted, Sir, to urge that this committee be appointed very promptly if the House and you, Sir, accept the amendment, with the recollection, among other things, of a very striking figure given as long ago as 1920 or 1921 before the original Geddes Committee, when that Committee was convinced, beyond all question, that, apart from the better work, apart from the greater work that would be performed in the case of Central Buildings, there was a specific large financial saving, both in the direction of such minor things as messenger boys and unnecessary files, and a very much greater one in the case of important and highly paid Heads of Departments who, of necessity, wasted a very great deal of time on such occasions as waiting outside Executive Council and so on. In the case of a Central Building, they would be at the beck and call of the telephone, and very much valuable work would be contributed to the State which is now denied.

I beg formally to support this amendment.

THE HON. E. POWYS COMB: I am afraid I do not find myself in a position either to support the original motion or the amendment. I cannot conceive that this is the right time in which to plunge the Colony into further heavy expenditure on embellishments.

We have hardly recovered yet from the building of a stately pile on the Hill, another great block near the Railway Station, and two large groups of houses. Now, much as I should like to see everybody in this country well housed, I think we have got to learn to keep pace with the development of the country, and, so long as the industry which is the mainspring of the prosperity in this country is not doing as well as it should do, and is in great need of assistance, and when Government, as instanced by Your Excellency's statement yesterday, finds itself unable to come forward and help that industry, I feel that it is entirely wrong that we should continue to spend large sums of money on stately piles of masonry.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I cannot conceive that this House, after the expression of opinion given, could carry on with the programme suggested, and I propose to move a further amendment, "that the question of building of Central Offices and Law Courts be referred to a Select Committee."

I have already pointed out the absence of information as regards our finances at the moment, and I suggest that we

cannot commit ourselves to a large expenditure till that information is forthcoming: It would be much better and more appropriate to discuss the question in Select Committee than in the House.

**THE HON. THE TREASURER:** Your Excellency, reference has been made by one or two hon. Members to the financial position, and I rise, Sir, merely to remind hon. Members that they have in front of them now the Financial Report and Statement showing the exact position of the finances to the 31st December, 1928.

**THE HON. F. ARTHUR BEMISTER:** Your Excellency, I am sorry to interfere in a debate of this kind, but I do not quite see where the question of the financial position arises. It has been decided very carefully that great economies are to be effected by the erection of these buildings, and to refer to these buildings as having no relation to economy is quite wrong. There is no question about it that the Railway Manager could prove in a very short time that the work of his men and the economies effected in working will be enormous, notwithstanding the glorious building that he has put up, which I certainly think, will look well on picture postcards in the future. But, Sir, I do think that the question of economy of service should be much more pressed than this cry of economy in building. The finest example that hon. Members can have before them is the London County Council Offices, which cost £1,500,000 in their first inception and which, in three years, it has been definitely proved, have saved £500,000 in working.

**REV. CANON THE HON. HARRY LEAKEY:** Your Excellency, I wish to support the amendment because I certainly.

**HIS EXCELLENCY:** Which amendment are you supporting?

**REV. CANON THE HON. HARRY LEAKEY:** That of the hon. Member for Nairobi South. I think it is a perfect disgrace that the Law Courts should remain as they do to-day, and it is high time something should be done, both for the sake of the Europeans and for the natives, who have to do with those Law Courts.

I feel, with regard to the site for the other buildings, that there are pros and cons on both sides that are still not thoroughly settled, and while hoping that very soon these buildings will be undertaken, I think the question of site might still be considered.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):** Your Excellency, on the question of the siting of the Central Offices, I may perhaps explain that the first question Government decided was whether it wished to erect buildings for offices which would accommodate every Government activity in

Nairobi. It seemed quite clear that it was impossible to accommodate the local as well as every central activity in one building. When that decision had been made, the question arose as to whether the two sets of offices (one for the local activities and one for the central activities) should be located in the same part of the town or whether other considerations should be taken into account with a view to siting the local activities elsewhere. There is no question that the local activities should be situated in the City Square, and those offices will accommodate such things as the Land Bank, Local Land Registry, the District Commissioners Offices—all the activities on which people in Nairobi need to consult and visit Government departments about in the ordinary course of their duties, where they will find all facilities in close contact with the municipal activities and with the law courts.

The choice of siting for the Central Offices to accommodate the central activities of the Government has been the subject of a very great deal of consideration. Four or five different sites have been examined in person by two or three committees, and the decision to place the Central Offices on Secretariat Hill, though differed from by different sections of the community in Nairobi on the ground of distance and inconvenience, was taken into very careful consideration. It is a magnificent site from an architectural point of view. I think the difference in distance which people would have to pass over to get to it is rather less than three-quarters of a mile. All these considerations, Sir, were taken into account when the site was chosen.

**LT.-COL. THE HON. C. G. DURHAM:** Your Excellency

**HIS EXCELLENCY:** You have already spoken, I am afraid.

**LT.-COL. THE HON. C. G. DURHAM:** Your Excellency, arising out of the explanation given.

**THE HON. CONWAY HARVEY:** On a point of order, Sir, is not there a new question before the House in the form of an amendment?

**HIS EXCELLENCY:** If the hon. Member wishes to speak on the amendment.

**LT.-COL. THE HON. C. G. DURHAM:** It is really in reply to the amendment that the Commissioner for Local Government, Lands and Settlement.

**HIS EXCELLENCY:** I am afraid you are out of order.

From the Government point of view, I may say that I have no objection to a Select Committee being appointed to deal with the question of Central Offices. With regard to the Law Courts, I am prepared, on behalf of Government, to accept

the amendment proposed by the hon. Member for Nairobi South. I may say, with regard to the references to finance, that some hon. Members seem to have forgotten that these funds are Loan Funds. They do not come directly—though they do ultimately, of course—out of the resources of the country. They are spread over a number of years.

I will first put the amendments.

The amendment proposed by the hon. Member for Plateau North has not been seconded, therefore it falls.

I will now put the amendment moved by the hon. Member for Nairobi South, that the figures £110,000 be substituted for the figures £420,000 where they occur in the motion and the schedule, and that the word "purposes" in line 2 be deleted and the word "purpose" be substituted therefor; and that the words and figures "Central Offices, Nairobi, and approach roads thereto . . . £310,000" be deleted from the schedule.

CAPT. THE HON. E. M. V. KENEALY: On a point of order, Your Excellency, before the question is put—it is a point of general application—Government, Sir, undertook to furnish Elected Members with an agenda prior to all meetings of Council. We have not had such an agenda and a question of this kind, I suggest, should not be put without giving time for us to discuss it among ourselves and come to some coherent opinion. I suggest, Sir, that it is improper to have spasmodic discussions which have not been submitted to us. We have had no agenda as to what was to be discussed at this session and I do consider it is wrong.

CAPT. THE HON. H. E. SCHWARTZE: On that point of order, Your Excellency, may I inform the hon. Member that the agenda was sent to the Elected Members by the Clerk and was discussed by them. I do not think Government can be expected to supply each Member with an agenda of every single motion surely. Everything was done in this case that could be done.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I most profoundly disagree with the opinion expressed that Government cannot be expected to supply an agenda to Members on every single motion.

THE HON. E. POWYS COBB: Your Excellency, I would like to support the point made by the hon. Member for West Kenya. It is a very great handicap if Members cannot get, some time in advance of the motion, an indication of questions to be discussed during the session. Government may find itself in a difficulty and have to introduce matters at the last moment,

but such a matter as this, I maintain, must have been in the mind of Government for weeks past, and it would have been reasonable. I suggest, to expect that it should have been communicated to Members, not a few days ago but a few weeks ago. The same applies equally to the Bills coming up for discussion. It is very difficult to ascertain in advance whether a particular Bill is going to make its appearance or not, and that does not help in the efficient discussion of those Bills when they do come up. I make this protest purely in the interest of the efficient working of this Council.

CAPT. THE HON. H. E. SCHWARTZE: Your Excellency, on the hon. Member's point of order, if he wishes to raise such a point of order, I submit it should have been raised when the motion was introduced and not wait until the question is put.

HIS EXCELLENCY: I may assure hon. Elected Members that Government has no desire to prevent the earliest information being conveyed to them as to the business which will be taken at meetings of this Council. The Clerk will be instructed to forward, if possible, to every Member a précis of the proposed business.

\* The question is in the terms of the motion.

The question was put and carried.

#### OTHER BUILDINGS.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I rise to move the following resolution standing in my name:—

"Be it resolved that this Council hereby approves of the excess under the Head "Other Buildings" of the Loan Schedule as shown in the Schedule hereto, being met from savings under the Head "Housing for Government Servants" of the Loan Schedule.

#### SCHEDULE.

##### Other Buildings (Offices)—

Kwale	...	...	...	£600
Ngong	...	...	...	1,002
Isiolo	...	...	...	1,250
				£2,852."

Your Excellency, the object of this resolution is to obtain legislative sanction for certain reallocations within sub-heads shown in the Loan Schedule, which the Loan Works Committee have authorised, in order to permit of the execution of certain early work. If hon. Members will turn to page 7 of

the Loan Statement, which was laid on the Table yesterday, they will see that the first head (a) Public Buildings, is subdivided into sub-heads 1 to 6—Housing for Government Servants, Medical Buildings, Educational Buildings, Other Buildings, Maize Drying Installation and Cold-Storage Installation.

As hon. Members are aware, it has always been the practice, carried on with the approval of the House, to allow the Loan Works Committee certain latitude in approving re-allocation of expenditure, but some explanation seems desirable as to the reason why the Committee re-allocated, without the sanction of Council, savings under, for example, (1) Housing of Government Servants, to meet excesses under say, sub-head (4), Other Buildings. At the stations referred to in the Schedule, when the question of housing was examined on the spot, it was found that certain office accommodation should be provided but that the necessary funds for those offices were not available under sub-head (4). The Committee therefore considered that it would be reasonable to meet those small excesses—which you will see from the Schedule are quite trivial—from available savings under sub-head (1), and the object of this resolution is to obtain legislative sanction for this re-allocation. So much for the general principle involved.

I should like, however, to add a further word of explanation in respect of the expenditure at Ngong. If hon. Members will turn to page 21 of the Statement they will see that originally the sum of £5,108 was allocated for housing at Narok. Subsequent, however, to the date on which that provision was made in the Schedule, the Government decided that the headquarters of the Masai Province should be moved from Narok to Ngong, and, in consequence, it was no longer necessary to proceed with the building programme at Narok originally contemplated as reflected in the Schedule. The building programme necessary at Ngong has involved an expenditure of £4,018 on housing and £1,002 on offices, or a total of £5,050 in all. The original provision for housing at Narok was £5,108, and the proposal, therefore, is to meet the requirements of housing and office accommodation at Ngong from the savings thus obtained from sums provided for housing at Narok. I trust that the Council will give formal sanction to these re-allocations.

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

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, arising out of the explanation given by the hon. the Colonial Secretary, I have one or two remarks to make. First of all, I would like to say, Sir, that originally the Loan Works

sanctioned included £5,108 for building the D.C.'s and the A.D.C.'s house at Narok. That was changed without the knowledge or sanction of the Loan Works Committee, and Ngong was substituted for Narok. At Ngong, one house was built instead of two, and, in addition to that, we are now asked for a further sum of £1,002 to build certain offices. I submit, Sir, that the procedure is entirely out of order, and I would like, further, to ask for an explanation from the Colonial Secretary in this respect. He states that the amount was saved on buildings at Narok. Actually, Sir, that amount has been re-asked for. Some two months ago, if I am right, the amount was again included in the Loan Works Building Programme and these buildings at Narok have not been completed because there were no funds to do so. Under those circumstances I am going to vote against this £1,002.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I should also like to ask for a full explanation on these points, more especially on the point raised by the last speaker as to whether it is a fact that the sum of £5,000 was originally sanctioned for the building of two houses. Is it a fact that, without any reference to anyone, His Excellency Sir Edward Grigg directed that only one house should be built, and that that house should be the one occupied by himself? There is a very strong feeling in the Colony about this.

LT.-COL. THE HON. W. K. TUCKER: As a member of the Loan Works Committee, I support what the hon. Member for Kikuyu says; at any rate to this extent—that it does give to the hon. Member an opportunity of stating definitely that it is the intention of Government to come back to this House if there is to be any variation under this particular sub-head, whether the vote has been granted by way of Loan Works schedule or by budgetting. There did appear to be some doubt on this particular subject, and, while I am far from saying that the Official Members of that Committee hesitated in the matter, none the less, the Unofficial Members strongly expressed the view that this was a principle, apart from the many difficulties which require discussion, that, on the general question, this Loan Works Committee will undoubtedly be helped in the future if a very definite expression of opinion is given this morning that, if any variation takes place in the matter, whether small or big, they are coming back to this house for approval.

CAPT. THE HON. E. M. V. KENYAL: Your Excellency, I should like to amplify the urgency of the point raised by the last speaker. Sir, the precedent was established, and wrongly established, when sums voted for Government House, Nairobi, were diverted to building or adding to Government House,



Mombasa. If the Elected Members, Sir, had unanimously opposed that, as they should have done, instead of running away from the fight, as they did do, this incident here quoted would not have arisen—and it arises on this particular vote in two places, because I notice that Isiolo is also on the list. Now, Sir, the intention of Government was originally to make Meru—this is proper to the discussion, Sir—the headquarters of the Northern Frontier Province. It was subsequently decided, without reference to this House, that Isiolo should be the headquarters of the Northern Frontier Province. If the headquarters of the Northern Frontier Province are not to be in the Northern Frontier Province, then, Sir, I suggest they should be at Nanyuki, the railhead on that particular portion of the railway. I oppose this vote, Sir, because of the principle involved—or the lack of principle—which was established when the funds for Government House, Nairobi, were wrongly transferred to Government House, Mombasa, at a time when Elected Members lamentably failed in their duty to the country.

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

THE HON. THE COLONIAL SECRETARY: Your Excellency, I endeavoured, in my introductory remarks, to make it clear that the Loan Works Committee had come to this House because they wished to make it quite evident to the House that the action which they had done was subject to legislative scrutiny and they desired endorsement of their action.

A great deal has been said on the subject of principle, but I think we should differentiate between the two principles, as it were, involved. There is the one principle that, in the case of Ngong, money has been provided for Ngong, although originally Ngong did not stand in the schedule as passed by the Council. I am prepared to concede to hon. Members that they have a right to object to that being done without their prior sanction, but, at the same time, I would like to put it forward, from the Government point of view, that the decision to move the headquarters from Narok to Ngong was made by the Governor in Council at which Unofficial Members were present. That decision having been made, I do not think hon. Members here would have considered that the Loan Works Committee were doing their duty if they had proceeded with the erection of buildings at Narok, inasmuch as it was no longer going to be the headquarters of the Masai Province. They have now taken the opportunity to ask this House to give them its covering approval.

The other question is really more an accounting question than anything else. Just as in items of revenue and expendi-

ture, where savings from items under one head are set against excesses under another, and are finally set right in the Supplementary Appropriation Ordinance, so here we are coming to you to give us that sanction in order that the Loan Schedules, when they are prepared, are perfectly correct. I think these two principles should be kept distinct.

CAPT. THE HON. H. E. SCHWARTZE: Your Excellency, may I have an answer to my question about two houses, not one?

THE HON. THE COLONIAL SECRETARY: I will, if I may, call upon the Senior Commissioner, Kikuyu, to answer that. He actually erected those houses.

THE HON. E. B. HORNE: Two houses were built—one for the Senior Commissioner and one for the clerk.

LT.-COL. THE HON. C. G. DURHAM: If Narok is abandoned.

HIS EXCELLENCY: I think you have already spoken on the motion.

Before putting the question, in reply to the observations made by the hon. Member for Nairobi South, I am perfectly convinced that the change of venue from Narok to Ngong had nothing whatever to do with Sir Edward Grigg's personal wishes, and was in the interests of the country and in accordance with the decision of Executive Council.

CAPT. THE HON. H. E. SCHWARTZE: On a point of explanation, I think Your Excellency misunderstood me; I never suggested for a moment that the change of headquarters from Narok to Ngong was done for any other purpose than in the best interests of the country and on the advice of the Executive Council. What I asked was whether the actual house provision which had been agreed to for two houses at Ngong, as sanctioned by the Works Committee, was altered to one house at a much greater cost on the definite instructions of His Excellency and the Works Committee. I am only asking for facts, Sir.

HIS EXCELLENCY: I think the answer to that question is in the negative.

The question is in the terms of the motion.

The question was carried by 22 votes to 11.

Ayes: Messrs. Baker, Bale, Brassey-Edwards, Bruce, Campbell, Deck, Dobbs, Grannum, Holm, Horne, Cannon

Leakey, Messrs. Logan, McCarthy, Malik, Montgomery, Moore, Dr. Paterson, General Rhodes, Messrs. Scott, Sikes, Sir Ali bin Salim, Col. Wilkinson.

Noes: Messrs. Bemister, Cobb, Coverdale, Col. Durham, Mr. Conway Harvey, Major Johnston, Captain Kenealy, Col. Kirkwood, Mr. O'Shea, Capt. Schwartz, Col. Tucker.

#### FILM CENSORSHIP.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:  
Your Excellency, I beg to propose the resolution standing in my name:—

"That the Report of the Select Committee appointed to consider the question of Film Censorship be adopted, subject to the following alterations:—

- (1) Paragraph 5 (3).—That the number of categories under which censorship is to be carried out should be two only, namely, African and non-Africans.
- (2) Paragraph 5 (5).—That the Board proposed should not include a Police Officer."

In 1926 a report was put up by the Committee which had been appointed to go into the question of film censorship, and these rules were presented to Legislative Council. These rules did not meet with the approval of a large part of the public of this Colony, and, on a motion in Legislative Council, a new committee was appointed, the terms of reference of which were "That this Council resolves that the proposed rules referring to the censorship of films be referred back to a Select Committee for reconsideration. This Select Committee sat at the beginning of this year, and put up this report, which was laid on the table at the last session of this Council.

The recommendations of the Committee are contained in paragraph 5 of that report, and they differ in certain respects from the original recommendations made by the previous Committee.

The original Committee recommended a single censor with an appeal board. It was pointed out that this might lead to undesirable films being shown in the country before there was an opportunity of stopping them, and the recommendations of this Committee are that a board should be appointed containing a certain personnel, which appears in paragraph 5 (5) of the report.

It also recommends that all films coming into this country should be censored *de novo* on arrival. The original Committee recommended that the English or South African censorship certificates should be taken. This Committee did not recommend that.

There are two alterations, as mentioned in the motion, to the report as it originally was put up by the Committee. One of them is that the Committee recommends that there shall be three categories, and the recommendation now before the House is that these should be reduced to two, as it is considered it would be impracticable for various reasons to have three different categories.

It is also recommended now that the original report of the Committee should be varied to the extent of dispensing with a Police Officer on the Board. A Police Officer is a member of the Board in most parts of the Empire, but, looking at it, it appears rather unreasonable he should be, for the Police are the persons to take action if there is a breach of the conditions on which a film is shown; it does not seem quite right that a Police Officer should be also on the Board that censors the film before it is shown.

One of the alterations made by the recent Committee is that there should be a paid Chairman of the Board.

Paragraph 7 of the report gives various suggestions for guiding the Censorship Board. I think everybody is agreed that it is desirable that films coming into this country like this should be censored very carefully before they are shown, owing to the entirely different outlook on life and entirely different customs of the inhabitants of this country from the people in Europe. Mr. Baldwin, in 1927, in a public speech, said:—

"In my view, the whole progress of civilisation is bound up with the capacity that the white races have, and will have, to help the races of the world to advance, and if their power to do that be impeded by false ideas of what the white races stood for it may well be that their efforts will not only fail but that the conception of the white races generated in the hearts of the coloured races may be an initial step in the downfall of those white races themselves."

He (Mr. Baldwin) looked with the gravest apprehension on the effect the commoner type of film had in representing the white races when presented to the coloured races of the world.

It is with a view to preventing such films being shown in this country that the recommendations made by the Committee have been put up.

I move the adoption of the report with the emendations mentioned.

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

THE HON. T. J. O'SHEA: Your Excellency, I consider it my bounden duty to oppose the adoption of this report. I oppose it, Sir, in the belief that I am expressing the views and feelings of a large class of the European people of this country—people whom I might speak of as the inarticulate mass—who do not feel competent to criticise legislation and never realise the consequence of it until they are up against those consequences. I feel certain that if the European people of this country realised what is involved in these proposals there would be a strong outcry against their adoption. Unfortunately, public opinion is very lethargic in this country, and, more unfortunately still, only expresses itself rather late in the day. I imagine that not until something arising out of the application of these proposals has happened will the public express its opinion. It will be understood, Sir, that I am not opposing the adoption of the motion in so far as it refers to the censorship of films for Africans. Everybody who takes an interest in the development of the African seems to be agreed that it is highly desirable that there should be a rigid censorship of films in so far as he is concerned. That view I am not prepared to oppose. I quite recognise that a strong censorship is very necessary in view of the quality of the films circulating.

Practically all the films which come to this country are of a recreative rather than an instructive nature. That being so, I agree that strong censorship of films for Africans is necessary, but when it comes to censoring afresh for Europeans all the films that come into the country, I think the Government is undertaking a very unwise step. The suggestion that all films coming into Kenya should be censored *de novo* for Europeans fills me with the greatest alarm. It is one of the very few evening recreations available to the European people of the towns in Kenya, and that that recreation should be interfered with to the extent suggested in this report fills me with horror.

There are considerable practical difficulties in the way; in fact, the difficulties are so great I feel certain this suggested Censorship Board will find it impossible to carry out its work as recommended by the Committee.

I would remind the House that practically all the films coming into the country for exhibition to Europeans have already been censored at least twice, and very often three or four times before they come here. There are great objections

to local censorship from the commercial point of view, inasmuch as the renters of films are very reluctant to take the risk of their films being cut about after they get out of their control. Those difficulties and those reasons will be very much greater when we arrive at the stage of importing "talkie" films. I speak subject to correction, but I understand that the cutting about of "talkie" films jeopardises the further use of them, and, as they are very expensive, and likely to remain very expensive for a long period, because of the difficulty of taking them, it will make it very difficult indeed for this country to get these films.

In my opinion, Sir, it is absolutely unnecessary to censor all films for Europeans *de novo*. They have already undergone severe censorship in at least two countries before they reach here, and, as evidence that that censorship is not unsuited to the requirements of the European population here, I make the statement that there have been very few films found unsuitable for exhibition to Europeans in this country during the last few years. I think it is only fair to people who think as I do on this subject that Government should make some statement as to the number of films it has been found necessary to ban during the last two or three years. I have heard of very few. Also, I think it should do something more to justify the change from the present censorship to the Board that is now recommended. If I am right in believing that it has been found necessary to ban very few pictures tendered for exhibition, and if I am right in believing that public opinion has found little dissatisfaction with the pictures shown from the point of view of the censor, I may say there is no justification for changing from the present method of control. The Police Officer appointed to exercise the censorship at present appears to have done his work very efficiently, and I see no justification whatever for changing from the present order of things.

I regard with considerable alarm the constitution of the proposed Board of Censors. Let me make it quite clear that I have no objection to a lady being on the Board; on the contrary, if you are going to have a Board, I think the presence of a woman is very desirable; but I think she should be put on that Board on her merits. I take it rather as an insult to the women of the country than a tribute to them that it should have been found necessary to mention specially the inclusion of a woman, and also I think it is inadvisable for the Committee to pick out one particular organisation and lay it down that the woman member of the Board should be appointed by that organisation. I stand second to none in my admiration for the personnel and work of the East Africa Women's League, but I think it is very inadvisable that this report should advise that the woman member should be their nominee. If it were recommended that a woman be appointed I should

think that would be sufficient, and Your Excellency and your successors could give due consideration to the fact that that particular League was run by ladies whose public work entitled consideration in making the appointment.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: On a point of explanation, Your Excellency, I think that particular reference to the lady slipped in by accident. It was the recommendation of the hon. Member for the Lake that the lady should be deputed by the East Africa Women's League. I had put that recommendation in the original copy in pencil, and I notice it has been typed in as part of the report.

HIS EXCELLENCY: Is it your explanation that it does not really form part of the report?

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER: Yes.

THE HON. T. J. O'SHEA: I am very pleased to learn that that reference has been taken out; it will be understood, of course, that it is not because of any lack of appreciation of the work of the East Africa Women's League.

As illustrating the practical difficulties of exercising this very severe censorship in the form recommended by the Committee, may I draw the attention of the House to paragraph 5 (G), in which it is laid down that all pictorial posters should be censored by the Board and that local advertising matter should be submitted for censorship to a competent local authority appointed by the Governor. Now, Sir, it may be possible, without any great difficulty, to provide for the censoring of pictorial posters, because these are made some time before the films are displayed, but when it comes to submitting all local advertising matter I suggest that that is an unreasonable stipulation to make, inasmuch as the local printed matter is composed almost entirely of notices of the date and time and prices. It seems to me it will be extremely difficult now for the people responsible for the exhibition of pictures in this country to comply with such an unreasonable demand. It is an invitation to violate the law from the very outset.

I would draw particular attention, Sir, to paragraph 7, because it is very largely on it that I base my very strong opposition to this motion. I believe, Sir, that the strict carrying-out of those instructions would ban nine-tenths of the films that are exhibited in any part of Europe and nine-tenths of the films that are likely to be tendered for exhibition in this country. I repeat, Sir, that, in my opinion, the strict interpretation of those instructions will bar the exhibition of nine-tenths of the films tendered for exhibition in this country.

Sub-clause (a) lays down: (I am speaking entirely of exhibition to Europeans):—

"No stage play, film or poster should be passed for exhibition to any persons which in the opinion of the censorship authorities may arouse undesirable racial feeling by portraying aspects of the life of any section and particularly of the white race which, however innocent in themselves, are liable to be misunderstood by communities with other customs and traditions."

Practically all the plays and films deal with the abnormalities rather than the normalities of European life. Looking back on the limited number of pictures that I have seen displayed in this country in the last four or five years, I can think of very few that have not contained incidents that could not be construed as liable to be misunderstood by communities with other customs and traditions. I invite any body of people to witness half a dozen of the type of film that is displayed in this country to support me or refute me in that view.

Sub-clause (b) lays down:—

"No stage play, film or poster should be passed for exhibition to any person which in the opinion of the censorship authorities is likely to upset the susceptibilities, religious or otherwise, of any section of the people before whom it is exhibited."

I suggest, Sir, that the strict interpretation of that instruction will interfere with the exhibition of quite a large number of films. Only a week or two ago I witnessed the exhibition of a very amusing film up in Eldoret entitled "The Kellys and the Cohens." It was one of the most delightful films I have had the pleasure of seeing for the last year or two, but I can readily understand "blue stocking" people having strong objection to that picture as likely to offend the racial susceptibilities of the Irish people and the religious susceptibilities of the Jews.

To my mind, Sir, you are giving very strong powers indeed to these people and, if they strictly interpret these instructions, there is no reason why they should not ban those pictures on those grounds. It may seem absurd, but the type of people who interfere with the pleasures of people in this country are the type of people who do these absurd things. I believe it is a fact that the film of "Oliver Twist" was objected to by the "blue stockings" of this town because it was liable to arouse a desire on the part of those who witnessed it to indulge in pick-pocketing. That, I believe, is an actual fact.

Sub-clause (c) lays down :—

" No stage play, film or poster should be passed for exhibition to any person which, in the opinion of the censorship authorities brings into disrepute or ridicule the Forces of the Crown and His Majesty's uniforms or any authorised British Force and their uniforms."

Your Excellency, I repeat that I am criticising these proposals from the point of view of a European audience. I ask this House whether it is not a fact that a very large proportion of the funny element of the pictures is not provided by people in uniforms of one sort and another? While, if exhibited to natives, that might apply, it seems to me the height of absurdity to suggest (dealing with a European audience) that that provision is, from any point of view, advisable.

Sub-clause (d) reads :—

" No stage play, film or poster should be passed for exhibition to any person which in the opinion of the censorship authorities is likely in a wide sense to bring white women into disrepute."

Your Excellency, I do not go to the pictures very much—I only go to those that I hear are well worth going to, because I have something else to do with my time in the evening—but, on looking back on the thirty or forty pictures I have witnessed in the last three or four years, I should say that not less than one out of three of them exhibited white women in a way that certainly brings them into disrepute, in my opinion. The actions of white women displayed in the average picture may be likely to bring them into disrepute if exhibited to, say, Africans, but when it comes to exhibition before Europeans we can appreciate that these pictures are giving the abnormalities of life, and that they do things to arouse interest or provide amusement. Their actions are, I suggest, such as are likely to bring them into disrepute, and a literal interpretation of that clause would again, I consider, ban a very large proportion of the films that Europeans are in the habit of seeing in this country.

Any board of censors set up under these instructions would find it practically impossible to carry out these instructions without banning a very large proportion indeed of the pictures that the people would wish to see, and are entitled to see, and such a degree of interference with the amusements of the people is, I think, tyrannical. That is the only expression I can use for it.

Sub-clause (e) contains the last instruction :—

" No stage play, film or poster should be passed for exhibition to any persons which in the opinion of the

censorship authorities portrays contests between black and white persons or races, violent industrial unrest, drunkenness, so-called 'crooks,' 'high life,' and 'bedroom' scenes, or which is otherwise undesirable in the opinion of the censorship authorities."

There will be no loophole for the possibility of people seeing any picture worth looking at. This section covers pretty well the balance. In other words, Your Excellency, it is clearly suggested that this censorship board should have the sole right to say what pictures we shall and shall not see in this country, and anything that appears to them as objectionable is sufficient to justify rejection.

Why should they have the strongest possible objection to pictures that show scenes of violent industrial unrest and drunkenness? I ask again, is not a large part of the funny element in most pictures provided by the exhibition of drunken people? (Laughter.) Are any of us, in consequence of witnessing such exhibitions, more likely to get drunk more often than we do to-day? (Laughter.) I hope not, Sir. On the contrary, on occasions, I should think some of us are made to think what silly asses we are when we get drunk by seeing these people and how they behave in a state of drunkenness.

I suggest, Sir, that if there is a literal interpretation of those instructions a very large proportion of films are going to be banned.

It was only the other day that I read one of the many articles one reads about Mr. Baldwin. It said that his greatest recreation, in the little spare time he got, was in reading Edgar Wallace's books about "crooks." I submit that if the Prime Minister of Great Britain sees no harm in finding his recreation in reading stories about "crooks," there is no great crime for the people of this country to find a little recreation in studying the antics of "crooks" on the pictures.

Then again, there is to be no exhibition of pictures displaying scenes of "high life." I am willing to admit there are things that have happened in the "high life" of this and other countries which it would be better not to portray in pictures, but I suggest that the scenes that form such a prominent feature of most of the pictures of that type nowadays have been very severely censored before they come to this country. If you are going to exclude entirely scenes of "high life" from the films exhibited in Kenya, I ask: What are we going to be left with? Charlie Chaplin and Harold Lloyd will be all that will be left to us. On occasions they are most amusing; but I should think a diet of Charlie and Harold only would be a very unnutritious one.

Again, there are to be no bedroom scenes. Unfortunately, I missed seeing recently a film that I have heard spoken of as one of the best and most innocent pictures that have been exhibited in the country for a long time, entitled, "Up in Mabel's Bedroom." (Laughter.) Now I put it seriously to hon. Members of this House, to those of them who had the great pleasure of witnessing that particular film, whether it was one to which any reasonable white man or woman could reasonably object? If it were not—and we have heard no objection to it on the part of any section of the community in recent weeks—I ask them, what would be their opinion if, to-morrow, they were informed that this new censorship board objected to that picture being shown again in the country? Naturally, they would be all indignation, and yet the House wants to set up a board and definitely instruct it to refuse permission to exhibit pictures of that type in the country.

I submit, Sir, that the instructions you are laying down here for the guidance of that Board are such as give them authority to ban nine-tenths of the pictures that come into the country, such as we have been witnessing for the last three or four years, and to which no section of the public has taken the slightest objection.

I sincerely hope, Sir, that this House will not take such a step. If it does, I suggest it is interfering with the recreation of the people in a way that it has no justification for interfering; that it is, in fact, indulging in one of the most tyrannical acts I have known a public assembly indulge in for a long time past.

I make a strong appeal, Sir, to you and to the House, to reconsider this and on no account to pass it in anything like its present form, to-day.

CAPT. THE HON. E. M. V. KENKALY: Your Excellency, on a point of order and procedure, may we have a statement from Government in regard to how this report should be considered. I suggest, Sir, it might be appropriate to deal with it in this way: that the amendments to the report should be taken first because, although one might consider the report itself as a perfect document one day, one would then have to propose to incorporate all these amendments. I suggest, Sir, that the amendments first be put to the House and discussed, and thereafter the report, as amended, or as originally drafted, be submitted to the House for its approval or rejection.

HIS EXCELLENCY: The question is that the report be adopted by this Council with the amendments.

CAPT. THE HON. E. M. V. KENKALY: Well, Sir, I should like to speak to the report as a whole and to the amendments

generally. It makes it very difficult, because one might agree with one of the amendments and not another and, if one of the amendments were insisted upon, you would have to oppose the adoption of the report.

HIS EXCELLENCY: You could move an amendment.

CAPT. THE HON. E. M. V. KENKALY: Well, Sir, I will take the first amendment. It has been suggested, Sir, that the first paragraph which provides for the division of categories of films to be censored into three is wrong, and that the categories should be two. But, Sir, we have had no reasons adduced by Government for countering the suggestion made by the Committee, except that the Government considers the suggestion that the categories should be three is an impracticable one. The Committee went into the matter very carefully and had reasonable grounds for believing that three was the correct number, and I believe no case has been made-out, except that it is considered impracticable, for opposing the recommendation in the report. I am going to oppose this amendment, Sir—the first amendment—because no reasons have been given for its suggestion.

Then, Sir, with regard to the second one, the reason that Government is opposed to the police officer being a member of the Board appears to be that the police officer concerned would be responsible for prosecuting infringements under this Ordinance, but, after all, most other countries in the world have found that action of a police officer in that capacity did not interfere with his duties. I think it is essential that there should be a police officer on the Board, and again, I think, Government has failed to provide reasons or to substantiate reasons for the incorporation of this amendment. I think, Sir, that this report of the Film Censorship Committee, as tabled, is an admirable one and should not be modified in this manner.

Now, Sir, I want to deal with the report and oppose the suggestions made by my hon. friend who has just bolted. (Laughter.)

(The Hon. T. J. O'Shea returned to the Council Chamber.)

Oh, he has come back. (More laughter.)

Now, Sir, there are several grounds for criticism raised by the hon. Member for Plateau South, but, Sir, most of those grounds were based upon a very critical faculty which has rather run amuck, because the strict interpretation was clear all the time. Is it reasonable to suppose that the film censorship body, constituted as it will be constituted, will not be guided by commonsense? This body must be given wide

powers, but they will be responsible to the country as a whole, and they will be responsible to this House; and although my hon. friend has made a very eloquent appeal on behalf of his little friend "Mabel," I do not think the Film Censorship Committee will be opposed to any of Mabel's activities in her bedroom. (Laughter.)

The suggestion, Sir, that the forces of the Crown should remain, as they have remained in the past, unscathed by ridicule, is essential. I think, Sir, there is enough fun in the world, there is enough absurdity in the world—there is enough absurdity even in this House, Sir—to provide material for the films if it were looked for. I feel, Sir, there are some things which should not be assailed by ridicule, and the forces of the Crown constitute one of the things which should not be assailed by ridicule. These restrictions, which it is suggested should be imposed, will be imposed with discretion. They will not be arbitrarily imposed and commonsense will guide and mark the strict interpretation of these rules. I oppose the amendment and I endorse the adoption of the report.

THE HON. T. J. O'SHEA: On a point of explanation, Your Excellency, with reference to ridicule of forces of the Crown, it was based on the fact that most of the films coming into this country have already been censored in Britain and have been exhibited in Britain.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I was a member of the original Select Committee which put in the first report, and that Committee recommended a single censor of films to be exhibited to non-Africans; and it also recommended the non-censorship of films bearing the imprimatur of the British and South African Boards of Film Censors intended to be shown to non-Africans. I still think the report of the first Committee was very much better than the report of this last Committee. I was, however, very much taken to task, and was told I ought never to have sat on that Committee, and ought not to have signed the report, nor ought I to cast a vote in any future debates on this subject, because I happen to have a minute interest in the Theatre Royal, Ltd. If that is the feeling, Sir, I am not going to vote on this question; but, at the same time, Sir, I do think that a tremendously strong case has been made out by the hon. Member for Plateau South with regard to these instructions.

I will deal solely with these instructions. If you are going to issue rules and pass legislation containing instructions to people put in authority, it is only fair that you should look at those instructions from the strictly literal standpoint. It is all very well for the hon. Member for West Kenya to say that the Board of Censors will be guided by commonsense.

I have no doubt they will. But if they are to be guided by commonsense and not by hard and fast instructions, presumably those people who are going to be appointed are going to be sensible people ready to be guided by commonsense.

The hon. gentleman has referred to the fact that we should never obtain any laughter at the expense of the forces of the Crown, but he cannot be serious when he remembers the picture by Mr. Bateman of the guardsman who dropped his rifle on parade. (Laughter.)

I should like to move an addition to the amendments already moved, that is, that the following words be added:—  
“(3) The deletion of paragraph 5 (7).”

That simply means that in any rules Your Excellency may enact, there will be no hard and fast instructions given to the Board. They will be guided by commonsense and the best interests of the population they represent. I recommend this amendment and trust the Government will accept it.

THE HON. T. J. O'SHEA: Your Excellency, I beg to second that amendment. I realise, Sir, it is impossible to do more in connexion with this matter, but a large part of my objections to the censorship will certainly be removed if Government sees fit to adopt this amendment, which, I think can conceivably claim to be based on commonsense. If it is left to the decisions of the Board as to what pictures they should and should not pass, I think we should be in a much safer position than if we tied their hands.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I rise to support the Select Committee for the reasons given by the hon. Member for West Kenya. With regard to the wonderful speech put up by the hon. Member for Plateau South, I can only think that he based the whole of his arguments on the supposition that Government was going to appoint people to this Board who have only early Victorian ideas in their heads.

HIS EXCELLENCY: I will put the amendment moved by the hon. Member for Nairobi South. From my own point of view, I think there is a great deal in the arguments adduced by the mover of that amendment and by the hon. Member for Plateau South. Censorship of films is very largely a matter of opinion, and I think that we must trust the people who are appointed censors, without endeavouring to tie their hands by giving them hard and fast instructions. That is my own view on the subject, and, so far as the amendment goes, each Member of this House can exercise his own opinion in voting for it.

The question is that the motion be accepted, provided that paragraph 5 (7) of the report be deleted.

The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY: On a point of order, Sir, has the report of the Select Committee appointed to consider Film Censorship been adopted?

HIS EXCELLENCY: In the form of the amendment. In my opinion, it has been adopted. The motion has been adopted with the deletion of paragraph 5 (7) of the report. Have you any qualms on the subject?

CAPT. THE HON. E. M. V. KENEALY: Only that my opinion differs, Sir.

### BILLS.

#### FIRST READINGS.

##### LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL.

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

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

##### LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL.

On the motion of the hon. the Acting Commissioner for Local Government, Lands and Settlement, the Local Government (District Councils) (Amendment) Bill was read a first time.

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

##### WEIGHTS AND MEASURES (AMENDMENT) BILL.

The hon. the Acting Attorney General (Mr. T. D. H. Bruce) moved that the Weights and Measures (Amendment) Bill be read a first time.

#### SECOND READINGS.

##### SUPPLEMENTARY APPROPRIATION BILL.

THE HON. THE COLONIAL SECRETARY: I beg to move the second reading of a Bill to make Further Provision for the Public Service of the Colony for the Year ending on the 31st day of December, 1928.

As hon. Members are aware, this is a purely formal measure to give legal sanction to sums already approved by this House in Supplementary Estimates.

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

The question was put and carried.

#### FIRST READINGS.

##### WEIGHTS AND MEASURES (AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, owing to an error the Bill to amend the Weights and Measures Ordinance was not seconded. With Your Excellency's leave and the leave of this House, I will move the first reading again.

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

The Bill was read a first time.

#### SECOND READINGS.

##### EXPLOSIVES BILL.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill to Consolidate and Amend the Law relating to the Manufacture, Storage, Sale, Transport, Importation, Exportation, and Use of Explosives.

Your Excellency, up to date the law relating to explosives in this Colony has been contained in the Indian Explosives Act, 1884, which has applied to this Colony. It is now thought very desirable to consolidate the law with regard to explosives and to make and insert certain new provisions with regard to the classification of explosives, and the amendment, transfer and revocation of licences.

For this new Bill, Sir, the South African model has been taken, which incorporates practically the whole of the provisions of the Indian Explosives Act, 1884, but it brings the law relating to explosives up to date. Therefore this Bill, as I say, Sir, is modelled on the South African Explosives Act of 1911—that is, some years later than the 1884 Act.

This Bill, Sir, makes provision in clauses 12 to 16 for an official, to be known as the Director, who shall be, here in this Colony, the Hon. the Director of Public Works, or any other official whom the Governor may depute, for the grant of licences for the purpose of establishing or directing explosive factories. Under the Indian Act, Sir, it was necessary that the application should be made to the Governor in Council and an enquiry conducted by a magistrate. But I think this Council will agree that this alteration is perfectly reasonable.



and the more modern method. The old procedure, Sir, although it is suitable no doubt to India, is very cumbersome so far as this Colony is concerned; especially in view of the fact—and I think the House will agree with my view here—that in recent years the Governor in Council has been much overburdened with work, and it is highly desirable, where possible and practicable and reasonable, as I submit it is here, to take as much work as possible off that body.

Clauses 18, 19 and 20 enable the Director to amend, transfer and revoke such licences as are referred to above.

Clause 3 of the Bill provides for the appointment of inspectors of explosives, and these inspectors are given certain powers by clauses 23, 24 and 25 of the Bill.

The last clause provides that the Governor in Council shall have the power to make rules for the better carrying out of the provisions of the Bill.

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

THE HON. THE DIRECTOR OF PUBLIC WORKS: Your Excellency, I beg to second the motion.

The question was put and carried.

#### CIVIL PROCEDURE (AMENDMENT) BILL.

THE HON. THE ACTING ATTORNEY GENERAL: Sir, I beg to move the second reading of a Bill to Amend the Civil Procedure Ordinance, 1924.

Section 25 of the Civil Procedure Ordinance, 1924, provides that, if a defendant does not enter an appearance to an action brought against him, the Court may give judgment for the plaintiff in default, and that, in cases for which rules have been made under section 83 (2) (f) of the Civil Procedure Ordinance, 1924, it shall not be necessary for the court to hear the case before giving judgment. Section 83 (2) (f) of the Principal Ordinance refers to certain summary procedure. Clause 2 of this Bill is intended to extend the scope of section 25 of the Principal Ordinance, and it does so extend it, so as to render it unnecessary for the court to hear the case before pronouncing judgment in the following cases, namely:—

- (1) where the plaintiff is drawn claiming a liquidated demand, and either—
- (a) the defendant has not entered such appearance as may be prescribed; or

- (b) the defendant, having entered such appearance, has failed to file a defence within the time prescribed.

I may say that His Honour the Acting Chief Justice has asked that this amendment to the Principal Ordinance should be made.

Clause 3 of the Bill has been inserted to meet the wish of the Official Receiver in Bankruptcy. Section 40 (3) of the Principal Ordinance provides that, where a judgment debtor is arrested in execution of a decree for the payment of money and brought before the court, the court shall (it must) inform him that he may apply to be declared insolvent. This clause changes the word "shall" to "may"; up to now, it has been necessary—from now onward it will be in his discretion. The Official Receiver in Bankruptcy thinks it very desirable indeed, in the interests of justice generally, that the judge should have this discretion, and I understand that His Honour the Acting Chief Justice is in agreement with him there, Sir.

Clause 4, Sir, enlarges the scope of section 87 of the Principal Ordinance so as to give greater facility for the execution of warrants of arrest and attachment orders. In addition to the provisions already contained in section 87 of the Principal Ordinance, the new clause makes certain other provisions which, as I say, Sir, enlarge the scope. There is no need, I think, to read them out, Sir; I think I may merely say that they do enlarge the facilities for arrest and attachment. I may also add, Sir, that His Honour the Acting Chief Justice asked that the Principal Ordinance should be amended in this way.

I may add, Sir, in conclusion that the Law Society of Kenya have been asked their views on this Bill, and they have answered that their views are entirely in agreement with the terms of the Bill.

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

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I beg to second the motion.

THE HON. A. H. MALIK: I have to make a few remarks about section 4, which is section 87 of the Principal Ordinance. It says that:—

"Provided that a person arrested or property attached under such provisional warrant or order shall be discharged or released from attachment unless the original warrant or order is produced and endorsed within such time as may seem reasonable."

I submit, Sir, that this provision, if availed of, is not sufficient to indemnify a person who has been so arrested or whose property has been so attached. I suggest that if it turns out that no warrant is produced, the person so arrested, or so attached shall be indemnified against any loss or injury that may have been sustained by such person.

THE HON. T. J. O'SHEA: Your Excellency, I should like to be quite clear as to whether, in section 4, the law is going to be improved, so as to remove the many difficulties that stand in the way at present of attaching property or arresting a man who is continually moving about the country.

HIS EXCELLENCY: I should say so.

The question is in the terms of the motion.

The question was put and carried.

#### MALARIA PREVENTION BILL.

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATERSON): Your Excellency, I beg leave to move the second reading of a Bill to Enable Local Authorities to take Measures for the Prevention of Malaria within the Colony.

The object of the Bill is as stated in the title.

The reason for the Bill, in its present form, is that, with the end in view of preventing malaria in any local areas, it is necessary that local authorities should be able to ensure that no land is in such a condition that it may be a breeding ground of anophele mosquitoes in places where they may be dangerous to people.

In order to secure the improvement of land, drainage is as a rule necessary. In some cases, it will be necessary that the local authorities should be able to require individuals to improve their land. In other cases, the condition of the land may be such that a number of owners are involved and a drainage scheme extending over a large area is required. In the latter case, the work would have to be done by the local authority, and, in order that the local authority may do so, it requires the power of entry, and, probably, powers to adjust boundaries. The Bill will give a local authority power of entry. Such power of entry is given in clause 4; clause 3 allowing the power to construct such drainage systems.

Clauses 5, 6 and 7 give powers to secure that any such drainage systems are not interfered with by members of the public.

Clause 8 is the clause which really gives the local authority the power to make individual owners deal with their own property.

Clause 9 deals with the costings of the operations carried out by the authority, and enables the local authority to recover part of the cost where it has benefited the owners of land. It will not require more of the cost than that by which the land is improved.

Clauses 10 and 11 deal with the alteration of boundaries which may have to take place in the case of a meandering stream.

Clause 12 deals with the mode of compensation.

Certain of the clauses are based on law already in operation in the Federated Malay States, but they have been modified to a certain extent. As, however, certain matters, to my mind, might arise out of the powers given under section 8, and as, also, clauses 10 and 11 give very considerable, and perhaps, under the circumstances, slightly unusual, powers to the local authorities, and as it is very important that the local authorities should not be given any more powers than are necessary, and also that, it is necessary to give them very extensive powers, they should be given with the fullest agreement of the public, so far as this House can represent that, and as I believe there are one or two points which hon. Members on the opposite side of the House would like to discuss, I, with Your Excellency's permission, suggest that the Bill should be referred to a Select Committee before it passes its second reading.

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

THE HON. CONWAY HARVEY: Your Excellency, Elected Members have decided unanimously to support this very necessary measure in the interests of public health, and do trust that Your Excellency will see fit to follow the course suggested by the hon. Mover in referring it to a Select Committee.

There is, however, one point that I should like information upon. In the Objects and Reasons it quite clearly states that, on the recommendation of the Select Committee on the Draft Estimates, 1929, legislation of this nature would be introduced to be applied to townships. We understood, Sir, that it would refer to townships only. I may have missed the meaning, Your Excellency, but it seems to me that the Bill, as it appears is of general application, and I do suggest, Sir, quite seriously, that in its present stage of development, local government in the rural areas is, perhaps, not quite ready to be trusted with such far-reaching responsibilities as are, quite properly, to be given to local authorities in the townships.

THE HON. T. J. O'SHEA: Your Excellency, I propose to support this Bill. I am very pleased it is being referred to a

Select Committee which, I hope, will give it very careful consideration.

I should like, however, Sir, to express the hope that Government Members will support my views in Select Committee. My idea is that powers should be given to local authorities to insist upon public hospitals being kept free from mosquitoes and that, if their instructions to the authorities of those hospitals are not carried out within a reasonable time, they shall have the power to seize the person of the principal medical and sanitary officer and incarcerate him in prison until such time as those hospitals are declared free from mosquitoes. It is not for the purpose of being facetious that I make this suggestion in public, but for the purpose that I think it is a scandal, when the country is spending very large sums of money on anti-malarial measures, that the immediate vicinity of hospitals and hospital buildings should be the breeding places of hosts of malaria-bearing mosquitoes. It seems to me that is a disgrace. I cannot understand, for the life of me, why the Medical Department should have proved unable, up to the present, to solve that particular little problem. I should have thought that the neighbourhood of hospitals would have been the first place they would have tackled and proved to the public that it was in their power to rid us of mosquitoes.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, as this Bill overlaps, and is being passed prior to the water legislation, and since Government has agreed to appoint a Select Committee, I trust, Sir, that the hon. the Director of Public Works will be represented on that Committee so as to safeguard the provisions of the water legislation which will be passed next session.

THE HON. J. C. COVERDALE: Your Excellency, in dealing with the principle of this Bill, it appeals to me under two heads—the fact and the application.

As regards the fact, which is the broad necessity for the prevention of malaria by tackling it at the source of dissemination, I am sure there can be no two opinions.

As regards the application, it appears to me to be inequitable that the owner of private land shall come under the operations of this Bill to any degree that may be deemed desirable by the local authority, while Crown land in its immediate vicinity and standing in exactly the same conditions is exempt, but immediately that Crown land becomes the property of an individual it comes under the operation of the Ordinance, and he is responsible for its improvement. I think it cannot be suggested that the mosquito bred on Crown land is innocuous and that he can be kept within bounds. I contend that this scheme, to be made of any use, must be general;

that is to say, all land must come within the operations of the Ordinance.

In support of this, I would like to quote a particular case that came under my observation in Mombasa, where the owner of a property subdivided for native occupation. Immediately the occupation took place, he was given notice by the local authority that a certain portion of his land bred anopheles, a menace to the public health, so that he must take immediate steps to prevent the nuisance. A sum of Sh. 400 was spent in filling up the depression where the nuisance was caused; but this did not satisfy the authority, and it was declared a menace to public health and a public danger. On further examination, it was found that the particular spot was not on this man's property but on Crown land adjoining. He naturally replied, in the same terms, that he wished this menace to public health to be dealt with, and from that moment the mosquito became innocuous and the nuisance ceased, without anything being done.

No doubt powers have been provided in the Bill for the local authority to enter on to Crown land, or any other land, and abate the nuisance, but whereas, in one case, the private individual is meted in the whole cost of that improvement, yet, in the case of Crown land, obviously the expenditure must be borne by the local authority which, again, is the community of the individuals.

Very extensive powers have been given to the local authorities under the Bill, even so far as the alteration of title, and although in all cases the public must be considered, yet, in my opinion, the term "public good" is a very elastic one and it may be an oppression on the individual. I feel that under the Bill, as presented, such a condition may arise and, while I quite approve of the principle of the Bill, yet I welcome the suggestion of the hon. Member that this Bill should be referred back to a Select Committee with the object of covering all lands which may be concerned—that is, the inclusion of Crown land, if possible—and to see that no oppression may occur to the individual by the exercise of the Ordinance.

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I think all the matters which have been raised by hon. Members on the other side, except that raised by the hon. Member for the Coast, do not involve principle and can be discussed in Select Committee.

HIS EXCELLENCY: The question is in terms of the motion. The question was put and carried.

**HIS EXCELLENCY:** I propose to appoint the following Select Committee:—

The hon. the Acting Director of Medical and Sanitary Services (Chairman).

The hon. the Acting Commissioner for Local Government, Lands and Settlement.

The hon. the Acting Attorney General.

The hon. Member for Nairobi South.

The hon. Member for Plateau South.

The hon. Member for the Coast.

The hon. Member for Mombasa.

*Council adjourned until 10 a.m. on Wednesday,  
the 17th July, 1929.*

WEDNESDAY, 17th JULY, 1929.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Wednesday, 17th July, 1929, His Excellency the Acting Governor (SIR JACON WILLIAM BARTH, C.B.E.) presiding.

HIS EXCELLENCY opened the Council with prayer.

HIS EXCELLENCY: Before we proceed with the business, I will read the following bulletin about the King's health, issued on the 16th:—

"His Majesty the King has passed a good night. Both general and local conditions are satisfactory."

#### MINUTES.

The Minutes of the Meeting of the 16th July, 1929, were confirmed.

#### NOTICES OF MOTION.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I beg to give notice that I shall move:—

"That land alienated for agricultural purposes and not used for such purposes should revert to the Crown."

Also another motion:—

"That legislation for preventing the spread of Noxious Weeds be enacted."

and a third one:—

"That the railway rates on salt for stock purposes be materially reduced."

The third one, Sir, if I may enter into an analysis of it, is one that I moved before, but it was the subject of reference to the Secretary of State. I do not know if he has agreed that it is a proper motion to move in this House, Sir. May I have a ruling on that point?

HIS EXCELLENCY: What do you want a ruling on?

CAPT. THE HON. E. M. V. KENEALY: As to whether the particular motion, which may affect the Railway revenue, is a proper motion to move in this House. It was the subject of reference to the Secretary of State, Sir.

HIS EXCELLENCY: Your question will be answered to-morrow morning.

## MOTIONS.

## NATIVES' TRUST FUND.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (MR. C. M. DOBBS): Your Excellency, I beg to propose the motion standing in my name:—

“ Pursuant to the provisions of section 6 (4) of the Natives Trust Fund Ordinance (Chapter 131 of the Revised Edition), this Council hereby approves of the allocation to the Natives' Trust Fund of such monies as may from time to time be received from the following sources:—

- (a) rents, fees or royalties paid to the Crown in respect of lands situate in the districts known as Northern Turkana and Southern Turkana;
- (b) fees and royalties arising from fuel, timber and other forest produce in the districts known as Northern Turkana and Southern Turkana;
- (c) grazing fees in the districts known as Northern Turkana and Southern Turkana.

It is under the Native Trust Fund Ordinance, Chapter 131, that funds from these various sources mentioned—(a), (b) and (c) in this motion—can be paid into the Native Trust Fund of the Colony for the benefit of the natives. In the case of the Native Reserves they are paid in on the authority of the Governor in Council, and where a Local Native Council has been actually brought into force, they are paid into the funds of that Council, but there are certain areas of the country which have not yet been described as Native Reserves, such as the Northern Frontier Province and Turkana. The Senior Commissioner, Turkana, has asked if he could get permission for the small rents and fees that come in from these various sources in North and South Turkana to be paid into the Native Trust Fund account. As things are at present, they are being paid in the Northern Frontier and it seems to me only reasonable that Turkana—the two Turkanas—should be placed on the same footing as the Northern Frontier District in this regard.

I propose this motion.

THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE): Your Excellency, I second the motion.

THE HON. T. J. O'SHEA: Your Excellency, I entirely agree with the hon. Member that revenue of this nature, arising within the Native Reserves, should be paid into the Native funds, but I think I must oppose this motion because it does not apply to a Native Reserve. No Native Reserves

have yet been defined in these areas and I think it most injudicious that, before the areas have been defined, we should pay into the funds of certain Native Councils revenue for areas which have not yet been gazetted as theirs.

Furthermore, Sir, I should like to enquire as to the amount of revenue that is derived from the natives of those areas. I have not had an opportunity this morning of looking up the figures but I am under the impression that the amount of hut and poll tax collected in those areas is comparatively small, as against which very large sums indeed are paid out of the general revenue of this Colony on protecting those areas. In other words, the balance of revenue and expenditure would appear to be overwhelmingly in favour of the natives in those areas and I see very little justification for this step being taken at the present time.

I think also, Sir, the House should be informed as to the sources from which these fees are derived.

CAPT. THE HON. E. M. V. KESEALY: Your Excellency, I concur with the opinion of the hon. Member on my right (the hon. Member for Plateau South).

THE HON. CONWAY HARVEY: Your Excellency, my remarks are identical with those of the hon. Member for Plateau South, more especially in regard to some indication of what revenues are involved in this proposal. I take it for granted, Sir, that there is no intention whatever of making the application of this proposal retrospective in any way?

THE HON. J. G. KIRKWOOD: Your Excellency, I must express my opposition to the proposal before the House and support the hon. Members for Plateau South and Kenya.

I would also point out, in addition to the remarks they have made, that large sums of money have been spent on making roads through Southern Turkana, that large sums are spent in keeping the K.A.R. on the northern border for their protection and, as far as I know, no assistance whatever has been forthcoming in either direction from the natives concerned. I think that a case has been made out that those monies should go to the central revenue.

THE HON. THE COLONIAL SECRETARY: With Your Excellency's permission, I should like to move that Council report progress on this motion and obtain leave to sit again.

The points raised by the hon. Members who have spoken do require careful consideration and there is the further point, which they have not referred to, that, under the terms of (d), which they have not referred to, that, under the provisions possible complications may arise in areas where the provisions of the Mining Ordinance and Royalties under the Mining Ordinance arise. I do not think that, at the time this motion

was put forward by the hon. the Acting Chief Native Commissioner, that aspect of the case had occurred to him, nor, indeed, had it occurred to Government. His proposition was a perfectly straightforward one, namely, an extension of the existing principle in Native Reserves, but as I think it possible that three or four difficult legal questions may arise, I suggest that this matter be considered further.

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

HIS EXCELLENCY: The question is in terms of the motion, that progress be reported.

The question was put and carried.

#### CENTRAL ROADS AND TRAFFIC BOARD BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN): Your Excellency, I beg leave to move:—

"That the Report of the Select Committee on the Central Roads and Traffic Board Bill be adopted."

"The Report is a short document and I think I need only mention two points for the information of the House.

It may be remembered that, when the Bill was introduced for its second reading, I intimated that I had a proposal to put to the Select Committee that provision should be made in the Bill for the appointment of a sub-Board to the main Board to deal with Local Government questions, in so far as the Central Roads Board established under the Municipal Ordinance was being repealed by this one. In the course of the Committee's discussion, Sir, and particularly in regard to clause 4 (c) of the Bill, we have recommended that that clause, in its reference to the Motor Services Ordinance, should be deleted, and that the Central Roads and Traffic Board should not have these powers conferred upon it in this particular Bill. That being the case, the necessity for retaining on the main Board the Commissioner of Police no longer exists, and we have recommended the deletion of his name in the constitution of the Board. We have also recommended the deletion of the Road Engineer on the ground that that officer is a technical advisor and that that should be his duty in connexion with the functions performed by this Board, and that he should not be a substantive member. With the deletion of these two members, it seemed no longer necessary, Sir, to carry on with the proposal for the appointment of a sub-Board, so that proposal has not been pressed.

The further amendments deal with the procedure of the Board and are on the usual lines. In addition to cutting out

clause 4 (c) in its reference to the Motor Services Bill, we have, in old sub-clause (d), which now becomes new sub-clause (e), added the provision that the Board should advise the Governor on the dedication of lines of public travel. That had been omitted from the functions of the Board in the Bill as drafted, and its inclusion brings the operations of the District Councils, their statutory function under the Public Travel and Access Roads Ordinance, within the purview of this new Board. So the Board, as now constituted, will have within its view every matter concerned with main trunk roads, district roads and roads of access.

I beg to move, Sir, that the Report be adopted.

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

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, may I ask Government to make it quite clear that the personnel of this Board is entirely distinct from the personnel of any Board which may be appointed if and when the Motor Services Ordinance is introduced and passed?

I ask that question because there is a very strong feeling, shared by myself, that the General Manager of the Railways should not be on any Board which has to deal with any Bill which may be introduced in connexion with what is commonly called road *versus* rail. Under the Motor Services Ordinance, as originally introduced, I believe that the Board which was to issue licences under that Ordinance was the same Board as is provided in this Bill. If it is quite clear that this Board has not anything to do with any Board which may be appointed under a future Motor Services Ordinance, I personally shall vote for this motion, but such must be made clear in order to make it quite certain that, by passing this motion, which means, in effect, the passing of the Central Roads and Traffic Board Ordinance, we do not bind ourselves to agree with the General Manager's sitting on a Board under any other Ordinance which may come in.

CAPT. THE HON. E. M. V. KENYALY: Your Excellency, I support the motion, but there is a matter which does require Government's earnest and immediate consideration, and that is, Sir, that where two authorities or the authorities of two or more districts, one of which may be an established local authority and another may be in a position which has not yet reached that high status of evolution and the third one may be a native authority, where there is a difference of opinion as to the necessity for keeping up a road which is common to two or more districts, at present there is no machinery whatever for dealing with that situation, and, Sir, it is absolutely essential that such machinery should be provided. The situation arises

Sir, in the Thomson's Falls area. There the Gilgil-Naiyasha authority has control over a road in which they are very very little interested. That road interests the people of Thomson's Falls and Laikipia, and the authority that has control of the funds—in other words, the Gilgil-Naiyasha authority—is not concerned with spending thousands for the benefit of an area outside its control. But, Sir, that road is an essential production road and it is necessary that Government should provide some machinery for dealing with an impasse of that nature. I hope that one of the first recommendations of this Board will be to advise Government to provide such machinery.

THE HON. T. J. O'SHEA: Your Excellency, I have pleasure in supporting this motion. The time has certainly arrived when it is necessary in the interests of this country to set up machinery for the proper control of our roads and the traffic thereon, and I sincerely hope the establishment of this Board will result in a definite progressive policy being laid down under which it will be possible to develop our road system and to encourage the development of transportation along those roads.

I sincerely hope that Government will not accede to the request of the hon. Member for Nairobi South for an assurance that the General Manager of the Railways will not be a member of this Board. If there is one thing more than another that we, on this side of the House, have protested against in the past, it is working in water-tight compartments. I think it would be a grave error indeed that, just at the outset of tackling our transportation problems, the country should start working in water-tight compartments. I cannot conceive of any proper policy dealing with our transport problem under which we had one compartment with the Railway locked up in it, and another compartment for other means of transport. On the contrary, I should have thought it was absolutely essential that we should have one body dealing with the problem as a whole, and that the Railway and other interests concerned should come together within that body. I must confess that I do not in the slightest share the fears of those who are obsessed by the idea that the Railway is going to dominate the transport policy of this country, and that other interests are not going to get a fair hearing if the General Manager of the Railways is allowed to have a say. I regard it as a big step forward in the tackling of this problem, the setting up of this Board, and I think the more we consider it the more we will realise that it is absolutely essential to have a representative of the Railway on that Board. There is everything to be gained and nothing to be lost by having the benefit of his experience and by hearing the Railway point of view. I am one of those who believe that the transport

system of this country in the future will be a combination of Railway and motor and, in the not very distant future, machines in the air. I certainly do not look upon them as conflicting in any way or as competitive. On the contrary, we have got, in the near future, to think out what is the proper sphere of each of these means of transport and reconcile them, and I would very much regret indeed to find my colleagues pressing in this case for a reversal of the policy that we have advocated up to the present. We have fought the water-tight compartment policy over and over again in this House and I am very much surprised indeed that we should, in connexion with this very important matter, depart from the principles we have worked on up till the present and advocate a policy that we have fought for so long.

THE HON. CONWAY HARVEY: Your Excellency, unless I am unusually dense this morning, the hon. and learned Member representing Nairobi South quite definitely did not disagree with the inclusion of the General Manager as a member of the Central Road Board. I understood, Sir, what he did object to—an objection which I share and an objection which is shared by a large number of other people—was that the General Manager of the Railway should not be a member of any Board which is set up to administer the Motor Services legislation, if it becomes law, (the reason being, Sir, it is deemed highly undesirable that the General Manager should be both plaintiff and judge in his own case. We are all quite unanimous in the opinion that his presence on this Central Road and Traffic Board is absolutely essential to the proper conduct of its business.)

In regard to the point raised, Sir, by my hon. and gallant friend representing West Kenya, I suggest, Sir, that his case is entirely met by new sub-section (e) on page 2 of the Bill, in which it specifically states that one of the duties of this Board will be to advise the Governor upon any matter or thing relating to the public roads of the Colony and the traffic thereon which may be referred to the Board by the Governor. I suggest, Sir, that in the ordinary course of events any person who believes that he has a grievance, such as that illustrated by my hon. and gallant friend, will naturally petition the Governor, who will then refer consideration of the matter to this most valuable body, the setting up of which is provided for by this measure.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I admit that I am one of those who fear the domination of our roads by the Railway. I wish to approve everything that has been said.

HIS EXCELLENCY: If I may interrupt the gallant and hon. Member, the provisions of the Motor Traffic legislation, which

is to be passed in the future, are scarcely relevant to the provisions of the Ordinance we are dealing with at the moment.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, arising out of the speech made by the hon. Member for Plateau South, I support the hon. Member for Nairobi South.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I regret that my hon. colleague does not have the same view of this matter as I do. As a member of the Committee appointed, I found myself unable to sign the report. As I see the situation, this Bill was brought in supplementary to the Motor Ordinance, which it has been decided not to press at the moment, but the fact that that Ordinance will in all probability come in before this Council at a later date, and undoubtedly will be administered by the Central Roads Committee, I think there is a very grave danger facing the country. As I see it, the Railway Ordinance has taken the Railway out of the control of this Council—in other words, we have lost effective control of the Railways, and, if this Bill passes, with a large official majority forming the personnel of the Committee, and, at a later date, the Motor Ordinance is put through by, probably, steam-roller methods, then the position will be that we have not only lost control of the Railways but, with the passing of this Bill, we have also lost the control of the roads. I think that is a very big factor in the economic future conditions of this Colony. If this Council proposes to put itself in the position of giving the roads over to a Committee, the objects and reasons for which are as stated, they are committing nothing short of economic suicide. I do not agree that the General Manager of the Railways, or any official connected with the Railways, should have anything whatever to do with the control of the roads. Both should be separate. The Railway at the moment is a water-tight compartment. We have no control. I think it would be fatal if the result of future legislation also made the roads supplementary to the Railway. For that reason I cannot agree.

Another point is, that as far as we know, the adjoining Protectorate of Uganda, or the mandated territories, do not propose legislation on the lines proposed in Kenya. To my mind, it will have the effect that Kenya, taking the view of those who agree with the Bill, would be implementing conditions to affect the Railway at this end to the disadvantage of ourselves and to the advantage of Uganda at the other end. I think that would be a very strong reason why this Bill should be opposed.

I regret very much indeed that members on this side of the House seem very apathetic and, to my mind, do not realise the seriousness of the situation that is facing us in the future

as the result of passing this Bill, and assuming eventually that the Motor Ordinance will also be passed. I say we have not only lost control of the Railway but of the roads also, and we have got our hands tied to our disadvantage and to the advantage of others, a position which is intolerable and one that I cannot agree to.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, I only intended to speak on a very minor point in regard to the Report of this Select Committee until I heard the last speaker. What he says and what he infers, in my judgment, does just call for a little word of protest with regard to the suspicion which he seems to voice, and which has been voiced recently outside this House, with regard to the policy of the Railway. The innuendoes, the little pin-pricks, that are continually being made, the cumulative effect of which is not in the best interest either of the Railway or the country.

With regard to the general policy of the Railway from time to time, I do not suppose there is anyone who more frankly criticises it than I do. I have been, and shall continue to be, a very candid critic as and when these sort of things require criticism, but I do deprecate very strongly, Sir, the sort of thing that has arisen in this country in the last few months. The same applies to other Departments, but, fortunately for them, they are internal, and, to that extent it does not matter so much, but this Railway, which has grown into such a very wide and large organisation in a comparatively short time, has not reached its goal and will not reach its goal for a very long time to come. In the course of reaching that goal it has to maintain and increase the confidence of countries beyond this country—not only Uganda but the Congo—and I have good reason for believing that our local papers, the reports of these debates, and so on, are very carefully read by those people. I repeat again, the cumulative effect of these little innuendoes, which are entirely without justification, do tend to minimise, or, at any rate, retard progress in the building up of this huge machine which, in my judgment, is a tremendous asset to this country.

The policy of the Railway, as I know it—and I know it possibly better than some people—of to-day is precisely the policy that has built the Railway up in the last several years. Seeing the way that the hon. the Acting General Manager's name has been raised outside this House in connexion with criticism of this Bill—the desirability or otherwise of his being a member—I would like to testify that under very difficult circumstances, due to the unwarrantable delay in dealing with the substantive post, I regard the hon. Member opposite as having very worthily maintained the policy laid down by his distinguished predecessor.



The minor point I did wish to raise in regard to this Report is this: the Select Committee seems to have been to considerable trouble to make certain that the official element would always be well represented at meetings. If the hon. gentleman originally nominated was not present, there was to be a deputy, or further deputy, or what not, whereby the official side should be thoroughly represented. Now, Sir, the main considerations of this Bill outside this House hitherto have been linked up with the Motor Services Ordinance, and, discussing the two together, there has been a very strong feeling that not only should there be an equal balance of officials and unofficials, but many people have felt it was one of those issues where the unofficials should predominate. That I am not advocating, Sir, but I do offer this suggestion respectfully to the House and to you, Sir, that this is another of those occasions, like the Land Board, where I believe the experiment has worked extraordinarily successfully; when you, Sir, are nominating unofficials to sit on the Board you should at the same time nominate alternative members, so that all interests can be, not merely on paper, represented on this Committee, but in fact able to attend meetings held from time to time. In this far-flung country I am quite certain you are going to get better men sitting on this Board if they are not absolutely compelled to attend every meeting, but, on the other hand, know that their views will be to some extent expressed. With that in my mind, and in the hope that it will find some support, I beg to move an amendment, or rather addition, to section 2 (L) of the Bill:—

"Further, that in the case of absence or inability to attend, any of the persons included under paragraph (f) may be represented by an alternate member, as the Governor may from time to time appoint."

THE HON. T. J. O'SHEA: Your Excellency, I beg to second the amendment. There is this strong justification for it, Sir, that provision is made in the Bill for alternatives for the official element on the Board. That being the case, I think it is reasonable that the same provision be made in the case of the unofficial members. In doing so, Sir, it will satisfy the public that this Bill does definitely provide for a large element of unofficial influence in the control of our roads and the traffic thereon.

The hon. Member for Plateau North has expressed the opinion that with the passing of this Bill we shall very largely lose control over our roads; "we" presumably being the people. Now, Sir, I should like to express very emphatically indeed my opinion that whereas, up to the present, we (the people) have had practically no control over our roads, with the setting up of this Board proposed by this Bill, the people

will have, for the first time, a real element of control over the roads and their development and the traffic thereon. (Hear, hear). It is because this Bill provides for that definite element of control by the people directly that the majority of members on this side of the House are so definitely in favour of the passing of this Bill. (Hear, hear).

THE HON. F. ARTHUR BEMISTER: Your Excellency, I am very much in favour of the establishment of a central Board but from the remarks of the hon. Member for Plateau North it would seem that the Railway has its own Rhodes but now wants ours.

The difficulty that Mombasa has in considering anything to do with the Railway is that it was the Railway Committee itself which attempted to stultify some philanthropists coming from England and spending £50,000 in the country on a bridge connecting the island with the mainland. Mombasa voted alone against making the Railway a water-tight compartment which the hon. Member for Plateau South now really complains of. Had the Railway not been taken out of the control of this House there would have been no question of any water-tight compartment. What I would beg to suggest, Sir, is that the name of the General Manager of the Railways, or his position on this Board, be the same as suggested for the hon. the Director of Public Works, so that the benefit of his advice would be at the call of the Board but his influence, which is backed by the largest single asset in the whole country and must obviously carry a very huge amount of weight, would be taken away and only put into an advisory capacity. I think that would get over the whole of the objections of the Members on this side of the House, because they do feel that if the influence and the voting power of the General Manager of the Railways is on this Board, in the event of any subsequent legislation dealing with Motor Services, if it is ever passed, the position would be dangerous.

THE HON. E. POWYS COBB: Your Excellency, I find myself generally in favour of the Bill and of the Report of the Committee, but there is one amendment that I should like to propose—a small one, but of an important character.

I cannot regard the transportation system of the country whether rail or road, in any other light but as one single system which has eventually to work out the respective spheres which the different kinds of transport are going to operate in. For that reason I think that it is an advantage that the General Manager should sit upon this Board. I think that his assistance during what will probably be a prolonged period of doubt and difficulty, when the various forms of transportation are gradually finding their various duties, will be of

very great assistance. But I think there is this other point that we have got to recognise frankly that nothing is gained by beating about the bush over this matter. The Railway has become an inter-Colonial Railway and thereby it has ceased to be solely under the control of this Colony. There are advantages and disadvantages in the system, but I think the fact ought to be definitely recognised. Therefore, I think in the constitution of the Central Roads and Traffic Board we should be very careful that the permanent element in this country is definitely in a majority. I look on the presence of the General Manager of the Railways and the Director of Public Works in the light of valuable expert advice on difficult technical problems, but I do feel that the final decision, in matters so important as matters affecting transportation, lies definitely with the people of the country because, after all, this transportation system merely came into existence for the service and the benefit of the country as a whole.

The amendment, therefore, which I suggest, made in so hostile spirit, Sir, but in order to put matters on a broader basis, is:—

"That in clause 2, line 17, of the Bill as printed, the word 'four' be deleted and the word 'six' be substituted therefor."

I hope that will not be taken in any sense as an endeavor to introduce any sort of spirit of faction; nothing of the kind. The idea is, if possible, to broaden the view of the body and to make it more directly representative of the people whose permanent interests are being dealt with by the body.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I have much pleasure in seconding that motion. It would remove greatly the misapprehension in the country and it would remove a great deal of my own personal opposition. It would be realised by everybody that what I have stated would have been well supplemented by saying that it is the personnel of this Committee that frightens them. I think that is probably the view even of them; we are passively in favour of this Bill, and I hope that the amendment will be accepted.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. G. D. RHODES): Your Excellency, I think perhaps I may take this opportunity of entering into the debate because I should like to make it quite clear that, as far as I am concerned—speaking for myself, and I think in speaking for the late General Manager and probably any future General Manager of this Railway—our interests in connexion with the transportation system of this country, and not only of Kenya but of East

Africa as a whole, are bound up in the complementary services that can be rendered by the rail, the road and, as has been mentioned, the air. (Hear, hear).

I do not think any General Manager nowadays is so short-sighted as to believe that every form of transport can be carried on by rail. It is recognised generally throughout the world that motor services and air services have got to come and will be—or should be—complementary to the rail services. It is in devising some machinery for making these services complementary to one another that the best interests of this country can be met. I feel, therefore, that from that point of view the position of the General Manager on this Committee is of advantage. I have made that statement with no desire to denigrate any situation in any way whatsoever. The General Manager is one amongst nine, ten or twelve on the Committee, and I do not think that a person in a minority of that sort can dominate that Committee. I believe that the Railway can bring a certain amount of judgment to these discussions which will take place before this Committee, and I believe we can be there with considerable advantage to the Colony as a whole.

With regard to the Motor Services Bill, that, Sir, is not yet before the House. I may say that in giving evidence before the Select Committee I myself, and, I believe, the late General Manager also, stated that from his point of view he would not wish to be on that Committee, having to judge these sort of questions, but that he did wish to be able to state his case before that Committee fully. That question, however, Sir, does not arise in the present Bill, and I can only hope that the country generally will recognise that the Railway is out to co-operate and to assist in every way possible at arriving at the best means of transportation to suit this country.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, dealing with the speeches that have been made more or less in sequence, I may begin with the speech of the hon. Member for West Kenya, I think I need add nothing to the reply given him by the hon. Member for the Lake. It seems, I think, to have dealt perfectly adequately with the suggestions put forward.

The first amendment, Sir, proposed by the hon. Member for Nairobi North, is one which I must say, on behalf of Government, will be accepted. It provides, in my opinion, a very reasonable method of enabling unofficial representation on this Board to be effective at each meeting of the Board. It has worked extremely well in the case of the Land Board, and

I see no reason why it should not work equally well in connexion with this Board.

In regard to the second amendment proposed, I am unable to accept that amendment. It seems, Sir, to have been the general opinion of most of the hon. Members who have spoken that by the passage of this Bill something irrevocable will have been done in regard to the Motor Services Bill. This Bill gives certain definite and specific powers to the Board which it creates, but that Board cannot exercise any other power unless it is similarly empowered by this legislature.

As to the question of the inclusion of the General Manager on the Board, this was debated in the Select Committee. It was debated, I might say, with great thoroughness, and eventually we came to the conclusion that the best method of dealing with the somewhat thorny question was to leave it until the Motor Services Bill itself came before this House and particular reference to it has been cut out of this Bill. When it does come before the House it will necessarily have to include clauses providing for whatever duties it wishes to impose on either a Board to be established in the body of that Bill or on this particular Board, so that full opportunity will be given in the House at that time for discussing the membership of such authority as that Bill sets up. It does seem to me that that is the place in which most of the arguments adduced this morning should be submitted to the House instead of on this present Bill, which has no reference whatever in it to Motor Services. The duties which we actually impose on the Board concerned are principally the powers which formerly were exercised by the Central Roads Board set up under the Municipal organisation, and because the powers of the Central Roads Board under that organisation are chiefly concerned with advising Government in respect of grants to be paid to local authorities, I do not think that the constitution of the Board should be interfered with, and I gathered that, subject to this being fully understood—this Board can only deal with the powers that are actually given it in the body of the Bill—the point which influenced the hon. Member for the Rift Valley will have been met.

I think the hon. Member for Mombasa misunderstood my opening remarks when he suggested that the Director of Public Works was to be an advisor.

THE HON. F. ARTHUR BEMISTER: I did, Sir.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: That remark had reference to the appointment of Road Engineer. The Director of Public Works' membership remains as a substantive membership.

HIS EXCELLENCY: I will first put the amendment moved by the hon. Member for the Rift Valley.

The House divided. The question was lost by 13 votes to 20 votes.

Ayes: Messrs. Bemister, Cobb, Coverdale, Col. Durham, Mr. Conway Harvey, Major Johnston, Capt. Kenealy, Col. Kirkwood, Canon Leakey, Messrs. Malik, O'Shea, Capt. Schwartz, Col. Tucker.

Noes: Messrs. Baker, Bale, Brassey Edwards, Bruce, Campbell, Deck, Dobbs, Grannum, Holm, Horne, Logan, McCarthy, Montgomery, Moore, Dr. Paterson, General Rhodes, Messrs. Scott, Sikes, Sir Ali bin-Salim, Col. Wilkinson.

THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BRUCE): Your Excellency, as the amendment proposed by the hon. Member for Nairobi North has been accepted by Government, I will now, Sir, formally move to report progress on this Bill in order that I may have time to consider the form of the amendment. A lot of alterations have been made in the original Bill by the Select Committee and I feel that I should have time, Sir, to consider the form of the amendment proposed.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, I beg to second that.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, is it not right that the Report of the Select Committee, as amended, be adopted, prior to the Bill being introduced as a result of the adoption of the Select Committee's Report, Amendment should be made in the form of a Bill. The Bill, when it is introduced again, should come up in that form. We are only dealing with the Select Committee's Report. It has not yet been approved.

HIS EXCELLENCY: The amendment is an amendment to the Select Committee's Report. I think that is in order under the Standing Rules and Orders. Then, if that amendment is passed, the substantive motion will be moved and put to the House that the Select Committee's Report, as amended, be adopted.

The question is in the terms of the motion.

The question was put and carried.

## CUSTOMS DUTIES ON MAIZE.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. ALEX. HOLM) : Your Excellency, I beg to move the following motion standing in my name :—

"That this Council do approve of the Food Control Board appointed under the Food Control Ordinance, 1929, paying out of the funds authorised by this Council to be spent by the said Food Control Board by resolution passed on the 22nd February, 1929, such sum as may be found to be payable in respect of Customs duties due on maize imported into the Colony by the Food Control Board for food supplies."

Your Excellency, when speaking in this House a short time ago and in endeavouring to explain the position in regard to food supplies in the Colony, I stated that there was marked evidence of an increasing shortage of supplies of foodstuffs generally throughout the Colony, and I predicted that it might be found necessary to import foodstuffs to keep the country going before the coming of the maize crop. For many reasons I regret that the necessity has arisen. The Food Control Board has endeavoured all along to keep the situation in hand without importing any supplies into the Colony. We felt that it would be a credit to the Colony if, during this period of difficulty, the Colony was able to feed itself and maintain its trade connexions with neighbouring territories. The position has been very closely examined, particularly during the past few weeks—and sometimes almost daily—by the Food Control Board, and the Board has come to the conclusion that there is at this moment insufficient food in the Colony to feed the natives in the Reserves, and on estates and farms, until the forthcoming crop is fit for use. The Board has therefore decided to import 30,000 bags of maize. According to the Customs Ordinance, duty amounting to Sh. 3 per 100 lb. (or Sh. 6 per bag) has to be paid on that imported maize. There is no discretionary power in the Ordinance whereby even the Governor can exempt such importation from the imposition of such duty in any circumstances whatever.

On the basis of an importation of 30,000 bags the duty payable would therefore amount to £9,000. I cannot say—speaking on behalf of the Food Control Board—at this stage, whether it will be necessary to import further quantities. The board will restrict the importations to the minimum, but it has a responsibility—as I think the House will admit—in respect of seeing that there is a sufficient supply of foodstuffs in the Colony for the food of the native peoples therein. It is the view of Government—as, I am sure, it will be the view of every Member of this House—that it would be unreasonable,

in the circumstances, that this duty should be passed on to the consumers and to those who are responsible for feeding a considerable number of the natives in this Colony.

Sir, there is more than one method of dealing with that situation. It might be said that the Customs Ordinance itself should be amended, exempting maize from the imposition of duty. I would say to the House that Government has considered the various alternative methods, and has decided that the method indicated in the resolution is the best one to adopt. An amendment to the Ordinance itself would require negotiation and the sanction of the Uganda Government. Then, again, the measure is only a temporary one, and a further amendment to the Ordinance, putting back maize into a category in which duty was imposed, would, in a short period, have to come before the House again. It was therefore considered that the best method to adopt would be to charge the funds of the Food Control Board with the cost of this duty payable to the Customs Department. In that way it would not be passed on to those, as I said, responsible for feeding the native people and to the consumers, and it will make no difference at all to the public exchequer.

I may add, for the information of the House, that the Food Control Board has secured a rebate on the ocean freight in respect of this maize to be imported, and you, Sir, in your capacity as High Commissioner, have agreed to transport this maize on the Railway system at the rate applicable to country produce rates, it having been considered that the standing rate in respect of imported maize—which was Sh. 5/88 a bag from Mombasa to Nairobi, less 15 per cent. Government rebate—was not a rate which should be levied in the circumstances.

I would add, too, for the information of the House, that the Board has been able to secure an offer for this maize at London parity values, and it is the belief of the Board that this imported maize can, and, I hope, will be delivered to those who may have to buy it for the purpose indicated, at a price which will not involve raising the present maximum control prices in respect of maize meal, sold in whatever quantity, whether large or small, notwithstanding the fact that the Food Control Ordinance confers power upon the Board to purchase outside the Colony and import such foodstuffs as in the opinion of the Board may, from time to time be required to supplement local supplies. It has to be admitted that when this Council approved of an appropriation being placed in the hands of the Food Control Board, no reference was made to the use of these funds for the purpose now before the House. Government, therefore, considered it right that the House should be consulted in this regard and I hope

that the motion will be found acceptable to all Members on grounds of equity and expediency.

**THE HON. THE TREASURER (MR. R. C. GRANNUM) :** Your Excellency, I beg to second the motion.

**THE HON. T. J. O'SHEA :** Your Excellency, may I be privileged to ask if the hon. Mover would be good enough to give the House the benefit of some figures, to justify the motion, as to stocks in the country,

**HIS EXCELLENCY :** If the hon. Member can do that. ?

**THE HON. THE DIRECTOR OF AGRICULTURE :** In that regard, Sir, it is estimated, from information which can be regarded as very accurate—that is to say, based on returns collected by the Board under the powers conferred upon it by the Ordinance—that there is in the whole Colony at this time only 55,000 bags of maize available for feeding people and of that quantity contracts in respect of advance deliveries have been entered into amounting to, jii round figures, 73,000 bags. In some cases, these contracts, Sir, I would explain, continue for some months ahead, so that there is a deficit of round about 28,000 bags. Add the 30,000 bags to the 55,000 bags available at the present time and it is calculated by the Food Control Board that there will be just sufficient food to keep the native people fed, and the native employees fed, until about the first or second week in September. I may add, Sir, in explanation, that the Kavirondo crop is expected to come into the market perhaps about the second week in August and the Nyanza crop somewhat later. But, to begin with, these crops are not fully dried for purposes of mealing and can only be used to a limited extent.

**LT.-COL. THE HON. J. G. KIRKWOOD :** Your Excellency, I think, as the one, and only opponent of the Food Control Ordinance, it will give me an opportunity of again saying how futile it has been. In previous years, with no control over native production and at a lower margin than we had last year, there has not been any shortage of maize in this Colony. I am speaking of the last ten years from my own personal knowledge. It also points out and brings home the lesson that under Government control artificial conditions are liable to be created. At last Council we were informed that some 30,000 odd bags had been purchased by the Food Control Board for famine relief. It is now proposed to import 30,000 bags, the equivalent of what the Food Control has bought. I have stated on previous occasions that the maize required by Government could have been bought through normal channels without resorting to control. I still maintain that that is a true statement, and, as a matter of fact, the supplies Government

requires could have been supplied by dozens of people in this Colony without interfering with control prices at all. It has been stated by the hon. the Director of Agriculture that this maize has been bought at parity prices on the London market and that it will be sold at controlled prices existing to-day—or words to that effect were used. But I would draw to the attention of the House that within the last 48 hours maize meal has been advanced Cts. 50 per bag, and it seems to me right to assume that the price has been put up to make the statement to be made come true. In other words, maize has been imported at an increased price to what it can be supplied locally, and, notwithstanding the statements which have been made, I still believe and affirm that there is sufficient maize in this Colony for 30,000 bags to be supplied. Reading my papers, I have noticed this morning that both the Kenya Farmers' Association and Dalgety and Company are inviting people to come to them for their supplies, which shows that they have supplies on hand. Just how a paltry amount of 30,000 bags should be required after this ridiculous and, what I consider, absurd Food Control Ordinance—instituted in this Colony at very great expense and great economic disturbance to everybody—shows that my opposition to the original Bill has been fully justified.

**CAPT. THE HON. E. W. V. KENNELLY :** Your Excellency, I am profoundly disappointed by the way in which the Food Control Board has acted. I intend opposing the motion, not because it is bad in itself, but as a protest against the general activities of this Board.

Now, Sir, the first question that arises, in the activities in the past, has been this : Why were the natives of this country, who are unaccustomed, excepting when they are on European plantations, to receive maize meal in the Reserves, given maize meal? It is entirely unnecessary to do so. They have their own appliances for converting maize into meal, and it is highly desirable that these small domestic activities necessary should be undertaken by them for that conversion. Now, Sir, it is more economical to transport maize in the form of maize than in the form of meal. There are a thousand and one reasons—not a thousand and one, but two or three reasons (laughter)—one does not want to exaggerate—and I feel sure the hon. the Acting Director of Medical and Sanitary Services, who gets a little fun out of this, will be able to supply those two or three reasons, to the satisfaction of this House.

Now, Sir, I happen to represent an area which has a very large degree of intelligence and fairness in its analysis of public questions and, Sir, I should like to read a resolution by a portion of that community. It is germane to the subject, and it is rational. The resolution is :—

" That this public meeting of Nyeri District residents protests against the manner in which the maize supplies of this District have been depleted with the knowledge of the Food Control Board, and also protests against the continued increase in authorised prices. The meeting also urges that the Food Control Board should press for an immediate adjustment of railway rates to meet the resulting famine conditions."

Now, Sir, we have been told to-day that the railway is concerned with the general transportation in the country, and that it is concerned with the welfare of the country, but, Sir, the railway has lamentably failed to recognise its responsibilities in so far as it should have met them in reducing the internal freight on maize, not only on a parcel of maize imported from overseas, but to meet the prevailing conditions in this country. The distribution of maize for famine relief should have been recognised by the railway and dealt with, and, if necessary, the railway should have lost a little money every day instead of exploiting the situation. There was an undue transference of maize from one area to another, and the railway, Sir, made money out of the disabilities of the country. It has done so, and is now doing so, and it is a reprehensible position for any railway to find itself in.

One other point of criticism of the Food Control Board, Sir, is this: that the Food Control Board definitely told the country that the prices of maize and maize meal would increase and thereby accentuated the shortage that they were attempting to control. The position is farcical, Sir, that they should not have had acumen enough to recognise that if they promised the potential vendors of maize that they would get increased prices for it, they would hold their maize for a short period of time. It seems farcical that that was not an obvious situation to them.

I suggest that, if we are going to import maize from overseas, as far as possible we should utilise such industrial services as exist in this Colony, such as milling services for grinding that maize in this country. I think it is wrong to import maize meal. I do hope, Sir, the hon. the Acting Director of Medical and Sanitary Services will support that view, because he has the necessary scientific knowledge to enable him to support it, that it is inadvisable to import maize meal.

I am not at all satisfied, Sir, with the analysis of the figures given as to the maize that is available in the country. I think that the figures are entirely wrong. If those figures could be substantiated in any way, figures substantiating them should have been quoted. Also we should have had figures provided showing the shortage that exists to-day, and the

shortage that will exist in a fortnight's time, and in a month's time, and so on, so that we could have a real view of the situation. We are thrown a few figures, as a bone is thrown to a dog, and we are told to get our teeth into them and satisfy ourselves on the small quantity of meat upon them; they are empty—there is nothing in them.

Now, Sir, I will deal with the situation in an area that I know of—in Meru. While the Meru natives were being supplied with maize meal (wrongly; it should have been maize) by the Government, they were actually selling it to the shopkeepers in Meru.

That is all, Sir; I am very dissatisfied.

[*LT.-COL. THE HON. C. G. DURHAM*: Your Excellency, I have very little to say, but I think that the railway rates should have been reduced.

Also I would like to know, Sir, from the Board, if possible, whether the export of maize to Tanganyika and Uganda still continues, or whether this cannot be stopped, and ask Tanganyika and Uganda to import their maize and leave Kenya its own.

*THE HON. E. POWYS-COMB*: Your Excellency, I wish to associate myself generally with the opinions expressed by the hon. Members for Plateau North and West Kenya, although perhaps I do not follow them into every detail of their arguments.

In my humble opinion the Food Control Board has not worked in an efficient and economic manner, and I am entirely opposed to the proposal to import maize unless and until the hon. the Director of Agriculture can give me a definite assurance on one point. That point is this: In estimating the available supplies of foodstuffs in the country, has he taken into consideration the existence of a large quantity of un-exportable wheat? Now I think it has been demonstrated by experiments, carried out, I believe, by the hon. the Director of Medical and Sanitary Services, that the admixture of wheat meal with maize meal has given most excellent results when fed to natives, results superior to those given by a ration of maize only. If that is so, I submit (to borrow the sonorous phrases used by the hon. the Director of Agriculture in another place) that to neglect the use of that foodstuff is an unwarrantable gamble with public funds, and that it sets at nought the principles which should underlie the control of public finance. It is entirely wrong, surely, to spend money in importing foodstuffs when there is some in the country, more particularly when that available foodstuff exists in a form which cannot be exported, and therefore from the export point of view, is of no

economic value. If the hon. the Director of Agriculture cannot give me that assurance, then I would ask leave to move as an amendment to the present motion the addition of the following words :—

“ Provided that no maize be imported until the exhaustion of existing stocks of unexportable wheat is in sight, except in so far as maize may be necessary for mixing with the aforesaid unexportable wheat.”

I would like to commend that to the House as a reasonable, businesslike proposition. It surely is not right to go to great expense to upset further the economic balance of the trade of this Colony by importing foodstuffs when we have foodstuffs within the Colony which are not available for export, and which may possibly actually rot for lack of use in this Colony.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I have much pleasure in seconding that proposition.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, under a good deal of pressure and with extreme reluctance, I agreed to sit on the Food Control Board. I knew certain things; other things I did not know. One thing I knew was that I was undertaking, as my colleagues realised, one of the most invidious tasks it was possible for Government to ask unofficial people to deal with. One thing I did not know, Sir, was that circumstances would subsequently lead me to be present in this House when the actions of the Food Control Board were being debated and criticised. Our functions did not start with the need for the Food Control Board—that is outside our province—but a day must come (I do not regard that day as present) when all of we members of the Food Control Board must defend the policy that has been adopted. In my judgment, Sir, that day is not here as far as we are concerned—as distinct from the Government Members, who, obviously, must answer debates as and when they arise, and questions—but in so far as the Unofficial Members are concerned, I do regard it as our duty only to defend ourselves when our job is finished. When the job is finished, Sir, I can conceive they will be condemned for want of judgment; we may be condemned for want of capacity; but I do contend, Sir, that history will show that any other action throughout these months—and they have been very arduous months, representing hours of work in six days of the week very often—we shall be acquitted of doing anything contrary to the interests of the community as a whole. I can conceive no action of ours, no decision of ours which, in our judgment, has tended to favour any one section of the community, and, invidious though this task has been, we have got the satisfaction so far, and I believe we shall carry it to the end, that, in so

far as our consciences are concerned, this very difficult task will have been properly fulfilled. I notice one hon. Member laughs; it is a great pity that his ambitions of joining that Food Control Board were perhaps not realised when the Board was appointed.

I said just now that it is not within my province so much as that of the hon. the Director of Agriculture to reply to the number of points raised to-day, but I should just like to answer one or two, the first being the reference to the increase of price that has now taken place, and I want to do that, not from the Food Control Board point of view, but as to our own personal experience. In 1928 we were asked to create large reserves in this country in order to provide for famine conditions in Uganda, and that required many farmers to hold maize until August and September who would, in the ordinary way, have exported them in March. Certain allowances were obviously made to them in respect of interest, insurance, shrinkage, wastage by weevils, and so on. The previous year the people who controlled very large supplies were warned by Government that a shortage was anticipated in certain Reserves, which deterred export, and again called upon large numbers of farmers to hold reserve stocks of maize over many months. On both those occasions, Sir, companies in which I have an interest undertook to hold these reserves, and I say unhesitatingly that we would have been very much better off if we had been allowed to export in March at the lower prices. The same thing applies to-day in respect of people who happen to have maize. They would have been much better off if they had been able to export in February and March at the lower price rather than hold it, as they have been forced to do, until the present time. Therefore, this unworthy suggestion that the price of maize has gone up yesterday or to-day in order to create parity with London is false. On the other hand, it is simply carrying out a definite part of the policy of the Food Control Board laid down many weeks ago, and is strictly equitable from every point of view.

The only other point I would reply to is this: that there is a misapprehension with regard to the proposed importations in so far as its state is concerned. The whole of the maize that is to be imported—I am answering now the hon. Member for West Kenya—is to be in the form of maize and not in the form of maize meal, so that the local mills will have the fullest advantage of the milling.

There is just one further point, Sir, which I feel compelled just to mention because I think possibly the hon. the Director of Agriculture may have some diffidence about doing so, and that is with regard to the strictures that have been offered with regard to the railway rate. You, Sir, are aware that efforts

were made to get the rate lower than it is to-day, but for undoubtedly good reasons that lower rate has not been applied.

THE HON. T. J. O'SHEA: Your Excellency, in an effort to help the hon. Mover of the motion in presenting his case, I asked if he could supply the House with figures; but I think opinion on this side of the House will be that the figures supplied were certainly not very helpful to us in judging the merits of the proposal. A few bald figures were thrown at us, as my hon. colleague on the left (the hon. Member for West Kenya) has said, like a bone to a dog. We are told, Sir, that there were estimated to be 55,000 bags of maize available in the country, that contracts had been entered into to the extent of 73,000 bags, leaving a deficit (according to the hon. Mover) of 28,000 bags. I am aware, with the assistance of colleagues on the back bench, that the difference between these two figures is 18,000 bags and not 28,000 bags, but I wonder whether the hon. Mover was endeavouring to make his case on a false set of figures, in which case it may be necessary to review his calculations.

But, Sir, I should like to know, first of all, what has become of the balance of maize available to the Control Board, on the statement made to this House by the hon. the Director of Agriculture at our last session. They had, up to then, purchased 30,000 bags, of which not more than two-thirds had been disposed of. I think it is only fair to the House that he should have explained the activities of the Board since, also to give us some idea of appreciating whether 55,000 bags were nearly sufficient or not. He might have given us the figure to show what the monthly consumption was.

Again, I should like to know who entered into these contracts for the sale of 73,000 bags, if there were only 55,000 bags available in the country. Is Government now importing maize on special terms from South Africa to enable private interests to fulfil their contracts?

I hope the hon. Mover is clear as to the question I am asking. There are, according to his figures, only 55,000 bags of maize available in the country; contracts have been entered into by somebody for the sale of 73,000 bags; is it by Government or is it by private interests that these contracts have been entered into, and is the maize now being imported in fulfilment of these contracts by private interests?

The hon. Mover mentioned, Sir, one very important matter—that there would be a new crop of maize available next month in one area, and another quantity available a short time later in another area. I should like to ask, Sir, whether Government has taken, or contemplates taking, such steps as are necessary to ensure that that early maize will not

be cornered; that it will be made available to native consumers at a fair market price; and that no success will be allowed to attend efforts to corner that maize so as to keep up the present prices.

I cordially support the opinion expressed by the hon. Member on my left (the hon. Member for West Kenya), that Government should have distributed maize and not maize meal in the Native Reserves. They have their own milling facilities and I do not see why they should not have been allowed to make use of them.

I should also like to add my voice of protest against the policy of the Control Board in announcing an increase of prices well in advance. I should like to hear some statement made by the hon. Mover to justify that action. In my district the only effect of it was to make maize meal unobtainable from the date on which the announcement appeared until the new price came into operation. It was impossible to buy a bag of maize meal for the natives in the township of Eldoret during the period between the announcement (and the announcement was known in Eldoret almost as soon as in Nairobi) and the morning on which the new prices came into operation. Furthermore, Sir, in that district, maize meal is being sold at prices considerably in advance of the prices announced by the Control Board, and, so far as I know, no effort has been made by Government to safeguard the people against that.

I am informed—and I mention the figure subject to correction—that the price value at the present time, on the controlled price, is Sh. 15 per bag. Maize meal was being sold last week in the Eldoret bazaar in retail quantities at a rate that worked out between Sh. 30 and Sh. 40 per bag. So I am informed by my natives who, because of a shortage of maize meal at my place one day, had to go and buy retail.

The hon. Member for the Rift Valley has moved an amendment the effect of which would be to have the wheat available in the country used for native foodstuff. On the merits of that proposal I am not in a position to speak, but it does bring attention to another aspect of the question. In the past we have been assured by the Government medical authorities that a maize diet was not a good one for the native. It was not good for the European employer to feed his native employees only on maize meal, for in their own homes they had a much more varied diet. I should like to know, Sir, to what extent the other food resources of the Native Reserves have been investigated, and why we should be working on the assumption to the extent we have been doing that maize meal only is the foodstuff of the native.

In conclusion, Sir, I should like to express my sympathy with the hon. Member for Nairobi North, in the invidious



position in which he finds himself. I should like, speaking for myself at any rate, to express the opinion that none of us—at least, I for one—do not doubt that he and his colleagues have conscientiously endeavoured to discharge their onerous duties on that Board, and I think that there has been no expression of opinion on this side of the House otherwise. We have—and I think there is some justification for our doing it—expressed severe criticism of their judgment in many matters in connection with this so-called famine situation, but I do not think any of us have cast aspersions on them in any other way.

**THE HON. THE ACTING CHIEF NATIVE COMMISSIONER:** Your Excellency, with regard to the two criticisms made by the hon. Member for West Kenya—one was why were the natives given maize meal instead of maize. The answer is that we were not able at the time to get maize at all. We none of us wanted maize meal, but we could not get maize in sufficient quantities, and we had to take the maize meal instead. We were in a hurry to get the stuff through to Meru before the rains broke.

With regard to the second statement, that Meru natives are selling to the shopkeepers the maize meal they had received, if the hon. Member can produce any definite concrete evidence to the Senior Commissioner, Kikuyu, I am quite certain he would go into it and find out the truth of it, but we have had, since this Food Control Board started, numbers of allegations of various kinds made, and at the beginning I tried to go into several of them. In one it was stated that numbers of natives were leaving the farms in the Nanyuki area, and people could not get their boys back because they were getting much more to eat in the Reserves. We investigated one case, and we found there was apparently no substantiation for it at all. One gentleman said that his boy would not come back; when we went into it, we found he wanted to take a short cut across a neighbouring farm, and he was told that he ought to follow the main road—that was all there was in it.

**CAPT. THE HON. F. M. V. KENEALY:** Your Excellency, may we have a statement from the hon. the Acting Director of Medical and Sanitary Services in regard to the relative food values of maize, wheat and wheat flour?

**HIS EXCELLENCY:** Does the hon. the Acting Director of Medical and Sanitary Services wish to make a statement?

**THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATTERSON):** Your Excellency, it is the case that an experiment was carried out with regard to the effect of mixing wheat with maize meal, particularly wheat containing a large amount of bran. The experiment was not

a very extensive one, and it was chiefly carried out to see whether the addition of wheat meal with bran in it would cause any digestive disturbance or not. It was found that it did not cause any digestive disturbance (hear, hear) and so far as the experiment went, the evidence would appear to be that the addition of wheat meal of the type used to bran is advantageous. (Hear, hear.)

**THE HON. THE DIRECTOR OF AGRICULTURE:** Your Excellency, I find myself in some difficulty as to the attitude which I should adopt in replying to the discussion on this motion. I imagine, Sir, that the criticisms which have been made, in the way that the hon. Member for Plateau South has made them, have evidently been made to clarify his own mind in the matter. If his assumption is correct—if his statement to the House is correct—then the Unofficial Members on this Food Control Board are absolved from responsibility, and from any errors of judgment, and from doing anything that might have been wrong; and the blame must be carried by the Official Members. Now I do not know whether hon. Members on the other side of the House.

**THE HON. T. J. O'SHEA:** Your Excellency, on a point of order, if I suggested anything of the kind

**HIS EXCELLENCY:** I do not think the hon. Member for Plateau South has made any such suggestion. I think he included the whole of the members of the Food Control Board.

**THE HON. THE DIRECTOR OF AGRICULTURE:** Then, do I take it from the hon. Member that he really has no adverse criticisms to offer as to the actions of the Food Control Board as a whole?

**THE HON. T. J. O'SHEA:** To make the position quite clear, what I said on the subject applied equally to Official and Unofficial Members.

**HIS EXCELLENCY:** So I gathered.

**THE HON. THE DIRECTOR OF AGRICULTURE:** I am grateful to the hon. Member. I would add that on this Board, constituted by yourself, Sir, there are representatives, highly skilled and experienced in commerce and trade, who are able to bring their knowledge to these difficulties which arise and give their wise counsel and decisions.

Coming, Sir, to the criticisms of the hon. Member for Plateau North, some of them are rather in error. They have been dealt with before in this House, and I do not propose to enter into them again. I agree with my friend the hon. Member for Nairobi North that his (the hon. Member for Plateau North's) statement that the control prices have been

put up 50 cents a bag a day or two ago in order to enable the Food Control Board to be able to sell this imported maize at satisfactory prices, is entirely unworthy, and I think it is a great pity that statements of that kind should be made in a representative assembly of this kind without enquiry being made in advance.

Another statement which he made, again I say is entirely in error. He said that certain firms were inviting people to get supplies from them. The position, Sir, is just the reverse. The Food Control Board found it necessary, in the exercise of its duties, to make an appeal to those two firms in this Colony holding stocks of maize to supply maize to feed the people. In these circumstances, the reply is one which may be given, I think, to the question put to me by the hon. Member for Plateau South.

THE HON. T. J. O'SHEA: They are making a good profit on it.

HIS EXCELLENCY: I would ask the hon. Member not to interrupt.

THE HON. THE DIRECTOR OF AGRICULTURE: He asked the question, Sir, as to whether it could be explained how 55,000 bags were returned as available and contracts had been entered into in advance for 73,000 bags. The explanation is this, Sir: that the Food Control Board found it necessary to ask certain firms to release their reserve stocks in order to keep supplies going, and that is the arrangement which obtains at the present moment, and that is what accounts for the figures which I gave to the House. Supplies of maize and maize meal are and have been drawn upon from the Board against their reserve stocks. The Food Control Board hoped in that way, Sir, to avoid importation, but unfortunately, due almost entirely to the sudden stoppage and the complete cessation of supplies from the Kikuyu Reserve, the situation has become this: that a certain quantity, estimated at 30,000 bags, will have to be imported to keep the Colony going.

I would explain, Sir, that the Kikuyu Reserve has for months past been supplying maize for food supplies outside the Reserve at the rate of about 2,000 tons a month.

With regard to the questions put to me by the hon. Member for West Kenya, my friend and colleague on the Food Control Board has, I think, replied at least to some of them. I have a great deal of sympathy with the opposition of consumers round about Nyeri when they found that supplies, which they normally obtain from the Native Reserve, were cut off, but I am afraid that is a situation beyond the means of the Control Board to prevent. The Food Control Board did

all that it could to enable the natives on farms in that part of the country to be supplied, by arranging, in the manner I have already indicated, for reserve stocks to be drawn upon.

A good deal of criticism has been offered in respect of the decision of the Board to publish in advance the maximum control prices in respect of each month; that is to say, those control prices which advance by 50 cents a month. Well, here again I suggest to the House that you have on that Board representatives, particularly on the unofficial side, who are well-informed in matters of this kind and on whose judgment reliance should be placed. The Board gave a great deal of consideration to this matter, and came to the conclusion that, having regard to the manner in which the trade itself was conducted—that is to say, many people were desirous of entering into contracts for months in advance, and sellers for their part were desirous of adopting the same practice—it was necessary to publish those figures in advance. The Board was satisfied, after making a very close examination of the position, that the advance of 50 cents per month, calculated to cover interest charges, loss in weight, extra handling charges, and so on, was no more than sufficient to cover the actual extra cost, and was not sufficient to persuade people to hold up stocks. I do not doubt but that in actual practice stocks might be held up during perhaps the last week preceding an advance in price, but there is no evidence before the Board to show that there has been any complete disturbance in supplies.

The hon. Member for West Kenya complained that I did not give sufficient figures, and that this House should have been placed in a position to analyse the figures. Well, I should be sorry indeed to ask Members of this House to analyse the complicated figures that have been put before the Board during the last few months. They have been so involved and so complicated that it has taken members of the Board a great deal of time, sitting together round a table, to get a thorough understanding of them, and it is not the sort of information which would be helpful to this House or could be profitably discussed by this House. I submit, however, that I have given sufficient information to the House, both in respect of the available supplies and the need of the Colony in respect of consumption to justify the House in passing the resolution before it.

I would express regret that in the paper put before me in regard to these quantities of maize an arithmetical error was made, and I apologise to the hon. Member for Plateau South. I am glad that he drew attention to it. It does not materially alter the case—it is only going to make a difference of perhaps a week's supply, approximately, for the whole Colony.

The hon. Member for Plateau South enquired whether consideration was to be given to other forms of food supplies

available in the Native Reserves besides this. Well, that is a matter on which my friends behind me could speak with better knowledge than I can, but I am sure that every administrative officer responsible for advising that a proclamation should be published in regard to the prohibiting of foodstuffs from Native Reserves has taken it very fully into consideration.

The same hon. Member stated that the prices of maize meal, I think at Eldoret, were above the maximum control prices. The Board has invited the public from time to time to co-operate with them in this matter, through the officers authorised by the Board at Eldoret to control matters of this kind, and if he will cause, or take any action whereby documentary evidence is put before the Board that such things have been done, the Board will very gladly go into the matter. But the Board is unable to act on merely hearsay evidence of that kind. I think the hon. Member will agree that some documentary evidence is required by the Board before it can act, and I hope the hon. Member will remember, Sir, that we are not responsible for seeing that the law is carried out.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of explanation, Sir

HIS EXCELLENCY: What is your point of explanation?

LT.-COL. THE HON. J. G. KIRKWOOD: I reiterate my previous remark, with regard to the statement made that maize was being imported at parity with London markets, and would be sold at food control prices. I pointed out that within the last forty-eight hours a rise of 50 cents had been sanctioned by the Food Control Board. I deduced from that that the local maize could be sold or had been sold at 50 cents less than what they could sell imported maize at. I made no statement that the 50 cents had been put on to bring both into line. That statement was made by the Director of Agriculture and not by me.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, I am very glad the hon. Member has corrected himself by putting right what he previously said.

LT.-COL. THE HON. J. G. KIRKWOOD: I challenge that remark.

HIS EXCELLENCY: I was under the same impression as the Director of Agriculture in regard to the statement.

THE HON. THE DIRECTOR OF AGRICULTURE: I am very glad, Your Excellency, to be able to give the hon. Member for Kikuyu information in regard to supplies in Tanganyika and Uganda. During the operation of the licensing authority and Food Control Board up to date, and in respect of permits issued

for the export of maize and maize meal to Uganda and Tanganyika, and covering supplies, perhaps going into the month of August, the position is as follows:—

Maize and maize meal to Uganda ...	77,871 bags.
To Tanganyika ... ..	59,589 bags.

Comparing these supplies from Kenya this year with previous years, the position is as follows:—

We exported to Uganda in 1927, 16,000 bags; and in 1928 (the famine year in Uganda), 116,000 bags; and to Tanganyika in 1928, 28,500 bags.

It will be seen that the quantities exported during this year are in excess of the quantities exported in previous years, but there is a satisfactory explanation of that, particularly in so far as Uganda is concerned, in that with the advance of the railway system through Uganda, and the construction of railway lines, a very large quantity of maize and maize meal is exported from Kenya for feeding the employees on the railways, and also for feeding employees in Government departments, apart from supplies made to ordinary traders.

Now the policy of the Board in this connection has been this, as it has been the policy of the Government, Sir, if I may say so: Government gave assurances to the neighbouring governments of Tanganyika and Uganda that the Board would carry out its functions in such a way as to disturb as little as possible trade and trade connections, and that policy the Board has endeavoured faithfully to carry out. Had it not been for the cessation of supplies, amounting to about 2,000 tons per month, being cut off about a month ago from the Kikuyu Reserve, we should just have had sufficient maize to carry on with until the next crop came in and to continue these supplies to Tanganyika and Uganda. The view of the Board is that it would be unreasonable in the circumstances, having regard to the very small quantity of maize involved, suddenly to cut off these supplies to Uganda and Tanganyika. They have no other means of providing themselves with supplies of this kind, and I think it is important—I am sure hon. Members will agree—that this Colony should maintain its trade connections with the least disturbance possible.

I am very glad indeed to be able to give my friend, the hon. Member for the Rift Valley, the assurance which he asked me to give. It is within my knowledge that certain wheat has been used in large quantities during the past months for mixing with maize meal, with the approval of the buyers, and with acceptance to those who eat it. The latest information I have is that these supplies of second and third quality wheat are already practically exhausted, and therefore it does not become a real live factor in the estimates in respect of

food supplies of the future, but they have been taken into consideration by those who have submitted estimates to the Board in respect of the supply of food and the requirements.

I agree with the view expressed by the hon. Member that we should avoid, if possible, importations, and that we should restrict the importations to as low a figure as possible. I endeavoured to indicate that, Sir, when I introduced the motion, and I will give the hon. Member the assurance that that point was very fully in the mind of members of the Food Control Board when we decided to take this step. I would draw attention also to the fact that the greatest use is being made at the present time of other kinds of grain; for example, oats, barley, and so on, to supplement the stock of maize which is ordinarily used for stock food purposes. It is within my knowledge that mixtures are made now containing oats and barley and a small quantity of maize in order to render available as large a quantity of maize as possible for human consumption.

THE HON. E. POWYS COBB: On a point of explanation, Your Excellency, I was not referring to second and third grade wheats. I was referring to unexportable grades. I would ask the hon. Member if he really wishes to imply that supplies of this lower grade wheat are exhausted, or nearly exhausted. My information, derived from an authoritative source, is to exactly the contrary effect.

THE HON. THE DIRECTOR OF AGRICULTURE: I can only give the hon. Member the information I have. It may be wrong, but I can only give him such information as I have. I shall be very glad to hear there is still a further available stock of wheat in the Colony of the quality which he mentions. In any case, Sir, wheat is being used at the present time for the manufacture and mixing of so-called "posho" for food purposes.

I regret, Sir, that so much has been said with regard to the operations of the Food Control Board. I can assure the House, as you know, Sir, I think, that it has not only been an invidious task, but a very difficult task. One is well aware, from reading of the operations of Boards of this kind in other countries, that it is very often a thankless task. The Board has endeavoured faithfully to carry out its functions in a manner which should be fair to every section of the community. (Applause.)

HIS EXCELLENCY: I will first put the amendment to the motion moved by the hon. Member for the Rift Valley, that the following words be added to the motion as moved by the hon. the Director of Agriculture:—

"Provided that no maize be imported until the exhaustion of existing stocks of unexportable wheat is in

sight, except in so far as maize may be necessary for mixing with the aforesaid unexportable wheat.

THE HON. E. POWYS COBB: Your Excellency, in view of what has been said, may I say one word?

HIS EXCELLENCY: I am afraid you have already had your chance.

The question is in the terms of the amendment.

The question was put and lost.

HIS EXCELLENCY: I will now put the motion moved by the hon. the Director of Agriculture.

The question was put and carried.

#### DAYLIGHT SAVING COMMITTEE.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I beg to move the motion standing in my name:—

"That the places of sitting of the Daylight Saving Committee should exclude Plateau North and Plateau South."

I move this motion for financial reasons because I believe it is in the true interest of this Colony.

It is proposed by the Committee to visit both Plateau North and Plateau South, which will put the Colony to considerable expenditure, and I consider that under existing circumstances, and from what has happened in the past, it is quite unnecessary. Both districts have been very pronounced in their opinions of the Ordinance; they have been opposed to it from the start. They have reported their objection and passed resolutions in favour of the repeal of the Bill. I myself have had a mandate from my district for some considerable time to move the repeal of the Bill at the earliest possible date. I do not know of one single organisation in both these districts that has not passed resolutions either for the repeal of the Bill or against the original Ordinance. I submit it would be a waste of time and money in visiting these districts that are very pronounced in their opinion. It would be a waste of public money. It would be a futile visit. It would not add either to the dignity of the Committee or the value of their findings.

It is also proposed to exclude any notice of resolutions that have been passed; to take no notice whatever of public meetings that have been held and resolutions resulting from those public meetings. It is not proposed to accept memoranda with reference to the Time Alteration Ordinance, neither is it proposed to accept or take any notice whatever of anything that has appeared in the newspapers.

As I visualise the situation, it is the intention of the hon. Member for Nairobi South to ignore all the opinions that are being definitely expressed in both these districts and elsewhere, and I can only conclude that he hopes, by personal intercourse with the people in the districts opposed to the Ordinance and in favour of its repeal, by his ability as an orator and his legal training, to persuade the individuals concerned that they do not know their own opinions. I submit these districts have been most definite in their expression of opinion, and it might be applied to other districts where expressions have been very definite, to save the time and money of the country in visiting districts where the opinion is already known.

I will leave it at that, Sir.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I would like to second the motion of the hon. Member for Plateau North.

It would seem, Sir, if the idea of that Committee is to go out and take fresh evidence, that the whole of the work of the district committees and expense that members will be put to, will be absolutely abortive. It seems to me entirely unjustifiable, Sir; I think it is unjustifiable expenditure, and the country should not be put to it.

I cannot conceive that the Committee visiting the districts concerned would get anybody at all to come forward to give evidence, and if they did, I submit, Sir, that even if they got four, five, or ten people to give evidence, it could not have the same bearing on the case such as the unanimous opinion voiced by the various districts should have in considering this Bill.

There is no doubt at all, Sir, that the districts mentioned—and I could quote others—in fact, the whole of the countryside—are definitely opposed, and would like to see the Bill repealed. I do submit, Sir, that it would be an absolute waste of time for the Committee to visit the districts which have already put in formal resolutions against the Bill.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I rise to oppose this motion on two grounds.

Before doing so, I should like to take the greatest exception to what has been said by the hon. Member for Plateau North when he suggested that this is some ruse of mine to try and use some alleged forensic ability to persuade people that they have no minds of their own. I do not think that my attitude on this question, either before it was introduced or since its introduction, has been such as to justify any suggestion that I am determined at all costs to see that this Bill stands un-repealed.

I oppose this, Sir, on two grounds. The first ground is one of principle. I did not rise on a point of order when the hon. Member introduced the motion because I have not had time to look up, as I had meant to do, the parliamentary procedure; but it is quite certain, Your Excellency that if any single member of this House had ever thought that such an attitude was going to be adopted by a member of a Select Committee as that which has been adopted by the hon. Member for Plateau North, provision would have been made in Standing Rules and Orders when they were framed last year. No questions can be asked about the proceedings of a Select Committee until that Select Committee has reported. It is entirely wrong in principle, in the Parliamentary procedure, that the procedure to be adopted by a Select Committee—which has been decided by a majority of that Select Committee—should be made the subject of debate in this Council. (Hear, hear). In effect, what will it lead to? A Select Committee meets, as this has met. For two hours we discussed this question; one member, the hon. Member for Plateau North, stood out against visiting his constituency or that of the hon. gentleman on my left (the hon. Member for Plateau South). The rest of the Committee were unanimously in favour of going. That was the decision on procedure of the Select Committee. They might just as well have decided they would meet in Nairobi next Friday and Saturday, and, because one member comes running here and proposes a motion that the committee shall not sit on Friday or Saturday, they are not able to do so.

I suggest—I am sorry if I feel heated, and the hon. gentleman knows that there is nothing personal in this—it is a ridiculous waste of time and very nearly an abuse of the privileges of being a member of this House, to come and propose a resolution in this House in connexion with the procedure decided upon by a Select Committee.

As to the merits of the motion, it seems to be presumed that because people have passed resolutions saying they do not like this Bill, that the Select Committee is barred from going to find out why they do not like it. We have got to find out the facts. It may be—we will presume, for the sake of argument, two centres only, Mombasa and Nairobi—that the Committee, on taking evidence, find out that this Bill has conferred great advantages on those two centres. They have then got to find out whether the disadvantages for other parts of the Colony outweigh the advantages to the two centres named. They have got to weigh in the balance, find out reasons. It is not true to say that we decided to ignore resolutions and written evidence—nothing of the kind. We did say we would take no notice, sitting as a Committee, of

letters written to the paper. I think that was right. What we want to do is to say "Now, you have said you are against the Bill in the cities. Why? How does it harm you?"

The hon. Member is not correct, Sir, in jumping to the idea that I want to go about the country examining people, as to whether they know their own minds or not.

Finally, on what jumps to the eye and the conclusion one is forced to, I am rapidly being forced to the conclusion, in view of the attitude adopted by the hon. Member, that he is frightened of the Committee going to ask people their reasons. I ask this House and Your Excellency to allow a free vote on this question. I would ask this House in a very marked degree to express its disapprobation of this motion being introduced in this Council by the hon. Member.

THE HON. CONWAY HARVEY: Your Excellency, I also intend to vote against this motion. It does, Sir, introduce an ill-considered and most pernicious principle. Whether the Committee decides to take evidence at Kitale, Eldoret, or elsewhere, I am most certainly going to leave to the good sense and judgment of that Committee. But I do feel very strongly indeed, as one who has probably served on more committees than any man in the country, that the freedom of Select Committees, once they have been appointed, should not be restricted in any shape or form. Their critics have full and ample opportunity of expressing their approval or otherwise when the Report is adopted in this House, and I do suggest in all seriousness, Your Excellency, that giving premature publicity to any item under discussion by a Select Committee before its final decisions have been arrived at may do incalculable harm and will most certainly not be in the best interests of the country.

THE HON. THE ACTING GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: Your Excellency, as Chairman of that Committee, it does not seem to me necessary to add anything to what has been said. I most strongly deprecate this motion and I shall have great pleasure in voting against it.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I feel it is unnecessary for me to say much more than has been said by the General Manager and the hon. Member for the Lake.

I am viewing this question purely as an abstract one of principle. It seems to me that were this House to accept this motion they would be accepting, in a sense, an affront to members of this House as a whole. The members of this House are rightly regarded as responsible persons who may be trusted to act in the best interests of the Colony as a whole.

They have appointed a Select Committee and it is undoubtedly within the discretion of that Committee and its Chairman to decide what is a proper action to take in order that the Report, when laid before this Council for consideration, may be of such a nature as to be as comprehensive as possible. Whether or not the expense involved in this question is warranted is a matter, I think, for the Select Committee and its Chairman to decide, and in any case it is not for this House to intervene at this juncture. (Hear, hear).

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, it has been admitted by the hon. Member for Plateau South that they did not intend to take any notice of memoranda at all.

HIS EXCELLENCY: I do not think the hon. Member has taken part in the debate.

THE HON. T. J. O'SHEA: On a point of order, Your Excellency, may I be told again what I have done?

HIS EXCELLENCY: The hon. Member means Nairobi South.

LT.-COL. THE HON. J. G. KIRKWOOD: Nairobi South.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, on a point of explanation, if the hon. Member does mean me, I said nothing of the kind either.

LT.-COL. THE HON. J. G. KIRKWOOD: I definitely pointed out that a memorandum had been sent down from my area and that I had a definite mandate from my district that a sub-committee had been formed to give their reasons, and that would be supplied. Still the hon. Member for Nairobi South insists on visiting Kitale, and it does seem to me, Sir, to outweigh in a measure my statement and the attitude my district take up if written proof were not taken as evidence before the Alteration of Time Ordinance Committee. But I do not wish to press the matter any further. I do consider it practically an insult to me and to the intelligence of my constituents to visit the district after what has taken place, but as there appears to be confusion on the point that this motion is out of order, I do not wish to force the motion. With your permission, Sir, I will withdraw it.

THE HON. THE DIRECTOR OF AGRICULTURE: Your Excellency, in my judgment, if I may say so, the rights and privileges of this House are to some extent involved, and I hope the House will not agree to this motion being withdrawn but that it will go to a vote. (Hear, hear).

THE HON. T. J. O'SHEA: Your Excellency, in view of the course the debate has now taken, may I be allowed to make an appeal to the House to agree to the proposal of the hon. Member that he be allowed to withdraw the motion.

I do so because I believe I am right in saying that he framed it hurriedly and the circumstances, unfortunately, did not give him an opportunity of considering its implication. He had not an opportunity of appreciating that he was in effect, attacking the privileges of the House, and he has offered to withdraw it now. It is evident that it has been brought home to him that he was doing something he did not intend to do, and he offers his regrets by withdrawing it. In the circumstances, I hope, Sir, the House will allow the hon. Member to make the *amende honorable*.

HIS EXCELLENCY: I think that motions of this sort should be made definitely out of order by Standing Rules and Orders, and that they should be amended to effect that purpose.

In view of what the hon. Member for Plateau South has said, I am quite sure this House will agree to the withdrawal of the motion of the hon. Member for Plateau North.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, now that the discussion has become a little less heated and is proceeding in a more amicable spirit, may I give an assurance to the hon. Member for Plateau North and the House that the last thing in the world I wished to do, or did do, was to insult either his intelligence or that of his constituents. No such suggestion was in my mind, nor in the mind of any other member who was present at the meeting when it was decided to visit Kitale.

The motion was withdrawn.

Council adjourned until 10 a.m. on Thursday.

18th July, 1929.

THURSDAY, 18th JULY, 1929.

The Council assembled at 10 a.m., on the 18th July, 1929, at the Memorial Hall, Nairobi, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, C.B.E.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The minutes of the meeting of the 17th July, 1929, were confirmed.

#### PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATERSON):

Report of Select Committee appointed to consider and report upon the Bill to Enable Local Authorities to take Measures for the Prevention of Malaria within the Colony.

BY THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN):

Report of the Committee of Council appointed to consider and report on a petition by the residents of Muthaiga to be excluded from the Nairobi Municipality.

His Majesty's Eastern African Dependencies at the Ideal Home Exhibition, Olympia, 26th February to 23rd March, 1929.

His Majesty's Eastern African Dependencies at the Scottish Grocers' and Allied Trades Exhibition, Edinburgh, May, 1929.

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

Report of the Select Committee appointed to consider and report upon the provisions of the Water Bill, 1928.

#### NOTICES OF MOTION.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, I beg to give notice of the following motion:—

"That the Report of the Select Committee appointed to consider and report on the Petition presented by the residents in Muthaiga, that Muthaiga be excluded from the Nairobi Municipality, be adopted."

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I beg to give notice that I propose moving, at a later date, that an Agricultural Officer be appointed to Plateau North; and that the Suk area be opened for the movement of cattle, and that a boma be established.

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I beg leave to give notice of motion that the Report of the Select Committee on the Malaria Prevention Bill be adopted.

## BILLS.

### SECOND READINGS.

#### LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, the principal object of this Bill is to amend the Local Government (Municipalities) Ordinance of 1928 so as to provide a way of avoiding the deadlock which ensues under the Principal Ordinance in the case of Nairobi and Mombasa if, for any reason, the full complement of members of the Nairobi Council and the Mombasa Board is not available for appointment under sections 5 and 9 of the Ordinance.

The introduction of this measure at this time is necessary because a deadlock is imminent, and we must prepare betimes to deal with it. But in order that the House may be placed in possession of the full facts and the sequence of events which is leading to this unfortunate impasse, I propose to acquaint it with the various scenes which have been played since the enactment, barely a year ago, of the Local Government (Municipalities) Ordinance, 1928.

Members will recall that that measure constituted the Nairobi Council and Mombasa Board in the precise manner set out in sections 5 and 9. The details of the composition of these bodies had been the subject of agreement at the Round Table Conference in June of last year, and were enacted as part of the Ordinance in order to give them the full sanction of the Legislature. It is true that a day or two before the measure was introduced in this House the Indian Association repudiated the actions of its representatives at that Conference, and recorded their opposition to the Bill on the ground that the method of representation proposed maintained the principle of communal franchise, and that the number of Government representatives was unduly large and should be reduced.

It was, however, hoped that that opposition would be withdrawn, and no special action was taken at the time to ensure against Indian non-participation.

Members are aware that the operation of the Ordinance took effect from the date of a Proclamation which the Governor was empowered by it to issue, and that, immediately upon the issue of that Proclamation, the Municipalities of Nairobi and Mombasa were brought into definite existence.

The Nairobi Council included elected members; election machinery had been struck out of the Bill as originally drafted and had been replaced by a section empowering the Governor in Council to make rules governing election procedure. For both the Nairobi Council and the Mombasa Board certain members were to be nominated, but it was well understood that prior to formal nomination informal elections would be held for the choice of members whose names would then be put up to His Excellency for approval and nomination.

This procedure meant delay in constituting the Council and Board as required in the law, and a course was provided in section 106 of the Ordinance for enabling municipal administration to be properly undertaken pending the results of such election and nomination, namely, that the Governor might nominate not less than ten fit and proper persons to form a Council or Board to carry on in the meantime, but to have during their office all the powers and exercise all the duties and responsibilities of a substantive body.

Clearly therefore discussion of a *modus operandi* with the local bodies was required before that Proclamation was made.

It will, I think, be simpler if at this stage I divide my narrative into two parts, and recount separately the march of events in Nairobi and Mombasa.

On the 11th of October I intimated to the old Nairobi Municipal Council that His Excellency proposed to bring the Ordinance into operation on the 31st of that month, and invited them to suggest names of persons for nomination to the temporary body to be appointed under section 106, and which, for the sake of simplicity, has come generally to be known as the Interim Council. The sepulture of the old Nairobi Council which was implied aroused some discussion and eventually, and to a large extent, because of the attitude taken by the Indian members of the old Council, it was arranged that the existing Councillors should be appointed *en bloc* as the Interim Council, that early arrangements should be made for preparing a voters' roll, and that, until the new Council representing the whole of the new and enlarged Nairobi Municipal area was appointed, estimates for 1929 should be prepared in respect only of the old Municipal area; supplementary estimates to deal with expenditure on and revenue from the added areas being deferred to that later period.



The proclamation was issued on November 24th, and on the same day the old Councillors, including four Indians, were appointed as the Interim Council. Three weeks later, however, the four Indian members resigned, an edict having gone out from the Kenya Central Indian Association that, pending the issue of the Report of the Hilton Young Commission, participation by Indians on any public body constituted on a communal basis should cease. Between December 11th, the date of their resignation, and the end of the year, I had interviews with some of the members themselves and with the leaders of the Kenya Central Indian Association. They expressed the view that, while they had no intention of non-cooperation in the accepted particular meaning of that word, they could not at this stage, prejudice their case for a common roll for Legislative and Municipal Councils. I was authorised by Your Excellency to assure them that, in the event of their acceptance of nomination to the Nairobi Interim Council, an official intimation would be sent by Your Excellency to the Secretary of State to the effect that such participation in a body constituted on communal lines had been agreed to purely with a view to forwarding an important matter of domestic concern, and was not to be taken as in any way indicating any modification of the Indian claim to a common roll franchise.

They persisted, however, in their refusal, and consequently on January 4th four Europeans were appointed to the Interim Council in their place.

In the meantime, the Governor in Council has issued European Councillors' Election Rules, a voters' roll has been compiled, and I have fixed August 8th as the date of election for European councillors. I do not, I think, need to elaborate the obvious reasons which make it imperative to get the Nairobi Council formally constituted without more delay. I had indeed anticipated that the European election would have been held at an earlier date, and consequently had again approached the Kenya Central Indian Association on May 21st, inviting them to participate. The East African National Indian Congress had, however, passed a resolution in March: "That as a protest against communal franchise in Kenya, this Congress reaffirms its determination to abstain from participation in the Legislative and Executive Councils of Kenya. In pursuance of the same policy, the Nairobi Indian community are requested to abstain from participation in the Nairobi Corporation."

In replying to my letter, the hon. general secretary of the Kenya Central Indian Association on May 25th informed me that it was not possible for his Association to recommend participation in the local municipalities or district boards pending the substitution for the present method of representation of a common roll of voters.

This being the state of affairs there was no alternative open to Government except to introduce a measure to remove the deadlock, but before doing so Your Excellency first sent for the Indian leaders to inform them clearly of the position. That interview was given on June 27th, and on July 11th a further refusal to participate was communicated by the Kenya Central Indian Association.

In Mombasa the difficulties arose at first along different lines. The Mombasa Indian Association submitted names for nomination to the Interim Board, and these appointments were made by His Excellency the Governor on November 27th, on which day the Municipality of Mombasa was brought into being. On the day fixed for the first meeting of the Board the Indian members declined to take up their appointments on the ground that Government had promised not to appoint more than two Government representatives, and had in fact appointed three. No such promise had been given, but the Round Table Conference, while recommending up to four Government representatives for the Mombasa Board, noted that the Indian members of the Conference would prefer that these representatives be not more than two.

The difficulty was discussed with me in December, when Indian representatives came up to Nairobi. They asserted their desire to come on to the Board, and the entire absence of political motives in their withdrawal, and represented that the matter could be adjusted by the appointment of an Indian as a fourth Government representative.

Every consideration was given to their difficulties, and Your Excellency agreed to appoint Mr. H. Bomanji Mistri, a senior Asiatic Treasury official at Mombasa, as a Government representative. On this appointment being made, the Indian leaders began their preparations for the holding of an unofficial election in their community for the choice of representatives to submit for nomination by the Governor. It transpired, however, that the Kenya Central Indian Association officials from Nairobi visited Mombasa, and induced a mass meeting to throw over their former representatives, and throw in their lot with Nairobi, and refuse to participate until the Hilton Young Commission Report had been issued. The Mombasa Indian Association have since co-operated with the Kenya Central Indian Association, and on June 25th, in response to further invitation to nominate representatives to the Mombasa Board declined to participate pending the substitution of a common roll of voters for the present method of representation.

We cannot go on indefinitely with an Interim Board in Mombasa, and it is eminently desirable that the normal course of constituting the Board in accordance with section 9 should be no longer delayed.

I trust I have not unduly wearied the House with this recital of events, but I suggest that it was important to set out the position clearly, even though at some length. In the view of Government it is now essential to constitute these municipal bodies in accordance with the law.

Members will observe that in clause 3 of this Bill it is provided in the last sentence that all members nominated as the result of an impasse of the kind with which we are now faced shall be nominated for such period, not exceeding three years, as the Governor may decide. This provision is included for the purpose of leaving the door open to Indians, since without it any nominated member would have had to be nominated for a period of three years in accordance with sections 6 (1) and 10 (1) of the Principal Ordinance.

These, Sir, are the reasons prompting the introduction of this Bill. The second and third clauses empower the Governor to nominate such number of other fit and proper persons, not exceeding seven, to the Nairobi Council and Mombasa Board as he thinks fit, if no Indian nominees or an insufficient number come forward for appointment. Clause 5 gives a similar power through the rule-making clause if a vacancy for an elected European member is not filled by election. We have also taken the opportunity of this amending Bill to repeal section 13 (2) of the Principal Ordinance, which required that all nominated members should have the same qualifications as elected members. This provision may in fact preclude the fulfilment of one of the objects of nomination in the case more particularly of the smaller municipalities. One of the reasons in favour of including elected and nominated unofficial Europeans in the constitution of a municipal board was that there would probably be residents such as bank managers, to take one instance only, who would be unable to stand for election, but whose membership would be of great value. It happens fairly frequently, however, that such persons, and others of the kind contemplated, are transferred by their firms from time to time within the Colony and on going to a new station, should this happen to be a municipality, are as the law stands at present debarred from appointment to a Board for two years during which time they are fulfilling the residential qualification. This possibility was overlooked last year, when the Ordinance was drafted, and I commend the proposed amendment for adoption.

I beg leave to move the second reading.

**THE HON. THE ACTING ATTORNEY GENERAL (MR. T. D. H. BUUCE)**: Your Excellency, I beg to second the motion.

**THE HON. CONWAY HARVEY**: Your Excellency, in view of the comprehensive review of the circumstances necessitating

the introduction of this measure by the hon. the Mover, I sincerely trust the Bill will meet with the unanimous approval of this House. It seems to me, Sir, that it is a perfectly proper proceeding on the part of Government, and absolutely essential in the public interest, in order to avoid dislocation of important public business.

**THE HON. A. H. MALIK**: Your Excellency, I regret that Government find themselves compelled by the circumstances which have just been given by the hon. Mover to introduce this Bill at this moment. I personally am convinced that Government have no other alternative than to introduce such a measure to remove the deadlock; because government of the country and government of the towns must be carried out whether an individual or an individual community takes part in it or does not and for that reason I wish to state at the outset that I support the second reading of this Bill. (Hear, hear.)

Your Excellency, these events which have led to the present situation need some explanation on behalf of the masses of the Indians who are chiefly affected by this measure or similar measures. I will endeavour as briefly as possible to review the present position and the attitude of the Indian associations with particular reference to their relations with the masses of the community.

This is a measure, Your Excellency, in which human nature has entered to a very great extent. As we all know, human nature is ruled by two distinct instincts. One instinct is the instinct of justice, fair-play and reasonableness, and the other one is that which appeals to the sentiments of self-praise and self-aggrandisement and goes to satisfy the feeling of opposition which is inherent in almost every human being. As individuals are ruled by these two instincts so you will find, in almost every community—and more particularly in the Indian community—that the leaders are ruled by these two instincts; and they can be grouped into two sections. One section is ruled by justice, fair play and reasonableness and the other group is entirely moved by the instincts that appeal to the sentiments of the communities whom they claim to represent. Self-respect, everybody will admit, is a noble quality which any human being can possess but when the feeling of that self-respect goes beyond its proper limits it engenders selfish motives in the possessor of this quality. The group of leaders who are moved by justice, fair play and reasonableness are always you will find in minorities and their followers are few. They have no pompous show to present to the Government or to the country. But those people who like to appeal to the sentiments of the masses and invoke the feelings of their self-esteem, they always make a very big show, and they are

always followed by masses of people, full of scandal and excitement and commotion. This is the necessary result of the activities of such leaders and is always more apparent than the good work done by the just and reasonable leaders.

The first group, which is moved by reasonableness, always appeals to the reason of the communities, but those who like to play on ignorance of the masses always appeal to their sentiments. Political agitation in India, Your Excellency, is extensively carried out in the name of religion, which is a feeling which appeals to sentiment, and in this Colony this agitation is carried on in the name of self-respect.

Truth is said to be always bitter. True, it is very bitter, and there are few people indeed who have the courage to tell the truth. In this country the leaders of the Indian associations have been carrying on their agitation by appealing to the sentiments of the masses, by saying that the Government and the white community call the Indians inferior. Your Excellency, we all know that a very ugly man, whose ugliness is not at all doubted and is self apparent in his appearance—if you call him an ugly person he will not like it and he will fight you. If a man is dirty and you call him dirty he will not like it and he will fight you. He will say "Never mind whether I am ugly or dirty—it is none of your business to describe me as such." I agree with that. But if an ugly or dirty person comes forward and says "Don't you call me ugly or dirty, call me handsome or clean" will it mean that by virtue of his assertion he becomes handsome or clean? And even if some people call him a handsome or clean person will he really and truly become handsome or clean. I submit that that will not be the case.

The greatest grievance of the Indian community—and when I say the Indian community I mean the Indian associations—is that the Government and the white community call the Indian inferior. I say that Indians, although they are not inferior—nature did not create them as inferior—chose to occupy an inferior position in respect of the interests and activities of the country. As such, I say they are not inferiors, but I say they must remember that they have chosen a position of inferiority and if they wish to be called superior they must improve themselves a lot—and suppose for a moment that Your Excellency, the Government and the Members on this side of the House and their communities start calling the Indians a superior race, will that mean that the Indians have in fact become superior?

Whatever I will say to-day, I am sure the Indian Association leaders will say, "Well, you never represented us and your voice was naturally only your own and not correct." I

will, therefore, quote one of their leaders who delivered a lengthy speech recently in England, and his speech was under the heading of "Indians in Kenya." With Your Excellency's permission and the permission of the House I would like to read this out. The speaker on this occasion had divided the Indian activities into three periods. He deals with the first period from 1893 to 1903:

"On taking over the management by the British Government, Indians were encouraged to emigrate freely into East Africa. For the time being everything went well and trade developed on a very large scale. Indian bankers were induced to lend money to traders in East Africa, and consequently we were repeatedly asked, nay, requested by the Government, to open up the highlands of Kenya, and all facilities, such as free transport, etc., were offered, but we refused to listen to such entreaties and preferred to remain round about the town of Nairobi. Our policy was, and is, in East Africa to act as middlemen and nothing else, consequently acquiring of land for cultivation was not favoured."

Now this, Your Excellency, is the feeling of a man who has spent years in this country and who apparently advocated the cause of Indians in England, and he admits our policy is to act as middlemen. We all know that middlemen are inferior to one section—that is higher, and superior to the section that is lower.

I have always been of the opinion that instead of Indian leaders crying that they should be called equals they should try their best to educate the community, to become worthy, and thus, automatically, acquire the equal status. I have always told them whenever an opportunity was offered to me to make themselves worthy of equality with their sister nations and communities, and then they will be called their equals. But suppose for a minute that even if others do call ourselves their equals, the mere word of mouth would not alter the position at all because we shall still stink as we are doing to-day.

The greatest curse in the life of India has been social backwardness. To cite an instance of it: I am sure many hon. Members of this House are aware of a system in India which has almost ruined it, and which is known as caste system. This caste system, again, was the outcome of those very sentiments. Certain sections thought that as they came from a line of a certain race—caste, such as Brahmins or Seyids among Mohammedans—therefore they were superior, simply because they descended from a race which had had its day and which had distinguished itself in civilisation and learning; therefore, although they did not possess any qualifications, yet by reason of their ancestry they were superior.

Now, a fortnight ago, Your Excellency, an Indian paper in this country, the only one in the town, while, dealing with this question of non-co-operation in the present deadlock and reviewing an interview that members of the Indian Central Association had with Your Excellency, said: "Non-co-operation is the message of the old world to the new, of the religious and philosophical East to the materialistic and irreligious West. It is the only means by which India will liberate itself." I venture to say that this gentleman (whoever wrote these few lines) has said a lot in them. I do not agree, and I know that millions of Indians do not agree with him. Non-co-operation is not the message of the religious and philosophical East. It is commonly known that the East had been the cradle of various religions—even of those religions which are now ruling in the West—and I maintain and I can prove that non-co-operation is not the outcome of any of the religions that are ruling in India, at any rate, of the biggest religions that rule India. To cite an instance of the Muslim religion, which is followed by millions and millions in the East, I would like to quote here the Muslim scriptures which, in very very unequivocal terms, state regarding this question of non-co-operation—and that message was intended to be broadcast in the East and West and all over the world. It is said—with Your Excellency's permission, I will quote in Arabic and then translate it:—

"Atiullah wa aturrasoola wa olil amr-i-minkum."—  
(Holy Quran),

which means, "Obey God and His Prophet and the ruler (whoever rules you) over you." In the commentaries written by the Ulemas of this religion it has been made abundantly known all over the world that this is the message that the religious East likes to give to the West nay, to the whole world—I will not say irreligious West.

Then Your Excellency, this same scripture (the Holy Quran) is not silent on the outcomes and consequences of caste system. It lays down a wonderfully comprehensive ruling regarding one's claims. It says:—

"Inna ukramakum indallah-i-atqakum."—(Holy Quran).

That is to say:

"Honoured and superior from amongst you in the eye of God, is he who is best behaved of you." Do not claim to be what you are not, because that will not help you. To be a descendant of an illustrious ancestor is surely no compliment to you.

I say to the Indian community here and now that they should make themselves fit to be honoured and to be acknowledged as superior and then, even though they do not ask, they will be described as equals.

Another unfortunate attitude which, Your Excellency, has been adopted in this land by the leaders of the Indian Association is this: they would not admit the truth of the facts. As I have said, they are unreasonable and unjust and do not play the game. They always go appealing to the sentiments of the communities. I have in my hand a copy of the speech by His Excellency, Sir Edward Grigg, which he delivered in 1927 on the occasion of the Indian National Congress. His Excellency states:—

"Now frankly—I speak to you frankly because I do not believe that there is anything to be gained by diplomacy in these things and I would rather that you knew exactly what I believe—I hold that there is only one principle upon which the power and privilege of communities—political power and privilege, that is—can be fairly assessed, and that is by the general level of education, the standard of life, and the contribution which each community is able to make to the progress of the country as a whole. I believe that recognition of that principle to be equally essential to peace in East Africa because I know of no other which in practice will work for a single year. The best minds have been concentrated on this problem and I do not believe that any other working principle has yet been discovered which it would be possible to test with the slightest chance of success."

It has been said that Government have always been in the habit of treating Indians in a step-motherly fashion. It has always been said in the public press by the Indian leaders that the behaviour of the Government is step-motherly. I say, Your Excellency, can any honest person say that this was a step-motherly statement by His Excellency? I consider that when His Excellency stated those few words he was the biggest friend of the Indian community. He was moved with sympathy and stated frankly his own feelings, and the feelings of the whole community in this Colony.

Now, many of you will think that the Indian leaders would have taken the hint and taken it as a warning that if the Indian community wanted to prosper in this land they could only prosper if they satisfied the country by the general level of their education, standard of life and the contribution which their community was able to make to the progress of the country as a whole. That was the communication which was given by the Head of the Government, the representative of His Majesty, that Indians will only be admitted and honoured in this country if they fulfilled those three conditions. It was up to the Indian leaders to have taken the hint and gone to the masses of the Indian community and told them the fact, that His Excellency the Governor had himself frankly

told them that unless they reformed themselves their place would be nowhere in this country. But what happened? Indian mass meetings were held one after the other and His Excellency was abused and maligned, and the masses were appealed to and told, "Look here, it is you, the descendants of Indian civilisation, it is you who were civilised long before His Excellency Sir Edward Grigg's nation was, who are styled a mean race. He has the audacity to call you at your own meeting and brand you as inferior, stating that you have not got the education, the standard of life, and that you do not make any contributions to the country as a whole." What could you expect from the sentimental masses of Indians except that they cried, "Shame, shame for the white race that has the audacity to call us inferior." But I know for certain that there are certain people in the Indian community, though very very few indeed, whose heart bled at this most erroneous way of educating the Indian community, but there it stands.

Now, Your Excellency, a very big question of principle is involved in this measure. It is a question of Indian representation. I know myself, and it is known to the Indian Association, that Government has done whatever they could to approach the only Indian representative body, previously known as the Indian Association and now the Kenya Central Indian Association. I do not blame the Government under the present circumstances that they approach this body and go by their advice and consider the voice of the community, but I for one (and I know I am expressing the views of thousands of Indians in this country) know that the Indian Association does not represent the Indian community as a whole, nor does the Kenya Central Indian Association for the matter of that. It represented until very lately about 70 members, and later on, when a split occurred in their camp, they increased their number by about 200. There is a very interesting point about this body, Your Excellency, that this very body which calls itself representative of the Indians, does not acknowledge its own appointed representatives. The mandates which they gave to their representatives on various occasions were upset and dishonoured. This measure is a case in point. The hon. the Acting Commissioner for Local Government, Lands and Settlement, in introducing this measure, has dealt at length with the honour that was accorded to the Indian members of the round-table conference. When His Excellency Sir Edward Grigg referred to this Bill in June last year he was anxious to get agreement between the two communities and he expressed the hope—he stated in his speech:—

"It is desirable, I think, that the Committee formed for this purpose should not be unwieldy, but that it should

be thoroughly representative. It is also desirable—and all are agreed upon this point—that apart from the official chairman it should contain equal numbers of both the European and Indian communities. On the whole, I think that the best way of securing the result desired, namely, that the Committee should not be cumbersome but fully representative is to provide that, apart from the Commissioner of Local Government in the chair, there shall be four European members and four Indian Members, making a total committee of nine. It is clearly right, since the Bill is now down in the business of this Council, that the representation of the European community should be left to the European Elected Members of this Council; and I am asking the most representative Indian body, the Central Kenya Indian Committee to propose four Indian representatives."

That was the hope that His Excellency expressed. He wanted this Committee to be fully representative, and once an agreement was reached it was hoped that there would not be any Indian non-participation in this country. But what happened? Those four Indian representatives did whatever they could, and I think they did admirably, with a clear conscience. Knowing what the Indian situation was, they came to certain arrangements, and His Excellency in Mombasa again expressed the hope—his sincere thanks and appreciation—when he received the report of this body; he stated:—

"... in the first place the Bill relating in particular to Nairobi and Mombasa. I should like again to express my acknowledgments and my gratitude to the members of the Round Table Conference which arrived at an agreement regarding the municipal organisation of Nairobi and Mombasa. I may say that their suggestions were immediately forwarded to the Secretary of State, that they were fully approved by the Secretary of State, and that the amendments now laid before you exactly carry out the agreement then attained.

"With regard to the other Bill—the Bill for Local Government in the Settled Areas—I should like to express my great satisfaction at the general readiness which has been shown throughout the Colony to take up the duties of local government. I think it may be worth while, as an example of the anxiety and desire for settlement which has been shown throughout the Colony, to point out that in that Bill provision is made for the representation of Indians on District Councils, which they do not at present enjoy upon District Committees."

Everybody thought that after the deliberations of this Round Table Conference the Indian question, as far as it

related to the municipal representation, came to an end and a happy end, but did it? You have heard the hon. Member state that the very same morning that he was to introduce the measure, the principal Ordinance, he received wires from the Nairobi Indian Association that a huge mass meeting had upset the arrangements that were arrived at by their own representatives. I happened to be present at that meeting, Your Excellency, and I can tell you that if it had not been for the good sense of those Indian representatives who sat on this Round Table Conference and had they not restrained their feelings, I am sure that meeting would have ended in very unhappy results. They were hooted off the platform; they were called blackguards and traitors and all sorts of things. They were told they had sold and bartered the Indian community to the European community. It was after that, Your Excellency, that those gentlemen—and I consider they represented the same element in the Indian community—severed their connexions with the present Indian Association.

I could cite many more examples of similar happenings which would show how far the sense of representation is conceived by the members of the Indian Association.

Up to now I have talked about the Indian Association, but at this juncture I wish to say a word about the Indian masses. I can tell you about them as I know them very well because I have studied that particular section. I have not studied the Indian Association nor the Indian Congress, and I have no shame in stating in this open Council—and I know that my remarks will be broadcast to-morrow and every Indian will know it—that I have no connexions whatever with the Indian Association or the Indian Congress. I bless my stars that I do not represent them.

I venture to state here the feelings of those thousands who, for lack of the necessary education and intelligence, are not able to formulate an opinion on these important issues, or are silent. They have been played upon by a few Indians who have no real interest in the Colony. I know this; when I say that the mass of the Indian community have a lack of intelligence to form an opinion. I know to-morrow there will be mass meetings against me, condemning me for saying that they have not got the necessary intelligence to formulate an opinion. I am not afraid of that. Your Excellency, coward or dishonest is he who refrains from telling the truth for fear lest people should call him a coward or dishonest. I am glad to state that I have got that courage of my convictions and, in spite of temporarily offending my Indian community I will say this, that their lack of interest and intelligence has allowed and encouraged Indian leaders to play upon their

feeling and sentiments and ruin them. A doctor does not give up treatment because his patient does not like it at the time!

Now it is also very important at this stage, Your Excellency, to state and answer a question which has often been asked for the last two and a half years through the public press and platform, and also in private talks with Your Excellency: whom do I represent? I have just stated that I stood for the masses of the Indians, and it becomes necessary that I should answer that question here so that it may be helpful for this House to decide whether what I state is the truth or just a selfish motive.

In a word, I would say that I have ventured to represent those unintelligent masses, those innocent masses, who have manifested their attitude, by the very vocations that they have adopted, by the very fact that they have not got the necessary education and the necessary time, to take interest in public affairs, and those who, for various reasons have always kept quiet and have always expressed their true feelings by their actions although not by word of mouth. I claim to represent those masses of Indians. It has been said in public that I sneaked into the Council; that I was just waiting for the Indian Association to refuse so that I might get in.

I have got here before me now a very comprehensive memorandum on the subject which I submitted to the Governor in 1925, and I was at it for two years until the position came to a crisis, and I got into the Council in order to express my views, which are the views of almost every one of the masses of the Indian community. What was my object in coming into the Council? Your Excellency, I knew that incalculable harm had been done by this movement of non-co-operation, one way or the other, and one result and one consequence of it had been that the Indian community did not enjoy the goodwill and sympathy either of the Government or of the white community. I have proved, in various interviews that I have had and at one or two public meetings and recently in the public press, that the Indian community here depends absolutely for their very existence on the Government and the other sister communities, and unless and until they maintain their relation of goodwill and sympathy with these people, the Indian community is bound to fail and ruin themselves.

It has always been my endeavour and wish that that feeling between the two communities should be abated as far as possible. If I am successful in that before I finish, I think I will have done a lot for the Indian community.

The leaders of the Indian community say that by their agitation and movement of non-co-operation they have achieved

a lot and increased Indian representation on the legislature, and other bodies of the Government. I say that that achievement is absolutely nothing, in view of the loss the Indian community has sustained through the loss of peace and goodwill.

Your Excellency, this racial feeling and hatred was at its height a few years ago, and I am glad to see that that racial feeling and hatred is gradually dying off, but I am afraid this renewed attitude of the Indian leaders and the inability of the masses to control them will create again those very racial feelings—I can see the signs coming.

In this Council, Your Excellency, I often keep quiet. You have noticed that even with regard to those measures which I like to support, which are for the good and welfare of the Indian community, sometimes I keep quiet, simply not to arouse and rekindle the dormant feelings of that hatred. Only two days ago the question of Film Censorship was being discussed here, and there was an amendment from the side of the Government to reduce the three categories into two—African and non-African; I welcomed that and could have stood up and congratulated the Government, but I kept quiet. I thought that if I stood up and started saying that that was a very good thing for the dignity of the Indian community, that they should not have been included in the third category, perhaps I would have aroused the feelings of hatred towards the Indian community. So I kept quiet. Perhaps, that very fact helped to get that measure passed in the form it did.

I trust sincerely, Your Excellency, that Government will not let the masses suffer for the action of a few who really have no vested interests in the country, and before nominating the members of any other race to fulfil the position of the Indians, will do their utmost to appoint Indians, even though the Indian Association does not acknowledge them. This I ask in the name of the thousands of inarticulate masses.

Before I finish, Your Excellency, I would like to add another word, and I think I should be failing in my duty to the Government and to the country as a whole if I did not avail myself of this opportunity to make another point quite clear. It is this: I warn and appeal to Government and the European leaders on this side of the House, and through them the European masses of the country, that they should put restraint on themselves and stop from mercilessly calling and branding Indians "inferiors." I have told you that Indians themselves have accepted in this country the position of inferiority—and there is no doubt about that—but, as I have pointed out, even an ugly person does not like to be stoned as such. Calling any community or race or individual by its

fallings and its weaknesses always rouses and wounds the chords of sentiments, and when sentiment of self-esteem of a nation is disturbed in this fashion, it results in very unhappy consequences, in spite of the weakness of the community against whom such remarks are expressed. When a nation is conscious of itself and bondage and is trying to liberate itself—it is borne out by the histories of the nations—that it does attain its object, may it be in a very short time or in centuries, but attain its object it does. You have the cases of ancient nations up to now who had the feeling of their inferiority and bondage, when they became conscious of this fact, they tried to liberate themselves and they did succeed. In the same way, Your Excellency, I would like to say in the most unequivocal terms that India one day will be free and be able to lift her back. Inferiority is only comparative and even inferior persons have important parts to play. Can anyone say that the engine of a motor car is the only part that is essential for its running? We know that the engine is of no use without the wheels. The engine is considered the more important part and it is considered that it plays a more effective part in the working of a car, but yet the inferior portions also have to play an equally important part, and without them the whole machinery is incomplete.

As I am not a student of western learning, and I am not acquainted with the lives of eminent western people, I would like to quote an Eastern sage, a distinguished Persian poet, who has advised a people to be careful and, I think, that advice is particularly meant for Governments. We know that when a Government is solid it rules the hearts of its peoples, but when it rules simply by mere power of material strength and physical force its foundation is not safe. When a king rules the hearts of his subjects it is then, and then alone, that this Government can be considered solid. This Persian sage whom I have just mentioned has said:

"Dil badast azar kili, Hajj-i-Akbar ast

As hazaran kaa'ba yakdil bilhar ast

Kaa'ba bazarat-i-tahleel-i-Azar ast

Dil gutzarat-i-tahleel-i-Akbar ast."

Win a heart as it is the biggest pilgrimage;

One heart is better than a thousand of (pilgrimages  
to) Kaa'ba;

Eaa'ba is a house of Abraham;

But heart is the thoroughfare of Almighty God.

When a ruler starts branding his people and calls them by all sorts of names, he relaxes his grasp on hearts, the feelings of hatred are entrenched in the minds of the subjects

and though, for a certain period they may be weak and unable to retaliate for lack of physical strength, remember that history has borne it out, that when people started their activities in that direction, they have undermined the mightiest Empires.

I would again appeal to individual Europeans to put restraint on their tongues and pens and try to create an atmosphere of peace and mutual goodwill and respect. I say that the masses of the Indians have no desire to disturb the peace of the country. Their very occupations, which are service and trade, demand that they should be peaceful and not agitators. Do not be led away simply by the leaders who belong to the Indian Association. It is the desire of the masses that they should live in this country peacefully and do whatever they can, in their position as middlemen, to help the development of this country.

Finally, Your Excellency, there is one last appeal I have to make. That again is in the name of the innocent masses whose good name has been pledged by the introduction of this measure. Indian non-participation means that it is the desire of the Indian community not to participate, but I have endeavoured to show that it is not the desire of the Indians to non-participate; there are various things which I have stated already—and I could state and state them for a lifelong time—that they are unable for various reasons to make their voice articulate.

This Bill says: "In view of the possibility of the continuance of Indian non-participation in the Council work of the Municipalities of Nairobi and Mombasa, it has been thought advisable to amend the Local Government (Municipalities) Ordinance, 1928, to provide that even if no Indian members or insufficient Indian members will serve on the Nairobi Municipal Council or the Mombasa Municipal Board, still the Council or Board; as the case may be, shall be deemed to be properly constituted, and, in addition, in the above circumstances, the Governor may appoint up-to-seven other persons to serve in their stead."

The amendment relates to section 5, clause 2.

I request, Your Excellency, that it may not only be definitely and exclusively stated that if there are no Indian representatives forthcoming Government will have the power to nominate others instead of Indians; that the section may be so amended as to meet any deadlock, whether it comes from the Indian Association or (which I know would never happen) from the European community.

This Bill, when it passes, goes on to the statute book as a monument of disgrace to the Indian spirit of non-co-operation

which, I have endeavoured to state, is wrong. As stated in my opening remarks, Your Excellency, the government of the country must be carried out, the public work cannot be stopped, and there is no other alternative but that the Bill must get through. (Applause).

THE HON. F. ARTHUR BEMISTER: Your Excellency, I want to say I approve very much of the Bill, but it happens that the remarks of the hon. Member have left me with a little qualm.

Referring to line 40 on the first page of the Bill—"All members so nominated shall be nominated for such period not exceeding three years as the Governor may decide"—and if you will turn to the Objects and Reasons—"It is, however, the intention of Government, if and when the Indian community is prepared to participate in municipal affairs, to make provision for Indian representatives"—I would certainly suggest, Sir, that you are most intensely optimistic. Are you going to suggest that you are going to ask Europeans to sit on this Board (I am only speaking of Mombasa—I do not know anything about Nairobi) at the will and dictation of some people who, at the present moment, when all the hard work is being done, are standing off. I say, Sir, that it is a definite insult to our community. This non-co-operation in municipal affairs is all nonsense. You might just as well say that you could not carry on a government simply because we fellows on this side of the House are always in the minority.

The Municipality of Mombasa is working exceptionally well, and, if it were possible for you to give the inhabitants of Mombasa or these gentlemen you intend to nominate, fixity of tenure for the full three years, and let these other people get in when they can, I think it would be a much better way, in addition to assisting the working of the Municipality.

THE HON. T. J. O'SHEA: Your Excellency, it is rather a pity that Government has found it necessary to introduce this amending legislation, but I think every reasonable man will agree that the state of affairs called for it. I think the Government has shown considerable forbearance in the matter (hear, hear) and in drafting this amending legislation it has shown the greatest possible consideration for the tender feelings of the people who have made this amending legislation necessary. At the time of the passing of the Principal Ordinance, I was very much against the basis on which it was brought in. I expressed the opinion at the time that a great mistake was being made in giving so much consideration to the political aspect of the matter, and ignoring what I considered the essential thing, the securing of proper business management for our towns. (Hear, hear.) It was for the purpose, very



largely, of artificially providing seats for Indians on these Boards that the law was drafted as it was, and now, the Indian political leaders have turned about and thrown these provisions in our faces. I repeat, my contention is that our municipal government should not be based so much on political considerations as it is, and that what we want here in this young country is a proper business management in the towns. It was, Sir, from that point of view that I opposed the very large measure of representation given to Indians as Indians. However, Sir, that was passed into law, with the approval of the country as a whole, and it has had the approval of the great majority of the European community. I really do regret that the Indian political leaders have thought fit to refuse acceptance of the great privileges that we gave to them in that legislation. It is not for me to say what their policy ought or ought not to be, but I think I am entitled to say that if they are going to deny themselves participation in the municipal government of this country until they are on a common roll, they will have a long time to wait. (Hear, hear.) I should think they will have a longer time to wait if, in the meantime, they are not going to show themselves in any way fit to participate in the management of our towns.

It has been clear as daylight that, in actual fact, this political agitation is carried on by a very small section of the Indian people in Kenya. I have had proof of that in my own district; the Indians of Eldoret are most anxious that their leading citizens there should participate in the municipal affairs of that town, but a mandate has been sent out by this caucus in Nairobi that they are not to do so, and, apparently, at the moment, it is in doubt whether the Indian community up there will have the courage to stand by their convictions or accept dictation from this small caucus.

I should have found difficulty in reconciling the support of it to my conscience, but the Bill, as put before us, is a basis that permits of the Indians exercising the rights already secured to them by law when they have the good sense to see that they should do so, but there is much in what has been said by the last speaker. It is rather unreasonable to expect others to accept nomination to carry on the work that these people should be doing, on the understanding that, as soon as the others exercise a little commonsense, they are to be asked to resign their seats. That is a difficulty, Sir, but I have no doubt Government will have a counter-argument that will constitute justification for people putting themselves in such an invidious position.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, while not wishing to oppose the Bill, I do think that Government has possibly been ill-advised in suggesting that this is

the only possible method of meeting the situation. I think there is another one, and I think the other one is probably even the better one.

We know perfectly well that this policy of non-co-operation is not unanimous in this country, and I think it is exceedingly injudicious of Government to suggest that it is, and Government does, by this Bill, suggest that this policy is an unanimous one in the Indian community. I think that is rather a silly attitude to adopt. If you have a certain number of people in a community who are willing to co-operate and participate in their urban responsibilities, I think they should be encouraged to do so, and assisted to do so. Government appears to have been intimidated, to a certain extent, by the term "mass meeting," because, after all, mass meetings that occur in this country very often consist only of two little children and a puppy; they do not really mean anything. Just because the word "mass" is used to describe them, it is silly to suggest that they do really represent the unanimous opinion of a community. We know perfectly well that there are, anyhow, a fairly large number of reasonable-minded Indians in this country who would be prepared to accept their civic responsibilities, and I think that Government would have done better to have recognised that number, and assisted that number in functioning as it would desire to do. I suggest, Sir, that Government has been swayed by a certain amount of bluster, just as a portion of the Indian community has been swayed by a certain amount of coercion and intimidation.

I shall not oppose this measure, but I think the difficulties possibly could have been met more properly by other means.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I should like to compliment Government in bringing forward this much belated measure. I have always taken a very keen interest in the Indian question, and I can conscientiously say, from my experience in this Council and much longer experience in this country, that the greatest patience, tolerance and justice has always been shown by the European community towards the Indian community, and it would be a regret if the non-co-operative movement prevented the Indians from participating in not only the responsibilities but the very great privileges of sharing in the welfare and management of the municipalities of this Colony. Not only have we been just in the past, but I suggest that every sense of justice is provided in this measure, in that they are still provided with the open door.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, the way in which clause 2 of this Bill has been drafted does not mean that, necessarily, nominations have to be made for the whole of the seven members on the Board of Mombasa and the Council of

Nairobi, which might be the case if no Indian members came forward. Sections 5 and 9 of the main Ordinance are of such an effect at the present time that, unless every vacancy to be filled in those sections is filled, the Council and the Board will be illegally constituted. In clause 2 of this Bill we take means to avoid that impasse, but it does not necessarily mean that the whole of the seven vacancies, which may not be filled owing to Indians not coming forward, must necessarily be filled if, in practice, it is found that the remaining number of councillors are able to carry on the municipal administration. That fact will no doubt be taken into consideration by Your Excellency when the question of appointing fit and proper persons to fill these other places comes up for consideration.

In regard to the remarks of my gallant friend for West Kenya, he will appreciate, no doubt, the difficulty of getting into touch with a large community except through its organised bodies. It is a principle which Government follows in dealing with the European community, and I trust that any strictures in regard to mass meetings must not be taken to have retrospective application to the mass meetings held in his own constituency to which he referred yesterday in another connection. (Laughter.)

**HIS EXCELLENCY:** Before putting the question to the House, I would like to express my regret that it has been necessary, for the reasons which have been explained, to introduce this measure. Municipal government affects so closely the life of every citizen that I cannot but think that the interests, pecuniary and otherwise, of the Indians subject to such government are being subordinated to a political ideal which, although it is a legitimate aspiration, is, because of the policy embodied in the White Paper, at present beyond realisation. I should like to suggest in this House, as I have elsewhere, to the leaders of the Indian community—that is, the leaders of the Kenya Central Indian Association—the practicability of accepting the method of appointing Indian members provided by the Municipal Ordinance in order that Indian interests may be represented on the important municipalities of Mombasa and Nairobi. Such an acceptance would not, in my opinion, if could not—prejudice the position in regard to Indian political ambitions. The Bill makes it clear that the door is open for the Indian community to take their share in municipal government if and when they are prepared to participate. If I may say so, I am disposed to think that co-operation with goodwill would have a far greater beneficial political effect than the present Indian attitude of declining to take any part in local government.

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

LOCAL GOVERNMENT (DISTRICT COUNCILS)  
(AMENDMENT) BILL.

**THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT:** Your Excellency, the same reasons for introducing this amending Bill apply as in the case of the Bill the House has just dealt with, because, in the constitution of district councils provided for in section 6, sub-clause (1) (a) of the Principal Ordinance, there is provision for an elected Indian member for the rural area known as Kisumu-Londiani District. My information at the moment, Sir, is that the Indian member appointed by Your Excellency is a sitting member, and a voters' roll of Indian residents has been compiled for that area, and I sincerely trust the need for putting this Ordinance into operation will not actually arise. Needless to say, however, to safeguard the position if cases do arise, opportunity has been taken in the Bill to provide for three small amendments which may be found to be necessary in the working of the Ordinance. As the law stands at present there is only provision for a voter to vote once in each ward. I recently held an enquiry throughout the country in regard to the provision of district boards, and it seems clear that in many districts there will be more than one member per ward, and when that contingency has arisen it is necessary to provide that a voter may exercise a vote in respect of each vacancy in a ward and not be limited to one vote for a candidate if there are more than one nominated. The fourth clause adds a proviso to section 17 of the Principal Ordinance to provide that the enrolment of a voter shall not take place between the date of notice of any election, and until such election shall have been held. That was a minor omission in the Principal Ordinance which is now rectified. Lastly, in clause 6, there is a provision to enable the Governor in Council to make nominations for the filling of vacancies in the event of failure to fill such vacancies by election. That is a provision for the future which it may not be feasible to act on. I beg to move the second reading.

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

**HIS EXCELLENCY:** Does any other member wish to speak on the question?

The question is in the terms of the motion.

The question was put and carried.

WEIGHTS AND MEASURES (AMENDMENT) BILL.

**THE HON. THE ACTING ATTORNEY GENERAL:** Your Excellency, I beg to move the second reading of a Bill to Amend the Weights and Measures Ordinance. Two years ago

Mr. Hurry, the present Inspector of Weights and Measures, came out from England to take up his work here as Inspector of Weights and Measures. During the time he has been in the Colony, Mr. Hurry has found that the Weights and Measures Ordinance is defective, and it is now proposed, in various ways, to remedy the defects. This Bill effects three main objects. First, it brings within the scope of the Principal Ordinance modern weighing and measuring instruments. Secondly, it brings the Principal Ordinance into line with the Imperial Weights and Measures Acts. Thirdly, it provides for the control of weighing and measuring instruments used by Government Departments.

With regard to this last, as far as those departments are concerned, it has been the practice for them to comply with the provisions of the Ordinance, but it is found better now—as is done in South Africa—definitely to bring them within the provisions of the law.

Now, Sir, in regard to the first matter, the definition of a weighing instrument in the Principal Ordinance is deleted and replaced in this Bill by a new definition. The reason is that the old definition did not include instruments constructed to calculate and indicate the price in money. That change was effected in England by the Weights and Measures Act, 1904, and it is thought desirable to bring our Ordinance into compliance with the English Act, and, I may say, that provision also obtains in the United States of America. I may just add, Sir, that this new definition of weighing instruments covers self-indicating weighing machines.

The term "measuring instrument," Sir, found no place in the Principal Ordinance, but this term is used for weighing instruments like petrol pumps, of which I understand, we have some 250 in the Colony at the present time. Therefore this new definition has been included in the Bill.

With regard to the bringing of the Principal Ordinance into line with the Imperial Acts, section 19 of the Principal Ordinance was defective in that it did not include weighing and measuring instruments, and clause 3 of this Bill sets this matter right. Further, Sir, section 28 of the Principal Ordinance requires amendment, since the word "measure" is omitted throughout the section. Clause 4 remedies this defect and brings the Principal Ordinance into line in this respect with the Imperial Acts.

Clause 6 of the Bill provides for the verification and testing of weights and measures and weighing and measuring instruments, whereas the Principal Ordinance at present only provides for the examination of weights and machines. This

clause, Sir, is taken from the South African Weights and Measures Act.

Clause 10 is an important one, Sir. It is a new clause, and provides that any person who makes misrepresentation with regard to weight shall be guilty of an offence, and shall be liable to a fine not exceeding £50, or to imprisonment for a term of one year, or to both fine and imprisonment.

With regard to the third and last reason for the introduction of this Bill, Clause 9, which is taken from the South African Weights and Measures Act, provides that the Governor in Council may make rules with regard to the examination, verification, and stamping of weights, measures, weighing or measuring instruments which are used by departments of Government, the Kenya and Uganda Railways and Harbours, and any local authority for the purpose of or in connection with the fixing of tolls, rates, taxes, or payments of any description. This, Sir, is also the law in South Africa, and is taken from the South African Act. With these words, Sir, I beg to move the second reading of this Bill.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, I beg to second the motion.

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

The question is in the terms of the motion.

The question was put and carried.

#### MOTION.

##### PARTIAL INSURANCE AGAINST LOCUSTS.

THE HON. E. POWYS COBB: Your Excellency, I beg leave to move the motion standing in my name:—

"That this Council regrets the decision of Government announced by His Excellency in his speech opening the session in the matter of insurance against damage by locusts, and recommends that the scheme of partial insurance set out in paragraph 24 of the Report of the Committee on Locust Menace Crop Insurance be adopted, and that the legislation necessary to give effect thereto be considered during the present session."

I feel that this motion starts with a very heavy handicap against it in so far as the matter has already, to some extent, been prejudged. But I would ask this House, if possible, to free their minds from that decision and approach the matter anew, because that decision, I submit, was arrived at without hearing those members of the Committee who are in favour

of this particular scheme. I think I can show that the two principal reasons adduced against it are, to some extent, based upon a misapprehension of the position.

Now the ground on which I and other members of the Committee who favour a partial insurance scheme take our stand is that such a risk, the risk of invasion by locusts, is a risk which should be borne by the whole community, because it is, to my mind, undeniable that the whole of this country is an agricultural community. There is no single class of person here who is not directly affected by the ups and downs of agricultural prosperity. To my mind the merchant and the shopkeeper are as much cogs in the wheel of production as the farmer himself. If that broad contention is agreed, then a case is established for a risk such as this being borne by the whole community.

I think this House has already admitted that principle in that it has permitted the cost of the locust destruction scheme being borne out of general revenue. Now, had it been humanly possible for that scheme of destruction to be successful there would have been no need for an insurance scheme. Therefore I would ask you to look at this scheme as something which goes along with and makes up any shortcomings of the locust destruction scheme. In talking of shortcomings, I am not criticising the highly important work which is being done—I am very much impressed by the activity with which that campaign has been conducted, and the very large measure of success it has met with. As you travel about the country now it is impossible to avoid the opinion that the number of swarms in the hopper stage has been very materially reduced, and I think that the people responsible for the organisation of that campaign and the carrying of it out are entitled to very great credit. If you bear those two main points in mind, that it is definitely a community risk and that the insurance scheme is, so to speak, a backing up of the locust destruction scheme, I think you get rather a different view of our proposals.

Now the two principal criticisms which have been levied against those proposals are, first, that no commercial firms seem inclined to take up this risk. That is a statement, I submit, which requires qualification. The trouble which the committee was faced with was lack of time. It was impossible, in the time at our disposal, to put forward any exact scheme, supported by exact data, for the consideration of insurance companies in London; and I am in a position to state very definitely that the opinion of one of the leading insurance men in the town is that, had there been sufficient time to place the matter in a deliberate manner before insurance companies, the probability is that they would have taken it up. It is not, therefore, quite accurate to say that it was the abnormality of

the risk which prevented any insurance company from entertaining any such proposal as the proposal recommended by the section of the committee to which I belong.

The second point is that the scheme is bad, in that it deals with a single premium and a single risk. Now, I admit they are difficulties, but I submit that there are extenuating circumstances which, to a large extent, eliminate those disadvantages. The risk, I would remind you, is the risk of insuring the last Sh. 40, and not the first Sh. 60, of the value of a crop. It is a matter of common knowledge that when you adopt that method the risk is enormously reduced, and insurance companies invariably—whether it may be a matter of shipping or a matter of motor car insurance—recognise it, and substantially reduce their rates accordingly. And, even since your Committee sat, events in the country have tended to minimise the risk. Your Committee was in considerable doubt at the time they wrote their report as to whether any very large number of farmers would insure, one of the reasons being that, at that time, the long prevailing drought still existed, and crops were looking very bad. It was doubtful whether many farmers would think it worth while to insure what was unlikely to exist. Now, since that report was written, good rains have come, and have spread over the larger part of the cereal-producing districts of this country, and the crops are now looking well. I have now found a very increased anxiety among cereal farmers to insure, and, therefore, I think one might be confident that the block insurance that is so desirable would be effected.

Further, these same rains have had the effect of considerably reducing the locust menace. The cold and the wet appear to have driven flying swarms out of the Colony and out of existence, and the rains, having spread outside the Colony, the existence of considerable natural herbiage may tend to keep the swarms that are outside the Colony in their natural habitat, instead of inducing them to come south into this Colony.

I think therefore that these factors, coupled with the fact that a certain number of weeks have passed since this report was written, and time is the essence of this matter, that the risk has been materially reduced.

I fully admit that, had time allowed—and the report of the Committee makes it clear that they share this view—the proper course would have been to have worked out a scheme of insurance extending over a number of years, but that would have required the accumulation of data which would have taken far too long to collect for any scheme to have been brought out in time to have been of any use this year. Furthermore, I think we should have been rather rash in doing anything

of that sort because it would seem that the best technical opinion that is obtainable tends to the view that the locust menace may possibly disappear altogether by the end of the year by reason of the increased spread of disease among the locusts themselves.

Going back again to the question of risk, I would remind this House that the experience of the past does place the risk at a very small figure. Now, last year the infestation of locusts was considerable, yet the official estimate of the amount of damage done is between 1 and 1½ per cent. of the total crop. It was also well known that in countries where the infestation has been very heavy, and where the damage has been described as catastrophic, yet the total damage done to crops in those countries has not reached a figure of thirty per cent. Now, if you will take these figures and contrast them with the position on which we desire insurance to be effected, you will see that in the case of maize, a destruction of nearly fifty per cent. of the crop has to take place on any given farm before any claim under the insurance scheme can be made. In the case of wheat, the figures appear to be less favourable, because in the case of wheat, owing to the low yield of certain of the wheat areas of this Colony, a claim could be made if the destruction on a given farm of low-yielding capacity exceeded twelve per cent., but there are, again, extenuating factors there. Wheat is, in many ways, less vulnerable than maize; it is only vulnerable during a shorter period of its growth, and, as circumstances have turned out in the present case, the drought, which was so severe a while ago, has so seriously damaged crops in some of the lowest yielding of the wheat areas that it is unlikely that applications to insure will come from those areas, and that will, to a large extent, eliminate the danger with which your Committee was faced—the danger of people coming along and insuring their farms which were so low yielding that the possible Sh. 40 insurance proposed would come very near to the total yield of the farm.

When you come to deal with the higher yielding wheat areas, the position is exceedingly satisfactory. The yield there is so heavy, as a rule, judged on the average of past years, that more than half of the crop would have to be totally destroyed before any given farm would have a claim under the insurance scheme.

I submit that these considerations do very materially reduce the risks.

Another objection which has been made to this scheme is that it should be compulsory. I, for one—and I think many other members of the Committee—would have liked to have seen a compulsory scheme, but there were very definite reasons

why that was impracticable. For example, even in the present imperfect state of knowledge of the behaviour of locusts in this Colony, it is fairly well established that there are certain districts which do not lie in the line of travel of locusts, and that in them the risk is negligible. Further, the lateness of the time when the Committee sat brought about the result that some districts had already reached the point where their crops were practically safe from locust destruction. Now, I think you will agree that it would have been unfair to have used compulsion in districts where the crops were already safe, and I think you will agree it would have been unfair to have used compulsion in districts which are known to lie outside the usual line of travel of swarms of locusts. These difficulties compelled your Committee to the view that a compulsory scheme, at the eleventh hour, was impracticable.

Those, I think, are the main features of the insurance scheme in itself. I will now compare it with the alternatives. I think I may leave out the hybrid scheme which stands in the middle of the Committee's report, because it appears to have but few points, and it is open to the objections that hybrids are generally open to. The comparison therefore is with the memorandum of the hon. the Treasurer.

Farmers feel that in this matter it is up to them definitely to come forward with the largest measure of self-help which they can afford. Under the minimum proposals of the scheme, that is to say, if only the minimum of 100,000 acres are insured, the premium which the farmers would pay would amount to £15,000. As I have already said, I believe that the minimum would be very largely exceeded; it may be that something very near the total of 332,000 acres will be insured; in that case the amount of premium will be in the region of £45,000. I suggest that that is a spirit, backed by a substantial sum of money, which this House would be ill-advised to disregard. If you disregard it, then you fall back on what is definitely a distress scheme, and I know that the temper of the farmers of this country is such that they would much rather be allowed to give the greatest possible amount of self-help than to merely accept relief under a distress fund, and I think you will find that, in the planning of that distress fund, there are serious difficulties. You will recollect only a short while ago that that clause in the report of the Committee on the Land Bank which gave priority to Government charges over private mortgages was strongly resisted, and that resistance shows no signs, so far as I know, of abating. Here, under this scheme of relief, the charge created by the distress fund is going to be secured on future crops. Now, I think I am correct in saying that future crops are definitely included within the assets upon which the mortgages are charged; if that is so—I am correct in that

contention—then the same difficulty arises with regard to the priority of the Government claim for the refund of the distress fund as would arise under the Land Bank scheme.

I cannot for the life of me see how the Government reduces its risk by adopting that scheme. If it is the intention of Government to relieve the distress caused by locust damage, and to relieve it to the extent of enabling a farmer to re-plant and carry on until the next harvest, if the relief amounts to any less amount it is of no value, it will not serve any useful purpose. If that is so, then the sum eventually to be found by Government is identical with the sum which will have to be found under the insurance scheme, with this difference: that the sum of money to be found under the insurance scheme would be reduced by the amount of premiums paid by the farmers. I submit therefore it is perfectly obvious that the financial burden accepted by Government under the hon. the Treasurer's memorandum is greater than the financial burden which it would accept under an insurance scheme. It is greater in other ways. Under the insurance scheme it is possible that some farmers who suffered damage would not have insured, in which case they would have no claim against the insurance scheme, but under the hon. the Treasurer's scheme every farmer who suffers damage to the extent of being unable to re-plant is entitled to relief.

I do submit that if an insurance scheme comes into force the insurers know where they are. They know that they have a definite right, as a result of having insured, of obtaining certain relief. Under a distress fund there will be much argument, much delay, and there will be great difficulty in assessing damage—far greater, I submit, than under an insurance scheme, because a characteristic of an insurance scheme is that the first step is to ascertain definitely the acreage under crops. In the memorandum of the Treasurer I do not see any provision made for anything of that sort, and I do not know how the persons appointed to administer the distress fund are going to ascertain the amount of money damage done, because they will not know what was the state of the farm before the locust invasion took place.

I think, Sir, that those are the main lines of distinction between the two schemes, and I very sincerely hope that this House will agree to a policy which would be as much appreciated by the farming community as the distress fund would be disliked.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, I beg to second this motion, and I can be very brief, Sir; firstly, in view of the remarks made by the hon. Mover, and, secondly, because the report itself, owing to the completeness and clarity with which the draft was prepared, appears to be justified from the point of view of those members of the Committee who

advocated the spirit and intention of the present motion. During the sittings of that Committee, Sir, I did not feel that we disagreed, any of us, except in the matter of degree. The other members I do not suggest failed to appreciate the importance of the key industries of this country that were affected, but I did feel that they failed to appreciate the degree of the menace or the degree of the financial stringency which is facing those very important members of the community who are likely to be affected by that menace.

I regard, Sir, what has been said, plus the report, as making a case, but I would like to make observations which I regard as germane to the issue. The first one—it is worth just noting without drawing any particular significance from it—is that, of the three members who advocated the course now under discussion, one represented a constituency in this capital and another was President of the Nairobi Chamber of Commerce. Because it is a very interesting commentary on the problem which has been voiced publicly a good deal in the last few weeks in regard to the interdependence of town and country.

The second observation, Sir, is this: that regardless of the fate of this motion this morning, to-day's papers announce the composition of the Agricultural Commission, and I do honestly believe that the terms of reference of that Commission will allow it to examine, in the very greatest detail, the larger question of a permanent insurance scheme in this country, not only in regard to the cereal crops under particular notice at the moment, but generally of all forms of agriculture which are subjected to pests, diseases, drought or what not.

THE HON. CONWAY HARVEY: Your Excellency, in spite of the eloquent force with which this motion has been proposed and seconded, there are several difficulties to be overcome before I can give it my unqualified support. I am a maize-grower myself, Sir, and I represent a very large number of maize-growers, and I think most of us do agree that it is the bounden duty of the State to take all reasonable steps to do everything humanly possible to prevent one acre of suitable agricultural land from going out of cultivation and, also, to keep on their feet hardworking farmers who may, through no fault of their own, be called upon to sustain a knock-down blow. But, Sir, it seems to me we must recollect that a sense of proportion must be observed in these matters. There are a very large number of people not directly concerned with the terms of this motion, though, as the hon. Mover observed, there must be, Sir, a definite limit to the assistance which the State is capable of rendering to various industries. All industries have their troubles in some form or another, and I do feel very strongly

indeed that, as custodian of the public purse, Government should pause and consider very very carefully as to whether or not it is justified in assuming liability for an indefinite amount, which seems to me to be involved by the acceptance of this motion. There is no doubt whatever, Sir, that Government is doing a great deal at present to overcome this locust menace. Enormous sums of money are being spent, at the cost of the general public, for the benefit of sufferers, and I do consider, Sir, that a far more equitable method of meeting the situation would be by employing the suggestion classed by the hon. Mover of this motion as a "hybrid." I am very much surprised, Sir, that a farmer of repute and experience, such as my hon. friend, should pass sneers on hybrids. I do suggest that they play a very prominent part in the evolution of agriculture, more particularly in regard to increasing the production of such crops as wheat, with which the hon. gentleman is particularly concerned.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I am very pleased to support this motion because I feel, Sir, that generosity should always be supported. (Laughter.) Now, Sir, the proposer and seponder of this motion have been very very generous in recognising that Government has made a mistake in deciding not to honour the scheme proposed by themselves and supported by myself, and they have decided generously to give Government an opportunity of rectifying that mistake. Is there any necessity for this insurance scheme? The answer is undoubtedly, "Yes, there is a necessity." Is the scheme a feasible one, as suggested by ourselves? The answer is.

LT.-COL. THE HON. J. G. KIRKWOOD: No.

CAPT. THE HON. E. M. V. KENEALY: The answer Sir, again is "Yes, the scheme is a feasible one," and we can demonstrate its feasibility by accepting responsibility for its operation. I think that the necessary legislation to give effect to either of these schemes has already been prepared. I believe that is so. If it is not, it is not beyond the capacity of the Legal Department to provide this within twenty-four hours. That could be done, and it should be done, and I hope it will be done. It is idle to suggest, Sir, that it is cheaper to resuscitate a corpse than to prevent the creation of a corpse. If Government waits for the individual grain producers to be knocked out before introducing this charitable distress fund scheme, then a lot of land will go out of cultivation, a lot of actual distress will occur, it will be infinitely more expensive, and infinitely less satisfactory, because it would be a disastrous thing for the self-respecting farming community of this country to accept the charity of Government when they are prepared to finance themselves and prevent such a situation

arising. Every farmer in this country farms, not only for himself, but also for the State, and the State, inasmuch as it indirectly employs him in that capacity, has certain responsibilities in regard to his maintenance in times, such as these, where his existence is jeopardised. One of the difficulties the Government has experienced in this matter is that it is unable to quote a precedent for the creation of such a fund, but after all that is not a real difficulty to a real hairy-chested pioneer—it is only a difficulty to anemic and academic minds, and I trust Government does not claim to possess an anemic and academic mind. After all, Sir, we have the capacity in this country to initiate legislation. Surely we have guts enough to face the situation boldly and completely in this manner. After all, we are merely supporting what is already in existence. Instead of waiting for what is in existence to incubate, we then repeal it. That is a stupid way of dealing with the situation. Now, Sir, since Government has, in a way, by precedent—let me quote the precedent which exists for this: It is, that Government has already adopted this scheme, inasmuch as it has granted relief to natives. It has made distribution of seed to native planters. It has made distribution of seed to native planters. While the native planter is a worthy person, who delights in his own power of planting—all he needs is the seed; the farmer who plants on a more extensive scale cannot do all the work himself, or be able to employ, as the Indian does, wives, what not, and children. The farmer is forced to utilise machinery, and that machinery requires a certain amount of financial assistance to make it go. The principle is the same, the principle being that it is absolutely essential to maintain the production that exists in the country to-day, and that is the simplest method by which it can be maintained. Famine relief, which has fallen upon the common purse of the country, is merely another form of insurance, and a more economic form of insurance, inasmuch as it does not wait for total distress before coming to the assistance of what is jeopardised. I hope Government will recognise that it has made a mistake, and I hope also, Sir, that you, Your Excellency, will permit Members on the other side of the House to express their views in regard to the regretability of the decision come to.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I should hate to bore Council with a long speech—there have been so many this morning. I have the greatest pleasure in supporting the motion.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I have much pleasure in supporting the motion before the House.

The motion, as I read it, refers to the adoption of paragraph 24 of the report of the Committee on Locust Menace

Crop Insurance. It is suggested there that a certain co-operative society, which we have an admiration for and trust in, will secure a minimum of 100,000 acres to be insured at a premium of Sh. 3 per acre, the maximum amount to be paid out to be Sh. 40 per acre. On a minimum of 100,000 acres, that would work out at £15,000, and I suggest that Government would be well advised to subscribe on the pound for pound basis by creating a fund to become available to cover that £15,000, or more should the acreage be increased. I think it is desirable that a system of mutual self-help should be encouraged, but I think it would be very undesirable that producers should be compelled to go, as it were, on their knees to Government, to a distress fund. The principle has been applied in a degree in another direction. As you will remember this House had no hesitation in forcing a vote for £100,000 for famine relief. Luckily for the Colony, those estimates were very exaggerated, and the amount was a very much smaller one. Government had no hesitation at this session in putting proposals before this House for a building programme to cost £420,000. Although they may be most desirable, the prosperity of the country at the moment does not depend upon erecting those buildings. I suggest that our staple industry, which is agriculture, should be assisted in every possible way, and in the most generous way, and it is not asking Government to stretch their generosity by subscribing pound for pound to any sum that may be raised by the producers themselves on a voluntary system of insurance.

THE HON. T. J. O'SHEA: Your Excellency, I promised the mover of this motion that my attitude towards it would be decided by the case he made out. I have listened to his case, and I shall vote against the motion.

I am of opinion that he made out no case whatever for the passing of this motion, and his arguments were largely self-destructive. In an effort to allay the fears of the House that very big risks were being taken by Government under the scheme proposed, he gave reasons to show that the menace is, to-day, less than it was previously, and he very largely took the ground from underneath his own feet.

I think, Sir, that anybody—anybody who is directly-involved—reading this report will have to agree that there is a very large element of gamble in the scheme proposed; an element so large that the Government of this country would not be justified in taking it. Assurances have been given that, if misfortune does overtake the cereal farmers during the present season, the Government will accept its responsibilities and do what any Government, in the circumstances, should do; but to pledge itself in advance, on the payment of a small sum of money to take a very big responsibility would

not, I think, be a reasonable thing to do. The hon. Member on my left (the hon. Member for West Kenya) says, appeal to the instinct of generosity. It seems to me it is the type of generosity that finds great pleasure in spending somebody else's money.

Much twaddle has been spoken on the reluctance of the farmers to take advantage of a distress fund. Nobody questions that the farmers of this country are a self-respecting lot of people, and nobody for one moment suggests that they are the type of people who would gladly welcome relief from distress funds, but, at the same time, I think it is nonsense to suggest that, if disaster overtook them this year, they would not, without losing a single atom of their self-respect, take advantage of any fund supplied by Government to carry on their farms next year. It is only a few years ago since the farmers of the Laikipia District and the soldier-settlers, who have done so much for this country and who are fine self-respecting bodies of farmers, gladly accepted the cancellation of the purchase price of their farms. They did not lose any self-respect in doing so.

We are also supporting a motion that has been before the House for a Land Bank with the assistance of Government funds. I suggest it is not fair to those who are opposed to this measure to try to stymie them by indulging in such twaddle as that about distress funds.

If the proposal that Government should join in this scheme of self-help had come forward at a time when it was possible to think it out in all its bearings, and think out a proper and sensible scheme before the menace was upon us, I feel there would be no division of opinion on the subject on this side of the House; but, to come along with a proposal at a time when the risks are all on the side of those who are going to provide the money in the event of loss, is not, I suggest, a four-square proposition. There are elements in the proposal that certainly do not make it feasible, do not make it practicable from any point of view. It has been suggested, on the 17th or 18th of July, that the Kenya Farmers' Association is in a position, before the end of July, to take in 100,000 acres to this insurance scheme. I have the greatest possible respect for the Kenya Farmers' Association, and in their ability to handle the marketing of the maize of their members, but I sincerely hope I shall not be accused of disrespect if I say that they are not in a position to carry out that part of the bargain. The hon. Mover has already himself changed their minds every day of the week for the past month. The hon. Mover has already himself told us that since the scheme was put up a lot of people have changed their minds on the subject, and, if he went back to the cereal districts to-day, I wonder if he would find they were



in the mind they were when they urged him to introduce this proposal.

Sir, I may appear to have introduced a little heat into the debate, but it is because it was hardly fair to try and stymie those of us who do not agree with an impracticable proposal by the indulgence in what I can only call twaddle. It was not fair. I think that is not the sort of argument that should be brought up to justify a scheme under which the Government of the country—and we who are sharing the responsibility with Government—agreed to undertake the possible expenditure of £600,000 in return for a problematical subscription of £15,000. I admit that is the extreme risk; but, reduce it how you like, you will still find, I think, that there is every justification for those of us who contend that this is not a practical scheme, and it is not fair or reasonable to ask the Government to take upon itself what can only be described as a colossal gamble.

Furthermore, taking, as I do, a real interest in the idea of State insurance in connection with the agricultural industry, I think it would be most inadvisable to start off by an ill-thought out scheme like this. Various menaces have arisen in the agricultural industry in the last two or three years, and have resulted in a good many people turning their minds to the question of agricultural insurance, and I do sincerely hope that, when the present menace disappears, as I believe it will in the near future, interest will not fade away, but, on the contrary, those who have been so active in connection with this scheme will carry on the good work and tackle it in a fresh spirit, and the result of their efforts will be a proper well-thought out scheme of State insurance for the agricultural industry.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, on a point of order, I trust that the last speaker will be instructed by this House to withdraw a word which possibly may be correctly descriptive of the speaker's opinions but, I think, is an undignified word to use in this House. I do not believe hon. Members of this House acquiesce in that description, and I trust, Sir, that he will be instructed to withdraw the word. The word was "twaddle." (Laughter.)

THE HON. T. J. O'SHEA: Your Excellency, to save you from any embarrassment, I regret that, having accepted the encouragement of the hon. Member on my left (the hon. Member for West Kenya), I indulged in language this morning that may not be parliamentary. (Laughter.)

THE HON. THE TREASURER (MR. R. C. GRANNUM): Your Excellency, after listening to the speech of the hon. Member for Plateau South, I cannot help wondering whether it is

necessary to say anything at all to defend the position which has been taken up by the Government in this matter, as expressed in Your Excellency's statement at the commencement of this session; namely, that the most the growers of cereals in Kenya can at the present moment expect the general taxpayer to assist them in the matter of locust legislation, in addition to what the latter is already contributing towards the cost of destroying this pest, is that Government shall make advances on reasonable terms to individual farmers up to an amount sufficient to enable them to re-plant any crops that may be destroyed by locusts.

The hon. Member has, I think, completely dealt with the views put up by those hon. Members who support the motion before the House, and it seems almost unnecessary, as I say, to bring forward any further arguments against the resolution. There are, however, one or two points which I should like personally to make. The main objection which I have myself to the scheme of insurance which is proposed in the resolution is that, as far as the cereal farmers are concerned, it is based really on the principle of "heads I win, tails you lose," inasmuch as Government is expected to enter on a scheme of insurance minus all the safeguards which other insurance businesses rely upon for their very existence. Under the proposals, Sir, Government has no chance at all of spreading its risk, as all other insurance businesses do, in such a manner as to ensure that its premium income will have a fair chance of meeting the risks which it is asked to take. There is to be but one premium and one risk, which means that Government will be entirely deprived of the benefits that might be expected to accrue from the law of averages, where premiums and risks are both spread over a period of years, and consequently the scheme does become, as one hon. Member has expressed it, a sheer gamble.

The resolution refers to the scheme as one of partial insurance against the locust menace, but, in my opinion, it goes very much further than that. Payments under the scheme will depend in a large measure on the proceeds from the sale of crops raised on the land to which the insurance scheme is to apply. Now, Sir, the values of those crops will be affected by many conditions other than those of locust depredations; they will be affected, for example, by such things as drought, and even by bad farming on the part of the insured. So, in reality, Sir, given the one condition of crops being damaged by locusts, the scheme becomes really a scheme of partial insurance against drought and other different things, in addition to the insurance against locust depredations.

It does seem to me that when a man engages in the business of farming he has to face the fact that his business is

liable to risks such as drought, locusts, hurricane, Mealy-bug, Stephanoderes, and a dozen other risks, and I think it would be both unreasonable and unfair for Government to undertake insurance against one of these serious risks and entirely ignore all the others.

I am of the opinion myself that any scheme of insurance which Government might enter into against loss and damage to crops must be of a very much more general nature than that proposed in this resolution. Furthermore, Sir, I am of opinion that it must rest on the basis of compulsion, so as to compensate, in a measure, for the danger of loss which must appertain to an insurance business run on such a restricted basis as a business confined to a small area like one Colony.

From the several references which have been made to a distress fund, it seems impossible to believe otherwise than that the opposers of the Government have misunderstood the proposals. I cannot see anything in any way in the nature of a distress fund in the system of advances which individuals will be required to repay, that being the scheme which has received the support of the Government.

I think the hon. Mover said that the scheme put forward at the end of the Committee's report by myself went into no details regarding such matters as assessment, but such details will obviously be included in any Bill which is submitted to this House by the Government to carry out and make provision for this system of advances.

I think, Sir, that is all that I have to say.

**HIS EXCELLENCY:** Does any other hon. Member wish to speak?

**THE HON. THE TREASURER:** If I may say . . . I do not know whether I am in order. There is just one point I should like to add.

I should like to deal with the reference that was made to charges on crops—that such charges might be a breach of the conditions of mortgages. Of course, when the Bill is submitted to this House, I have no doubt provision will be made in it for dealing with the point, and it is quite possible; it seems to me, that the Bill may contain some provision for obtaining the consent of the mortgagors to the mortgage of the crops growing on the land on which the mortgage is made.

**HIS EXCELLENCY:** The question is in terms of the motion.

**THE HON. E. POWYS COBB:** May I be allowed to reply?

**HIS EXCELLENCY:** I beg your pardon.

**THE HON. E. POWYS COBB:** Your Excellency, apart from the ordered advocacy of the Government's proposition by the hon. the Treasurer, I do not think there is very much to say. For once in his life, the hon. Member for Plateau South, I think, has made a very slipshod speech. For example, in dealing with the relation of premiums to total risks, he plunged hopelessly into error in supposing that £15,000 was the premium for an insurance of £600,000. I submit that, before hon. Members in this House criticise any sort of financial proposal, they really will be well advised to have their own arithmetic correct. To compare, for one moment, the position of the soldier-settler with the position created under the proposal of Government in connection with the locust menace is, I submit, absurd. There is no connection whatever. The soldier-settler was asking for the redress of a very definite grievance and Government recognised the grievance and granted redress. That is an entirely different matter from having doles handed out to him. I do not know whether possibly the hon. Member has still a recollection of an unpleasant phase in the history of his own country when that kind of thing was very likely done. I do not think that it was very greatly appreciated. I wonder whether he expects the people of Kenya and Government to appreciate it more. He also insisted that a scheme of this sort should be worked out before the locust menace became imminent. I cordially agree, and I wonder why he and some other distinguished Members of this House did not do so.

We were assured a year ago that the locust menace was a passing thing and not of any moment, and I suggest it was then and not now that the Government should have been consulted. The eleventh hour is the wrong time to do so, but it is better to do it at the eleventh hour than to leave it alone altogether.

Another strange statement, Your Excellency, was that the Kenya Farmers' Association—which includes within its membership somewhere between 60 and 80 per cent. of the cereal farmers of this Colony—could not, within a fortnight, ascertain whether the owners of 100,000 acres would engage in the scheme or not. A 5,000 acre farm is not an unusual farm. How many farms would it take to make up 100,000 acres? I think I am right in saying twenty farms with an average of 5,000 acres would be required. It is not possible to obtain the assent of twenty willing men living almost at your door within a fortnight?

I am sorry that the hon. Member should have used such trumpety grounds for supporting his opposition to this motion. The most serious of the hon. Member's (the Treasurer's) points, to my mind, is the charge that the suggestion we are

making is only another way of inviting the Government to engage in a gamble. That is a phrase which has found much favour of late, but I am utterly unable to find justification for it. Other governments have undertaken insurance schemes, and I am not aware that they have been branded as gamblers. They have undertaken them with success and they are continuing to carry on that line of activity. Perhaps one of the most instructive examples is that of the Government of New Zealand.

Now the only possible ground for the charge of gambling is that this scheme is being undertaken at a late hour and it is not possible to tabulate correctly all the risks involved. I admit the criticism, but I do urge upon this House that it is met by the countervailing advantage that, instead of Government being asked to insure the whole value of the crop, it is only being asked to insure the last Sh. 40, and I do submit that the difference between the whole value and the last Sh. 40 gives an immunity from risk which more than sets off the lack of time in which to collect the necessary accurate data.

I am glad to find that the hon. the Treasurer admits that the arranging of the priority charges does present some difficulty, and that it does rely on getting the consent of first mortgagees. Now I wonder if he thinks that he is going to get a very wide measure of consent to his proposal. Will he not possibly find himself in the position where a deserving case for a dole is unable to get that dole because a mortgagee might object? In that case the Government scheme is going to fail in its object.

I think, Sir, those are the main points, and I hope, in spite of a certain prejudice created by the prejudging of the situation, that the House may yet change its mind and support the new insurance scheme.

**HIS EXCELLENCY:** The question is in the terms of the motion.

The question was put and lost.

**HIS EXCELLENCY:** Before Council adjourns till to-morrow morning, there are one or two statements I wish to make. The three motions standing, first, in the name of the hon. Member for the Rift Valley, that a Select Committee be appointed to review the Motor Traffic Ordinance; and the motion standing in the name of the hon. and gallant Member for Kenya, that land alienated for agricultural purposes and not so used shall revert to the Crown; and a further motion in that hon. Member's name, that legislation for preventing the spread of noxious weeds be enacted, will be taken at the meeting of this Council in August. With regard to the last motion

standing in the gallant Member's name—that Railway rates on salt for stock purposes be reduced—that was ruled by His Excellency the Governor to be out of order. I see no reason to differ from that ruling.

**CAPT. THE HON. E. M. V. KENEALY:** Since it is out of order to debate the rates only on a specific commodity, and since the general railway rating policy affects the whole railway policy of Kenya, may I amend my motion to read—

“That railway rates in Kenya are too high”—  
so as to raise the general issue?

**HIS EXCELLENCY:** I think that comes within the terms of the Standing Orders.

**CAPT. THE HON. E. M. V. KENEALY:** May I take it, Sir, that this constitutes notice of this motion?

**HIS EXCELLENCY:** Will you hand in a written notice?

**HIS EXCELLENCY:** Also, I may say that the motion standing in the name of the hon. Member for Plateau North will not be taken to-morrow, but at a later date next month; when Council will again sit, in order that Government may investigate the proposals contained in that proposition.

**CAPT. THE HON. E. M. V. KENEALY:** May we know what date, Sir, in August the Council is likely to sit?

**HIS EXCELLENCY:** I should think somewhere in the third week, after His Excellency the Governor returns.

**THE HON. E. POWYS COBB:** Your Excellency, may I ask, is it competent for Government to postpone motions indefinitely?

**HIS EXCELLENCY:** The hon. Member will observe that they are not postponed indefinitely.

A further communication I have to make is in regard to the financial motion proposing that the sum of £310,000 be provided for Central Offices in Nairobi. I appoint the following Committee:—

- The Hon. the Colonial Secretary (Chairman),
- The Hon. the Treasurer,
- The Hon. the Director of Public Works,
- The Hon. the Commissioner for Local Government,  
Lands and Settlement,
- The Member for the Lake,
- The Member for Nairobi North,
- The Member for Nairobi South,
- The Member for Mombasa.

The terms of reference will be to consider the proposal to expend the sum of £310,000 on Central Offices in Nairobi and to report to Council.

Council will adjourn till to-morrow morning at 10 o'clock.

Council adjourned to 10 a.m. on Friday,  
19th July, 1929.

FRIDAY, 19th JULY, 1929.

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Friday, 19th July, 1929, His Excellency the Acting Governor (SIR JACOB WILLIAM BARTH, G.C.B.E.), presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The minutes of the meeting of the 18th July, 1929, were confirmed.

#### PAPERS LAID ON THE TABLE.

By THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (Mr. W. M. LOGAN):  
Return of Land Grants, etc., 1st January to 30th June, 1929.

#### NOTICE OF MOTION.

THE HON. F. ARTHUR BEMISTER: Your Excellency, I beg leave to give notice of the following motion:—

"This Council is of opinion that the condition contained in the original contract of service, whereby an officer can be called upon to retire on pension at the age of 50 or on completion of 20 years' service should be strictly adhered to unless very special circumstances arise which make it in the best interest of the country that an officer should be permitted to continue his service beyond the ordinary period."

#### ORAL ANSWERS TO QUESTIONS.

##### RETIREMENT OF HEADS OF DEPARTMENTS.

THE HON. F. A. BEMISTER asked:—

"Arising out of the answer given to my question regarding retirement of Heads of Departments on the 18th June, 1929, how many of the extensions were due to the exigencies of the Service, viz., ordered by Government, and how many were in response to the requests of the gentlemen concerned."

THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE): The European Officers' Pension Ordinance provides among other things that a European officer on the pensionable establishment may retire on pension on attaining the age of

fifty years, or may be required to retire at any time after he attains that age, but the provisions of the Ordinance are in both cases permissive and no compulsory retiring date is laid down. A list of all officers who have attained the age of fifty years or who will attain that age during the ensuing years is submitted annually to the Governor. The action taken by the Governor in each case submitted to him is dictated solely by consideration of the exigencies of the Service.

#### TAX ON PETROL.

THE HON. F. A. BEMISTER asked:—

"If the proceeds of the tax on petrol are being applied to general revenue and, if so, is this not contrary to the intention of Government at the time of imposing the tax?"

THE HON. THE TREASURER (MR. R. C. GRANNUM): It is established practice (not only in Kenya but in most colonies) that all proceeds of taxation shall accrue to general revenue. It could be arranged by special legislation that the proceeds of any particular tax could be credited to a fund to be utilised for a specific purpose, but unless the circumstances are exceptional this object can be achieved equally well when the annual estimates are under consideration. It should also be borne in mind that any scheme of earmarking revenue may be liable to have a prejudicial effect in connection with loan issues.

THE HON. CONWAY HARVEY: Arising out of that answer, Your Excellency, may I ask whether it is not a fact that considerably increased votes from general revenue have been allocated to the construction and maintenance of roads during the current year?

THE HON. T. J. O'SHEA: Your Excellency, arising out of the answer to the second part of the question, may I ask whether this is not contrary to the intention of Government at the time of imposing the tax?

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, may I have an answer to my question?

THE HON. THE TREASURER: It is quite impossible for me to say that is the case, as stated by the hon. Member for the Lake. When the question of expenditure estimates comes before the Council they no doubt take into consideration the amount of revenue which is received from various taxes, such as the Petrol Tax and the Motor Licence Tax; but if that revenue is less than it was, the expenditure will be less than it was. It is quite impossible for me to say.

HIS EXCELLENCY (to the hon. Member for Plateau South): Do you wish to ask your supplementary question?

THE HON. T. J. O'SHEA: Yes, Sir. I beg to ask whether the answer does cover the question, and is this not contrary to the intention of Government at the time of imposing the tax?

THE HON. THE TREASURER: So far as I am aware, it most certainly is not contrary to the intention of Government at the time of imposing the tax.

THE HON. F. A. BEMISTER: May I ask if you could give us the figures—the amount of the Petrol Tax and the amount issued to road repairs?

THE HON. THE TREASURER: During 1928 the amount collected under the sub-head, "Petrol Tax," was £36,773, and under "Licences," under the Motor Ordinance, £32,165; a total of £68,937. The expenditure on roads in 1928 was on "Maintenance and Improvement of Roads and Bridges," £88,282, and under Public Works Extraordinary, "Roads and Bridges," £21,434; a total of £109,716. This information is obtainable if reference is made to pages 18, 94 and 95 of the Financial Report for the year.

#### MOTION.

##### LAND ALIENATION AND CONTROL.

CAPT. THE HON. E. M. V. KENNELLY: Your Excellency, I beg to move:—

"That this Council approve the establishment of a statutory body to deal with land alienation and control."

The motion, Sir, is in general terms. The effect of the adoption of this motion would clarify our position in our own eyes and in the eyes of persons interested in land alienation in this country. I suppose, Sir, that it would be an axiomatic sequence to the establishment of this Board that this Board would have executive powers. Now, Sir, there is a theory prevalent that land has some intrinsic value; that theory is a fallacy. Land has no intrinsic value whatever until it is utilised. Land as an asset, unutilised, is merely a smile and a mockery. It means nothing. Government in this country, by its failure to establish a statutory body to deal with land—a statutory body with executive powers—has maintained that a statutory body with executive powers—has maintained that at the expense of the country. The policy of Government, Sir, in regard to handling assets which exist, has been that if the asset is better handled by the Administration or by some technical officer of the Administration in his scientific capacity, that asset is handled in that manner. One sees that exemplified in administration generally, in the Judiciary, in forest control, and in other departments. But, Sir, when we come down to an analysis of such assets of the State as are best handled by individuals, such as the utilisation of water,

then the control is not so intimate or so personal by the individual and is transferred to persons who are better able to utilise that asset on their own behalf and on behalf of the State. One sees, therefore, that forest assets are exploited and utilised, through a department control, by individuals who are better able to exploit and utilise them than the State itself is. One sees that principle applied, in other countries, to water utilisation, and I hope that before the end of this year we will see the same principle applied to water utilisation in this country. The control would remain with the State, but the utilisation will depend upon the initiative of the individual. It is proper, Sir—and this is more than an opinion—that land should be utilised in a similar manner. Government has in the past acquiesced in that principle, but the principle has been disguised by a number of extraneous factors. It has been disguised by the intensity of the interest of various Governors in this country in land alienation, which has been, in the past, based upon their individual analysis of the desirability of alienating large areas.

I am afraid, Sir, I am going to talk for a long time on this subject.

Then, Sir, there have been other factors which have disguised the issue and prevented its being faced boldly and on its merits. One of those factors that has disguised the issue has been the interference by the Home Government in the control of our domestic assets, and that interference is likely to be accentuated by the feminine element which has attained control over the Home Government's activities recently. (Laughter.)

Now, Sir, I have said that the land policy in this country is dependent on the whim of the Governor in office at the time. That, Sir, may be contradicted, but if we examine the truth of that statement, I think we can substantiate it. After all, it is reasonable to analyse the success of a policy, and the intention of the exponents of that policy, by the results. What do we see in this country? What has the land alienation been in this country in the last five years? Has it kept pace with our requirements, with our financial commitments, with the desire of Government to urge the country to accept local responsibilities and local government? It has not, and it is obviously a lack of balance in Government's mentality which enables Government at the same time to urge the adoption of local government in certain districts which are not fully developed and at the same time, in those same districts, to prevent the alienation of land. The two things are antithetical and contradictory. They are ridiculous. I do not know what Government's intentions are in regard to this motion, but I believe that, with the support that will be forthcoming, I shall be able to substantiate a case which may be acceptable to Government.

Yesterday, Sir, I moved that land which had been alienated in the past for agricultural purposes and was not so used should revert to the Crown. That sounds a very disintegrating suggestion, but probably there is justification for it. That, Sir, is the measure of the earnest of this motion to-day, that there should be a statutory body if we claim, as we do claim, in this country that the domestic interests of this country should predominate in their domestic affairs, such as the alienation of land. Then, Sir, we have got to accept, when making that claim, the responsibility of the application of that claim, and, Sir, one of the responsibilities of the application of that claim is that the contract entered into by anyone who obtains a lease of land from the Crown for a definite purpose shall be a sacred contract, and that both parties to that contract shall fulfil it; and that the automatic appropriation of that land or the reversion of that land to the Crown shall occur if a man does not do what he undertook to do, when the contract was made. He loses that land and it goes to a better individual who will carry out the intentions of the State in regard to land ownership or control.

Now, Sir, what is the position to-day in regard to land alienation? Are there any accepted principles and, if there are any accepted principles, why is it we have a Board called the Konya Advisory Board? What is the status of that Board and what is its function? What success has attended its efforts? The Board, Sir, is a Board which is not responsible to this House; it is a Board appointed by the Governor. I do not know what principles of land alienation have been adopted, because its actions, as far as they are known to the country, have been hidden; in fact, they are not known to the country. Have we received a statement from Government in regard to the activities of that Board, and did the suggestion that that Board's activities should be made public emanate from the Board or were they resisted by the Board? Is it not reasonable to suppose that if the Board were doing its work in a proper manner, according to its own opinion as to how the work should be carried on, that it would have urged the publication of its activities? If those activities were coincident with the desires of the country, then surely they would have nothing to be ashamed of. But did they urge the publication of their activities? No; that had to be urged by persons on this side of the House, and it has been urged for a great many years that the activities of the Land Department should be made known. It has been resisted by Government. It is idle to pretend that it has not been resisted. After all, it was a reasonable request to make, and it is only within the last few weeks that that request, through the decision of Your Excellency—and a proper decision, if I may say so, Sir—has been made public.

I think that in this House there has been a certain diffidence in criticising departments, and there has been a certain amount of resentment on the part of certain Boards and Committees to criticism. That, Sir, is a feminine attitude, and it is one to be deprecated. I do not intend to spare the feelings of the Board; I will not question their honour or their integrity, but their capacity, Sir, I will very strenuously criticise, because I believe that this Board has not done as well as a Board in its position should have done. I consider that their capacity is a matter for criticism, because they have not demonstrated their capacity. One of the jibes that has been flung at me—I do not resent jibes; they are always rather amusing—when I criticised the constitution and activities of this Board was that I myself was not a member of it. Well, I will admit, Sir, that had I been a member of that Board, that Board would have been a better Board. (Laughter.)

Now, Sir, if we have a statutory board with executive powers, certain principles under which that board must function must be laid down, and it is because we lack those principles at present—because Government will not accept them and will not state them—that this policy of establishing a statutory board with executive powers may be resisted by Government. But, Sir, the country knows what policy is required. It has been suggested that we should have a board which will analyse its capacity. (I am talking now of ordinary land alienation, and not assisted settlement, because, let us clearly distinguish between the two; the desirability of introducing the two is not equally potent.)

I will deal now with ordinary land alienation. Now, Sir, is it desirable to introduce an element of patronage and flunkeydom, because the two things are exactly the same. A man who patronises is called a flunkey, and the man who is called a flunkey would, if he dared, become a patronising entity in the world. But, Sir, if we have a board which arrogates to itself the right to analyse the capacity, the individuality and the desirability of any individual's claim to land, then we introduce an element of patronage and flunkeydom, and, it seems to me, we introduce the disgusting element of secrecy into that board's activities. The counter to that, Sir, would involve an open auction of all land in the country, excepting land which is submitted for tender, and which does not interest the average individual.

The theory of auction will be contested by certain persons, but, Sir, surely the man—if the purchase price is spread over a period of years—surely, the man who intends making most use of that land can afford to pay most for that land, and surely, also, from Kenya's point of view, the man who in-

tends making most use of that land is the most desirable man to have in Kenya. That is, shortly, an analysis of the advantages of auction over any other system of alienation.

I disapprove of this discretion lying in the Board, in its analysis of the qualifications of individuals. I think it is an exceedingly objectionable method of alienating land. It gives power to persons who are, I consider, incapable rightly of exercising that power, and I think those persons are answerable to this House for their activities. Those persons should not exercise that power.

Now, Sir, a certain principle has been accepted in regard to dipping and fencing, and that principle is that an absentee from the country or a man who has done nothing whatever on his property is automatically accepted as being a progressive farmer. It is a delightful principle, and it is a correct one in that he is a progressive farmer, but it imposes upon him the most progressive thought that obtains in his district. It is a splendid thing to recognise that Government in this country has accepted that, because it is a principle which will make for development in this country. But although it can be applied, and successfully applied, in elements of legislation such as dipping and fencing, it cannot be applied so long as we have our present loose method of land alienation; the best way of checking that loose method of land alienation is to appoint a statutory board with executive powers, answerable to this House and answerable to the principles of land alienation which this House will dictate to such a board.

What is the personnel of the present Board? I do not wish to be personal about this matter, but does that Board represent any nominations by this House or any nominations by any representative body in this country? Was any corporate body asked for nominations to that Board? No, it was not. And why not? Because the Board was not meant to represent the opinions, the ideals, or the principles of the inhabitants of the country, but was meant to represent the various obstacles to land alienation which exist in the country, and which are put into effect by persons who have not the welfare of Kenya at heart.

What has been the land alienation in Tanganyika as compared with Kenya? There has been a lot of criticism of Government—one might almost say the Governor, but perhaps one should not, because, after all, the Government of Tanganyika and of this country consists—in spite of opinion which attempts to maintain the contrary—Government consists of the Governor in Council and not of the Governor alone. In Tanganyika, Sir, in spite of the criticism which has been levelled at the Governor of that country, there has been land alienation on a far more extensive scale than in this country.





from Government an advance equal to 50 per cent. of their permanent improvement. I believe also that in their Closer Settlement Scheme provisions were made for settlers to acquire land from private owners with the assistance of Government, and I very strongly recommend that the consideration of this Council should be given to their land laws.

The Crown lands available are still considerable, but Government are very reluctant apparently to dispose of that land and assist the Colony in gaining the population that we are in need of. The area of farms alienated to date, both under the Soldier Settlement and other schemes, is considerable; and in my own district I estimate there are some 170,000 to 200,000 acres of land available for alienation, provided that Government would enquire into it. The system that applies to New Zealand, and, I think, is copied by South Africa, is a very easy one. The applicant applies to the Provincial Board which is established in the country. His circumstances, financial and otherwise, are taken into account by that Board, and, if they consider him an asset to the country, his application is passed on to the Government in the form of a recommendation. Government accepts that recommendation. They acquire the land in question and they deal with the settler then on the basis of alienated Crown land direct, which is very advisable and of great assistance to settlers.

I believe there are some 1,500,000 acres still available for alienation, and I suggest that, if this Board be appointed, one of their first duties should be to overhaul the general situation in the Colony and get down to work and make our laws applicable to our circumstances.

THE HON. CONWAY HARVEY: Your Excellency, thanks to the courtesy of the hon. and gallant Member, the mover of this motion, this is at least one motion that Elected Members, as a body, have had an opportunity of discussing before it was suddenly sprung on them in this House. We came to the decision, Sir—at least a majority of us did—that this motion in its present form is entirely redundant, inasmuch as a statutory body already exists in the Colony and has existed since the Crown Lands Ordinance of 1902 became law. It seems to me, Sir, that this motion is very much on all-fours with a motion in the following terms: "That this Council approve the coronation of His Majesty the King." It is asking this House to approve of an accomplished fact.

The hon. and gallant Mover, in his remarks, mentioned something totally different, and that, Sir, is the appointment of a new board—some new statutory authority. I was a little surprised to hear that my gallant and usually courageous

friend fears the slippancy of the flapper in England, though I cannot quite see in what way they are likely to affect land alienation in Kenya.

Now, Sir, the hon. gentleman's suggestion for a statutory board lacks the merit of originality. I myself persuaded the Land Tenure Commission, which sat eight years ago, to make a unanimous recommendation on those lines to Government, which they did. Government, Sir, rightly or wrongly, rejected that recommendation—wrongly, in my opinion. I agree, Sir, with my gallant friend that Government has made many very big blunders in connection with land alienation in the intervening period, but, Sir, is anything to be gained by delving in the dustbin of past indiscretions? Should we not rather address ourselves to the problems of the present and the future?

Now, Sir, towards the end of last year Government did, somewhat belatedly, decide to appoint an Advisory Board—the Land Advisory Board—to advise His Excellency the Governor in connection with land matters. The gallant gentleman asks, Sir, what are the functions of that body. Sir, his memory must be very defective. It was only last November that the Select Committee on the 1929 Estimates had a very long debate on the subject; we listened to the views of the gallant gentleman then, as on five previous occasions, when, unfortunately, he found himself in a minority. In the published account of the conclusions of the Select Committee, Sir, we have the functions of the Land Board very clearly written down in black and white.

Now, Sir, I suggest that that Board, which is undoubtedly composed of four gentlemen very highly qualified for the work, was asked to do.

CAPT. THE HON. E. M. V. KENYALY: Question.

THE HON. CONWAY HARVEY: I think I am speaking to the point, Your Excellency.

They have done an enormous amount of very hard work in the most public-spirited manner at very great self-sacrifice, and I think I am right in saying that Your Excellency has on no single occasion found it necessary to vary to any extent whatever the recommendations of that Board.

Now, Sir, the relative merits of auction and other methods of land alienation have been debated times out of number in this House, and the gallant gentleman has always been in a minority. I do not intend, Sir, to labour that aspect of the problem, but, surely, Sir, any thinking man who has studied the subject at all will agree with me that there can be no golden rule governing the attitude of the Administration in

such matters, but that every case must be taken on its merits by a competent impartial body of advisors to Your Excellency. Public auction, Sir, can be a restricted auction—that is one method of alienating land. Cases are frequently made out for a direct alienation of land, without reference to anybody. On the other hand, cases often arise in which it is deemed fair and just and reasonable, in the interests of the Colony as a whole, to call for tenders for certain pieces of land which are available for alienation.

I hope, Sir, that the motion will be rejected for the reasons I have given, although I must frankly admit I do agree with a good deal of what has been said by both the hon. Mover and Seconder of the motion.

THE HON. T. J. O'SHEA: Your Excellency, I should like to associate myself with the motion, in spite of its technical difficulties, and I do so without in any way committing myself to all or any of the very interesting theories and views advanced by the hon. Mover; also, Sir, without associating myself in any way with the somewhat personal attack that has been made upon the personnel of the present advisory body.

Technically, it may be true that there is at present a statutory body, but the intention of the hon. Mover was that the statutory body should be something other than the Governor, and it is rather unfortunate that he did not make that clear in the wording of the motion.

The outstanding factors of the situation are, briefly, that for several years past there has been a comparatively large area of land available for settlement, there has been a comparatively large number of people available to take up that land, and that land has not been settled.

Another point is that while there have been people in the country ready to take possession of land, if Government would make it available, we have been hanging up settlement with schemes under which we assumed that the only people who were prepared to take up land in the country had to have financial support from Government. Two or three valuable years have been wasted in connection with these schemes, and this motion is really a voicing of our discontent with the present policy of inactivity. It is from that point of view that I support this motion.

The present Advisory Board has, I believe, done very good work; but, unfortunately, its efforts have been confined and greatly restricted by its concentration upon these assisted schemes, by which land settlement has been held up for the last three years. I think it is about time that we gave a new mandate to the advisory body if it is not possible for

Government to reconstruct this land settlement organisation. I think it is about time we recognised that this country has already proved itself sufficiently to attract people who will invest their own capital and risk their own capital in fresh land settlement, and who do not think it necessary to be subsidised by the State. From the outset, I have been un- friendly but friendly towards these State-assisted schemes, and I believe that a real step forward in settlement would be for Government to reconsider its policy and think less of these assisted schemes than it has been doing.

As I said at the outset, Sir, I do not in any way associate myself with the theories put forward by the hon. Mover. His scintillating speech included a lot of views that I do not think are shared by the majority of people in this country. His views on auction are those of a minority, I believe, and the views on many other subjects would not, I believe, be endorsed by the country; but I should say that the country is behind him in the view that Government has failed to produce a sound land settlement policy and that it is about time the situation was reviewed and more active efforts made to give the country the benefit of those people who are willing to cope and farm the land that is available for farmers.

THE HON. J. C. COVERDALE: Your Excellency, I regret I cannot wholly support the motion before the House, although I find in it a great deal to approve of. I am in disagreement with several of the views of the hon. Mover. To my mind he has always shown undue anxiety to get rid of the lands of this Colony. He states that unimproved land is not an asset, and with that view I entirely disagree. Providing that we can give away the land of this Colony in return for desirable settlers, and had the land producing, it becomes a greater asset than at present, but without that asset the position of this Colony would be a very parlous one. It reminds me rather of the position of the tradesman who gives his stock away to prove what a tremendous business he is doing.

I had the honour in 1920 and 1921 of a seat on the Land Tenure Commission, with the object of dealing with and formulating a scheme for the beneficial use of the lands of this Colony. One of the principal recommendations of that Board, which I think I myself introduced and strongly supported, was the institution of a public Land Board. That Land Board was designed to carry out a scheme such as was suggested, I think, by the hon. Member for Plateau North, of the selection of land by individuals, who would be approved by that Board, and recommendations accordingly made for the alienation of land to such individuals. This is the scheme in operation in Australia and New Zealand, and, I think, it has been very beneficial to those Colonies. It took the Govern-

ment many years to reply to the recommendations of that Board, and in the end the reply was the Advisory Board to Government. I have no quarrel with this Board whatever. I believe that they have done extraordinarily good work and have functioned in the way that they were designed to do. They have made probably very valuable recommendations to the Government, but I do not think this is the proper way of parrelling out the land of this Colony with the best results.

The hon. Member for the Lake has suggested that the question has been debated very frequently in the House, and the only result we have achieved is sales by auction. With that method I entirely disagree. It means, in the vulgar way, "Greasing the fat pig"; the man who has got the most money can get the most land. I do not think it induces the best class of settlers to come and occupy the land.

THE HON. CONWAY HARVEY: On a point of explanation, Your Excellency, I wonder if the hon. Member very clearly understands that I violently oppose the universal alienation of land by auction?

THE HON. J. C. COVERDALE: I am not referring to the hon. Member's opinion on the subject; I am simply dealing with my own.

HIS EXCELLENCY: I think the hon. Member is referring to the speech of the hon. Mover.

THE HON. CONWAY HARVEY: Your Excellency, I was definitely misquoted by the speaker, who spoke of certain views expressed by the hon. Member for the Lake.

THE HON. J. C. COVERDALE: I beg your pardon. On a point of explanation, what I meant to say was that this matter had been referred to by the hon. Member for the Lake, who said the matter had been debated frequently in the House, and my own remark is that the only result (sale by auction) is unsound. I am not attributing this to the hon. Member. With that form of land alienation I entirely disagree.

While I cannot support the motion in the form in which it has been put, I approve of many of the ideas that have been brought forward, and I hope it will result in a review and a bringing up of this question in some other form which I shall be able to support and which Members of this House will eventually support.

THE HON. E. POWYS COBB: I beg leave, Your Excellency, to move the following amendment to the motion:

"That the words 'approve the establishment of a statutory body to deal' be deleted and words 'recom-

mends that the consideration of the desirability or otherwise of devising improved methods of dealing' be substituted therefore;

and that the following words be added at the end of the motion: 'be referred to the Agricultural Commission'."

Sir, my reason for proposing that amendment is this. There is no doubt that the Commission which you have seen fit to appoint will have to enquire into the question of the economic use of land, and obviously, under that heading, must come the alienation of land and the control of land. It seems to me, therefore, somewhat calculated to tie the hands of the Commission if this House comes to a definite decision on this very important matter now, on the eve of the assembly of that Commission. I would, therefore, ask the House to adopt what seems to me to be the wiser and fairer course of allowing the Commission—without its being prejudiced by what I think might to-day be a somewhat hasty decision on a complicated question—a free hand to study the question in the light of evidence and of much careful investigation.

HIS EXCELLENCY: I think this will be a convenient moment to adjourn.

(Council adjourned for fifteen minutes.)

HIS EXCELLENCY: An amendment to the motion under discussion has been moved by the hon. Member for the Rift Valley.

THE HON. CONWAY HARVEY: I beg leave formally to second, Sir.

THE HON. THE COLONIAL SECRETARY: Your Excellency, on a point of order, I would like to ask the question whether under Standing Order 36 (2) the amendment in question is in order?

HIS EXCELLENCY: In my opinion the amendment is not in order, because under Rule 36 (2) an amendment must not raise any question which can only be raised by distinct motion after notice. In my opinion the amendment moved is a different question, which should be raised by a separate motion.

THE HON. E. POWYS COBB: Then, Sir, surely I am in order in giving notice that I desire to move that motion.

HIS EXCELLENCY: Yes, I will accept that notice. Does any other Member wish to speak on the motion?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN): Your Excellency, it became clear in the course of the various

speeches which have been made on this motion that the intention of the motion is not probably distinct in the form in which it stands at present. What the House is really asked to consider is the appointment of an alternative statutory body with certain executive powers, alternative to the statutory body which already exists. The statutory body which exists, in the case of one particular, land alienation—the reservation of land for Native Reserves—is the Governor in Council. Otherwise, in regard to the alienation of land, the present statutory authority is the Governor.

I did not make out, in the remarks of the hon. Mover, what exact powers he had in mind for the statutory body whose appointment he desires in so far as alienation is concerned. I gathered that he would wish any statutory body, other than the present one, or an alternative one, to concern itself solely with the auction of land as a principle of land alienation. If that principle is established as one which is not to be departed from, the formation of any particular body—if that body is not to have definite power of alienating land—does not seem to me to be particularly in point. If the body alternative to the present statutory body is to deal with alienations of land, it must be assumed there are to be certain alternative principles for that body to consider, so that it does have some reason for its existence in that it will take into account various alternatives in the methods of disposing of land and come to such conclusions as seem to it good.

The mover, Sir, touched very lightly, I think, on the second part of the motion, that the statutory body should deal with land control. The only reference that I heard to control was the reference he made to a motion which is coming up in this House on a subsequent occasion. He did not go into the question of what powers of control either are exercised at present or should be exercised by this board in the future, and it may be as well if I were to detail quite shortly what the present powers of control are which are exercised by the existing statutory authority, namely the Governor in Council.

The Governor in Council exercises control over lands which are alienated, in regard to consenting to the appointment of a non-European to the management of a farm, in regard to the approving of sub-divisions of farms, in regard to the reservation of land for the use of native tribes, the exercise of veto in respect of transactions between classes of different races, the exemption of land for public purposes and the power to make rules for the purposes of the Ordinance.

When the constitution of a Board to advise the Governor in regard to matters of alienation, and the Governor in Council as regards matters of control, was discussed by the Kenya

Advisory Committee these points were taken fully into consideration and we came unanimously to the conclusion that none of these functions which I have just detailed are suitable for exercise by anybody except the Government of the country, and on that opinion, Sir, I stand, and on behalf of Government I stand.

There might be one matter in which the Governor in Council could possibly release his control and that is in the question of approving sub-divisions of farms, but that is a pure formality and the transfer of that part of the powers of the Governor in Council to another body is really immaterial. I have, on a former occasion, Sir, repeated the policy which Government adopts generally in the mode of alienating land. That question has been dealt with by one or two speakers already and I do not think I need say more than that the Government takes into consideration every method of alienating, according to circumstances, either by auction, tender, or by direct grants, with special conditions or without special conditions.

So far as the personnel of the present Land Board is concerned, if you are going to have a Land Board dealing in an advisory capacity with the day to day questions of land alienation, you need a small and compact body in my judgment; also people who are readily available. On the average I think we have met about once a fortnight since last November, and you must confine yourself to members who are able to attend at short intervals and attend regularly. Furthermore, it would, I think, be an undoubted disadvantage to have any unofficial representation on that Board, which is there in a purely representative capacity, for this reason. If the Board is dealing with matters of day to day land administration the members require experience in the handling of matters put before them and you do not wish your Board to be subjected to change periodically because a change occurs in the Association or whatever it may be that they are appointed to represent. If a man comes on an association he is liable to happen to be chairman of an association he is liable to have to leave it when his chairmanship of the particular body expires, and that would, in my opinion, be a disadvantage. What we have attempted to do is to get on to the Board representatives from the point of view of the practical farmer and from the point of view of the investor, who will help the Director of Agriculture and myself, experienced in these particular matters, to judge the matters which are put before us.

Reference was made, Sir, to the slowness of the Board in disposing of Crown lands. The amount of surveyed Crown land which has been sold in this country is 10,445 square miles.

The amount of surveyed land which is available for sale is 1,488 square miles, or, in round figures, 950,000 acres. That is all that we have to dispose of without encroaching on unproved land. The Closer Settlement Scheme, which, as Members know, is in abeyance for the moment, covers an area of 72,000 acres. We have, during the past seven or eight months, disposed of land for sisal purposes and for other purposes at the Coast and near Voi of something in the neighbourhood—I am afraid I have not the exact figures, but something in the neighbourhood of 70,000 or 80,000 acres. In March we published a land sale of farms for which definite applications had been made from time to time by individuals. The total acreage which has been put up for sale is approximately 85,000 acres. Out of that figure we have sold 30,815 acres.

I think, Sir, in view of those figures, it is not easy to justify the statement that the Government's policy at the moment is one of holding up land. In so far as Closer Settlement is concerned, as I say, we have the Closer Settlement proposals—which are in regard to the A farms (the assisted farms)—held up for the time being. In regard to the B farms, reliance is not placed in so great a degree on assistance from the Land Bank. We have in mind to recommend to Your Excellency that steps be taken to get on with that scheme in advance of the establishment of the Land Bank. There are also sub-divisions going on which promote Closer Settlement in the country generally amongst alienated farms and, during 1928, 230 sub-divisions of farms were approved by Your Excellency in Council, representing an acreage of 120,000.

On the main point of the motion, Sir, Government is not prepared at present to consider delegating its authority over the alienation of land to any subordinate body, nor is it prepared to consider the appointment of a body with executive powers to deal with land control because, as I have pointed out, in its view, the powers which are at present held by the Governor in Council over the control of land—of land alienated—are such as could not properly be delegated to any other body except itself.

HIS EXCELLENCY: Does the hon. Mover wish to reply?

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, I should like to deal with the points raised by the last hon. Member first. In the last few remarks the words "subordinate body" were used in describing the suggested statutory body. Such a description of a statutory body is an entirely incorrect one. There is no such thing as a "subordinate body" when you are dealing with any element of Government. There may be a subordinate individual but any body which

functions in an executive capacity, in a government's capacity, is on the same footing as any other body. That fiction that there is a difference and that there are subordinate bodies is one which is encouraged by the Secretariat of this country, but it is entirely wrong.

Now, Sir, we have been told that Closer Settlement has been subjected to a very close scrutiny by this Kenya Advisory Committee. What are the facts, Sir? Did Members on this side of the House sponsor that Closer Settlement Scheme at any time? I do not think that Members on this side of the House have sponsored that scheme. The scheme was a political gesture, and because it had some political significance, and because the element of land alienation on the ordinary basis could be obfuscated by the introduction of this scheme and by the thrusting of a tremendous lot of work (which this scheme involved) upon that Kenya Advisory Committee, therefore that work was thrust upon that Committee instead of their doing their proper work of land alienation, and proceeding with normal land alienation, with which this country concurs—this with the desirability of which this country concurs. This scheme, this political gesture of Closer Settlement was given prominence over our ordinary settlement; in other words, the people of this country were asked to assist financially persons coming to this country, and there was a limitation imposed on the persons who needed no such financial assistance and who would assist our financial commitments in Kenya.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: On a point of order, may I call attention to the fact that the Report of the Committee on Closer Settlement was unanimously adopted in this House last June?

CAPT. THE HON. E. M. V. KENEALY: The Report may not have been resisted because it may have been inadvisable to resist it as a Report, but the Report was never mentioned in contrast or in antithesis to our ordinary settlement. It was supposed to be supplementary to it, but has it been? No. Government has insisted on that Report gaining prominence and predominance as a land settlement policy over the ordinary policy of this country which had been in operation successfully for years.

Now, Sir, mention was made of certain activities of this Land Advisory Committee. We were told that a certain amount of sisal land had been alienated. Sir, I definitely and deliberately and extensively criticise the alienation of sisal land because it is in conflict with the only element of responsibility which gave voice to a statement of policy in this country. I refer to a statement made by His Excellency the Governor in

this House, that it was not the desire of Kenya to encourage settlement which involved commitments in labour. He deliberately stated in this House, Sir, that it was the intention of Government to refrain from alienating such areas, and such kinds and types of land, as would involve a call upon the labour of the country, and yet, in spite of that statement, sisal land alienation has received prominence and has received priority over ordinary land alienation. That, Sir, has been quoted by the hon. the Acting Commissioner for Local Government, Lands and Settlement as an excuse for the existence of this body, but it is a condemnation of the existence of this body, and I thank him for providing that condemnation from his own mouth.

Another statement made by my hon. friend was that there is not a sufficiency (he did not put it in this way because he is too discreet) of surveyed land in this country, and why is there not, Sir? Because your Committee has not done its work and has not insisted upon a sufficiency of alienated land being provided. Again, Sir, you have condemned the Committee by your defence of it.

Another point, Sir—we have been told that the land goes at the upset price recommended by this Committee. Land has not changed hands. Again, Sir, you condemn yourself and your Committee because the upset price is too high.

It has been suggested by the hon. Member for the Coast that I used the words, "get rid of the land—get rid of an asset." Is that a reasonable way of describing an action which brings into cultivation and productivity an element of land which may otherwise only be a menace and a drag upon us? The same stricture that I apply to the hon. Member for the Coast in this matter I apply, Sir, to the hon. Member opposite.

Now, Sir, when we have an advisory body such as the body which at present exists, it is never forced into a position where it is bound to state its policy or to state the principles on which that policy is based; nor, Sir, is the individual to whom that body is advisory—in other words, nor is the Governor. If, however, we have a statutory body, then that body must be dictated to by this House. Some principles must be laid down and a policy must be dictated to that body. That body will then have a relatively automatic business to perform. It will relegate into certain categories certain applications, and in these categories certain principles will apply. At present, each individual application—for modification or change or alienation—comes up and each is considered on its own merits, which is wrong. It is wrong, Sir, because the policy, and the principles guiding that policy, should be laid down and should be definite. If we can lay down elementary

principles for controlling land settlement and land control specifically, we shall gain much; we can do that if we establish a statutory body.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: On a point of order, may I ask the hon. Member how a body which is subject to dictation from this body is not a subordinate body?

CAPT. THE HON. E. M. V. KENEALY: I did not get the question, Sir.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: My point of order was to ask the hon. Member to explain how a body which was subject to dictation from this body was not a subordinate body.

HIS EXCELLENCY: It is hardly a point of order.

CAPT. THE HON. E. M. V. KENEALY: No, Sir, it is not a point of order; I shall not be allowed to shoot back, but I would like to pursue.

It has been suggested that I have been unkind to the personnel of this Board. They are not a lot of miserable wretches, they are men who can stand a little honest criticism; and, Sir, I suggest that the excuse is made for them—they are totally inadequate. It has been suggested that it was desirable to get on that Board men who could be called at a moment's notice, men who were readily available in Nairobi, but what do we find? One of our permanent members of this Board, whose position on the Board I have so adversely criticised, lives about 250 miles away from Nairobi. That is the fact, Sir, that is where he lives, and the suggestion.

THE HON. CONWAY HARVEY: On a point of order, Your Excellency, that statement is totally incorrect. (Laughter).

HIS EXCELLENCY: That is hardly a point of order.

THE HON. CONWAY HARVEY: It is rather a point of personal explanation.

CAPT. THE HON. E. M. V. KENEALY: Well, Sir, the hon. Member for the Lake does exist; presumably he does live, and he certainly does not live in the neighbourhood of Nairobi. He lives a long distance away and I think it is really rather puerile to introduce these minor elements which mean nothing in a matter which requires a certain amount of sincerity. Whatever one may think about this matter, it does require sincerity, and I think it is wrong for members to indulge in these frivolities. (Laughter).

The question of disposing of land by auction has been subjected to criticism, but if one does a little more than auction, and does impose conditions of residence and progressive development which are based upon that auction, there will be no danger whatever. There has been a suggestion made that the man with the longest pursa will always gain because he will be able to hold up land, but if we adopt the suggestion that I made yesterday that land which is not utilised for the purpose for which it was alienated should revert, then that possibility ceases to exist. We surely can devise methods of ensuring present occupation and progressive development. It is easy provided we are sincere and provided we are revolutionary, because we should be revolutionary in a matter which concerns the welfare of this country. I do not believe in these hard cases. They are absurd. Let us sacrifice the persons who should be sacrificed to maintain principles. We have done it all our lives as a nation and as an Empire; let us maintain that practice. It is a good one.

I want to revert to the sisal suggestion, Sir. What we need in Kenya to-day is not absentee landlords and absentee company shareholders. What we need to-day, and have needed for the last ten years, is home-makers, people who live in the country and make this country their home, and the way to effect that is to give effect to this motion of mine. I am intensely distressed that Government has refused to accept this motion because I do know that members on the Government side of the House wish to speak in support of this motion—there are many such. I am distressed that Government has found it necessary to impose this closure on their opinions.

Now, Sir, a criticism from the hon. Member for the Coast—I admit it is a minor one because, on the whole, he was favourable to the suggestion—was (to quote his own words), "I believe that they (the Land Advisory Board) have done extraordinarily good work and have functioned in the way that they were designed to do." That Sir, is my criticism. It did function in the way it was designed to do by Government. It was designed to work in a restricted sphere and at a restricted pace, and it has done so. That is my criticism of that Board. It has been, by implication, dictated to by Government; it has accepted that dictation, and because it has accepted that dictation it has failed.

Now, Sir, it is a phenomenon that the two hon. Members on this side of the House who have resisted this motion are two members who have been appointed to various commissions and enquiries dealing with land, and that, I think, demonstrates why they have resisted this motion. They are unaccustomed to any movement. They are unaccustomed to seeing this great colossal fatted mass of inertia being kicked.

and I want them to accustom themselves to the idea. They have accustomed themselves to seeing nothing done, and I know this, Sir, that the reason why the hon. Member for the Lake has been appointed to so many commissions and committees in the past, why he was appointed to this body, to this Kenya Advisory Committee, was exactly because he had accustomed himself to this inertia and because he had lamentably acquiesced in this inertia. That was the reason. The fact is there. The conclusion I draw from the fact is the conclusion which anybody else in the country can draw from it.

It has been said that this statutory body exists already. That may be a technical fact, but, after all, what we want to do is to give consideration to something which will benefit Kenya and not hide ourselves behind technicalities. We are not all lawyers in this country; some of us are reasonable. (Laughter). I do not mean anything derogatory. I mean a lawyer is a man who is automatically swayed more by the technical significance of words than the actual significance—the intentions and the sentiments. If we are sincere, if we desire to benefit Kenya by obtaining an element of control which we do not possess over Kenya's land alienation and which we should not adopt that attitude towards the question. The question is partly a sentimental one, because sentiment does, as a rule, involve a certain amount of movement.

One of the reasons that the present Advisory Council has failed in its functions is that it is able to absolve itself from responsibility. It is advisory to the Governor, and the Governor, in defending himself, merely says, "You have an Advisory Council in existence." We do not know what advice that Committee is giving to the Governor, and we do not know whether the Governor has accepted that advice, and we shall never know these things until we abolish that Committee. It is desirable that we should abolish that Committee and appoint a Board which functions under certain principles of policy which have been agreed to.

Now, Sir, the only summary that I can make is that the country desires the appointment of this statutory body because a statutory body would have the confidence of the country. The country at the present moment has the grossest lack of confidence in the present elements of land alienation and control.

On a division the question was lost by 5 votes to 25.  
Ayes: Mr. Bemister, Col. Durham, Major Johnson, Capt. Kenealy, Col. Kirkwood.

*NOES*: Messrs. Baker, Brassey-Edwards, Bruce, Campbell, Cobb, Coverdale, Deck, Dobbs, Grannum, Harvey, Holm, Horne, Canon Leakey, Messrs. Logan, McCarthy, Malik Moore, O'Shea, Dr. Paterson, General Rhodes, Capt. Schwartz. Messrs. Scott, Sikes, Col. Tucker, Col. Wilkinson.

#### MUTHAIGA PETITION.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, I beg to move that the Report of the Select Committee appointed to consider and report upon the petition by the residents of Muthaiga, that Muthaiga be excluded from the Nairobi Municipality be adopted.

For the facility of Members and in case Members have not got copies of the printed petition, cyclostiled copies of that petition have been circulated to Members so that they can follow more conveniently the recommendations in the body of the Report. Taking first the Report, Sir, in the third paragraph we deal with the point which was made in the petition, that the original petition presented by the hon. Member for Nairobi North has not received sufficient consideration. I do not propose at this stage of the debate to do more than call attention to the fact that this Committee examined the facts with deliberation and are satisfied that that prior petition had received full consideration. If any point is to be made on that in the course of the debate I shall be ready to answer in my reply.

The first to the fourth points made by the petitioners in their theme are statements of facts, and incidentally the Select Committee noted that the owners of one third of Muthaiga, the Morrison estate, were not signatories to the petition; and in regard to the fifth point, that since their appointment as a township had no demand for financial assistance been made to the Government, we note that an annual grant in regard to the upkeep of the Limoru Road in respect of its course through Muthaiga has been made.

As regards the point that there has been no express demand from the Nairobi Municipality for the inclusion of Muthaiga, the record we are able to put before the House shows what action the Nairobi Municipality has taken in this regard. In November, 1927, long before the enactment of the Ordinance, they passed a resolution that subject to satisfactory arrangements being made by Government for the removal of all financial difficulties, and so on, this Council approves the principles and recommendations of the Local Government Commission for Nairobi and its environs—that is to say, the municipal area of Nairobi should be extended to include all suburban areas.

The point was made, Sir, by the representatives of the petitioners, when they appeared before us, that we should take a more recent view if possible of the Nairobi interim Council's views on this point. I therefore addressed a letter to the Town Clerk and informed him that the committee was sitting in regard to this petition and that if the Council wished to put forward any views we should be very pleased to hear any representations. That letter occasioned a special meeting of the Nairobi Council at which the following resolution was passed: "That if Government proposed to exclude any of the areas proposed to be included in the municipal area of Nairobi under the Local Government (Municipalities) Ordinance, 1928, then this Council proposes that, in addition, the existing residential sections of Parklands and the Hill shall also be excluded." We duly sat on the date of the meeting arranged but no representative from the Nairobi Municipal Council came before us.

In the sixth paragraph of the Report we rather deprecate the exaggeration of facts contained in the third point in the petition that Muthaiga has been a township since April, 1922, and that a full measure of municipal control was granted. The facts are, that a Township Committee was formed of residents who had authority to impose rates for street maintenance, and also to advise the Governor as to rules which should be promulgated for the good order and government of the town. We did not think, on a perusal of the rules under which the Muthaiga Township Committee had been established, that those rules constituted a full measure of municipal control, or that this point was substantiated.

The sixth point of the petition states that, since the passing of the Ordinance, the Nairobi Municipality has consented to the retention by Muthaiga of its by-laws and restrictions. The Report sets out what the facts were. On the establishment of the Nairobi Municipality, when the Ordinance became applicable to this part of the new Nairobi, the Town-became applicable to all the outlying areas were drafted no rules were applicable to all the outlying areas were drafted no rules were applicable to Muthaiga. The Nairobi Municipal Council, therefore, adopted by-laws applicable to Muthaiga only which had been applicable to that area under the Townships Ordinance.

Point eleven states that the Nairobi Municipality is already overworked in the great task before it of putting its existing and enlarged municipal area into order without undertaking an additional area such as Muthaiga, which runs itself peaceably and effectually under its local township authority. We regard that as a statement of opinion, and we noted the twelfth point, "that the present exclusion of Muthaiga from



Nairobi Municipal control does not imply that at some future date the case may not be reopened, which eventuality your petitioners have in mind."

On two occasions, Sir, we interviewed representatives deputed to appear before us in support of this petition, and although certain grounds for exclusion were then advanced which had not been included in the petition, and might, therefore, technically have been excluded by the Chairman from further consideration of the Committee, we collected evidence on these points, as we wished to get to the heart of their objections.

The first ground was that owing to the declared policy of Government in regard to non-segregation in townships the inclusion of Muthaiga may adversely affect landowners of Muthaiga. We went into this point in considerable detail with the representatives and I think I can say with a clear conscience that we convinced them in the end. They withdrew in the end any suggestion that the position of Muthaiga if it remained as a township would in this connexion be any different from its position if it became part of a municipality.

The point was then put to us that so long as they remained a separate entity the township committee would be able to resist any breach of covenant which affected other landowners in Muthaiga. The fact that they had got already in existence a separate body dealing with township affairs generally would enable them somehow, outside the powers of that committee, to organise themselves to resist any case of breach of covenant. In fact, Sir, one of the representatives went so far as to suggest that the funds which the Muthaiga Township Committee was authorised to raise under the Township rules could be used for the prosecution of a case of infringement of a covenant in a lease. I think at that time he was under an incorrect impression as to the phraseology of the rules of the Muthaiga Township Committee, but the actual position was that the Muthaiga Township Committee were empowered to advise the Governor: "The Committee may from time to time frame and submit to the Governor rules for the welfare, good order and good government of the township, provided all regulations dealing with public health, under section 15 of the Public Health Ordinance Rules, is approved by Government." Later in the rules there is a section which provides that there shall be paid to the Town Clerk of the municipal office by every owner Sh. 20 per annum per plot in respect of the upkeep of streets and roads and general administration of the township.

It does not appear to me, Sir, and I think in this regard I have the backing of the legal officers of Government, that the use of the phrase, "streets, roads, etc.," could possibly permit of the use of funds collected for this purpose to be used for the purpose of fighting a court action for breach of covenant.

The second point which they advanced, Sir, in their verbal representations, was that its inclusion in the municipality would mean an increase in rating. Actually at the moment the Nairobi rates on unimproved site values are one per cent., and the Muthaiga charge of £1 per annum per acre or part of acre, plot or sub-plot would work to precisely the same figure so far as the land-owner is concerned, if we have not mistaken the average value of land in Muthaiga, which has been placed at £100.

In so far as the future is concerned, under the Local Government Rating Ordinance the maximum rate permitted for imposition is 2 per cent of the unimproved site values, so that the most the Muthaiga owner of a 5-acre plot, with a house on it, would have to face in the future would be a tax of £10, as against a present tax of £5. But before that tax of £10 comes to be paid by him a situation would have to have arisen in Nairobi which would have necessitated the increase of municipal revenue from rating over the whole town from £30,000 a year to £60,000 a year, so that I suggest that the fear that there is any immediate prospect of the imposition of the maximum rate permitted under the Rating Ordinance by the Nairobi Municipality is entirely unfounded. In this connexion, however, it has to be anticipated that, in any event, whether Muthaiga remains in a municipal area or whether it is reconstituted as a township authority, some addition to their present rating will have to be foreseen. The standard of their roads, which is the only expenditure which they have to incur at the moment, will no doubt improve and that will involve increased taxation. But there is the general point in this connexion, which I will deal with more particularly later on, that Muthaiga is an essential part of this town of Nairobi, and that up to date the problems which have had to be settled by Nairobi—expenditure on machinery which we have had to set up, and works undertaken—have not put any liability on the residents of Muthaiga up to the present. We believe they should expect—and you will observe from point 12 that they do expect, in the future, to be called upon to bear some part of those burdens.

Generally Sir, after—I think the hon. presenter of this petition—at least I hope he will agree—very careful consideration of all the points which were put up to us—we did not hurry the petitioners in any way and I think we gave them a

full opportunity for setting out their case—we did come to the conclusion that their case for exclusion now is based on fears rather than on facts, and that as Muthaiga is a part of the newly constituted Nairobi area, no action should be taken to alter that area in any way until it could be shown that the administration of the municipal authority for that area was definitely deleterious to any part of that area. If such a case in the future can be shown, it shall receive every consideration, but I think that, until facts can be produced to show that, it should remain as it is.

Those, Sir, are the facts, and that is all that I have to say in support of the recommendations as they appear in the Committee's Report. But there are two considerations, to which I should like to call the attention of the House, of a general nature. In the first place, what is the essential difference between Muthaiga and any of the other suburban areas surrounding Nairobi. I asked several of the representatives who came before us that question, and the first answer that was given us was that Muthaiga had already been constituted as a township. That was a point which was made much of, and is a point which I think should deserve some examination. The township was constituted in 1922, and when the Local Government Commission was taking evidence on this subject generally, we had it then from the chairman of the present Muthaiga Township Committee—whom I think I am correct in saying is the hon. and learned Member for Nairobi South in this House—that there were certain reasons why Muthaiga came to be constituted as a township. He said then that certain plot-holders were asked to form a small committee, by the estate owners. I think, and make voluntary contracts for the upkeep of the roads which had been constructed by the estate owners. A committee was formed and voluntary subscriptions were raised, but the system was very unsatisfactory. Some plot-holders stood out and others did not fulfil their promises. Then, to quote from the evidence given, "six or seven of us got together, because in this country people will not do anything voluntarily. We therefore approached Government and asked to be made a township, so as to be able to levy rates for the upkeep of the roads. We were very doubtful which way the advantage lay, because we did not want to become a township: we are not a close settlement, plots average three or four acres, there is no close building. We are in the country there, and were rather frightened that if we became a township it might lead to rules and regulations like a closely settled town. We eventually decided to risk it and Government agreed to let us become a township."

At that time, Sir—March, 1922—Nairobi Municipal Council was barely three years old. It had had, for a year

only at that time, rating powers. It had not taken over the repair of its own roads and it did not do so until the beginning of 1924. It had not begun to grapple with its native problems and it was still, and remained for some time without any full control, so far as executive staff was concerned, over public health. The point I wish to make is that then there was no question of adding to the Nairobi Municipal area. The Government did not fully envisage the future development of Nairobi and the suburbs around it. At that time Muthaiga was the one European residential suburb and Eastleigh was the other, Indian, suburb. Before the establishment of Muthaiga as a township, Eastleigh had been declared a township, and in my view, and I think the Government would not object to the statement that in those days the Government was dealing, or did deal in this matter, in a rather hand to mouth way and made provision to create these two suburbs into separate township authorities and leave the future to take care of itself.

By 1926 that future had arrived. A further ring of townships had grown up without having been declared townships, and the full municipal problem of Nairobi was there to be solved. It had either to be solved by accepting the King of townships, each consisting of a separate authority, or by bringing them all into one municipal area, and it seems to me that the reason for the origin of the Muthaiga Township—the fact that Muthaiga had been declared a township—is not a very strong point in the argument for exclusion at this stage.

Having discussed that point with the representatives, I then asked them on one occasion, apart from this—apart from the fact that Muthaiga had at one time been declared a township—what essential difference was there between Muthaiga and the other areas. One of the representatives fully agreed that there was no essential difference, and he expressed his opinion that the right way to solve this question was to create separate township authorities for each of those small groups. The other member disagreed with him on that point, but when asked and pressed to state what the essential difference was I do not recollect that he was able to advance any other reason than that in Muthaiga, under the terms of the leases, you are restricted to the building of one house per acre. It did not seem to me to be a very essential difference between conditions in this suburb and other suburbs. The fact is that all these suburbs are really the same in character. The plots may be larger in one part, or the houses may be better in one part, but each of the occupants of these houses and plots comes to Nairobi daily for his shopping and business and cannot exist without Nairobi.

Then, Sir, the second point for consideration which I would like to put before the House is, that subject to agreement that there is no essential difference between the various suburbs, what is going to be the effect of excluding Muthaiga at this juncture? In my view, the effect will be the complete disintegration of the system. If you take out one suburb you have got no justification at all for refusing the demand, if it is made, to take out every other suburb; and I consider, Sir, that the Nairobi Municipal Council have made a very important contribution to the public thought on this issue in their resolution because they reduce the position to a *reductio ad absurdum*. And they are perfectly right. If you take out Muthaiga what reason have you for not taking out Parklands and the Hill?

You will then have left a tiny commercial centre to bear the whole expense, and each of these areas or suburbs surrounding it existing on some separate basis, each with its own staff, presumably, each with its own committee, working without any cohesion in regard to the problems which affect every part equally and on which some definite uniformity is absolutely essential. In fact, Sir, the basis of argument for the setting up of a number of small authorities in the suburbs round Nairobi was fully examined in the Commission's Report which recommended unification. I have never heard the logic of that chapter in the Report assailed to my own satisfaction, and wherever it has been assailed some reference has been made to the state of affairs which exist in London. We are told that the London County Council has authority over other county boroughs and metropolitan boroughs: that their system works there; why should it not work here? It is agreed that if separate township authorities are set up by Muthaiga, Westlands, Kilimani, Parklands and the rest of them, some central authority should also be set up to control their various activities. Let us examine the comparison with London. To begin with London is older, larger, and a more populated place than Nairobi is ever likely to be, and, if there was any justification for a system of that sort, London did provide some greater justification than Nairobi ever could. But, Sir, it has never, in my experience, been suggested that the organisation of the London County Council is an ideal organisation. In England local government institutions grew up haphazard, and when circumstances which could no longer be borne had arisen, expedients were devised to meet them as well as possible. In this case, the London County Council has done magnificent work, but no one pretends that it does form an ideal way of governing London. Here, I think, it would be a great mistake, when we are on the threshold of organising our local government system on what we hope to be a permanent basis, to follow precedent blindly, because a thing happened for reasons which have no operation here—that we should

follow that example with our eyes open to the difficulties which are already visible in that system. We do not need to go so far as London. The very same thing happened in Cape Town in 1885, when a number of municipalities stretching along the seaboard were set up, each with its own authority, and so forth. Ten years later the difficulties of that system were fully realised, but it took twenty years more to rectify the situation. I feel, Sir, that in the twelfth point of their petition the Muthaiga people realised that the time is bound to come when they are bound to be incorporated in the Nairobi Municipality, and it would be a great blunder at this stage to do anything which will take us perhaps years to undo.

There is no question, Sir, to my mind—and I think on this point I speak for the committee generally—that the unification of the whole of these suburbs, the whole of the Nairobi municipal area, is the correct solution, the correct plan on which the municipal government of this town should develop. We have examined the plea put up to us with great care and we have come to this definite conclusion, and recommend that the position should remain as it is—that Muthaiga should remain in the Nairobi municipal area, and I do appeal, Sir, to the residents of Muthaiga to accept that decision now and to sink their disinclination for any change. They have made a very good job of the administration of their garden suburb, within the limits of the work entrusted to them, but there are very much greater responsibilities outside, and more important problems to be solved in the general administration of Nairobi, and I think it would be a thousand pities if they maintained an attitude of disgruntlement owing to the fact that they have been called upon to take their proper share in the shouldering of their burdens. I do hope, Sir, that they will now whole-heartedly come forward and co-operate in the solution of the problem and in the responsibilities which lie before them.

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

LT.-COL. THE HON. W. K. TRICKER: Your Excellency, I do not rise with the object of moving the rejection of this report. I do not feel justified in traversing much that has been said by the hon. the Acting Commissioner for Local Government, Lands and Settlement, but I believe it is traditional in this House that on these occasions a little indulgence is allowed, for it enables these ill-fated petitions to receive obituary notices couched in as kindly terms as possible.

The speaker on the last motion before the House, Sir, dwelt in considerable detail on the inertia of Government. In this case (not by way of complaint) I have to tell that Government has proceeded at a rate which has precluded me from consulting my Muthaiga friends as to the line they would

wish me to adopt; whether they desire me to criticise the Committee's report on the one hand, or whether they desire me to congratulate the Committee on the other hand. That I do not know. I do not propose to do either, but I take this opportunity of acknowledging the courtesy and patience of the Committee, and at the same time of thanking you and the House for so readily appointing a Committee.

There are only two points in the report which I would like to refer to. The first is that rather much prominence is given to the allegation that the witnesses viewed with alarm the Nairobi Municipality's extravagance and inefficiency. I was not present the whole time, but I did not hear those words, or anything approaching them, used. I can conceive that they were employed to the extent that the witnesses endeavoured to show the efficient manner in which Muthaiga had been conducted in the past, and also in order to show that higher rates would undoubtedly accrue if and when Muthaiga accepted the position of their inclusion. But, Sir, recognising as I do the worthy gentlemen who are carrying on a thankless task in the Nairobi municipal government to-day, I do wish to withdraw that aspersion so far as I, personally, am concerned, and I hope by everyone it will soon be forgotten.

While speaking of the Nairobi Municipality, Sir, I would just like to point out that in the course of his long speech, and also in the report, the hon. Mover chooses to bring forward certain recent incidents within the Nairobi Council—resolutions and what not—but he did forget to point out that when Muthaiga itself was discussed by the Nairobi Council on the specific resolution only three or four weeks ago, as distinct from the one he did bring forward dealing with the other outside areas—when Muthaiga was being discussed *qua* Muthaiga—they were unable to find a majority. As a matter of fact, as many councillors voted one way as the other, and, moreover, I do not think Nairobi Council is too frightfully keen to include Muthaiga, judging by the fact that they did not respond to the invitation of this Petition Committee to attend their meeting the other day. However, that is not of consequence.

The second allusion to the report I would like to make is that I do not believe this Committee would have talked about evading responsibility quite so readily if they had realised that your petitioners, Sir, endeavoured to attain their ends by reciting twelve of what I regard as minor points. They did this on the advice of a rather high authority—advice with which I never agreed—all the time knowing that there was a thirteenth point being suppressed, on that advice, for political reasons. Now, Sir, that thirteenth point had reference to the restrictive covenants governing the properties of Muthaiga. It has been publicly drawn attention to by the report

and by the hon. Mover, so there is no reason why I should not just refer to it, to this end: that in the course of the evidence and discussions it has been prominently brought before us that similar covenants do exist in all the other outside areas, or nearly all of them, and the hope may be expressed that by the action on the part of Muthaiga and the other outside areas some other means may be arrived at whereby satisfactory and permanent assurances can be received from Government to the effect that these covenants, which were entered into in all sincerity and in all equity, should be maintained for all time.

To comment on the other paragraphs of the report I regard as inappropriate and unhelpful, but I propose remarking on two words on the last page of the report which do appear to me to leave the door open for some such combined action as I referred to just now. Your Committee refer to so and so, and so and so, "until" things could be proved otherwise; again, they close the report by referring to the "present" petition. I think they are single words which it is just as well at this stage should be pointed out.

Subject to that, Sir, I take the responsibility of saying, with the limited opportunity I have had of sensing the feelings of Muthaiga, that I believe they take this defeat in a thoroughly sporting manner. I think you will find Muthaiga thoroughly sporting in the vanguard of those who are not only ready to pay increased taxation (which I regard as inevitable), but will be prepared to take their full share in the future municipal administration of Nairobi. (Applause.)

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I was one of the three residents of Muthaiga who did not sign this petition, and as such I may mention that, not having altered, I intend to support this resolution. But there are three points I would like very briefly to touch on. First of all, although I think it is academic—because I think any of us, although I think it is academic—because I think any of us, although I think it is academic—I think it was inclusion as the actual committee appointed—I think it was regrettable that the personnel of that Committee was practically the same as the personnel of the Feetham Commission, which had already heard evidence and come to a conclusion as to the inclusion of Muthaiga—regrettable only because it was bound to, and did actually, give the impression among the petitioners that their case was prejudged.

The second point, Your Excellency, is this: that the hon. Mover, in his able speech, has tried to make out too good a case. He had an excellent case. He based his case on two grounds: First, that it really was not going to be any disadvantage to the residents of Muthaiga to be included in the Nairobi Municipality; and, secondly, even if it were, the

general position, the general welfare, demanded that Muthaiga should come in. That, the second of these two points, was the sole motive which actuated me in refusing to sign the petition and has always actuated me in opposing those who wished to be excluded. If you look at this matter from the purely selfish point of view, there is no question whatever that the residents of Muthaiga are the losers, and therefore I frankly state that what the hon. Mover said is incorrect. But if you look at the thing from the broad point of view of citizenship, there can be no question that Muthaiga must come in—and surely it is right for a member of the body politic of this Colony to look at this matter from the point of view of citizenship and the broad view rather than the selfish and individualistic point of view.

The hon. Mover attempted to say that the residents of Muthaiga would probably not be paying larger rates in the long run—one per cent. being the equivalent of that at present paid. He definitely based his value of land at £100 an acre. The value of land at Muthaiga is £120 an acre, which makes a rate of £6 instead of £5. And he went on to state that there was no doubt whatever that the rates at Muthaiga would go up in the future if it were left as it was before. I have been intimately connected with the Township Committee, and I can assure the hon. Mover that the rates, far from going up, are coming down. We started with the town's roads in an appalling state. We levied a rate of £1 an acre, which had to go on for a long time because we had tremendous initial expenditure, which meant an overdraft at the Bank. But had it not been for the inclusion of Muthaiga in the Nairobi Municipality I think I can say without fear of contradiction that this year the rate would have come down from £1 to Sh. 10 per acre per annum. The result is going to be that the ratepayer of Muthaiga will be paying twice, and probably three times, as much before long in rates, and he will not have such good roads. We have not many miles of roads in Muthaiga, but the roads have been and they are a success. It cannot be expected for many years to come, with the enormous mileage of roads with which the Nairobi Municipality have to deal, that they can give such attention to the roads as residents of Muthaiga were able to give in the old days. So let us admit frankly that from the personal point of view we are going to be losers.

I think the disadvantage must be outweighed by the question of citizenship and fairplay and the advantages which we have been gaining from the Nairobi Municipality without actually making any contribution to pay for those advantages.

With regard to the resolution proposed by the Municipality and referred to by the hon. Mover, which he stated

was such an exceedingly clever resolution and, in his view, reduced everything to absurdity, I would suggest to the hon. Mover that the interpretation of the resolution was clever and not the resolution itself.

One other point, Your Excellency, and that is this: The last speaker, in referring to the question of covenants, stated that he wondered whether something could not be done in regard to those areas which had these covenants to get the position corrected by having these covenants established on a permanent basis. I do not consider there is any necessity to do that. If you have the covenants, it is perfectly clear, as far as Muthaiga is concerned, that the position in regard to segregation is not altered in the least by their coming into the Nairobi Municipality. We are protected by covenants, and those covenants are, I believe, perfectly sound and legal protection. But the point is what is the position of those outlying areas, which were not townships before they were brought into the Nairobi Municipality, and where there was segregation, but are now brought into the Nairobi Municipality, and have no protecting covenants—is not the position that, in regard to these areas, the position of segregation has automatically become one of non-segregation. I have no mandate to speak for those outlying areas at the moment because no representations have been made to me from those outlying areas which I represent, but I would ask the hon. Mover carefully to consider the position of those places which before were not townships, which now are townships, and which have no covenants in the leases or conveyances and which have no protection against purchase and occupation by members of a different race, which before was the case.

THE HON. T. J. O'SHEA: Your Excellency, I have pleasure in supporting the motion. Objections have been raised, Sir, to the personnel of the Committee. In reply to those objections, I would point out that the Muthaiga people having left this matter so late in the day, it was extremely difficult to find Members of this House who had been dealing with matters of local government and had not at the same time already committed themselves, one way or another, to this question of including Muthaiga in the Nairobi Municipality. For my part I might say I have already informed petitioners that I was not in favour, but when I accepted nomination to that Committee I made up my own mind that if they could bring forward reasons to show that I was wrong, I would be prepared to change my view, otherwise I should have asked Your Excellency to accept my resignation; having heard the evidence on two occasions at formal meetings, and more often at informal meetings. I have heard a good many reasons why, from the Muthaiga residents' point of view, it is more desirable they should be left out, but I have heard no

reasons why, from the broad point of view of citizenship, they should be left out. To leave Muthaiga out of the Nairobi Municipality scheme would destroy that scheme, and I regard it as the only possible way of dealing with the Nairobi municipal problem.

Now, Sir, much has been made of what I believe to be the fact that Muthaiga is much more lightly rated to-day than it would be if it were in Nairobi, and it is almost certain to be more heavily rated as part of Nairobi in the future than it would be if it remained outside Nairobi. But why is that? Because Muthaiga has constituted itself a very select residential area and that alone. In its covenants residential use must be made of that property. In other words, it will not allow itself to be faced with any other problems which inevitably arise in an area which is developed for purposes other than residence. I can well believe that in the future, when the inhabitants of Muthaiga provide themselves—as, undoubtedly they will—with their private aeroplanes for coming into Nairobi daily, they will no longer want their roads, and they will not have to pay their Sh. 10 per annum mentioned by my hon. friend on my right (the hon. Member for Nairobi South). But by its constitution Muthaiga has excluded itself from the possibility of being faced with the big problems that face all communities developing as Nairobi is developing. All the burdens arise out of the activities from which Muthaiga has excluded itself, and it seems to me a very selfish policy indeed to ask that people, who admittedly make use of the amenities of Nairobi every day, should not have to contribute on the same basis as the other people making use of Nairobi. It is not sufficient to say, as Muthaiga people have said, that because they rent offices in Nairobi and buy their goods in Nairobi they are on all-fours with the rest of the inhabitants. They are certainly asking, in their petition, that their residential property should be excluded from the rating of Nairobi; and after hearing evidence very fully, and after further consideration, I am definitely of the opinion that the petition should not be acceded to, and I cordially support the motion. I believe the reasons given in the petition are not those which weighed most; on the contrary, they were largely actuated by fear, which fear I believe to be groundless; and I join in expressing the hope that the Muthaiga people, now the matter has been given full consideration, will take their part in the future government of Nairobi. I have already had assurances from a number of the petitioners themselves that the matter having been given consideration and things pointed out to them that they were not aware of previously, that they are quite satisfied to take their part as citizens of Nairobi.

THE HON. A. H. MALIK: Your Excellency, on the report I have only two remarks, regarding the fear that has been

expressed by the hon. Member for Nairobi South—regarding the question of segregation. I submit that this fear is unfounded, Sir. Although it is many years now since this question of segregation has been dropped in the Nairobi municipal area, yet the Indians have not swarmed into any of the European quarters. For instance, the Hill, Sir, which is not under segregation just now—you will find half a dozen Indian residents who have taken up permanent residence on the Hill area, and similarly in Parklands. In these areas, which have now come under the municipal control, if the sanitary rules and regulations are enforced strictly, I believe, Sir, that that fear will not materialise. It is true, and I do agree that the majority of the Indians live in a fashion that Europeans do not desire to live side by side with them, and I know for a fact that there are certain Indians who themselves do not wish to live in the neighbourhood of thickly populated Indian areas; and it is quite evident that other races, who undoubtedly have better sanitary conditions amongst themselves, should not like to live with the Indians. But I do say, Sir, that this fear is unfounded, and will not materialise if the strict sanitary measures are enforced in these areas.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: May I say, in regard to the personnel of the Committee, that when the petition was laid one day as to who the Committee to advise Government should consist of, I considered the recommendations which should be put up with the late Attorney General. The late Attorney General advised that it so happened that the two sitting Members for Nairobi in this House were Muthaiga plot-owners, and that they would be ineligible. On a later discussion with the hon. Member for the Lake, his name and that of the hon. Member for Plateau South were suggested, and put up to Your Excellency for approval without any contrary suggestions. The hon. and learned Member for Nairobi South, if I took him aright, suggested that all members of the Committee had been members of the Local Government Commission. I may say, Sir, that there was one member, and that was the late Attorney General, but he left the country before the sittings of the Committee were finally closed, so that the report of the Committee is not signed by any member of the Local Government Commission. I myself, as secretary of that Commission, was not a member of it. The late Attorney General was a member, but he has departed. The hon. Member for the Lake was a member of the Commission in regard to the settled areas only, and not as regards Nairobi, and the hon. Member for Plateau South was not a member of the Commission at all.

I am glad to find that if the report of this Committee is accepted by the House the position will be loyally accepted

by the residents of Muthaiga. In regard to the remarks by the hon. and learned Member for Nairobi South as to other areas, where covenants exist, it is of course the case that so far as transfers are concerned respect will be had to the covenants by the Governor in Council.

I did not fully gather the drift of the learned Member's remarks as regards rates. He seemed to say that I did make out a case, on the one hand, that there was no disadvantage; and, on the other hand, that there was an advantage.

CAPT. THE HON. H. E. SCHWARTZ: On a point of explanation, Your Excellency, I said that the hon. Mover had based his arguments on two points. First of all, it was to the advantage of Nairobi and the common weal generally that Muthaiga should come in, and, secondly, that there was no disadvantage to Muthaiga if they came in.

HIS EXCELLENCY: That was on the question of rates?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: What I intended to say, and did say in the report itself, was that the basis of land valuation which was given to us by the representatives who came before us, of £100, was a fair value, and the rate for the time being would be the same. As for the future, if they came into Nairobi, they would obviously have to take share in the larger responsibilities and expect to pay more. But, in any event, if they stayed out, they would wish so to improve their existing services as to require additional taxation themselves. That may or may not be the case. I accept the statement of the learned Member that rates this year would have been substantially reduced.

I think there is no need for me to say any more.

HIS EXCELLENCY: The question is in terms of the motion.

The question was put and carried.

*Council adjourned until 10 a.m. on Monday,  
22nd July, 1929.*

MONDAY, 22nd JULY, 1929.

The Council assembled at 10 a.m. on Monday, the 22nd July, 1929, at the Memorial Hall, Nairobi, His Excellency the Acting Governor (SIR JACON WILLIAM BARTH, C.B.E.), presiding.

His Excellency opened the Council with prayer.

#### MINUTES.

The minutes of the meeting of 19th July, 1929, were confirmed.

#### MOTIONS.

##### REPORT OF SELECT COMMITTEE ON THE MALARIA PREVENTION BILL.

THE HON. THE ACTING DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATERSON): Your Excellency, I beg to move the motion standing in my name on the Order of the Day:—

“That the Report of the Select Committee on the Malaria Prevention Bill be adopted.”

Your Committee, Sir, considered the provisions of the Bill, and discussed further alterations or additions or deletions required.

On, however, discussing a possible amendment, that local authorities might be given power over Crown lands, it was considered that it would not be feasible to do so.

The other question which arose was exactly what powers should be allowed to local authorities as regards the readjustment of boundaries. On its being made clear by the hon. the Acting Attorney General, and after discussion, it was agreed that those powers were not unduly great.

The Committee came to the conclusion that no alteration should be made, and that the Bill should be passed as drafted. Your Committee was unanimous, Sir, and I beg to move that the report be adopted.

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

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

The question is in terms of the motion.  
The question was put and carried.

REPORT OF THE SELECT COMMITTEE ON THE CENTRAL  
ROADS AND TRAFFIC BOARD BILL.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I have considered the wording of the amendment.

HIS EXCELLENCY: What are you speaking on?

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, on the second motion:—

“That the Report of the Select Committee on the Central Roads and Traffic Board Bill be adopted.”

HIS EXCELLENCY: Who is moving the second motion?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. W. M. LOGAN): The motion has been moved already.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I considered the wording of the amendment proposed by the hon. Member for Nairobi North, and I have slightly altered the form of it. I now beg to propose the following amendment to his amendment. The amendment I propose, Sir, is as follows:—

“That a further proviso be added at the end of new paragraph (f) of clause 2 of the Bill, namely:—

Provided further that the Governor may, when appointing any person included under (f) above, declare that in the case of his absence or inability to attend his place on the Board may be taken by some other person, to be named by the Governor, and every such other person shall have the right to vote as if he himself were a member of the Board.”

I understand, Sir, that the hon. Member for Nairobi North desires the permission of the House to withdraw his amendment and to second mine.

LT.-COL. THE HON. W. K. TUCKER: Your Excellency, I beg leave to withdraw the amendment standing in my name on the Order of the Day, and, if granted, I propose to second the amendment which is proposed by the hon. the Acting Attorney General.

HIS EXCELLENCY: The question is in terms of the motion.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE): Your Excellency, I beg to move that the House go into Committee to consider the following Bills:—

The Supplementary Appropriation Bill.

The Explosives Bill.

The Civil Procedure (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Weights and Measures (Amendment) Bill.

As regards the Cattle Cleansing Bill and the Fencing Bill, at the request of certain of the Unofficial Members Your Excellency has agreed that those two Bills should be referred to Select Committee, and the Committee stage of these will not therefore be taken to-day.

THE HON. THE ACTING ATTORNEY GENERAL: Your Excellency, I beg to move the adoption of the report of the Central Roads and Traffic Board Bill Committee, with the amendment accepted by Government.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg to second.

HIS EXCELLENCY: The question is in terms of the motion. The question was put and carried.

HIS EXCELLENCY: I will now take the motion of the hon. the Colonial Secretary, which has not been seconded yet.

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

The question was put and carried.

THE HON. E. POWYS COBB: Your Excellency, at this stage, shall I be in order in asking who the Committee will be to deal with the Cattle Cleansing and Fencing Bills?

HIS EXCELLENCY: Yes. I have appointed the following Committee:—

The Hon. the Director of Agriculture (Chairman).

The Hon. the Chief Veterinary Officer.

The Hon. the Chief Native Commissioner.



The Hon. the Commissioner for Local Government, Lands and Settlement.  
 The Hon. the Solicitor General.  
 The Hon. Elected Member for the Lake.  
 The Hon. Elected Member for Kenya.  
 The Hon. Elected Member for Plateau North.  
 The Hon. Elected Member for Ukamba.  
 The Hon. Elected Member for Rift Valley.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of information. Your Excellency, may I ask if the Fencing Bill is not going back to the original Select Committee?

HIS EXCELLENCY: That is the original Select Committee, with the addition of the hon. the Acting Commissioner for Local Government, Lands and Settlement, and, I think, of the Chief Veterinary Officer.

*In Committee:*

THE SUPPLEMENTARY APPROPRIATION BILL.

The Bill was considered clause by clause.

THE EXPLOSIVES BILL.

The Bill was considered clause by clause.

THE CIVIL PROCEDURE (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE WEIGHTS AND MEASURES (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the following Bills be reported without amendment to Council:—

The Supplementary Appropriation Bill.

The Explosives Bill.

The Civil Procedure (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Weights and Measures (Amendment) Bill.

HIS EXCELLENCY: The question is in terms of the motion.

The question was put and carried.

*Council resumed its sitting*

HIS EXCELLENCY: I have to report without amendment the following Bills:—

The Supplementary Appropriation Bill.

The Explosives Bill.

The Civil Procedure (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Weights and Measures (Amendment) Bill.

THIRD READINGS.

THE SUPPLEMENTARY APPROPRIATION BILL.

On motion of the hon. the Colonial Secretary a Bill to make further provision for the Public Service of the Colony for the year ending on the 31st day of December, 1928, was read a third time and passed.

THE EXPLOSIVES BILL.

On motion of the hon. the Acting Attorney General, a Bill to Consolidate and Amend the Law relating to the Manufacture, Storage, Sale, Transport, Importation, Exportation and Use of Explosives was read a third time and passed.

THE CIVIL PROCEDURE (AMENDMENT) BILL.

On motion of the hon. the Acting Attorney General, a Bill to Amend the Civil Procedure Ordinance, 1924, was read a third time and passed.

THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL.

On motion of the hon. the Acting Commissioner for Local Government, Lands and Settlement, a Bill to Amend the Local Government (Municipalities) Ordinance, 1928, was read a third time and passed.

THE LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL.

On motion of the hon. the Acting Commissioner for Local Government, Lands and Settlement, a Bill to Amend the Local Government (District Councils) Ordinance, 1928, was read a third time and passed.

THE WEIGHTS AND MEASURES (AMENDMENT) BILL.

On motion of the hon. the Acting Attorney General, a Bill to Amend the Weights and Measures Ordinance was read a third time and passed.

## THE CENTRAL ROADS AND TRAFFIC BOARD BILL.

On motion of the hon. the Acting Commissioner for Local Government, Lands and Settlement, a Bill to Provide for the Establishment of a Central Roads and Traffic Board was read a third time and passed.

## THE MALARIA PREVENTION BILL.

On motion of the hon. the Acting Director of Medical and Sanitary Services, a Bill to enable Local Authorities to take Measures for the Prevention of Malaria within the Colony was read a third time and passed.

THE HON. CONWAY HARVEY: Your Excellency, before we adjourn, may I be allowed to express the deep appreciation of Elected Members for the very fair and impartial manner in which Your Excellency has conducted proceedings in this House.

HIS EXCELLENCY: I thank the hon. Member for the Lake and the other Elected Members for their kind expression of opinion.

*Council adjourned sine die.*

## WRITTEN ANSWERS TO QUESTIONS.

## ADULTERATION OF FOODSTUFFS.

By THE HON. CONWAY HARVEY:—

With a view to preventing the sale of adulterated foodstuffs in this Colony, will Government consider the introduction at an early date of legislation on the lines of the Food and Drug Act of the Dominion of Canada?

*Reply.*

A Bill to provide for the more efficient control of sales of food and drugs to the public has been drafted and is under consideration.

## GAZETTING OF EASTER SATURDAY AS A PUBLIC HOLIDAY.

By THE HON. A. C. TANNAHILL:—

Arising out of the unanimous resolution of the Association of Chambers of Commerce of East Africa opposing the gazetting of Easter Saturday as a public holiday, will Government state if it is the intention to proceed with the gazetting of this day as a public holiday?

*Reply.*

The answer is in the negative.

## REGISTRATION OF BIRTHS AND DEATHS ORDINANCE.

By THE HON. A. H. MALIK:—

Will the Government state when the Registration of Births and Deaths Ordinance will come into force?

*Reply.*

An amending Ordinance is considered necessary before the Principal Ordinance can be applied. An amending Bill was published in the Official Gazette prior to introduction in the Legislative Council on the 2nd January, 1929.

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