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COLONY AND PROTECTORATE OF KENYA



LEGISLATIVE COUNCIL
DEBATES, 1933

VOLUME II

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1934

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List of Members of Legislative Council, 2nd August, 1933

President:

HIS EXCELLENCY THE ACTING GOVERNOR, MR. H. M.-M. MOORE, C.M.O.

Ex-officio Members:

COLONIAL SECRETARY (HON. A. DE V. WADE, O.B.E.) (Acting).
ATTORNEY GENERAL (HON. A. D. A. MACGREGOR, K.C.).
TREASURER (HON. H. H. RUSHTON).
CHIEF NATIVE COMMISSIONER (HON. S. H. LA FONTAINE, D.S.O., O.B.E., M.C.) (Acting).
COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (HON. W. M. LOGAN, O.B.E.) (Acting).
DIRECTOR OF MEDICAL AND SANITARY SERVICES (HON. DR. A. B. PATERSON) (Acting).
DIRECTOR OF AGRICULTURE (HON. H. WOLFE) (Acting).
DIRECTOR OF EDUCATION (HON. H. S. SCOTT).
GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. THE HON. G. D. RHODES, O.B.E., D.S.O.).
DIRECTOR OF PUBLIC WORKS (HON. H. L. SIKES).
COMMISSIONER OF CUSTOMS (HON. G. WALSH, O.B.E.).

Nominated Official Members:

HON. H. H. MONTGOMERY (Provincial Commissioner, Nyanza).
COL. THE HON. R. WILKINSON, D.S.O. (Officer Commanding Northern Brigade, K.A.R.).
HON. E. B. HORNE, O.B.E. (Provincial Commissioner, Kikuyu and Ukamba).
MAJOR THE HON. H. H. BRASSEY-EDWARDS (Chief Veterinary Officer).
HON. S. F. DECK (Provincial Commissioner, Nzoia).
HON. LL. A. FIELD-JONES (Provincial Commissioner, Coast).
HON. H. M. GARDNER (a) (Conservator of Forests).
HON. H. E. WELBY (b) (Provincial Commissioner, Rift Valley) (Acting).
HON. O. B. THOMPSON (c) (Provincial Commissioner, Masai) (Acting).

European Elected Members:

CAPT. THE HON. H. E. SCHWARTZ (Nairobi South).
HON. CONWAY HARVEY (Lake).
HON. T. J. O'SHEA (Plateau South).
MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE, D.S.O. (Coast).
LT.-COL. THE HON. C. G. DEBHAM, D.S.O. (Kikuyu).
LT.-COL. THE HON. J. (I. KIRKWOOD, C.M.G., D.S.O. (Plateau North).
CAPT. THE HON. H. F. WARD (Nairobi North).
HON. F. A. BEMISTER (Mombasa).
CAPT. THE HON. J. L. COTTE, M.C. (Kenya).
MAJOR THE HON. J. O. K. DELAY (Ukamba).
HON. E. H. WRIGHT (Acting) (d) (Rift Valley).

- (a) Temporary Member in place of Mr. T. Fitzgerald, O.B.E.
(b) " " " Lt.-Col. O. F. Watkins, C.M.G.,
C.B.E., D.S.O.
(c) " " " Mr. T. D. H. Bruce.
(d) " " " Lt.-Col. Lord Francis Scott,
D.S.O.

LIST OF MEMBERS OF LEGISLATIVE COUNCIL—(Contd.)

Indian Elected Members:

HON. HAKIM SINGH.
HON. DHANWANT SINGH.
HON. ABDUL WAHID.
HON. C. M. PATIL.
One seat vacant.

Arab Elected Member:

HON. SHERIFF ABDULLA BIN SALIM.

Nominated Member Representing the Interests of the African Community:

REV. CANON THE HON. G. BURNS, O.B.E.

Acting Clerk of the Legislative Council:

MR. H. E. BAKER.

ABSENTEES FROM LEGISLATIVE COUNCIL MEETINGS

2nd August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
COLONEL THE HON. R. WILKINSON, D.A.O.
HON. SHERIFF ABDULLA BIN SALIM.

3rd August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
HON. SHERIFF ABDULLA BIN SALIM.

4th August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
HON. DIRECTOR OF PUBLIC WORKS.
HON. SHERIFF ABDULLA BIN SALIM.

10th August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
HON. SHERIFF ABDULLA BIN SALIM.

11th August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
HON. CONWAY HARVEY.
HON. SHERIFF ABDULLA BIN SALIM.

12th August, 1933.

HON. ACTING DIRECTOR OF AGRICULTURE.
HON. L. A. FELD-JONES.
HON. H. E. WELBY.
HON. CONWAY HARVEY.
HON. SHERIFF ABDULLA BIN SALIM.

28th November, 1933.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES.
HON. GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS.
HON. ACTING COMMISSIONER OF CUSTOMS.
HON. E. H. WRIGHT.
HON. DHANWANT SINGH.
HON. SHERIFF ABDULLA BIN SALIM.

20th November, 1933.

HON. GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS.
HON. ACTING COMMISSIONER OF CUSTOMS.
HON. DHANWANT SINGH.
HON. SHERIFF ABDULLA BIN SALIM.

30th November, 1933.

HON. GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS.
HON. ACTING COMMISSIONER OF CUSTOMS.
HON. S. H. FARAN.
HON. DHANWANT SINGH.
HON. SHERIFF ABDULLA BIN SALIM.

4th December, 1933.

HON. SHERIFF ABDULLA BIN SALIM.

5th December, 1933.

HON. SHERIFF ABDULLA BIN SALIM.

6th December, 1933.

HON. SHERIFF ABDULLA BIN SALIM.

7th December, 1933.

HON. H. R. MONTGOMERY.
HON. SHERIFF ABDULLA BIN SALIM.

ABSENTEES FROM LEGISLATIVE COUNCIL
MEETINGS—(Contd.)

10th December, 1933.

COLONEL THE HON. R. WILKINSON, D.S.O.
HON. H. H. MONTGOMERY.
HON. S. H. FAZAN.
MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE, D.S.O.
LT.-COL. THE HON. J. G. KIRKWOOD, C.M.G., D.S.O.
HON. SHERIFF ABDULLA BIN SALIM.

24th December, 1933.

HON. GENERAL MANAGERS, KENYA AND UGANDA RAILWAYS AND HAR-
BOURS.
COLONEL THE HON. R. WILKINSON, D.S.O.
HON. H. H. MONTGOMERY.
HON. S. H. FAZAN.
HON. SHERIFF ABDULLA BIN SALIM.

21st December, 1933.

HON. GENERAL MANAGERS, KENYA AND UGANDA RAILWAYS AND HAR-
BOURS.
COLONEL THE HON. R. WILKINSON, D.S.O.
HON. H. H. MONTGOMERY.
HON. S. H. FAZAN.
HON. SHERIFF ABDULLA BIN SALIM.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

1933

THIRD SESSION

TUESDAY, 28th NOVEMBER, 1933

The Council assembled at 11 a.m. at the Memorial Hall, Nairobi, His Excellency the Governor (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.), 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:

WALTER HARRISON, Attorney General.

GEORGE RITCHIE SANDFORD, Acting Treasurer.

ETHUELBERT BERNARD HOSKING, Acting Commissioner for Local Government, Lands and Settlement.

NOMINATED OFFICIAL MEMBERS:

HAROLD MENCE GARDNER, Conservator of Forests.

SIDNEY HERBERT FAZAN, Provincial Commissioner, Coast.

INDIAN ELECTED MEMBER:

NAHAR SINGH MANGAT.

COMMUNICATION FROM THE CHAIR.

HONOURABLE MEMBERS OF LEGISLATIVE COUNCIL.

This is the third occasion on which it has fallen upon me to open a Budget session and I do so to-day with somewhat a lighter heart than I had on the two previous occasions. The past couple of years have been anxious ones for us all. Certainly they were for me, for at one time nothing seemed visible to indicate the duration or depth of the depression. As a Government we realized the necessity for drastic cutting down of expenditure but we also realized the equally important necessity for proceeding with caution and by stages.

The problem was difficult: some say we have not cut enough, other say that we have gone too far: all I can say is that we have done our best, and will continue to do our best, to find a solution which will be to the ultimate good of the country and to all classes of its population.

The plight of the farmers during these bad years was deplorable and the same uncertainty which confronted the Government confronted them even to a greater degree. They had to cut their costs of production to figures which no one could have dreamt of a few years ago and the question of what to plant or whether to plant at all when swarms of locusts were perpetually invading the country and when export prices no longer covered cost of production, was perplexing to a degree.

Well, Honourable Members, one abiding satisfaction emerges from these thoroughly unsatisfactory years and that is the fine courage, determination and law-abiding spirit with which the men and women of this Colony have so far faced the situation. Kenya can look back with pride on this, and with such a population she can look to the future with every confidence.

Why, it may be asked, have I to-day a lighter heart when world conditions are still unstable and when we are just emerging from a year of drought, some of the effects of which have yet to be felt. Well, Honourable Members, any one who has recently been in England could not fail to notice the extraordinary change which has taken place. There appears to be a better outlook all round and within the past few days His Majesty in his gracious speech from the Throne was able to refer to the steady improvement in trade and employment. Furthermore, I can this morning quote solid facts and figures to demonstrate that even in 1933 there has been a marked betterment of our financial position both as regards the Colony and the Railway.

Lastly, but not least in importance, there is the probability of a substantial mining industry becoming established in Kenya. I can assure you that I will do my utmost to foster this industry for if it grows to any magnitude it cannot but greatly add to the strength of this country. My visit to the Union and to the two Rhodesias was made mainly for the purpose of studying the mining conditions there and I can state, without fear of contradiction, that the agriculturalists in those countries would, during these years of stress, have been in a much worse condition had it not been for the mining industries established in their midst. I do most earnestly hope that this new industry will become a success; success would mean much to the farmers and traders and also to the natives especially if we continue to develop on sound and clean lines as we have every intention of doing.

I will now touch briefly on the financial position. The last year in which the Colony showed a surplus was 1928. Since that year there have been deficits, in round figures, as follows:—

	£
1929	170,000
1930	200,000
1931	150,000
1932	110,000

The revised estimates of revenue and expenditure for 1933 indicate an estimated deficit of approximately £85,000 as against a budgeted deficit of £176,000.

The figure of £85,000, which has been endorsed by the Standing Finance Committee as a conservative estimate, is based on a comparison of revised estimates of revenue and expenditure as at present available to the Treasurer, and has been included in the volume of Draft Estimates for 1934, as a figure which can be justified by those estimates. The experience of the last two or three years, during which all Heads of Departments have, as they are continuing to do, exercised the most rigid control of their votes, has demonstrated that actual savings at the end of the year prove considerably in excess of what could reasonably be foretold at the time the Draft Estimates for the ensuing year are drawn up. In the light of this experience, even after making due allowance for the heavy cuts in the expenditure estimates of the current year, it is not unreasonable to hope that the actual deficit will be considerably less than £85,000, a hope which has been endorsed by the majority of the Standing Finance Committee.

Figures of actual revenue and expenditure to the end of August, 1933, show that, during the first eight months of this year revenue exceeded expenditure by approximately £20,000. Revenue for the first eight months of the year has not exceeded expenditure during the same period in any year since 1923. In 1933 expenditure exceeded revenue during these months by £137,000. The improvement, as compared with 1932, for the first eight months of the year is therefore about £157,000, and I am glad to say that the preliminary September figures indicate that this position is being maintained and show an improvement compared with the first nine months of 1932 of over £180,000.

Careful revision of the original revenue estimates for 1933 shows, generally speaking, that those estimates were framed on sound lines, and, without taking into account the revenue accruing from the new revenue measures passed at the last session of the Legislative Council, the revised estimates of revenue for 1933 are £20,000 higher than the original estimate.

In addition to this, a sum of approximately £12,000, included in the revised estimates of revenue for 1933, is attributable to new revenue measures. With regard to a yield to be anticipated therefrom in 1934, it is not possible to give an accurate forecast until the accounts of the present year are closed, but returns to date indicate that the yield from the Graduated Non-Native Poll Tax Ordinance is likely to approximate very closely to the estimate. Receipts from Trade Licences under the Licensing Ordinance, however, are definitely disappointing, and experience in 1933 indicates that the revenue from this source, as estimated by the Alternative Revenue Proposals Committee, which, having regard to the amendments introduced during the passage of the Bill through Legislative Council, may be taken at £35,000 in a full year, is not likely to be realized. A considerable shortfall is anticipated for 1933, and in consequence Government has been compelled to reduce the figure for 1934 by £15,000.

The Draft Estimates of Revenue and Expenditure for 1934, as presented to Council, provide for a surplus of £1,449. On the expenditure side this has only been achieved by rigidly adhering to the policy of stringent economy. Examination will show that the total provision made for the services of the year 1934 falls some £35,000 below the sanctioned estimates for 1933, in spite of the addition of some £50,000 to 1934 expenditure in respect of pension commitments and debt charges. On the revenue side the estimates have been carefully considered by the Standing Finance Committee and are regarded as conservative. I have not had time to scrutinize these estimates very closely but I believe—and this belief is confirmed by the information afforded to me by my senior

officers—that they have been drawn up on sound lines. I have no doubt that Honourable Members will share my satisfaction in our having been able to present a balanced Budget.

Honourable Members will recollect that the 1933 Revised Estimates of expenditure passed in the April-May session of Council reflected many of the recommendations of the Expenditure Advisory Committee. During my visit to England I discussed at length with the Colonial Office, major questions affecting Terms of Service, Provincial Reorganisation and Secretariat Reorganisation, the details of which will be familiar to hon. Members from the announcements made in the Press in October. These details are reflected in the Draft Estimates for 1934.

As regards the proposed Local Civil Services for Europeans and Asians, an *ad hoc* Civil Service Board was appointed with comprehensive terms of reference. This Board has presented three Interim Reports which have been considered in my Executive Council and it is now engaged upon its final term of reference. I anticipate in the near future being able to announce decisions upon the many and difficult questions entailed by the reorganisation contemplated, which should, in future years, give increasing opportunities to the local youth of both races and make for economy in administration.

Agriculture is suffering along with other forms of primary production from a disequilibrium with retail prices and fixed charges. The price decline seems now to be arrested and the process of adjustment to be in progress. But a more hopeful aspect is that most countries have agreed upon the need for removal of this disequilibrium and have embarked upon a determined attempt to correct it. Whether or not their first attempts are successful, we are justified in accepting as a happy augury the fact that in such important producing and consuming countries as Britain and the United States of America a simultaneous attack upon the problem is being made.

One or two commodities in which we are interested, such as sisal, butter and hides, have advanced appreciably in price as compared with a year ago, though it must be admitted that the price position in the case of other products, such as coffee, oil-seeds and wattle bark has been unsatisfactory. In the last week or two, however, prices for high grade coffee have shown a marked rise, and it is to be hoped that this improvement will continue.

On the production side I am happy to be able to state that some recovery is being made. Present prospects indicate that in the coming season a moderate surplus of maize will be harvested and that the production of wheat will, as in earlier years, be sufficient for home requirements and for the needs of

neighbouring territories. Our dairy production is increasing, and, what is more important, the system is being changed so as to provide against seasons of drought. In few countries is it so easy as in Kenya to raise quantities of forage crops and ensilage to provide against both normal seasonal variations in rainfall and occasional drought years. The coffee industry is making sound progress in methods and organisation, and I am glad to see that the Coffee Board in the first year of its existence would appear to have secured the confidence of the industry as a whole, and has lost no time in turning its attention to both the trade and research problems with which coffee growers are faced. On the trade side the Board has appointed a representative who is now in London, and in regard to research has secured the services of a bio-chemist who will work locally on problems of fermentation and curing. Although the current crop is on the whole disappointing, it should be remembered that early prospects indicated a record crop and that the effects of the drought have not been as bad as was at one time anticipated, except in the lowering of quality.

As a result of more promising prices there is a revival of interest in the sisal industry and a reopening of estates. It may be a matter of interest to state that the Government of Tanganyika has introduced this month an Ordinance providing for the imposition of a cess on sisal exported, the proceeds of the cess to be used exclusively for the benefit of the industry. Council will remember that, with the assistance of a grant of £500 and a loan of £700 free of interest for five years from the Colonial Development Fund, experiments have been undertaken in the construction and installation in Kenya of a new type of sisal decorticating machinery. The plant has been undergoing trials at Longonot and I learned a few days ago with much satisfaction that the indications are most encouraging, and that the new machinery will materially assist in reducing costs of production. I offer my congratulations to Mr. James McCrae and to Captain Magnall, both of whom have taken a prominent part in this matter.

Important progress has been made in the movement towards rationalization of the Kenya and Uganda sugar industries. It is hoped that no insurmountable obstacles now remain in the way of a satisfactory conclusion of the negotiations, which have been continuing for some time and have so far proceeded without need for legislation. At the same time it is necessary to ensure that the interests of consumers are adequately watched and protected.

Considerable attention is also being devoted to the fostering of mixed farming in arable areas. Natural conditions favour

such a system in a way which can be paralleled in very few countries, and should lead to a large increase in production both of animal produce and of crops in these areas.

Turning to native production, it is gratifying to note that wattle bark in the Kikuyu Province is proving a very profitable enterprise for those engaged upon it. In this year, to the end of August, 7,688 tons valued at £34,925 had been exported and it is estimated by the leading firms engaged in the trade that 12,000 tons valued at £53,100 will have been exported by the end of the year. Natives have fortunately realized the value of wattle, both from the point of view of fuel and bark production and I am informed that there is now a regular excess of planting over cutting.

In the Nyanza Province the development of the Gheot Industry has progressed to such an extent that it justifies an optimistic outlook. Though this industry provides the most suitable method of disposing of milk supplies in outlying areas, remote from creameries, the possibilities of selling cream produced in native dairies to creameries within economic reach are being explored. For instance, up to the end of August cream to the value of some £300 had been purchased by the Lumbwa Co-operative Creamery from the Kavirondo of the Kiyo Plains.

A gratifying development in the hide trade has been apparent during the present year. Propaganda for shade drying in the Nyanza, Ukamba and Coast Provinces is at last bearing fruit, and the erection of shade drying sheds has been effected in many areas where natives are beginning to appreciate the financial advantage of this improved method of treatment. Side by side with this there has been a steady improvement in the price of hides.

A successful growth of cotton in the Coast Province during 1932 led to a record crop being reaped and encourages the hope that cultivation will be further increased there in the near future.

Notwithstanding the fact that the staff and votes of the Medical Department had perforce to be very considerably reduced, it is satisfactory to record that much more work on the whole was done in 1932 than in 1931. More hospitals have been maintained and more patients treated. This result has been made possible only by the great advances which have been made by Africans themselves to play a part in the provision of health services as dressers, laboratory workers, health workers, clerks, etc., etc. Another satisfactory aspect of the

situation is the response of the Native Councils to the stimulation provided by the demonstration of what can be done. This response is best shown by the amounts that have been voted for Medical Services since 1932:—

£3,629 for 1932.

£4,816 for 1933.

£8,269 for 1934.

Referring again to the mining industry, I have already called attention to the benefits which will accrue to the Colony if we are successful in the efforts which are now being made. We have been fortunate in attracting to our goldfields not the undesirable elements that have made so difficult the early stages of exploitation of precious minerals in other countries, but men and companies of sound mining experience and capital which they are prepared to invest in this Colony. In consequence, though most of the activity has been in a closely populated native reserve, there has been practically no administrative trouble. All credit is due both to the miners and the prospectors and to the natives who have accepted the partial invasion of their reserve in a reasonable spirit. I note with great satisfaction that during the last eight months no native in the Kakamega area has been prosecuted under the Mining Ordinance for obstruction of mineral operations, and that no complaint by natives against non-natives in regard to compensation has come to court or been referred to the District Commissioner.

A significant example of the depression mining activities have conveyed to the minds of some of the native population is the fact reported by the Provincial Commissioner, Nyanza, that at his first baraza in the Southern mining area (No. 5), local inhabitants expressed their disappointment that so few miners had arrived and their willingness to welcome larger numbers to whom they could sell their produce.

In view of these satisfactory conditions in the mining areas it is, I consider, a matter for great regret that men of some position and influence at home do not always adopt a course which common justice requires, namely, that of ascertaining the true facts before venturing to comment on happenings of which they can have no first-hand knowledge.

The benefits accruing from an established and well organized mining industry cannot be reflected in the mining estimates of the first few years. Direct mining revenue will barely suffice to cover direct mining expenditure, but owing to mining, money has been circulating and will continue to circulate, not only among the natives in the reserve but amongst Europeans whose financial position might otherwise have been

precarious. Over 500 Europeans are now earning wages in the goldfields, and over 8,000 natives, yet a large area of the known, mineralized field is yet to be exploited. A stimulus has been given to trade by the introduction of capital and, as I have already stated, the natives should not suffer, but should share in the general prosperity, that mining is bringing to their Reserves and to the Colony as a whole.

During the year events on the confines of Abyssinia caused Government some anxiety and I took the opportunity when in England to discuss matters with representatives of the Foreign Office. I think I may say that the Kenya position is now clearly understood.

A most important event in the history of African game preservation has just occurred—the International Game Conference in London. It is satisfactory to know that the lines of Kenya game preservation policy were largely followed in the drawing up of the convention which was placed before the Conference. Incidentally this Conference, which has received a wide publicity, has served to focus the attention on Africa, and especially on Eastern Africa, of those who may be meditating a holiday from the turmoil of European affairs.

There have recently been noticeable very clear indications of a coming increase in the tourist trade for next year; and it will be observed from the published Bill that Government has had under consideration certain alterations and additions to the existing scale of Game Licences which should prove of value as an attraction to visitors who do not wish to make an extended or costly tour in the Colony.

Honourable Members have already received for consideration copies of the Railways and Harbours Administration's Estimates for 1934, and as these will be introduced and explained in detail by the General Manager later on in this session, I only propose to make a few brief remarks on the financial position of the Administration.

I am glad to say that the improvement in conditions which I hoped might take place during this year has materialized and the Railway Administration has been able to balance its Budget after all Interest and Sinking Fund payments have been met, and after a contribution of 2½ per cent to the Renewals Fund, and to have left over a surplus of £2,480. This sum is being credited to the Deficit Account which at the end of this year is estimated will total £315,762, while the estimated balance on the Renewals and Betterment Funds is £1,640,874.

The estimates of revenue both for the Railway and for the Port are conservative ones, and I hope that a larger surplus may result from next year's working and be available further

to decrease the Deficit Account. The financial position cannot be considered 'secure' until not only has the whole Deficit Account been worked off, but also a substantial reserve has been accumulated.

I am glad to say that the results for 1933 are much better than was estimated this time last year when the Estimates were drawn up. This is largely owing to the record cotton crop in Uganda, to the economical working throughout the whole Administration and to the cessation of uneconomical motor competition. The latest figures show that the probable total Railway revenue for this year will be £2,110,000 as against an estimate of £1,750,000. The Port is now estimated to show a deficit of £40,000 instead of a deficit of £55,545, and the combined working for the whole year is now expected to show a surplus of £210,000 instead of a deficit of £221,199, a position which gives grounds for considerable satisfaction and cause for congratulation to the General Manager and his staff.

For the coming year the total Railway revenue estimate is £1,967,000, as compared with an expected actual this year of £2,110,000, and the Port estimated revenue is £316,000, as compared with an expected actual this year of £340,000.

The expenditure estimates have again been kept to the lowest minimum and the ton mile costs and the Port operating costs are lower even than the estimated figures for this year, and compare most favourably with any similar Railway figures available. I must, however, warn Honourable Members that these very low costs are not likely to be maintained at quite so low a level as arrears of maintenance must be made up.

The retrenchments effected during the last three years are now showing their maximum results and further savings from this cause cannot be expected; in fact, as traffic again increases, staff and total working costs must increase, but not, it is confidently expected, unit costs.

During the current year the Railway Administration and the Railway Council and Harbour Board have undertaken an examination of many of the major problems which arose as the result of Mr. Gibb's Report, and these recommendations on these questions together with the views of this Government and those of the Governments of Uganda and Tanganyika were considered at the recent Conference Conference in Dar es Salaam, when the Conference reached conclusions which it forwarded to the Secretary of State. The latter's decision will doubtless be communicated to us in the not too distant future and pending that I can hardly say more than that the conclusions of the Conference as regards the control of East African transport policy were wiser than those put forward by Mr. Gibb, and that it was established that a more extended

use of existing organisations would be more likely to give the effective co-ordination and some degree of central supervision over all the different forms of transport services in East Africa which were desired by the Joint Select Committee.

I will not detain Honourable Members with any details regarding the Estimates for 1934; these, as I have stated will be fully explained by the General Manager at a later date, I should, however, like to pay tribute to the General Manager and his staff and also to the members of the Railway Council and Harbour Advisory Board for the services they have rendered to the Administration during this year. The General Manager, his Heads of Departments and the members of the Board and Council have rendered particularly valuable services in connexion with the consideration of Mr. Gibb's Report, and I trust that as a result of the publication of that Report which has caused the many transport problems of these territories to be examined from many angles, the various questions affecting transport policy may be the better understood and that further development may take place on sound and practical lines.

One of the most welcome indirect results of the present depression is a quickened realization of the essential unity of economic and other interests in the East African territories, which the Government of Kenya in common with the Governments of Uganda and Tanganyika is anxious to do all it can legitimately to promote. In this connexion I might mention that the advisers on native affairs of Kenya, Tanganyika Territory and Uganda met in conference at Mwanza in August. At this Conference, the first of its kind, problems in connexion with native taxation, overstocking in native reserves, land erosion, native production and native marketing were among those discussed. There can be little doubt as to the mutual benefit to be derived from such interchange of ideas and information on problems common to the territories concerned.

As I have already indicated we are, I believe, emerging, slowly perhaps, from a trying period of depression. We are, as has aptly been put, now planning afresh for prosperity and it is doubtful if at any stage in the Colony's history there has been greater need for true co-operation between all sections of the community. It is, I need hardly say, my earnest desire to foster that co-operation to the utmost degree. We can now plan and work in the light of valuable past experience and it would be a tragedy if any of the advantages which we should derive from that experience were lost through any want of mutual understanding.

Honourable Members will remember that during the August session a motion in the name of the Honourable Member for Plateau South appeared on the Order Paper urging

upon Government the necessity of taking action in time for the General Election to alter the Electoral Boundaries, as recommended by the Electoral Boundaries Committee of 1924, and urging further the necessity of providing representation for the mining community at Nakamega. As Honourable Members will recollect, that motion was withdrawn by the Honourable Member on an assurance being given that Government was prepared to appoint another committee forthwith to report on the revision of electoral boundaries on the present basis of representation. On the 11th August, the composition of the Select Committee was announced. That Select Committee reported on the 27th September, and the Report has been laid on the table this morning. It is proposed to move a motion for the adoption of that Report during the course of the present session and to embody in an amending Bill whatever amendments of the Legislative Council Ordinance may be necessary as a result of the motion which is eventually adopted by Council. Owing to the shortness of time available, it will be necessary to introduce this Bill under Suspension of Standing Orders and I am given to understand that in the circumstances Honourable Members will have no objection to this course.

With regard to legislation, the most important measure which will require your consideration during the present session is a Bill to consolidate and amend the law relating to mining, which is in course of publication. This Bill, which is the result of the recommendations of the Committee appointed to investigate the operation of existing mining laws, embodies no substantial departure from the existing law, and approximates closely to the law at present in force in Tanganyika and Uganda. The main points of difference from the existing law reflected will be explained in the statement of objects and reasons attached to the Bill.

Honourable Members, I cannot conclude this address without expressing my appreciation of the wise and sympathetic manner in which my friend the Honourable Colonial Secretary administered the Government while I was on leave of absence. He, I know, would be the first to join with me in paying tribute to the invaluable help he received from Mr. Wade, who, during this period, acted as Colonial Secretary.

My thanks are due not only to these two officers but to the public services as a whole who have remained constant in their loyal and willing service to the Colony. I would particularly mention the credit which is due to the Heads of Department who unceasingly co-operated in the task of cutting down expenditure in their departments.

Honourable Members, in now opening this session of Council I most earnestly trust that with the help of Almighty God its deliberations may tend to the further peace, prosperity and welfare of Kenya.

MINUTES.

The minutes of the meeting of the 12th August, 1933, were confirmed.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table:—

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

Report of Select Committee of the Legislative Council appointed to consider the establishment of a Native Betterment Fund.

Colonial Audit Department Annual Report, 1933.

Schedule of Additional Provision No. 3 of 1933.

Estimates of the Revenue and Expenditure of the Kenya and Uganda Railways and Harbours, 1934.

Report of the Audit of Accounts of the Kenya and Uganda Railways and Harbours, 1932.

BY THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. E. B. HOSKING)—

Annual Report of the Commissioner for Local Government Lands and Settlement, 1932.

Report of the Select Committee appointed to report on the revision of Electoral Boundaries on the present basis of representation.

Quarterly return of Land Grants under the Crown Lands Ordinance, 1st July to 30th September, 1933.

BY THE HON. THE ACTING DIRECTOR OF AGRICULTURE (MR. H. WOLFE)—

Department of Agriculture Annual Report, 1932.

Agricultural Census Report, 1933.

BY THE HON. THE DIRECTOR OF EDUCATION (MR. H. B. SCOTT)—

Education Department Annual Report, 1932.

BILLS.**FIRST READING.**

On motion of the hon. the Attorney General the following Bills were each read a first time :—

The Sale of Wheat (Amendment) Bill.

The Trading in Unwrought Precious Metals (Amendment) Bill.

The Arms and Ammunition (Amendment) (No. 2) Bill.

The Telegraphic Press Messages Bill.

The Registration of Titles (Amendment) Bill.

The Bills of Exchange (Amendment) Bill.

The Drugs and Poisons (Amendment) Bill.

The Bankruptcy (Amendment) Bill.

Notice was given to move the second reading of each of the above Bills at a later stage of the session.

*The Council adjourned till 10 a.m. on Wednesday,
29th November, 1933.*

WEDNESDAY, 29th NOVEMBER, 1933

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Wednesday, 29th November, 1933, His Excellency THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.), presiding.

His Excellency opened the Council with prayer.

RETURN OF LORD FRANCIS SCOTT.

HIS EXCELLENCY: Honourable Members, before commencing to deal with the agenda in this morning's Order Paper, I should just like to say how very glad I am to see the Noble Lord the Member for the Rift Valley back in his accustomed place. I was delighted to learn from him about the improvement in his health, an improvement which I am sure will help him in the arduous and self-sacrificing work which he is performing for Kenya.

MINUTES.

The minutes of the meeting of the 28th November, 1933, were confirmed.

ORAL ANSWERS TO QUESTIONS.**MINING AND GEOLOGICAL DEPARTMENT.**

No. 42.—THE HON. CONWAY HARVEY asked :—

1. What has been the cost of the Mining and Geological Department for each of the years 1932 and 1933?

2. How much revenue has accrued to Government during each of the years 1932 and 1933 from the following sources :—

(a) Royalties.

(b) Registration Fees, Transfer Fees, Sale of Prospecting Rights, Licences, etc.?

3. Are the deposits paid by prospectors on obtaining Prospecting Rights kept in a separate fund and is interest thereon credited to mining? If not kept in a separate fund, how are these deposits dealt with?

4.—Can Government estimate or indicate the extent of—

(a) direct benefit,

(b) indirect benefit to—

(1) the Colony's finances,

(2) Railways and Harbours finances,

which are attributable to prospecting, developing or other mining operations?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. E. B. HOSKING)

(1) Expenditure. (a) In 1932, £9,464 was spent on the visit of Sir A. Kitson and the inauguration of the Geological Survey. A district officer, a district surveyor, and a European police constable, whose salaries amounted approximately to £1,650 per annum, were posted to the mining area for mining duties. (b) In 1933, the Mining and Geological Department was inaugurated and the anticipated expenditure by this Department is approximately £9,000, but this figure includes no provision, other than special allowances of £100, for the salaries of the Commissioner, wardens and the claim inspector, which amount to £1,845.

The following additional expenditure has been incurred by other Departments in connexion with mining:—

By the Public Works Department—

£1,728 on provision for housing and office accommodation.

£60 on a furnace for assaying.

£3,000 on roads.

By the Survey and Registration Department—

£410 on triangulation.

£940 on topography.

A grand total by all Departments of £17,018.

2. In 1933 mining revenue accruing from royalties and mining fees amounted to £4,980, and in addition £1,893 was collected by the Survey and Registration Department from stamp duty and registration of mining documents and from conveyancing of mining titles: a total of £6,852, directly attributable to mining activities. In 1933 till the end of August £1,435 has been collected by the Mining and Geological Department from mining royalties and £1,782 from mining fees, a total of £3,217, whilst £2,993 had been collected by the Survey and Registration Department for stamp duty, registration of mining documents and conveyancing of mining titles, a grand total of £9,120 directly attributable to mining activities.

It is anticipated that a total of £13,000 may be collected by the end of the year from all these sources.

3. Deposits for permits to prospect are not kept in a separate fund but are placed on deposit and are refunded when operations cease. No interest is paid. Such refund is subject to deduction of any sums proved to be due and owing for labour employed or for compensation payable under the mining law.

4. It is impossible to give an estimate of the direct or indirect benefits of mining operations to the finances of the Colony or on the Railways and Harbours.

There has been a considerable influx of new capital for development purposes which has given a stimulus to local trade, while exports of gold have assisted the Colony's external trade position.

The opening up of the goldfields has also afforded remunerative employment or occupation to a number of persons, non-native and native, who might otherwise, owing to the depression, have been unable to find useful employment in the Colony.

So far as the Railway is concerned it is not possible at the present stage of mining activities to estimate the direct or indirect benefits attributable to mining operations during 1932 and 1933.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of the answer to the first part of that question, could I ask the hon. Member whether Government recognizes the importance of a geological survey being completed and whether any steps are being taken so to proceed with that during the coming year?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I am instructed, Sir, to restrict my estimates for the Mining and Geological Department to an amount which will barely suffice to keep the machine going and not to include any additional activities.

THE HON. T. J. O'SHEA: In view of the first portion of that answer, Your Excellency, may I ask whether we may shortly expect to receive Sir Albert Kitson's final report on the survey for which apparently he has been paid?

HIS EXCELLENCY: I do not know whether that strictly arises out of this question. If the hon. Member wishes to give notice of another question he is at liberty to do so, but this was a direct question asked by the hon. Member for the Lake.

THE HON. T. J. O'SHEA: With respect, Sir, I would point out that I asked the question for this reason. The hon. gentleman has informed us of the geological survey and we have not yet received the final report of that geological survey for which this money has been expended.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, the final report is expected to be received shortly.

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

KAKAMEGA TOWNSHIP ROADS.

No. 43.—THE HON. CONWAY HARVEY asked:

Will the hon. the Colonial Secretary be pleased to state what sum of money has been spent on Kakamega Township Roads during 1933?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: The expenditure in 1933 is expected to be £150 of which £76 has already been spent.

THE HON. CONWAY HARVEY: Arising out of that answer, Your Excellency, in view of the fact that the Native Trust Fund derives much revenue from the Kakamega Township, will the local native council make a contribution to the construction and maintenance of the roads in that township?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I would like to refer that question to the hon. the Provincial Commissioner, Nyanza, who is responsible for these matters.

HIS EXCELLENCY: You can ask for notice of the question if you wish.

THE HON. H. R. MONTGOMERY: Your Excellency, in answer to that question, I can state that the local native council will make provision for the upkeep of those roads.

ASSAYERS—NATIVE RESERVES.

No. 44.—THE HON. CONWAY HARVEY asked:

1. Will Government be pleased to state what its policy is in regard to applications by assayers for the right to practise their profession in the gold-mining areas?

2. Is it a fact that at least one assayer has been given permission to reside and practise in the native reserve, while others have been informed that they may practise only in township areas or trading centres?

3. Will Government consider the advisability of placing all assayers who are not full-time employees of mining companies, on a fixed salary, on the same basis in regard to domicile?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. A. DE V. WADE): 1. The policy of Government in regard to assayers in gold-mining areas in native reserves is that those

wholly-employed-by-mining-companies may be accommodated on the mining locations of those companies. Assayers in general practice will ordinarily be located in townships or other areas set aside for general trading.

2. The answer is in the negative.

3. In view of the answers to 1 and 2 the question does not arise.

INSPECTION OF FARM SCHOOLS.

No. 45.—THE HON. T. J. O'SHEA asked:

Will the hon. the Director of Education please state—

(a) whether he is aware that in the opinion of members of the Eldoret School Committee the farm schools in the Usain Gishu are suffering from infrequency and inadequacy of inspection?

(b) whether in future he will circulate the inspection reports on these schools to the Eldoret School Committee and to the Central European Education Advisory Committee?

(c) what steps are being taken to ensure more frequent and more adequate inspection of these schools in future?

THE HON. THE DIRECTOR OF EDUCATION (MR. H. B. SCOTT): (a) A resolution has been received from the Eldoret School Committee that more frequent inspection should be carried out.

(b) There is no objection to sending inspection reports on these schools to the Eldoret School Committee.

The function of the Advisory Council on European Education is to deal with policy as a whole and not with reports on individual schools. The matter will, however, be raised at the next meeting of the Council, and if the Advisory Council indicate their wish in the matter, due consideration will be given to any recommendation which they may make.

(c) It is not possible to give any assurance that the number of inspections will be increased. The inspecting staff of the Education Department has been reduced to a minimum and this reduction must involve some reduction in inspection.

THE HON. T. J. O'SHEA: Arising out of the answer to section (b) of that question, may I ask whether, in view of the fact that there is no objection to circulating these reports, an undertaking will be given by Government that in future they will be circulated?

THE HON. THE DIRECTOR OF EDUCATION: I am sorry, Your Excellency—I thought that followed naturally from the answer to the question.—I have pleasure in giving that assurance.

THE HON. T. J. O'SHEA: Arising out of the last part of my question, may I ask whether, in view of the fact that an inspection staff has to be maintained by Government in the Education Department, and whether, in view of the further fact that we are continually being assured that close inspection is an essential part of a sound educational system, there will in future be better inspection in the Uasin Gishu district?

THE HON. THE DIRECTOR OF EDUCATION: I think that is a matter which no doubt the hon. Member will raise sympathetically towards the Director of Education in the Select Committee on the Estimates.

THE HON. T. J. O'SHEA: May I ask whether it is not the case that the inspection staff of the Education Department are unable to give up their time to inspecting schools because an amount of the Director of Education's time is taken up by other duties and not in looking after education?

THE HON. THE DIRECTOR OF EDUCATION: No, Sir.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask whether it is not the case that a very considerable portion of the time of the Director of Education is taken up by other duties than those pertaining to his department?

THE HON. THE DIRECTOR OF EDUCATION: I do not think so, Sir.

THE HON. T. J. O'SHEA: I receive that answer with surprise, Your Excellency.

NEW LAW COURTS.

No. 47.—**THE HON. T. J. O'SHEA** asked:

Will the hon. the Director of Public Works please state:

- (a) What provisions, if any, have been made in the contract for the erection of the new law courts for the employment of native artisans?
- (b) What further steps, if any, is Government taking to secure the maximum possible employment of native artisans on the work?

- (c) Arising out of the foregoing questions, will Government please state what is its policy in regard to the employment on Government contracts of the native artisans being trained at considerable cost to the State a large proportion of whom are at present unemployed, and what steps are being, or will in future be, taken to carry out that policy?

THE HON. THE COLONIAL SECRETARY: (a) No provisions have been made.

(b) It is not proposed to take any steps in this connexion. It is considered that native artisans are not yet sufficiently experienced for employment on a large and important building such as the law courts where the highest standard of workmanship is required.

(c) The present policy is to utilize the apprentices of the Native Industrial Training Depot for the construction of small buildings in order that they may acquire experience and by so doing, make it possible to employ African artisans to a greater extent than at present seems practicable.

In this connexion I would refer the hon. Member to the remarks contained in paragraph 14 of the Annual Report by the hon. Director of Education for the year 1932, which has now been laid on the table of this Council. From that report it will be seen that at the beginning of 1932 48 per cent of the ex-apprentices of the depot were known to be in fairly steady employment and that as a result of arrangements made with the Principal Labour Inspector lists of suitable artisans are available at the Labour Offices at Nairobi, Mombasa, Kisumu, and Nakuru for the information of members of the general public.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask whether that is not a complete reversal of the policy adopted by this Government five years ago in relation to the employment of native artisans?

THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORE): I think, Sir, the answer is in the negative.

THE HON. T. J. O'SHEA: Is it not the case that when the programme for the loan works expenditure was drawn up, it was clearly laid down by Government that native artisans would be employed?

THE HON. THE COLONIAL SECRETARY: I have no information on that point.

THE HON. T. J. O'SHEA: May I ask whether the hon. gentleman will look up the records on this subject so that he can give a complete and correct answer in the future. Further, may I ask whether it is not a waste of public money

HIS EXCELLENCY: The hon. Member is going beyond the ordinary scope of a supplementary question.

THE HON. T. J. O'SHEA: Your Excellency, I shall frame my supplementary question, in deference to your ruling, in a different form in that case. May I ask what Government does intend to do in the matter of utilizing the economic units they are turning out every year from the Native Industrial Training Depot on which the country is spending some thousands of pounds per annum?

THE HON. THE COLONIAL SECRETARY: I had hoped I had already answered that question in my reply to (c) of the original question. On the general matter of policy raised by the hon. Member I should like to remind him that all work in connexion with the law courts—the giving out of the contracts and so on—has been done by Government with the approval of the Loan Works Committee on which unofficial Members are fully represented.

ACCESS TO LAKE NAIVASHA.

No. 49.—CAPT. THE HON. H. F. WARD asked:

In view of the importance of the fishing on Lake Naivasha, will Government please state what steps are being taken to provide reasonable access to the lake?

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: A Bill has been drafted and has been under discussion with the Naivasha District Council. The Bill enables the Council, *inter alia*, to acquire land for certain purposes in the vicinity of Lake to Naivasha. A revised draft of the Bill will shortly be referred to the District Council and to the Lake Naivasha Riparian Owners' Association.

MOTIONS.

ADVANCES TO LAND BANK.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): I beg leave to move:

"That this Council approves of the £200,000 raised for the purpose of the Land Bank under the authority of the Specific Loan Ordinance, 1933, being issued to the

Land Bank as required in sums of not less than £5,000 at a time and that the rate of interest to be charged against the Bank in respect of this money be at the rate of 3.7 per cent per annum, interest to run from the date of payment of funds to the Bank.

Under section 20, sub-section (2) of the Land and Agricultural Bank Ordinance, 1931 the rate of interest to be charged by Government against the Land Bank has to be decided and fixed from time to time by the Governor-in-Council, with the approval of the Legislative Council.

The first sum of money placed at the disposal of the Land Bank was a sum of £240,000, borrowed under the authority of the Specific Loan Ordinance, 1930. The loan borrowed in 1930 carried interest at the rate of 4½ per cent, and the cost to Government of that money worked out at 4.7 per cent. The Governor-in-Council then decided that 4.7 per cent should be the rate to be charged against the Land Bank and this Council approved that rate by resolution dated 19th June, 1931.

It is not proposed that any alteration should be made in that transaction. The first £240,000 placed at the disposal of the Land Bank will continue to carry interest at a rate of 4.7 per cent per annum.

The motion now before Council relates to a sum of £260,000 borrowed for Land Bank purposes under the authority of the Specific Loan Ordinance, 1933. The 1933 loan carries interest at a rate of 3½ per cent per annum and the Governor-in-Council has decided that in respect of this money the rate of interest to be charged against the Land Bank should be 3.7 per cent, that being the cost to the Colony of the money borrowed under that loan.

The principle underlying the fixing of the rate at 3.7 per cent is the same as it was two years ago in connexion with the first instalment of money to the Land Bank; that is to say, the Government considers that the Colony should not seek to make any profit on the transaction and, on the other hand, that Government should receive from the Land Bank enough money to reimburse it for the cost of the loan.

Council is now asked to approve the decision of the Governor-in-Council that the rate of interest to be charged in respect of this sum of £260,000 should be 3.7 per cent per annum.

The motion also seeks authority to this sum of £260,000 being issued to the Land Bank as required in sums of not less than £5,000 at a time, interest to run from the date of payment of the funds to the Bank. This means that, until the Land Bank requires the money for issue and can use that

money, it is not required to pay interest on the amount involved. That arrangement necessarily entails some loss to public funds because, until the money is issued to the Land Bank—the money left in Government's hands is not earning and cannot earn as much as 3.7 per cent interest. Nevertheless, Government's view is that this loss is a loss which the general taxpayers of the Colony can properly be called upon to bear. The Land Bank is an institution operating with public funds. The loss is a temporary factor; it disappears as soon as the money has been issued to the Land Bank, and the Land Bank is also charged by law with the duty of compiling a reserve. With the small capital at present available to it, a loss of this kind would be very serious to the Land Bank.

The principle now under discussion was endorsed by this Council in 1931 in connexion with the first £240,000 and I trust it will also be endorsed in connexion with this £260,000.

There is one departure in the terms of this motion from the manner in which the similar proposition was placed before this Council by the Treasurer in introducing the corresponding motion two and a half years ago. At that time it was suggested that interest should not be paid by the Land Bank until the first day of the month following the date on which the money was issued to the Bank. The present motion proposes that interest should run from the date the money is paid to the Bank and not from the first of the month following that date. The arrangement now proposed is clearly more equitable to the Government and there is no longer any strong reason why the Bank should be let off interest until the first of the following month.

THE HON. THE ATTORNEY GENERAL (MR. W. HARRAGIN): Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is:

That this Council approves of the £260,000 raised for the purpose of the Land Bank under the authority of the Specific Loan Ordinance, 1933, being issued to the Land Bank as required in sums of not less than £5,000 at a time and that the rate of interest to be charged against the Bank in respect of this money be at the rate of 3.7 per cent per annum, interest to run from the date of payment of funds to the Bank.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, before referring to the motion before the House, I should like to ask your indulgence if I might just make a few personal remarks. I should like to thank you, Sir, very

much for the very kind words you said this morning with reference to my return here, which I appreciate very much, Sir. I should also like to take this opportunity—the first since I have been back—to thank you and all the hon. Members of this House for the very kind cable which was sent to me wishing me good luck on the eve of my operation. I can assure you, Sir, I appreciate that very much, and as I went off under the anæsthetic it was a great comfort to feel that for once at any rate I was the subject of a unanimous vote in this House. Sir, I do appreciate that message, and I appreciate very much the kindly thought which sent it.

With reference to the motion before us to-day, I wish to support this motion, Sir, and from the very clear explanation of the hon. the Acting Treasurer it seems to me that from the business point of view the arrangement is as good as could be made. Whilst welcoming this sum of £260,000, which brings up the capital of the Land Bank to half a million, which will be extremely useful at the present time, I do trust that Government—and I have no doubt they have done so—have made it quite clear to the authorities in Great Britain that this amount cannot possibly be the final amount which will be required, as, if the Land Bank is going to function in the way best suitable to the interests of the country, it is quite obvious that it will be essential to have very much larger funds at its disposal in due course.

HIS EXCELLENCY: If no other hon. Member wishes to speak, I will ask the hon. mover if he wishes to reply.

THE HON. THE ACTING TREASURER: There is nothing to answer, Sir.

HIS EXCELLENCY: Then I will put the question.

The question was put and carried.

NORTHERN FRONTIER POLL TAX ORDINANCE, 1930.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move the motion standing in my name:

Whereas it is provided by section 17 of the Northern Frontier Poll Tax Ordinance, 1930, that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by resolution of the Legislative Council it is continued in force until a later date.

And whereas it is desirable that the said Ordinance should continue in force until a later date.

"Now, therefore, it is hereby resolved that the Northern Frontier Poll Tax Ordinance, 1930, shall continue in force until the 31st day of December, 1936."

Your Excellency, the Northern Frontier Poll Tax Ordinance which was enacted towards the end of 1930 inaugurated and regularized the system of direct taxation throughout the Northern Frontier Province. As the Ordinance was designed to deal with conditions that are not so prevalent to the same extent in other parts of the Colony, it contained certain provisions which do not usually appear in measures of this kind. These provisions are chiefly in sections 9, 10, and 11 of the Ordinance, which deal with arrangements for the commutation of the tax by tribes or sections of tribes by agreement, and also empower the Governor to fix a lump sum to be paid by tribes or sections of tribes in the event of the tax not being realizable in any other way. In view of these special provisions it will be realized that the Ordinance was to some extent an experimental nature. It was because of that that the suggestion of the hon. Member for the Laka was accepted by the Select Committee to which the Bill was sent, that the Ordinance when enacted should continue in operation for three years only as an experimental period, during which period its success or failure could be observed, and that at the end of that period it would come under review for the decision of the Council as to whether or not it should be continued or should expire and its place taken by something else. Therefore, in accordance with the recommendation of the Select Committee, section 17 was inserted—that this Ordinance "shall continue in force until the 31st day of December, 1933, and then expire, unless by resolution of the Legislative Council it is continued in force until a later date". The expiry period of three years has now ended, Your Excellency, and it is time for the Legislative Council to decide whether or not the Ordinance shall continue. I think hon. Members will realize that the period of three years depression one of particular difficulty to these people of the Northern Frontier Province. The persons liable to pay this tax are nomads who roam over vast areas of country not particularly fertile and their only source of wealth is their stock. It will be realized, therefore, that the Ordinance has been put to a very hard test, and I do not think that hon. Members will expect it to have done all that was possibly anticipated when it was introduced. The estimate of revenue anticipated to be derived from the Ordinance in 1931 was put at £8,000. That was a tentative estimate, and merely based on the population liable to pay. The depression of 1931 was not anticipated, it could not be realized that the prices of stock would fall almost to zero, and it was extremely difficult for these people

to realize their wealth. The actual amount realized was £4,774 in 1931. The estimate for 1932 was accordingly dropped to £4,585, but during that year £6,264 was realized, a very satisfactory increase on the 1931 collection. The estimate for 1933 was £4,750, but I have been recently informed by the Provincial Commissioner of the Province that it is likely to be exceeded. The estimate was therefore tentatively put at £4,950, and it is safe to say that more than £5,000 will be realized. Taking all these conditions into consideration, I think that this Ordinance has justified its existence. One very satisfactory part at least is that it has been administered with less difficulty and less friction than a good many people thought would be the inevitable result of the attempt to tax the Somali tribes in the Northern Frontier Province. The provisions which were to some extent suspect—which deal with the arrangement for the commutation of the tax by agreement and the fixing of lump sums—were made use of in the early days. At the beginning of the taxation agreements were made with most of the tribes and sections of tribes; their representatives signed agreements to pay, and paid as well as they could. That policy has given way gradually, as was hoped and expected, to the policy of individual payments, and now that is the policy adopted throughout the Province, and it is the practice which obtains almost entirely throughout the Province. The course of this legislation seems to be running smoothly. I think the Ordinance has proved of value, and I see no reason whatever why we should not continue it, and I ask the approval of the Council to its continuance. I have suggested a further period of three years because I think it is quite right that legislation of this kind should come under review periodically, and I hope that the next period will be a more normal one when the Ordinance can be tested under more usual conditions. The approval of this resolution will not prevent amendments to the Ordinance being introduced in due course, and I think that quite probably in the next session of the Council amendments will be introduced by which it is hoped to make the machinery of the Ordinance run more smoothly without in any way drastically altering any of the principles.

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

CAPT. THE HON. J. L. COTTER: Your Excellency, I support the motion before the House, but in his reply I should like the hon. the Chief, Native Commissioner to give us some information on this subject. In the Northern Frontier Province, as he has stated, the tax is in effect paid by selling cattle and sheep—that is practically the only form of revenue. It has one or two regrettable features about it in that in some

cases—so I am informed, I cannot say reliably, by Somali butchers, and I will not say they are very reliable—the cattle when they get to Isiolo are stripped, that the hides are sold, and that it is the hides which actually pay this tax. I would submit that some of the best cattle in this country are really those in the Northern Frontier Province, and also the sheep, because they have probably a bigger area to graze over than any other stock in the country. Naturally, allowing for the long journey to the place where they can be marketed, they get there probably in a not very sound condition. I would suggest that this is an opportunity of looking into the question of what to do with these meat products, for in my opinion the amount of cattle and sheep that is sold to produce the amount of tax is probably not one-tenth of the true economic value that they would be sold for if put on the world's markets. I would also ask if the hon. the Chief Native Commissioner could say whether the majority of the cattle reach their market or whether they do so in the shape of hides only, whether it goes to Lamu or any of the coast ports. The real reason for speaking of this is because it brings up the old question that we must have some means of utilizing this cattle, because more so than any cattle of the Masai or Wakamba it is more fit to enter the markets than any other native stock. We must face the fact that we require some form of meat products, canning products, or even a destructor plant that can deal with this native cattle.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I regret that I am not able to give the hon. Member for Kenya such detailed information as he would wish me to. I am afraid that I can only answer him generally. The majority of the tax comes, I think, from sheep, and very little from cattle. The market for the cattle is limited. Some go to Lamu, some to the coast, some to Mombasa, but I think the hon. Member is perfectly right in his assumption that most of the natives' money realized from their cattle comes from the sale of the hides. The export of cattle from the Northern Frontier is a problem, the seriousness of which is fully realized by my hon. friend the Director of Agriculture, who is always trying to see how he can get a market or improve sales, but there are questions of quarantine which make it more difficult than otherwise would be the case. I am afraid that I am not in a position to dispute the fact that the amount realized by the slaughter of the cattle is less than the economic value, if it is possible to realize the economic value. I think that that was the only point on which the hon. Member wished for information, but the greater part of the tax comes from the sheep. Enormous herds go from Isiolo to Nyeri and are sold to natives.

CAPT. THE HON. J. L. COTTER: Your Excellency, would the hon. Member say whether they have been looking into the question of some sort of meat factory?

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, we have been looking into that question ever since I have been in Nairobi, for eight years. We have had figures from all over the world, and have consulted South Africa. It has been discussed by the Provincial Commissioners over and over again, and recently by the Commissioners for Native Affairs at their conference at Mwanza. The fact seems to remain, that there has been no way found yet by which it can be done economically. There is, as the hon. Member probably knows, a by-products factory in Nairobi dealing with a limited number of Masai stock, and projects are put forward from time to time for factories in the Northern Frontier, in the neighbourhood of Athi River, and the Coast, but whenever we come to work out figures we have found the Colony could not afford it.

The question was put and carried.

BILLS.

SECOND READINGS.

THE SALE OF WHEAT (AMENDMENT) BILL.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE (MR. H. WOLPER): Your Excellency, I beg to move the second reading of the Sale of Wheat (Amendment) Bill, 1933.

In the printed statement of Objects and Reasons it is stated that the Bill is introduced at the request of the Kenya Farmers' Association, the agency appointed under the Principal Ordinance, but I should like to say that it is at the request of the Wheat Advisory Board, to whom the Kenya Farmers' Association act as secretaries. The Wheat Advisory Board is the statutory body provided under the Principal Ordinance to control the operations of the wheat pool and, as a result of its experience, extending over the last three years, it has come to the conclusion that the pool is not an effective pool—it is not a real pool—and that in order to be an effective pool—it should be a circumscribed affair, like a pool of water; that there should be no gaps through which the contents can be allowed to escape to compete with wheat on our own markets. The original Ordinance, passed naturally without experience of the operations of such a pool in the country, specifically provided two such gaps through which the contents are able to escape; one is by excluding wheat for animal consumption—which appears to have been followed by a change in the dietetic habits of many animals in the

country—and the other is by excluding from the operations of the pool wheat sent to the neighbouring territories of Tanganyika and Uganda. I have been unable to discover any reason why for ordinary trading purposes the three countries are regarded as one market and are not so regarded for the sale of wheat; a geographical boundary has been drawn that does not appear to have been justified for this purpose, and while there has been no point in the amendment up to the present time, it is known that a flour mill has been erected in Uganda which will be able to purchase Kenya wheat outside the pool and under-sell Kenya flour from pool wheat in Kenya and Uganda markets. That state of affairs must naturally be remedied.

To complete the explanation as to the necessity for this Bill, it is necessary to point out the advantage to any individual grower of selling his wheat outside the pool. This advantage arises owing to the fact that when we have a surplus—we have not had a surplus for the last two years—but when we have, the surplus has to be sold on the world's markets at the world's prices, and any grower who is able to escape his share of the lower export price naturally gains an advantage. But that is not the only advantage that the unscrupulous grower has. Even when there is not a surplus, he is able to sell his wheat outside the pool and that is an advantage because the pool, in order to retain the coastal markets at Mombasa and also in Tanganyika, is obliged to charge the millers a higher price than the growers receive so that flour from the pool wheat can be sold in those coastal markets at a lower price in competition with imported wheat. Millers being obliged to pay the higher price to the pool are able to offer the grower higher prices than pool prices and yet a lower price than the mill itself has to pay. Thus advantage is not only gained by the miller, but also by the grower. Unscrupulous growers and millers have taken advantage of this and there has been quite a substantial amount of selling of wheat outside the pool. The sale of wheat outside the pool means a reduction of pool prices to the grower within the pool, and this Bill is intended to correct the state of affairs which has arisen through the gaps provided in the original Ordinance.

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

HIS EXCELLENCY: The question is that the Sale of Wheat (Amendment) Bill be read a second time.

The question was put and carried.

**THE TRADING IN UNWROUGHT PRECIOUS METALS
(AMENDMENT) BILL.**

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill to Amend the Trading in Unwrought Precious Metals Ordinance, 1933.

This Bill has been necessitated by an unfortunate typographical error which occurred in the original printing. It would appear that in order to trade in unwrought precious metals a man has to be licensed, or be a banker, or a miner or agent, or hold a certificate from the Commissioner. Unfortunately, as the clause reads at present, a man is supposed to hold all four of these qualifications at the same time. The omission of a very small word "or" has necessitated the amendment now before hon. Members.

Opportunity has been taken—as we had to amend in this connexion—to limit the powers of the Commissioner. It has been found, on reference to other Colonies, that the Commissioner here is given powers which are really in excess of what are really necessary, and we are therefore amending them so as to make it only possible for the Commissioner to cancel a license when the holder of that license has committed an offence and has been convicted of an offence under the Principal Ordinance, or in other circumstances, by reference to the Governor in Council. Although this amendment has been made as early as possible, there has been no necessity for it so far, as the Commissioner has never exercised those powers in any way detrimental to the subject.

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

HIS EXCELLENCY: The question is that the Trading in Unwrought Precious Metals (Amendment) Bill be read a second time.

The question was put and carried.

ARMS AND AMMUNITION (AMENDMENT) (NO. 2) BILL.

THE HON. THE ATTORNEY GENERAL: I beg to move the second reading of a Bill to Amend the Arms and Ammunition Ordinance, 1925.

This, again small amendment is necessary as it has been found that under the Principal Ordinance any person who holds a license for, let us say, a rifle, is permitted to lend that rifle to a person holding a license of similar denomination such as a shot gun. It must be perfectly obvious to all hon. Members that where Government thinks it right and necessary that certain people should be permitted to be licensed for shot guns, it is very undesirable that they might be able to

borrow a rifle from someone in the vicinity. The amendment therefore provides that not only must the holder of the rifle have a license before he lends, but also the person who is going to use the rifle after it has been lent.

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

The question was put and carried.

THE TELEGRAPHIC PRESS MESSAGES BILL.

THE HON. T. FITZGERALD: Your Excellency, I beg to move the second reading of a Bill entitled "A Bill to Confer Temporary Exclusive Rights in Respect of Telegraphic Press Messages."

I do not think, Sir, that any Member of this House will contest the proposition that, if any person incurs expenditure in the collection and distribution of press news, such a person has a reasonable right to protection, at any rate for a limited time. This proposition, Sir, is embodied in the Bill before the House.

Although Reuters' Agency is specially mentioned in the statement of Objects and Reasons, and although the Bill has been submitted mainly on representations from that Agency, I would like to make it clear that the protection which the Bill affords extends to news from other sources. If, for example, a local newspaper has the enterprise to employ its own correspondents in various places, telegraphic news received from such correspondents is protected.

Press news, Sir, has a definite commercial value and large sums of money have necessarily to be expended in its collection and distribution. Where that is done by an agency such as Reuters', the cost is met by subscriptions from the newspapers who subscribe to the service. In the circumstances, it would obviously be wrong if the distributing agency or the subscribing newspaper suffered a loss from piracy on the part of non-subscribing newspapers. This, of course, applies in perhaps greater force in the case of news received from a paper's own correspondents.

I should perhaps also make it clear that nothing in the Bill affects news of a general broadcast character. That is to say, any owner of a licensed wireless receiver can listen in and receive general broadcast news and publish that as news.

It will be noted that the period of protection is 72 hours from the time of publication, or 84 hours from the time that a news message is received at a telegraph office in the Colony, whichever period is the shorter from the time of receiving the message. This period is not considered too long.

So far as I am aware, Sir, no objection has been received to the principles of the Bill.

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

THE HON. CONWAY HARVEY: Your Excellency, I cordially welcome this Bill in principle, as it is undoubtedly high time that those who pay for their news should be protected from the most flagrant piracy which has been going on in Kenya for a very considerable time.

News, Sir, which has been bought and paid for is entitled to just as much protection as any other marketable commodity. Recently, Sir, in New Orleans an action brought by a newspaper against a local radio broadcast institution was decided in favour of the newspaper. The publishers contended, Sir, that there was a definite property right in news when it was collected and printed and that unwarrantable use of such material in opposition to the interests of those who paid for its collection was nothing but downright theft. Now, Sir, this Bill, as I happen to know, is based on a similar measure which became law in Palestine on the 1st January of this year. But, Sir, conditions in Palestine are very dissimilar to those in Kenya in as much as the bulk of the press of that country consists of daily publications, whereas in Kenya, Sir, weekly issues constitute the main branch of press activity throughout the whole of Eastern Africa. I suggest, therefore, Sir, that a number of modifications may be found desirable and I sincerely trust that Your Excellency will agree to this Bill being referred to a small Select Committee of this House which can go into one or two of the modifications which I propose to suggest.

Now, Sir, I should like to ask first of all whether Government has any information regarding the introduction of similar legislation in the adjacent territories of Zanzibar, Tanganyika and Uganda, as, in a matter of this nature I consider that reciprocity with adjacent territories is very highly desirable. There is just a danger, if this Bill becomes law in its present form, it might very easily have the effect of legalizing theft. At present, Sir, those who fill their columns with news purloined from previous publications are always rather nervous—especially in view of the New Orleans judgment, to which I have already referred—but if this Bill went through in its present form, Sir, they would be undoubtedly definitely encouraged to make as much more extensive use of news so pilfered after the lapse of 72 hours.

Now, Sir, the first point of detail which I desire to criticize is the definition of "time of publication". In Clause 2 of the Bill it states, Sir, that this means the moment when

the first copies leave the printing press to be put at the disposal of the public. Now, Sir, the largest newspaper in Eastern Africa normally prints its papers and finishes printing them 'at about eight o'clock in the evening. These papers, Sir, are not released for distribution until about six o'clock the following morning. Thus, Sir, ten hours of the seventy-two hours of protection have already gone. Now, Sir, I would suggest for the consideration of the Select Committee which I trust Your Excellency will appoint that the time of publication should be defined as the moment when the first copies are put at the disposal of the public. I rather think, Sir, that is really the intention of the Government, but its meaning is somewhat obscured by reference to a printing press.

Clause 3, Sir, requires very careful study. It begins by stating that when any person publishes in any newspaper or other printed paper published or circulated in the Colony, no other person shall print or publish or accept to be printed or published such message until a period of 72 hours has elapsed. Now it seems to me, Sir, that nothing in the Bill places a territorial limit on the exclusive copyright and protection afforded. I am sure the hon. member will reply to that later on and tell me if I am wrong, but I should like to ask, Sir, quite definitely, would the copyright provided under this measure include Tanganyika and Uganda.

Now, Sir, is it not a fact that in its present form the Bill affords world-wide copyright for 72 hours? That, Sir, raises a very interesting point as to whether or not a Kenya Bill can be made to apply outside the Colony. Now, Sir, if there is any doubt whatever on this point, I would suggest that the Government of Kenya makes an effort to secure the passage of similar legislation in Tanganyika and Uganda. There seems to be no logical reason for affording protection at all which that protection is designed to cover the whole area in which a newspaper normally circulates. Now, Sir, Clause 3 provides for a time limit of protection of 72 hours from the time of publication, which I have already pointed out in the terms of the Bill means from the time of leaving the printing press. Ordinarily 72 hours would be ample in the case of a daily paper circulating anywhere else, but in the peculiar conditions of Kenya and Eastern Africa, with its scattered communities, long distances and slow communications, the weekly papers—as I said at the beginning—form the major item of press activity in this part of Africa. The same cable service, Sir, is used for the weekly as for the daily. The former serves quite a different set of people for the reasons which I gave a moment ago and if the weekly, Sir, is not protected, competitors in Uganda will be in a position to furnish their readers with news taken from a Nairobi daily before the Kenya weekly papers can reach Uganda at all, which is manifestly unfair.

In Clause 3, sub-section (a) it is stated: "such period shall not extend beyond eighty-four hours from the time when such message was received at a telegraph office". I have carefully studied the definition of "telegraph office" and the hon. member, Sir, has assured me that Timbuctoo would not be included as one of the post offices, but the definition reads as follows: "telegraph office" includes any structure, room, place or receptacle of any kind appointed by authority of the Postmaster General or used by a telegraph company for the receipt, despatch or delivery of telegraphic messages".

Now, Sir, I admit that our Postmaster General is one of the best, but he is not the only Postmaster General, and I should like to know, Sir, whether this definition only refers to a telegraph office in the Colony of Kenya. If that is the case, I suggest it might very well be so stated.

There is no doubt whatever that, as no news has any value until it is published, protection should start from the time of the first publication in the newspaper. We occasionally hear of telegraph lines being down, Your Excellency, although very very rarely I am glad to say in Kenya, but it is a point to be taken into consideration, and I think it is one of the points which justifies me in asking for a very much longer period of protection. In Clause 3 (b) the following occurs: "The publication of any similar message lawfully received in like manner by any other person." I am not at all sure whether "in like manner" is a fair expression to use in this connexion. To quote a case in which this might operate most unfairly and to the detriment of the best interests of the public, we will suppose that the hon. Member for Mombasa has made one of his characteristic flamboyant speeches, which has been taken down by the representatives of two rival newspapers in Nairobi who are anxious to broadcast the glad tidings to an expectant world further afield than Mombasa Island. One of them sends it by wire, the other puts it in a letter. I suggest that in the terms of this particular clause the paper receiving the communication by letter will be debarred from publishing that news if a few hours previously the rival newspaper has published the telegraphic message containing the same news. There is one other point that I regard of some importance. It is customary to publish the date of despatch from the office of origin of the news, but it is contrary to newspaper practice to publish the actual time the message is received at the telegraph office. I sincerely trust the Select Committee will invite representatives of the local press to give evidence on this innovation which I suggest is as unusual as it is ridiculous in order that this clause may be changed.

I have drawn, Your Excellency, attention to a few minor modifications in a Bill which I believe to be desirable. I support the second reading, and trust it will be referred to a select committee who will invite evidence from interested newspaper proprietors.

THE HON. THE ATTORNEY GENERAL: Your Excellency, there are just one or two points made by the hon. Member for the Lake which are really legal points, and therefore I will deal with them at once. The first point made was whether we have had any information from Uganda or Tanganyika Territory regarding the introduction there of a similar Bill. The answer is in the negative, but I submit that is no reason why we should not lead the way in this matter, as Kenya always does! The second question is quite easy to answer, when I tell the hon. Member that a Bill passed by this House can only apply to Kenya. It makes no difference what we say here with regard to telegraphic messages received in Timbuctoo or places of that description. With regard to the point of view of the time limit, I do not think the hon. the Postmaster General has any considered views on the subject, but I suggest that three days was the original time suggested to us by those most interested in protecting their rights, and on that we thought we would base the time limit in this Bill. However, I have no doubt that the hon. Member in Select Committee will be able to show good cause why a longer period can be considered. The last point is also a question really for the committee stage, the words that the hon. Member takes exception to "in like manner". "In like manner" can only mean with all respect to the hon. Member the way in which messages are received and dealt with under this Ordinance, which only deals with telegraphic messages. Therefore with regard to the example given of a letter sent at the same time a telegram is sent the former can be published immediately it is received.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I merely rise to ask the hon. and learned Attorney General, who presumably will be on the Select Committee, to consider the concluding two lines of the first part of clause 3. They state that "any comment upon or reference to such intelligence shall be deemed to be a publication of the same". Unless I misread that, strictly interpreted, it would mean that if one paper had got some news from Reuters or their own correspondent of great importance and interest to the world, the other paper would not be able to in any way comment on this news either in a leading article or in any other manner. If that is so, it should be very carefully considered. You may even get a newspaper operating in this Colony which gets no Reuters' messages at all and deals solely with matters of local interest.

You may get it announced in one of the leading papers in this Colony that the Prime Minister or His Majesty the King or someone else of importance is very ill or has died. Surely it is wrong for a paper to express no opinion at all on a piece of vastly important news?—I would ask the Select Committee to consider it. With regard to the membership of the Committee, I have to ask Your Excellency to appoint the hon. Member for Ukamba and the hon. Member for Nairobi North as members from our side of the House.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, there is one point that I should like to raise. I understand that the Press do not contribute to the revenues of the Colony under the Traders' Licensing Ordinance, and consequently I look on the Press as pirates. That being so, are they entitled to such protection as this Bill gives them, because in my opinion they are all pirates, pirating at the expense of the Colony. That is something which might be considered by the Select Committee when it is appointed.

THE HON. THE POSTMASTER GENERAL: Your Excellency, there is very little left for me to reply to. The speech of the hon. Member for the Lake may be divided into two parts. In one he supplemented my remarks regarding the necessity for this Bill. The legal points that he raised have been dealt with by my friend the Attorney General. I assume that my friend the hon. Member for Plateau North does not expect any reply from me to his remarks.

The question was put and carried.

THE REGISTRATION OF TITLES (AMENDMENT) BILL

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

As hon. Members are probably aware, the principal Ordinance was introduced into this House with the object of assisting owners of land in putting through mortgages, both equitable and legal, without having recourse to lawyers' offices where they might be called on to pay some small fees and possibly stamp duties. A series of forms appeared at the end of the Ordinance by which it was thought at that time they could execute a legal mortgage in one case and an equitable mortgage in the other. Unfortunately, the lawyers were not completely defeated by that, because although it was provided that charges on land might be made in that way nowhere in the law books could it be found what exactly those charges meant in law, the result being immediately a charge was created, such as a charge under Form "J", the lawyers at once raised the point, and quite rightly, as to whether this

included immovables on the land; there was nothing to show whether it did or did not. It is therefore necessary to amend the Ordinance before unfortunate people are driven to court and incur expenses far worse than if they had originally gone to a legal man to have their mortgage deed drawn. The first amendment is to the effect that a charge created under Form "J" will have the effect of a legal mortgage. The second amendment deals with charges that are created by what is known as deposit of documents. It so happened that in the Ordinance, section 66 was not included in Part VIII which dealt with this particular form of charge, and it therefore became necessary again to state exactly what was meant by this charge created, as the question of the equity of redemption was being questioned. Before any trouble arises it therefore becomes necessary to make it quite clear that the charge created is in fact an equitable mortgage. Opportunity was taken at the same time to amend the two forms which appear at the end of the Ordinance and which are entirely formal. It has occurred that, owing to the manner in which the form was drawn up, it was not necessary in every case for the owner of a piece of land to even know when a charge was being created on his land, because it was sufficient if the documents were deposited. We therefore now make provision for the owner and the person depositing the deeds to sign the deeds when they are tendered for registration.

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

The question was put and carried.

THE BILLS OF EXCHANGE (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill to Amend the Bills of Exchange Ordinance, 1927.

This amendment is necessary in order to conform with the law as it is at present in England, which was only brought in in 1932, and incidentally also in Uganda. It has been brought up at the instance of the banks who have requested that bankers' drafts may be treated in the same way as cheques under sections 76 to 82, which set out the effect of the crossing of cheques, and so on. It would appear to be a very reasonable suggestion from the banks, and as it has been accepted elsewhere and we know of no reason why it should not be so, we are introducing it in this House.

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

The question was put and carried.

THE DRUGS AND POISONS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill to Amend the Drugs and Poisons Ordinance.

This amendment has become necessary owing to the growth of the mining industry in Kenya. As hon. Members are well aware, the sale of poisons is controlled very carefully in all civilized countries to-day and the exceptions under which poisons may be sold without going through the various complicated and difficult forms will be found in section 26, which provides means whereby all those poisons which are wanted in what I may call "every-day use" can be obtained. It has become necessary now in mining areas that certain other poisons such as metallic mercury and the cyanides of the alkali metals should be easily obtainable. We therefore propose to add these drugs, which are necessary for mining, to the exceptions which occur in section 26 of the Ordinance and then to give the Governor in Council power to make regulations with regard to the sale of those particular poisons. This has been asked for by the mining companies of this country and I think their claim is an irresistible one.

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

The question was put and carried.

THE BANKRUPTCY (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill to Amend the Bankruptcy Ordinance, 1930.

Much inconvenience has been caused to unfortunate bankrupts owing to the fact that certain documents can only be signed by themselves. The result has been that bankruptcy proceedings have been held up for some considerable time in cases where the bankrupt happens to be out of the country at the time the bankruptcy is going on. We are therefore, in our first amendment to-day, making provision for his giving authority to an agent to sign certain papers on his behalf.

The second amendment which is proposed deals with the duties of the trustee in bankruptcy. As hon. Members are well aware, usually in bankruptcies you have what is called a "committee of inspection" appointed, and that committee of inspection is able to give orders to the trustee in regard to the collection of debts, and so on. But unfortunately, it often happens, in small bankruptcies particularly, that no committee of inspection is appointed, with the result that the trustee, before he can do anything at all, has to go to the court, incur

costs and get an order of the court before he can issue for small debt. This Bill provides that he may get permission to do these acts from the Official Receiver, provided of course that the trustee is not the Official Receiver, as he very often is.

The last amendment deals with the rules under the Principal Ordinance. Under the Principal Ordinance the rules which were adopted were the rules which were in force in 1927. The Ordinance went on to say that those rules could be replaced by a Rules Committee or the Chief Justice but nowhere did it say that they could be amended. I am given to understand that the rules are quite satisfactory except that they need one or two amendments, but though they can be replaced, as the Ordinance reads, they cannot be amended, and this small amendment provides that the Chief Justice may be able to make the necessary amendments.

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

The question was put and carried.

The Council adjourned for the usual interval.

On resuming.

HIS EXCELLENCY: We now propose to go into the Committee Stage of all the Bills read a second time this morning, with the exception of the Telegraphic Press Messages Bill. That Bill will be referred to a Select Committee, the personnel of which will be:—

The hon. the Attorney General (Chairman).

The hon. T. Fitzgerald.

The hon. E. B. Horne.

The hon. Member for Nairobi North.

The hon. Member for Ukamba.

The hon. Abdul Wahid.

THE HON. T. J. O'SHEA: Your Excellency, just to keep our records in order, was any motion moved to refer this Bill to Select Committee?

THE HON. THE COLONIAL SECRETARY: The hon. Member is quite right on a point of order, and, with the leave of the House, I will formally move that this Bill be referred to a Select Committee, the personnel of which has just been announced.

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

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that the Council resolve itself into a Committee of the whole Council to consider the following Bills clause by clause:—

The Sale of Wheat (Amendment) Bill.

The Trading in Unwrought Precious Metals (Amendment) Bill.

The Arms and Ammunition (Amendment) (No. 2) Bill.

The Registration of Titles (Amendment) Bill.

The Bills of Exchange (Amendment) Bill.

The Drugs and Poisons (Amendment) Bill.

The Bankruptcy (Amendment) Bill.

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

The question was put and carried.

The Council went into Committee.

In Committee.

THE SALE OF WHEAT (AMENDMENT) BILL.

The Bill was considered clause by clause.

TRADING IN UNWROUGHT PRECIOUS METALS (AMENDMENT) BILL.

The Bill was considered clause by clause.

ARMS AND AMMUNITION (AMENDMENT) (NO. 2) BILL.

The Bill was considered clause by clause.

REGISTRATION OF TITLES (AMENDMENT) BILL.

The Bill was considered clause by clause.

BILLS OF EXCHANGE (AMENDMENT) BILL.

The Bill was considered clause by clause.

DRUGS AND POISONS (AMENDMENT) BILL.

The Bill was considered clause by clause.

BANKRUPTCY (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE HON. THE ATTORNEY GENERAL: I beg to move that—

The Sale of Wheat (Amendment) Bill;

The Trading in Unwrought Precious Metals (Amendment) Bill;

The Arms and Ammunition (Amendment) (No. 2) Bill;

The Registration of Titles (Amendment) Bill;

The Bills of Exchange (Amendment) Bill;

The Drugs and Poisons (Amendment) Bill;

The Bankruptcy (Amendment) Bill;

be reported to Council without amendment.

The question was put and carried.

The Council resumed its sitting.

HIS EXCELLENCY: I have to inform the Council that—

The Sale of Wheat (Amendment) Bill;

The Trading in Unwrought Precious Metals (Amendment) Bill;

The Arms and Ammunition (Amendment) (No. 2) Bill;

The Registration of Titles (Amendment) Bill;

The Bills of Exchange (Amendment) Bill;

The Drugs and Poisons (Amendment) Bill;

The Bankruptcy (Amendment) Bill;

has been considered clause by clause in Committee of the whole Council and has been reported to Council without amendment.

THIRD READINGS.

THE HON. THE ATTORNEY GENERAL: I beg to move that the following Bills be read a third time and passed:—

The Sale of Wheat (Amendment) Bill;

The Trading in Unwrought Precious Metals (Amendment) Bill;

The Arms and Ammunition (Amendment) (No. 2) Bill;

The Registration of Titles (Amendment) Bill;

The Bills of Exchange (Amendment) Bill;

The Drugs and Poisons (Amendment) Bill;

The Bankruptcy (Amendment) Bill.

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

The question was put and carried.

The Bills were each read a third time and passed.

The Council adjourned till 10 a.m. on Thursday, 30th November, 1933.

THURSDAY, 30th NOVEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Thursday, 30th November, 1933; **HIS EXCELLENCY THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.)**, presiding.

COMMUNICATION FROM THE CHAIR.

HONOURABLE MEMBERS OF LEGISLATIVE COUNCIL,

I received last night a telegram from the Secretary of State in which he authorizes me to announce that he has now definitely decided to pay a visit to East Africa in the near future. He will probably be in Kenya from about the 19th January to the 2nd February, but a few days of that period will be taken up in visiting the neighbouring districts of Tanganyika. The Royal Air Force are providing him with machines. His programme is at the moment very indefinite and as soon as I receive more details from him I propose to consult representatives of the various interests and communities so that we may make such arrangements as will enable Sir Philip to have a thoroughly satisfactory and enjoyable visit to Kenya.

MINUTES.

The minutes of the meeting of the 29th November, 1933, were confirmed.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table:—

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

Draft Estimates of Revenue and Expenditure for the year 1934.

Memorandum on Draft Estimates of Expenditure for the year 1934.

MOTIONS.

EXTENSION OF THE NATIVE TRIBUNALS ORDINANCE, 1930.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. A. DE V. WADY): Your Excellency, I beg to move:

"Whereas it is provided by section 44 of the Native Tribunals Ordinance of 1934 that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by resolution of the Legislative Council it is continued in force until a later date:

And whereas it is desirable that the said Ordinance should continue in force until a later date:

Now, therefore, it is hereby resolved that the Native Tribunals Ordinance, 1930, shall continue in force until the 31st day of December, 1936."

Your Excellency, before 1930 Councils of Elders were recognized as courts of law for certain purposes by rules under the Courts Ordinance. The constitution of these councils, however, as well as their jurisdiction, was always somewhat vague and it was difficult to know where their powers began and ended. That situation was rectified towards the end of 1930 by the enactment of the Native Tribunals Ordinance, under which Provincial Commissioners are empowered, with the approval of the Governor, to establish Native Tribunals in their Provinces. These tribunals now have their powers and their constitution defined, but in view of certain special provisions in the Ordinance it was provided that it should be in operation in the first instance for an experimental period of three years only. That period is now coming to an end and I am therefore asking this Council to give its approval to the continuance of the Ordinance for a further period of three years, in accordance with the last section of the Ordinance.

Up to date some 164 Native Tribunals have been established under the Ordinance and during the year 1932 these tribunals tried 7,373 criminal cases and 25,469 civil cases. There can, therefore, be no doubt as to the nature and extent of the duties and of the importance of these tribunals.

Recently, Sir, in this Council the hon. Member for Nairobi South drew attention to somewhat scathing criticisms of the rules that have recently been made by the Court of Appeal for Eastern Africa and asked if they had been brought to the notice of the Government, and if not, whether the Attorney General would make arrangements at the earliest possible moment for any alterations which might be necessary. Those criticisms certainly, Sir, were trenchant, but they were confined to one civil case, the procedure in which had become somewhat involved. But because one civil case out of 25,000 has somehow or other got out of control and has run amok through a succession of native subordinate courts, the Supreme Court and the Court of Appeal, that is not sufficient to warrant a general condemnation of the Ordinance. Under section 39 of the Ordinance all criminal cases have to be reported on monthly returns to the Attorney General and those returns operate as automatic appeals. The Attorney General therefore is in a very good position to know how the Ordinance is working in criminal matters. Shortly before he left, the late Attorney General said in this Council:

"I have a very intimate acquaintance with the legal work which these tribunals do and I have no hesitation at all, Sir, in saying that, under the wise guidance and supervision of administration officers, they are doing excellent work and mete out substantial justice."

We have recently held a very close inquiry into the working of this Ordinance throughout the Colony. All Provincial Commissioners have given special attention to the matter and it was discussed and investigated very thoroughly at the last Provincial Commissioners' meeting; and the consensus of opinion among those in a position to know is that this Ordinance has more than fulfilled expectations and that in consequence the standard of administration of justice, both in civil matters and criminal matters throughout the reserves has steadily improved and is steadily improving. There are, however, certain directions in which it is thought that the Ordinance should be amended and I had anticipated that an amending Bill might be ready for consideration by Council at this session. Unfortunately, however, it is not yet ready and there are one or two matters still outstanding, but I think I can confidently say that it will be ready for presentation to Council at the next session. In the meantime, it is necessary to keep the Ordinance in being in order that these 164 councils may continue to function. Your Excellency, I beg to move.

THE HON. THE ATTORNEY GENERAL (MR. W. HARRISON):
Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is:

"Whereas it is provided by section 44 of the Native Tribunals Ordinance of 1930 that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by resolution of the Legislative Council it is continued in force until a later date:

And whereas it is desirable that the said Ordinance should continue in force until a later date:

Now, therefore, it is hereby resolved that the Native Tribunals Ordinance, 1930, shall continue in force until the 31st day of December, 1936."

THE REV. CANON THE HON. G. BURNS: Your Excellency, I should like very much to ask the hon. and learned mover if he could change the years from three to one. I was very interested to hear that there was a possibility of an amending Bill being brought in in regard to these native tribunals. I know, Sir, that at the present time, and as the administration is being reconstructed, there is an absolute necessity for these tribunals to carry on the valuable work which they have been carrying on; but they are not, to my knowledge, entirely satisfactory. It would be hard to expect that they should be. The difficulty that I have—and the difficulty that those who have spoken to me about the matter have, is that of the man who wants to bring a case getting at those in authority,

where his case can be heard, without having to pay *baksheesh*. I have no hesitation in saying, and I say it without fear of contradiction, that that is almost a universal principle throughout the reserves at the present time. The lowest sub-chief or headman wants his little portion, the sub-chief wants his and, by the time an applicant reaches the chief or chairman of the tribunal, very often he has to pay as much as Sh. 20 before his case can be heard; so that I hope, when the amending Bill is brought in, that the mover of this motion will try and find some means by which those who are placed in authority to hear these cases will be paid their salaries and the acceptance of bribes—I can call them by no other name—be severely punished by those in authority.

I do ask very earnestly if it is at all possible for the hon. mover to carry on for one year until the amending Bill is brought in and these questions which I am now bringing before the House can be really looked into by those in authority.

THE HON. H. R. MONTGOMERY: Your Excellency, I have had some experience, first hand, of the work of those tribunals in Nyanza and I am quite unable to agree with the hon. and rev. gentleman who has just spoken regarding the bribery which he mentioned as having taken place. Possibly he was not referring to the Nyanza Province. I have here some figures of three big Kavirondo districts. It must be remembered that the Kavirondo are a very vocal people who do not sit down under injustice. Every man knows he has access to administrative officers and as regards the remarks of the rev. gentleman, no chief or sub-chief is chairman of the tribunal, with civil powers.

In 1932 there were 14,700 civil cases tried and 4,400 odd criminal cases. The cases tried by appeal tribunals were 405 out of the total 19,179. Appeals heard by District Commissioners were 201; appeal heard by the Provincial Commissioner, 1. Of the 4,400 odd criminal cases, appeals heard by the Attorney General were 23. I think, Sir, that shows that, among the people who do not sit down under a grievance but know they have access to the administration officers, substantial justice is being done.

HIS EXCELLENCY: If no other hon. Member wishes to speak, I will call upon the Chief Native Commissioner to reply.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, the hon. and rev. Member representing Native Interests has asked if I can accept an amendment altering the motion from a period of three years to one year. I do not think it is necessary to bring this resolution up year after year. When the amending Ordinance comes in it will be quite possible

for this Council to make any amendments it considers advisable and, whatever amendments are made, I think the Council will realize that this Ordinance must continue in being. If the Ordinance is not in being, the tribunals cease to exist. If they cease to exist we can do nothing but engage from say fifty to one hundred trained magistrates sitting all day long the whole year through listening to these cases. I do not think there will be any harm whatever done by continuing this Ordinance for at least another three years. I do not think there would be any harm whatever involved in keeping the Ordinance in being indefinitely, but something can be said for limiting it to three years in order that we may be able to get investigation after that. As for the bribery and corruption referred to by the rev. gentleman, I am very glad to hear from the hon. Member the Provincial Commissioner for Nyanza that he does not think that it exists there, at any rate to the extent the rev. gentleman fears, and from the figures he has just given you, Sir, you will see that Nyanza provides the greatest number of these cases—4,000 criminal cases out of a total of 7,000 and 14,000 civil cases out of a total of 25,000 for the Colony. As for the bribery and corruption, the present resolution only provides for the continuance of this Ordinance. I speak subject to correction, but I should have imagined that provision for dealing with bribery and corruption would find a more appropriate place in some criminal law. I cannot quite see how any provisions providing against bribery and corruption could come into an Ordinance of this kind. If it can be done and it should be done, I am perfectly certain the Attorney General will advise me accordingly.

The question was put and carried.

REPORT OF SELECT COMMITTEE ON REVISION OF ELECTORAL BOUNDARIES.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. E. B. HOSKING): Your Excellency, I beg to move that the report of the Select Committee appointed to report on the revision of electoral boundaries on the present basis of representation be adopted, but with one small amendment to which I shall refer later.

The report was laid on the table on 28th November, illustrated by a map. The report is concise, and is self-explanatory, and it was unanimous. Your Excellency made a reference to it in your communication from the Chair, and it is unnecessary for me to enter into any details. The terms of reference were restricted to a report on the revision of the electoral boundaries on the present basis of representation. The Select Committee, of which I had not the advantage of being a member, took up the question of these electoral boundaries between

the members and the constituencies. It was unanimously agreed to by all witnesses that the basis of the electoral boundaries should be the economic unit; that the basis previously used for the establishment of district and municipal council areas should be the basis of the electoral boundaries. I note, Sir, that not only was the report unanimous but that all the witnesses were agreed on the principle. There was, in fact, only one objection, on the part of any elected member, and that was in the case of the Nairobi electoral areas, north and south, where it was proposed that the economic unit, the municipal boundary, should be followed. I trust, Sir, that that one dissentient will not take with him other hon. Members of this House. His objections were considered by this committee, and were over-ruled. The case of Nairobi Municipality is a stronger case for observing the economic unit than anywhere else. You have a set of ratepayers opposed to those who do not pay rates, and as the boundary must be made somewhere it is obvious that the best boundary in this case is the municipal boundary. The figures involved in the re-distribution cannot, of course, be quoted with any degree of accuracy until the voters roll has been revised, but my latest information is that in the case of Nairobi North on the October Roll there are 1,040 voters. In Nairobi South 1,041, and in the adjoining constituency of Kikuyu 517. The alterations entailed by the adoption of the report are estimated at 72 transfers of voters from Nairobi North to Kikuyu and about 18 from Nairobi South. I am given to understand that these figures will possibly have to be revised, but that they will be reduced and not increased. The total number of voters affected is well under one hundred. You must realize that when the figures are only 517 for Kikuyu and the two Nairobi constituencies over 1,000, the case for delaying any such re-distribution does not seem to be very sound. The amendment I wish to move, Your Excellency, is owing to the fact that this committee based its recommendations on a time schedule, that it had for its zero date 30th November, and took it for granted that the new Bill would be in-force on 30th November. Today is 30th November, and the Bill has not yet been drafted. We must therefore adjust the time schedule. This can only be done by an amendment to the last section of the Appendix to the report, which reads: "Your committee recommend that in view of the improvement in communications in the country this long delay is unnecessary and recommend that the period of forty-two days be reduced to thirty days." The period of fixation of an election and the election of a member. I can, if necessary, Sir, give dates and figures showing how this committee's estimate of sixty days or three months was arrived at, but the figures tend to prove that it was under-estimated rather than over-estimated. I beg to move, Your Excellency,

30th November, 1953

that the report be adopted, with the substitution of the word "twenty-one" for the word "thirty" in the last line of the Appendix:

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

CAPT. THE HON. H. F. WARD: Your Excellency, I beg to move the following amendment: To add to the motion the following words, "Subject to the recommendations as to the change in the electoral boundaries of Nairobi North and Nairobi South constituencies and to any consequential changes in the adjoining constituencies being deleted." Your Excellency, I would like to start with a note of apology. When this committee was sitting, the Chairman rang me up and asked me, whether, as one of the people affected, I had any objections. I stated that I wished to register the strongest possible protest to any alterations in the boundaries of Nairobi North constituency at this late stage in this Council's history. I only had the time that it is necessary to drive from the town to the place of meeting in which to work out the details in support of that protest, and I am afraid that the representations I made the committee have been proved on closer examination later to have been inadequate. The information that I have had from a responsible person who has been into it as carefully as possible differs slightly from that of the hon. mover. As he says, it is not possible to give the House accurate figures until the register is published, but my information is to the effect that something in excess of one hundred persons are affected. But, taking his own figure of seventy-two, that, I contend, represents a large body of voters, a great proportion of whom can as easily vote in the town as they have done since the Legislative Council Ordinance was passed, for a large percentage represent people who work and have their interests in Nairobi. These would be very severely penalized if they had to leave their work and their offices and drive a considerable distance into the country to register their votes in another constituency. It was in view of the additional information that I was able to produce that my colleagues on this side of the House were prepared to support this amendment. In this connexion, the hon. and learned Member for Nairobi South, and myself were granted an interview by the hon. the Colonial Secretary yesterday, and I understood that the terms of this amendment would be acceptable to Government. I wish to make that quite clear in view of the somewhat special pleading by the hon. mover. As regards the principle underlying the proposed change I have nothing at all to say against it, I think it is a principle that all of us can subscribe to, but the point really is whether that principle can be applied—a principle ruling in older established towns and cities—at this stage in

the history of Nairobi. It is also a question as to whether the qualifications, residential and property, are equal in these older established towns and cities where that principle runs and in Nairobi. I think that it is a matter which should be very carefully inquired into. The only experience I have had was in helping in an election in one of the divisions of Birmingham, and I know that there I had to drive considerably further distances outside of Birmingham to bring voters in than anyone would have to drive in Nairobi North. My submission definitely is, for the acceptance of the House, that this large body of voters should not have this change as it were sprung upon them at the eleventh hour and be deprived, as they would be, of their undoubted right, but that it should receive the mature consideration of Government on the established facts and after Government has received any representation that these people affected care to make. For these reasons, Your Excellency, I hope very much that the amendment will receive the support of the House.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I am rising to second the amendment. In view of Government's announced intention yesterday to accept it I do not propose to take up Your Excellency's time in elaborating arguments or the plea put forward by the hon. mover. I should like, however, to say that I also was rung up by the chairman of the committee who asked me whether I would agree to the Nairobi boundaries being altered to conform with the municipal boundaries. I stated that it was quite impossible over the telephone without a map or without consideration to give any definite answer; I did not know the numbers affected, and it was not fair to ask me to give a definite answer. But I said that without a map and time to consider it, it would appear prima facie that electoral and municipal boundaries alike seemed a sound idea. Like the hon. mover, I am perfectly prepared to give full consideration to this question if it is not rushed, but I am not quite certain there are not very sound arguments against the boundaries conforming, the chief one being that if you alter your boundaries to conform with the municipal boundaries now there is little doubt but that in the near future the municipal boundaries of Nairobi will extend, and as they extend you will have to keep on amending the electoral boundaries of the town. Surely the right thing is to whose interests are really in the town, as opposed to an urban constituency outside the town wherein they happen to live. A large number of people, whether 73 or 150 I do not know, who would be affected, have their real interests in the town, and while I admit there are strong arguments to support the view point held by the hon. the Acting Commissioner for Local Government, Lands and Settlement, I think he will also agree

there are arguments to be considered on the other side. But one thing is quite certain—it would not be right at this eleventh hour to move a large number of people, who have not asked for the change from one constituency to another, especially when the hon. member representing the constituency to which these people would be moved proposes to inform the House that he does not desire them to come into his constituency.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I think it might be of assistance in the debate if I might intervene at this point to make clear the view of Government in this matter. It is perfectly correct, as stated by the two hon. Members who have last spoken, that they came to me and that we had a discussion on this question yesterday afternoon. In the course of that discussion the attitude adopted both by myself and the hon. the Commissioner for Local Government, Lands and Settlement was that it seemed on reading the report that the Committee had based its recommendations on a well-defined principle and that that principle was being carried out in the recommendations that were suggested in regard to these two constituencies. At the same time, it was very strongly represented to us both that, for the reasons which have been stated by the hon. Member for Nairobi South, it would be improper to make a change of this sort at so short notice, particularly in view of the fact that there was no evidence anywhere in the Committee's report that there had been any general desire on the part of the people of those two constituencies for such a change. The attitude adopted by Government throughout on this issue is that, in as much as it causes no alteration in the present constitution of the Council, we—I think very naturally and reasonably—are anxious to arrange constituencies in a manner that will give the best representation and in accordance with the general wishes of voters. I should like to make this clear, Sir, because I do not think it is quite fair to criticize the speech of the hon. mover as "special pleading". I think he merely wished to lay down, as clearly as possible, the arguments which were considered by that committee, and presumably regarded by them as overwhelming. I then went on to give the assurance—which I can repeat now in Council, Sir—that if there is a general consensus of opinion on the part of elected members that this change should not be made, if the members representing adjoining constituencies support the amendment, and if the unofficial members who signed that report now wish to alter their view, and, for the reasons stated, are prepared to support the amendment, the Government thinks that, in view of such support, they have no desire to press the motion in its original form.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, in view of the Government's statement, I have nothing to say.

THE HON. CONWAY HARVEY: Your Excellency, as a member of the committee whose report is under consideration, I should like to say that I honestly believe the principle mentioned in that report—that electoral boundaries should coincide with municipal boundaries and, so far as is possible in rural areas, district boundaries, is thoroughly sound and should be applied wherever possible. I am almost certain, Sir, that, with the possible exception of Birmingham, it is a principle which is almost universal throughout the British Empire, and certainly in most parts of Great Britain. There is no doubt, whatever, Sir, if certain people who work in the township of Nairobi, to suit their own convenience prefer—in order possibly to avoid municipal obligations in the matter of taxation and things like that—to go over the boundary for purposes of residence, and by so doing disfranchise themselves—I see no reason in the world why Government or anyone else should attempt to interfere with their liberty in that matter, but I think it most improper, Sir, that they should be allowed to have it both ways, and if that principle is admitted, where is it all going to stop? The logical development would be that in time the Nairobi constituency would embrace the Lake and Kilindini.

Nevertheless, Your Excellency, we did sign this report under a slight misapprehension of the facts. Evidence was not procured, Sir, in any detail and we were given very clearly to understand that no more than fifteen or twenty people at the outside would be affected. Such has now proved not to be the case, Your Excellency, and for the reasons which have already been given, I think it only reasonable to accept the modification which has been suggested in all the circumstances of the case at this the eleventh hour; but I wish, Sir, if this subject is reintroduced on any future occasion, to do all I can to bring into effect what I believe to be a thoroughly sound principle. In conclusion, may I remind the House, in case I am accused of inconsistency, that "a foolish consistency is the hobgoblin of little minds; adored by little statesmen, philosophers and divines".

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Your Excellency, as a member of the committee, I should like to associate myself with the remarks of the hon. Member for the Lake. We certainly were not given these figures produced to-day. I understood the outside number was twenty or twenty-seven, of whom a considerable number were not Nairobi people—that their interests were entirely in the Kiambu area—and for that reason I supported the proposition that the boundaries should be altered.

There is, Sir, another matter which I would like to bring to the attention of the House, Sir, before the Bill is framed, and that is with reference to the rules concerning postal voting. Some method should be found for simplifying the procedure. At present it is a very complicated procedure. You first of all have to apply . . .

HIS EXCELLENCY: Would it not be more advisable to bring these points up when the Bill is before the House?

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Well, Sir, I wanted to have it put in the Bill if possible, or the rules.

HIS EXCELLENCY: We are dealing with an amendment now about the alteration of the Nairobi boundaries.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Yes, Sir.

HIS EXCELLENCY: The question is that the motion be amended by the addition of the following words:

"subject further to the recommendation as to the change in the electoral boundaries of the Nairobi North and Nairobi South constituencies, and to any consequential changes in the adjoining constituencies, being deleted".

The question was put and carried.

HIS EXCELLENCY: Now I will put the question that the motion as amended be approved. Will the Attorney General

THE HON. THE ATTORNEY GENERAL: No, Sir, it is not necessary to put the motion again.

CAPT. THE HON. H. E. SCHWARTZ: With great respect and with fear and trembling, Sir—I understood the resolution to be that certain words should be added to the motion proposed by the hon. mover. Those words have now been added. Surely the motion as amended should be put and the hon. mover have the right to reply.

THE HON. THE ATTORNEY GENERAL: As I understood the amendment, Sir, it was that the motion be accepted with the addition or deletion of words with regard to the Nairobi North and Nairobi South electoral areas, in which case it became a new motion.

CAPT. THE HON. H. E. SCHWARTZ : The actual motion was to add to the motion the following words :

"subject further to the recommendation as to the change in the electoral boundaries of the Nairobi North and Nairobi South constituencies, and to any consequential changes in the adjoining constituencies, being deleted".

HIS EXCELLENCY : Well, to avoid any question of procedure . . .

THE HON. THE ATTORNEY GENERAL : Sir, even accepting what the hon. Member for Nairobi South has said, I submit there is no necessity to put anything further because the motion as it stands before the House could but mean that the motion as moved by the hon. the Commissioner for Local Government, Lands and Settlement be accepted with the addition of the following words. That has now been accepted by the House and I do not see that there is anything further that we can vote on.

CAPT. THE HON. H. E. SCHWARTZ : I do not think there is any difference of opinion between the learned gentleman and myself. I understood the amendment was to add words to the motion. I think the hon. member will agree that if the motion was that the following words be added to the motion, the motion stands—but it is put upside down. If the amendment was that the motion be approved subject to being altered then the hon. the mover would be debarred of his right of reply. I would ask you, Sir, to allow the motion to be put whether it is right or wrong.

THE HON. THE ATTORNEY GENERAL : I have no objection Sir. The hon. Member has put it very clearly—he has put it his said.

HIS EXCELLENCY : Perhaps, to avoid any difficulties of procedure, I had better put the motion now. I think the original mover of the motion has the right of reply.

MAJOR THE HON. J. O. K. DELAP : Your Excellency, I also was under the impression that the amendment was to alter the original motion in some particulars, not that it should be speak before on another matter connected with the terms of the original motion and not with the amendment. I should like if I might to have an opportunity of introducing a small point with the object of clarifying a small portion of the original motion.

HIS EXCELLENCY : The position now is . . .

THE HON. THE ATTORNEY GENERAL : The position now is that I suggest it would be best to accept the interpretation of the hon. Member for Nairobi South as to what was meant by the amendment in order that anyone who wishes to speak may have an opportunity to do so.

HIS EXCELLENCY : Does any hon. Member wish to speak now on the motion as amended?

MAJOR THE HON. J. O. K. DELAP : Your Excellency, I believe I am right in assuming that the motion before the House is that the original motion, as amended, be accepted. If that is correct, Sir, there is a small point in the report to which I should like to draw your attention. I am speaking only in order to avoid the perpetuation of what seems to be a mistake in the past in gazetting electoral boundaries. Some two years ago I asked the Survey Department of the Land Office to prepare for me a map showing accurately the boundaries of the Ukamba Electoral Area and I noticed to my astonishment that they included in it the township of Voi in Ukamba. Now at the previous general election Voi had been considered to be in the Coast Province. I drew the attention of the Survey Department to this and was assured that the map which they had prepared was correct as far as gazetting had gone. Now, Sir, we have attached to the report a map of the suggested alterations of the original boundaries and I see that both the original boundary and the suggested alteration by the Electoral Boundaries Committee shows Voi as being in the Coast Province. Now, first of all, I have the authority of the Survey Department of the Land Office for believing that Voi is, as far as concerns the gazette, actually still in Ukamba, and as it is the obvious intention of the Electoral Boundaries Committee that Voi should be in the Coast Area, I would like to leave it to Your Excellency's wisdom to propose some such amendment as will give effect to the boundary shown in the rather vague way by this very small scale map so that there may be no perpetuation of the mistake whereby Voi was included in the Coast. May I leave it to Your Excellency to suggest some way in which the report should be amended to ensure that the land as shown by the map in regard to Voi shall be the actual boundary in the gazette.

HIS EXCELLENCY : Does the hon. Member wish to propose a further amendment?

MAJOR THE HON. J. O. K. DELAP : If I can, Sir, I would like to propose that in regard to the Coast Province, the boundary from the junction of the railway with the proposed boundary should follow roughly line of latitude 3°.

HIS EXCELLENCY : Before I do that, I shall have to put this motion as amended. If there is a further amendment . . .

THE HON. T. J. O'SHEA : With respect, Your Excellency, should not all amendments be taken before the motion is finally moved?

THE HON. THE ATTORNEY GENERAL : If the hon. Member wishes to move an amendment to the report—the map is only, I think, evidence of the report. I do not know much about the provinces of Kenya yet, but I presume the boundaries, as described in this report, are incorrect. It will, therefore, be up to the hon. Member to move an amendment to this report with regard to the boundaries shown in the report itself, which will be put to the House.

THE HON. CONWAY HARVEY : Your Excellency, I think that possibly the point raised by the last speaker might be met if one of the hon. gentlemen opposite who is an administrative officer could tell us whether or not Voi comes within the definition of Ukamba. On page 5 of the report of the committee it states : " Ukamba.—We recommend that this constituency should comprise the present administrative districts of Kitui, Machakos, Port Hall," and so on. If Voi is not in any of these three districts mentioned I suggest that automatically it comes into the Coast area.

THE HON. H. R. MONTGOMERY : Your Excellency, I think the hon. Member for the Coast might answer that question! (Mr. Harvey : He doesn't know.) Voi, since 1931, has been in the Coast Province; before that it was in the Ukamba Province. My recollection is that it was put in the Coast Province for the purpose of the Electoral Ordinance.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, as I understand that everyone is agreed that Voi should be in the Coast area, we do not need to move any amendment but let it be understood that when the schedule of the Bill is prepared it is made quite clear.

THE HON. THE ATTORNEY GENERAL : That is a way out of the difficulty, Your Excellency, and I wish I could accept it, but unless I have the authority of the House in some definite motion I cannot put in the Bill something that does not appear here. If it is shown that Voi is in Ukamba, then I must show it in the Ukamba district. I cannot use my own discretion in drafting the Bill.

CAPT. THE HON. J. L. COTTER : Your Excellency, on the point brought out by the hon. Member, I was under the impression that we went by the map, or is it simply a rough guide? If it is only a rough guide and means nothing it is a piece of absurdity.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE : Your Excellency, may I say that the boundaries of the Coast do not even stop at Voi—they go as far as Ndi, about 20 miles from Voi. To-day is the first time that I have ever heard of Voi being in the Ukamba Province. It was always recognized as being in the Seyidie Province in the old days.

HIS EXCELLENCY : To clear up these difficulties perhaps we had better adjourn now for the usual ten minutes. After a little talk we can perhaps get them cleared up. Otherwise we shall get rather confused with all these amendments.

The Council adjourned for the usual interval.

On resuming.

MAJOR THE HON. J. O. K. DELAY : Your Excellency, on a point of explanation may I be allowed to say that I fully understand that the boundaries are laid down for the Ukamba and Coast areas respectively are an implementation of the report of the Committee on the Electoral Boundaries, that as these will be gazetted in detail and will in effect give effect to the recommendations of that committee in that regard the matter will be settled quite satisfactorily as far as my constituency is concerned in regard to Voi.

HIS EXCELLENCY : I take it that the question is the motion as amended by the hon. Member for Nairobi North, and, with the leave of the House, slightly amended by the substitution of 21 for 30 in the last line of the appendix to the report. That is how the motion will stand for debate. Those who have not yet spoken can do so, but if no hon. Member wishes to say anything further in the matter I will call on the hon. mover to reply if he so desires.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT : Your Excellency, I am a newcomer to the Council, and I was given a unanimous report of a Select Committee of the Council on which to speak, and in the course of the debate it appears that that report was not quite so unanimous as I was given to understand. My case falls to the ground therefore when it has been based on that unanimity. With reference to one point raised, Sir, the map illustrating the report, it is the report which stands, and not the map. I shall give notice that should this motion be

adopted the Bill must be introduced under the suspension of Standing Orders in order to keep to the time schedule proposed. The point raised by the hon. Member for Nairobi North is the unfortunate case of voters living on the outskirts of the town having to vote in Kiambu: there is such a thing as postal voting which will meet his case entirely. It is no use flogging a dead horse, but "my head is bloody but unbowed"—(laughter)—and I am quite unconvinced that there is any need or logic in accepting the amendment, but as the people wish it and the people concerned seem to have altered their opinions as to the report, Government is prepared to offer no opposition to it.

HIS EXCELLENCY: The question is, that the motion as amended be approved.

The question was put and carried.

The Council adjourned till 10 a.m., on Monday, 4th December, 1933.

MONDAY, 4th DECEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Monday, 4th December, 1933, **HIS EXCELLENCY THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOVSTUS BYRNE, K.C.M.G., K.B.E., C.B.)**, presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to:—

Ex-officio Member:

EDGAR GEORGE BALE, *Acting Commissioner of Customs.*

MINUTES.

The minutes of the meeting of the 30th November, 1933, were confirmed.

NOTICE OF MOTIONS.

THE HON. T. J. O'SHEA: Your Excellency, I beg to give notice of the following motion that I shall move at a later stage of this session:—

"That in the opinion of this Council the time has arrived when, in the interests of the native peoples and the national economy, Government should embark upon a more vigorous policy of promoting the utilization of the African as the skilled artisan of the Colony."

I also wish to give notice that on the motion that the Estimates for 1934 be referred to a Select Committee I shall move an amendment to the following effect:—

"That it be an instruction from this Council to the Select Committee on Estimates, when examining the Draft Estimates for 1934, to consider what additional provisions, if any, are necessary to provide for an adequate programme of economic reconstruction and to consider the advisability of loan funds being obtained to finance any such recommendations."

ORAL ANSWERS TO QUESTIONS.

MEDICAL WORKS IN THE TRANS-NZOIA.

No. 38.—**LT.-COL. THE HON. J. G. KIRKWOOD** asked:

Will Government please state what action has been taken with regard to paragraph 108 of the Report of the Select Committee on the Estimates for 1933?

THE HON. THE COLONIAL SECRETARY (MR. H. M. MOORE) : The investigation referred to in the paragraph quoted has been undertaken and reorganization has been effected along the following lines :—

The Senior Health Officer, Eldoret, who was formerly Medical Officer of Health for both the Usain Gishu and Trans-Nzoia districts, and the Sanitary Inspector, Kitale, have been withdrawn. Arrangements have been made for the District Surgeon, Kitale, to supervise and undertake essential duties at the Kitale Native Hospital for an additional remuneration of £100 per annum.

The net saving on the expenditure estimates of the Medical Department due to this reorganization in the two districts is about £400 per annum greater than that which would have resulted from the adoption of the Expenditure Advisory Committee's recommendations.

The question of Government taking over the Kitale Native Hospital has been examined by the Director of Medical and Sanitary Services and a report made by him is now receiving consideration.

GOVERNMENT HOSPITAL, KISUMU.

No. 48.—THE HON. T. J. O'SHEA asked :

Will the hon. the Director of Medical and Sanitary Services please state :—

(a) What were the total all in costs of the Government Hospital, Kisumu, for the years 1931 and 1932 and for the half year ending 30th June, 1933?

(b) How are such costs made up?

(c) What revenue was earned by the hospital during the same periods?

(d) What profit or loss was made during the same periods?

(e) What were the "patient day costs" during the same periods?

(f) What were the daily fees charged (1) to Government and Railway servants and (2) to other patients?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATERSON) : (a) The total all in costs of the European Hospital, Kisumu, for the periods mentioned were as follows :—

	Sh. Cts.
1931	48,350 00
1932	43,810 20
1933 (half-year)	22,400 21

4th December, 1933

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(b) These costs are made up as follows :—

- (1) One-half of the salary, passages and leave pay of Senior Medical Officer.
- (2) The salaries, passages and leave pay of the two nursing sisters.
- (3) Salaries of menial staff.
- (4) Upkeep, i.e., food, water, conservancy, drugs, dressings and equipment.
- (5) Value of fees for work performed by the laboratory.

No allowance has been made for interest on capital, depreciation, nor proportion of expenses of central administration.

(c) The revenue earned was :—

	Sh. Cts.
1931	15,911 00
1932	13,680 00
1933 (half year)	14,188 00

These figures represent the value of accounts rendered.

(d) Profit and loss figures are not available.

(e) The patient day costs were :—

	Sh. Cts.
1931	55 66
1932	60 09
1933 (half-year)	31 63

(f) The daily fees charged are :—

(1) For Government and Railway servants and their wives and children as laid down in paragraph 283 of the Code of Regulations, namely :—

Officers drawing salaries of £300 per annum and under, Sh. 4 per diem.

Officers drawing salaries of £500 per annum and under, Sh. 6 per diem.

Officers drawing salaries of £700 per annum and under, Sh. 8 per diem.

Officers drawing salaries of over £700 per annum, Sh. 10 per diem.

Children are charged at one-half the above rates.

(2) Other patients are charged Sh. 24 per diem. Children at half rates.

INDIAN GIRLS' SCHOOL, MOMBASA.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACH: In the absence of the hon. Member for Mombasa, I beg to ask question No. 53 standing in his name:

1. Was the Director of Education aware on 30-3-33 that the proposed agreement between Government and the Limited Liability Company which was at that time being formed and registered for the purpose of erecting a school for Indian Girls in Mombasa did not ensure the expenditure of any given amount, although the resolution proposed that Government should be authorized to lease any building erected at a specified rental, i.e., Sh. 700 per annum?

2. What rate of interest is Government committed to pay?

3. If the company are now putting up a building at a less cost than was originally contemplated, on whose authority was this lower amount of expenditure agreed to?

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): Before I answer this question, Your Excellency, may I inform the hon. Member that there is an error in the question. The Sh. 700 at the end of paragraph 1 should be Sh. 700 per mensem and not Sh. 700 per annum. The answer to the question is as follows:—

1. Yes, I was so aware.

2. Government is committed to the payment of a rental and not to a rate of interest.

3. No authority was required as the company did not bind itself to spend any fixed amount, but merely to the provision of certain accommodation.

THE HON. T. J. O'SHEA: May I ask, in connexion with No. 2, what is the rent paid rather than interest?

THE HON. THE DIRECTOR OF EDUCATION: The rent originally agreed to was £120 a year. I think my hon. friend the Treasurer is going to ask that that be slightly increased in the course of the Select Committee on Estimates, but at present the rent agreed upon is £120 per annum.

CAPT. THE HON. H. E. SCHWARTZ: Arising out of the original answer is it not a fact that, when the hon. Member asked this House for sanction for the expenditure of this money, he quoted the amount in rates of interest on capital per centum, and is it not further a fact that the rate so quoted is now materially increased owing to the building having cost roughly five-ninths of what it was originally anticipated it would cost?

THE HON. THE DIRECTOR OF EDUCATION: I have now my speech before me and looking through it I can find no record of any such statement, but I do know that the hon. Members who referred to the motion regarded it as a rate of interest on a definite amount. But that was not so in my case.

Lt-COL. THE HON. C. G. DURHAM: Arising out of the answer, Sir, is it not a fact that the Director of Education did point out that money was cheap and is it not a fact that I was one of the Members who congratulated the Government on getting that very cheap money?

THE HON. THE DIRECTOR OF EDUCATION: I do not think so, Sir, but I am open to believe that that was possibly the interpretation the hon. and gallant member placed upon it. I do remember that he congratulated the Government on obtaining cheap money, but I do not think he was justified in drawing that conclusion from what I said.

MOTIONS.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, would you permit the motion standing in my name—which should only take a very short time—to precede the motion standing in the name of the hon. the General Manager. The reason I ask this is that the hon. Member for Mombasa asked me to ask Your Excellency to fix the time of this Council this morning for 10.30 instead of 10 a.m., as his train does not arrive till then. My motion will not take more than a few minutes and it would facilitate the hon. Member for Mombasa, if it meets with the approval of Your Excellency, if it could be taken first.

HIS EXCELLENCY: I think the House agrees to that.

COMPULSORY MOTOR INSURANCE.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, the motion standing in my name reads as follows:—

“That a Select Committee of this Council be appointed to examine the possibility of the inauguration of some scheme of Government insurance for compulsory third party risks and to report.”

I should like to explain, Your Excellency, how this motion comes to be on the Order Paper, but before doing so, I would briefly remind hon. Members that about a year or more ago Government published a Bill, a draft Bill, providing for compulsory third party insurance so far as concerns motor cars, such Bill following in principle the Bill which has recently been introduced into England by Act of Parliament. It was

made quite clear that this Bill was not published for introduction into Legislative Council, nor was it published as a Bill which it was the determination of Government to force through this Council. It was published in order that Government might ascertain the views of the people of this Colony generally with regard to the advisability of introducing legislation to cover compulsory third party insurance.

As a result of the publication of that Bill, representations were received, I understand, from all over the country and from all sections of the community and the various interests concerned. While not unanimous, the general consensus of opinion—at all events the majority consensus of opinion was that it was not the time to introduce compulsory third party insurance, meaning as it would a further call on the pockets of the people of this country of something in the neighbourhood of £27,000 a year or more. Since that opinion was expressed two at least very bad cases have arisen where, as a result of there being no third party insurance, perfectly innocent people have been seriously and permanently injured and have been able to get no redress because the persons responsible for causing the injuries were not in the financial position to pay any sum of money by way of damages or compensation to the injured persons.

There is no doubt, at all events in Nairobi, a growing feeling—how far it has grown it is quite impossible for me at this juncture to say—but there is a growing feeling that something ought to be done to protect these unfortunate people by having some form of compulsory third party insurance.

When this matter was considered by members on this side of the House, the difficulties of coming to any definite decision were very real and very apparent. I think I can say, speaking on behalf of hon. Members on this side of the House, that the principle of third party insurance is one that appeals to them, but whether the necessity for it is sufficiently great to-day to warrant casting an extra financial burden on all those who are in possession of motor vehicles is a very different question, and it was thought that possibly some avenue might be found whereby some kind of Government insurance might be possible; such insurance being, it was thought, a commercial undertaking which was almost certain to be a profitable one, and which might possibly be arranged at very small premium. But I have had an opportunity of discussing this matter with the Colonial Secretary and other members of Government and there are of course very apparent and real difficulties in the way of Government in any way entering the commercial field. First of all, it is, I do not say entirely without precedent, but certainly without precedent in this Colony, and secondly, Government would obviously be accused, should they enter that

field and base their premiums not on the ordinary commercial rates but on very much lower rates, of creating a monopoly and competing against the insurance companies, an accusation which would possibly not be without grounds. No Government definitely should compete in any such matters as these with the ordinary commercial insurance companies.

At the same time I feel, Your Excellency, and I believe Government agrees, that in view of the changed conditions and entirely without prejudice to what decision may be come to, some kind of investigation should be made again, so as to ascertain the feeling of the people of this country. It may be found that the feeling of the people living in the towns differs from that, and not unnaturally, of the people living in the country, because the people living in the country and seldom coming to town are very much less likely to have accidents than those living in the towns; therefore there will be less justification for calling upon them to subscribe to a compulsory third party insurance scheme. I want to make it perfectly clear, Your Excellency, to the members of this House and the whole country, that the members on this side of the House have a completely open mind on this question as to whether, while agreeing on the principle, this is the time—while we are still going through bad times and prosperity is still far away—to inflict this extra burden on the country. It is with that open mind that we ask for an investigation into the matter in order that the real opinion of the Colony can again be ascertained. I understand that Government are prepared to undertake that this whole matter shall be referred to the Central Roads and Traffic Committee with a request that they will investigate that matter and ascertain the views of all the members of the community who care to put those views before them. On that undertaking I have agreed to withdraw this motion; and those members I have been able to see this morning have agreed that I should adopt that course. With that undertaking, I ask your Excellency's permission and the permission of the House to withdraw my motion. Your Excellency, I understand that it will not be right for me to withdraw the motion until any member who wishes to speak has done so. The Noble Lord, the hon. Member for the Rift Valley, wishes to speak, I understand; he was not actually at the meeting at which I discussed the question with reference to the Central Roads and Traffic Committee.

THE HON. COSWAY HANVEX: Your Excellency, I formally second the motion.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I have very little to say except this. It seems to me that the Central Roads and Traffic Board is a very unsuitable

body to go into this question. Surely a question of insurance of this sort must be a question to be dealt with by people with experience of commercial finance. Though, as a member of the Central Roads and Traffic Board, I would say we are a very estimable body to recommend which roads shall be improved or otherwise, I do not think we can claim to be experts on commercial finance. I would much prefer to see this referred to a small committee of people whose opinion on such a subject would be more experienced.

THE HON. THE COLONIAL SECRETARY: Your Excellency, it is the case, as stated by the hon. mover, that Government was prepared to give the assurance asked for, for a further inquiry into this measure. The reason, I might say, why the Central Roads and Traffic Board was suggested was twofold: one, because on the former occasion when a Bill a year ago was published for general criticism that body definitely examined the matter and made a report to Government. At that time they were opposed to the introduction of a third party risk insurance scheme. The reason why that body gave that advice was that by law they were the statutory body, the right authority, to deal with all questions affecting roads in this Colony. If, Sir, the hon. Members desire the inquiry this time to be undertaken by a different body, I might suggest that the motion stand adjourned and I could then have the opportunity of consulting further with the hon. Members opposite.

The debate was adjourned.

ESTIMATES OF KENYA AND UGANDA RAILWAYS AND HARBOURS FOR 1934.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. G. D. RHODES): Your Excellency, I beg to move that the Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours Administration for the year 1934 be approved.

Your Excellency, on this occasion last year, when presenting the Budget for 1933, I gave detailed comparisons with previous years, to illustrate the results obtained from the policy of severe retrenchment and economy, which had then been in force for two years. I think this House will agree with me it is unnecessary to repeat those details. I pointed out that we had to go back to 1924 to check our expenditure against the lowest figures then available. The year dealt with was a period when the Railway was not half the size of the present organization and one which was followed, as in the present case, by a period of severe depression, and the organization then created by the late General Manager served as a foundation upon which to build for the coming period of prosperity.

I also pointed out that the presentation of the Budget for 1933 marked the close of a definite period and the end of a chapter in our history. We had completed a cycle, from depression; through prosperity, back to depression. I further explained that I anticipated that 1933 would provide a new basis of comparison and the organization which the budget represented would serve as a foundation upon which to build for the future expansion which we all hope will follow shortly. As was anticipated, actual figures for the present year will show that records have been broken in all directions; operating and efficiency figures have improved steadily, while unit costs have again come down. I am, therefore, able to report to you to-day that the Railways and Harbours are being worked at the present time more economically than ever before in their history.

To illustrate this fact, I will quote two figures only concerning the Railway. The lowest operating ratio or percentage of ordinary working expenditure to total earnings was, in 1924, 53.79 per cent. For 1933 I expect the ratio to be in the neighbourhood of 48 per cent, and for 1934 our budget shows 51.49 per cent.

The second figure I wish to bring to your notice refers to the average working cost per ton mile. No figures are available for 1924; but as nearly as we can estimate it was in the neighbourhood of 7 cents, while the corresponding figure for 1933 was 5.4 cents and for 1934 will be even lower.

The corresponding figures for the Port are equally satisfactory.

I think, Sir, it is advisable to point out these facts, so that this House can appreciate more fully the significance of the Estimates now before them for consideration.

As 1933 is now our basic year for comparison purposes, I need not refer again in detail to the working results of previous years.

As is customary, a short memorandum has been printed with the Estimates, which will give hon. Members information on the main points. I need add little to that explanation, but would like to emphasize the fact that our estimate of revenue is considered to be conservative and safe. In arriving at that figure we have taken the latest figures available for the present year and modified them in the light of information at our disposal in regard to business prospects and crop prospects.

So far as the Railways are concerned, we expect to earn during the present year a total revenue of not less than £2,110,000, while hon. Members will notice that in the estimate for next year, I have budgeted for a total revenue of

£1,967,000 or a decrease of £123,000. This figure allows for certain reductions in the cotton crop, which may not be so large as this year's crop, and for certain reduced traffics in Kenya, resulting from the severe drought and unfavourable weather conditions that have existed during recent months. I have not included any allowances for new business or an increase in trade generally, as such increase depends so largely upon the political position in Europe and America.

Similarly, with regard to the Harbours, we anticipate a revenue this year of £340,000, while we are budgetting for a total of £316,200 for 1934, a decrease of £24,000.

I trust these figures will show we estimated on a conservative basis. The need for doing so was stressed last year but I do not think it is necessary for me again to emphasize this point. I hope, however, that our experience during 1934 will be as happy as has been the case during the present year and that we shall end the year with a greater revenue than we have shown in our Estimates.

So far as the expenditure side is concerned, I would explain that we have followed the 1933 basis closely, with the exception that we have added approximately £30,000 to overtake in some degree the arrears of maintenance that we have been forced to allow to accumulate during the present depression. I cannot inform the House that this brings our maintenance up to date, as that is not so, particularly in regard to rolling stock, but the expenditure of this additional sum will deal with the more important items requiring attention during the coming year.

It will be noted that, after allowing for a loss in the working of the Harbours, we have balanced our Budget with a small surplus of £2,480. I trust the House will agree that, in all the circumstances, that is a satisfactory position. It will be seen, however, that we have made no contribution whatsoever to a Reserve Fund or to a Betterment Fund, nor can we do so until our Deficit Account is cleared. While the position of the Renewal Fund, which, I must again emphasize is not a true reserve fund, is satisfactory, in that it provides all the money we require for our renewal programmes, and, if our contributions are maintained in the future as in the past will continue to do so, it is essential that we should build up a true reserve fund as soon as circumstances permit.

As explained in August last, when the Supplementary Estimates were submitted, our financial position at the end of the present year from the information available will be very much more satisfactory than we budgetted for. With the total revenue for the Railways and Harbours that I have already indicated, we should close the year with a surplus of at least

£235,000, which will be available for use in the reduction of the deficit account. The deficit at the end of the present year will then be reduced to approximately £325,000.

I must again point out, as other Railways do not always follow our practice in times of depression, that this deficit has been incurred after meeting all loan charges and after making a full contribution to the Kenyan Fund, the latter contribution alone exceeding the maximum deficit we have shown in any one year.

In all the circumstances, it may be taken that the present position is satisfactory and these territories can now, I think, congratulate themselves that the danger of having to meet losses in working, which appeared so imminent a year ago, has now receded, if it has not completely disappeared. I again take this opportunity publicly to acknowledge the intense keenness, zeal and loyalty of the whole staff whom I have the honour to control. Without their co-operation and support the results which I have been privileged to record, could never have been obtained.

As I have explained, with a conservative estimate of revenue for 1934, we have been able to present a balanced Budget. In Uganda the acreage planted under cotton is satisfactory, but there is still, I understand, some anxiety with regard to the weather. Given reasonable weather conditions, there are, I understand, prospects of a good crop next season, although perhaps not a record one as it was this year. For estimating purposes the estimate is 60,000 bales less than we moved this year.

In Kenya the rains have not been as satisfactory as could have been wished, and, as a result, it is probable that the maize crop will be a small one, while coffee also has suffered severely in certain districts. On the other hand, the gradual enlargement of the agricultural industry tends to produce greater stability and a more steady average in total production. Where one district has suffered unduly, another district may prove more satisfactory. It is essential, however, that every effort should be made to increase production in all directions, particularly with regard to the more profitable and valuable crops.

While, therefore, I believe that the present indications appear to show that we have definitely passed the lowest point of the depression, the position continues to be completely overshadowed by the situation in Europe and America, and, for this reason, if for no other, developments must be very closely watched and our resources conserved in every possible direction.

Little more can be done in reducing expenditure; that unpleasant task, I hope everyone will agree, has been carried out thoroughly during the past three years. With the organization

now available, we can concentrate our energies on giving better service and better value for the expenditure incurred. I cannot hold out any hope in the near future of reductions in rates, or of extensions of facilities. As I have explained, it is most urgent that we should wipe out our deficit account and build up a reserve before any change in our present policy can be contemplated. It will, however, continue to be our aim to do all we can to distribute the burden of transportation costs fairly and equitably over all commodities transported over the system. To this end, continuous review and examination of our rating system is taking place, and, in this connexion, Mr. Gibb's Report has been of the greatest value indeed.

In conclusion, I may state that the Estimates now before the House have been very carefully considered by the Railway Advisory Council and by the Harbour Advisory Board, and have received the approval of the High Commissioner. I can also add that they have recently received the approval of the Legislative Council of Uganda. I would say that I will answer to the best of my ability any question that may arise during the debate. I therefore commend the estimates to hon. Members.

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

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I have been back such a short time in the country, and since I have been back I have been perpetually on the move, that I have had little time to get myself up to date with what has been happening with regard to Railway finance.

On the general subject I entirely agree, Sir, with the remarks that have just been made by the hon. the General Manager that, though we have shown much improved results during the past year, it is no time for us to begin any extravagant sort of policy. In my opinion, Sir, 1934 is going to be a very dangerous and critical year all over the world. Coming that not only are the powder magazines waiting for a match to be applied all over Europe, but the great continent of America is now seeing unprecedented experiments being made to deal with finance. No one knows, Sir, what is going to be the outcome and I do press in every way that during this coming year we should in all our finances, whether Railway or the country, go on the most conservative basis possible to try to consolidate the position which we have now gained so as to be prepared, in case we find the world convulsed into chaos or anything else in the near future.

Now, Sir, I think it is realized all over the world that general economics everywhere cannot be got on to a sound basis until commodity prices rise once more to such a pitch as will pay producers to go on producing. That, I think, is generally accepted by everybody and the minds of everybody that I came across everywhere—all sorts of people connected with finance, whether bankers or others—they all agreed that no stone must be left unturned which might help towards improving the position of the producers of primary products. For that reason, Sir, it came to me as a most terrible shock when I heard only in the last day or so that there was actually on foot in this country, a country entirely dependent on its agricultural products for the time being, even if in the future minerals may come to our assistance—but for the time being, Sir, we are entirely dependent on primary products. In fact, it is the policy, I understand, at home to encourage colonies on that side as producers of raw materials and to discourage the institution of manufactories. Sir, that being the case, it came to me as a terrible shock when I heard that once more had proposals been put up from the management of the Railway to further penalize those unfortunate people in this country who are producing cereals. I do trust, Sir, that we will to-day get an undertaking from the Government of Kenya that in no circumstances will they recede from the policy which they took up many years ago in this country, and which they have always stood by, up to this time, of encouraging in every way possible local products as opposed to the imported articles, and I do trust, Sir, that they will stand put on the principle of country produce rates and maximum rates.

I do not wish to go into any details as to how these proposed changes would affect the producers, but I can say this, Sir, that it would be serious and, so far from following the policy which has been accepted everywhere in the world to-day of trying somehow, by any sort of means, to help the unfortunate producer to keep going, it is a policy directed at giving him another blow. If I may quote, Sir, for a moment from the report of the Kenya Farmers' Association of this year, you will see that already during last year the Railway policy has had a detrimental effect. This is what it says, Sir:

"The Kenya and Uganda Railways at the beginning of the year intimated that they intended to introduce the quota system with regard to the movement of maize for export. Your Directors in every way endeavoured to prevent the introduction of this scheme and a deputation interviewed His Excellency the Governor on the matter. Their efforts failed, however, and the system was introduced. Your staff was called upon to perform an enormous amount of additional work in making allotments to fit in with the quota granted by the Railway and this work was

materially increased by the Railway granting additional allotments at short notice. This enforced early movement of maize muled the Association and its members in heavy conditioning charges and greatly increased the difficulties experienced in handling the crop. Although using every ton of available space on ships serving the Port, we had to charter five ships, and owing to delays in arrival we incurred heavy storage charges. We have, however, received a rebate of about half of these storage charges and are pressing for further refunds. The quota system has proved a failure and we believe it will not be reintroduced."

I do trust, Sir, that a better system has been devised for moving maize this year, as otherwise it is quite impossible for the farmer of this country to go on producing maize and it would be a very very serious matter to the country if the production of cereals in this country got eliminated.

Sir, I have never been able to understand the attitude of my hon. friend the General Manager—for someone who had the honour of being born in that great grain producing country of Canada, I never can understand why he seems year after year to try and have one more blow at the unfortunate cereal producers of this country, and I do—I cannot say it strongly enough, Sir,—but I do implore him and the Government of Kenya, who are the predominant partners in this Railway, to drop these ideas and not to give this further blow at this time, when it is only by a wonderful example of fortitude and determination that the farmers of Kenya are able to be in existence at all.

The General Manager made a laudatory reference to the Gibb Report. I had hoped, Sir, that we had heard the last of the Gibb Report. I understood that it had been condemned by everybody who had considered it and I had hoped it was as dead as a door-nail and that we should never hear any more of it. It is one of those reports based on these old fly-blown theoretic doctrines which are not of practical use for the one great purpose which we must all keep in front of us if this country is going ahead, if the Railway is going to get better results in its workings and if we are going to get on to a basis of stability, and that is the productive development of this country, Sir. I do not care twopence for any of these theories or academic doctrines if they are not going to help towards that great purpose, Sir. I do emphatically say we must keep that principle in front of us in all our dealings, and as we have now got the Railway on to a basis where for the first time for a year or two we are not showing a deficit—and as I believe the Estimates are on a conservative basis—I do press most strongly, Sir, that there shall not be any of those subtle attacks made on the unfortunate farmers.

THE HON. CONWAY HARVEY: Your Excellency, I understood the hon. and gallant General Manager to say that no important change of policy was involved in connexion with Railway activities at present or in the immediate future, or something on those lines. The Noble Lord, Sir, has very clearly pointed out, quite briefly, the danger of a very serious flank attack on the cereal industries of Kenya, which has already been launched, Sir, by the Railway Administration. As the Noble Lord mentioned, Sir, these proposals indicate a very serious departure from what have been regarded as fundamental principles of Railway tariff policy. These Sir, are firstly the advantage accorded to local produce in Railway rates in competition with similar produce imported from overseas; and secondly, Sir, the proposed elimination of maximum rates. I oppose any departure from what has proved to be the right policy, Sir. It was embarked on many years ago by Government. Since then on numerous occasions it has formed the subject of careful inquiry and scrutiny by many commissions and committees, and having definitely been accepted as the policy of the Railway, and Government policy, and incidentally having encouraged the investment of enormous sums of capital, I suggest it would be wrong from every point of view to make any change of policy of that major character at the present juncture.

Now, Sir, I have worked out some figures in detail—I shall only quote one or two—which show that the new proposals would have the effect of increasing the freight on wheat flour from Eldoret to Mombasa by no less than 5.8 cents per bag, which, Sir, makes it quite impossible for wheat grown on the Plateau to compete successfully with importations from India and Australia. The increase in the rate on flour which has been suggested by the Railway Administration means a difference between Eldoret and Nairobi of 1.70 cents a bag, which very greatly favours, obviously, the imported article.

Now, Sir, I cannot understand why now, of all times, the Railway Administration should attempt to reduce the railage on imported grain, and other produce, in competition with the locally grown article. The proposal, Sir, is—and I think, Sir, it is important that this pernicious suggestion should be given wider publicity than has so far been given it by a mere reference to these bodies whom the Railway believe to be interested parties—the proposal is to reduce the railage on imported flour from Class 6 to Class 7.

Now, Sir, every country in the world, as Your Excellency is well aware, is doing everything humanly possible at the present moment to keep its primary producers going. This disastrous policy, if carried into effect, will have the most crushing effect on all the wheat growers of Kenya, who through

difficult years, in very close co-operation with government, have persisted in their faith in the industry and have achieved a remarkable measure of success and, had it not been for the derestation of locusts, would have added very materially indeed to the wealth of Kenya; and just at the moment when we are within reach of success in all the costly experimental work which has been carried out by the Government scientific officers, I think it would be a tragedy of the very greatest magnitude to throw this important industry overboard at the mere caprice of an enthusiastic Railway partizan who is entirely blind to the greater interest of the Colony as a whole, of which the Railway—with great respect—should merely form one integral part. Now, Sir, any change of this kind, in my humble opinion, would constitute a very definite breach of faith with the people of this Colony and those capitalists who have advanced money for the development of its agricultural resources, and, Sir, it must inevitably have the most serious repercussions on increased production and settlement and, indirectly, on Government revenues.

Now, Sir, the rate on imported maize is at present Class 7. The new rate, Sir, would reduce this to Class 10, and I should like to ask the hon. and gallant gentleman why should maize imported into Kenya from Portuguese East Africa and from the Union of South Africa be put into a privileged position in competition with local maize. It may not be generally known that there is a tariff in South Africa against Kenya maize of something like Sh. 4 a bag, whereas the importations from the countries I have mentioned coming to the Colony of Kenya are, I understand, entirely duty free. That, Sir, is a funny way of planning for prosperity.

Now, Sir, these will, I trust, be considered reasonable arguments against any charge of rate which has the effect of improving the position of imported cereals in competition with local production.

It is quite clear that the proposed elimination of the maximum rates sounds the death knell of maize production on the Plateau which, with Plateau North, is the largest producing area of these commodities in the whole Colony of Kenya. From Kitale to Mombasa the present rate is, on maize, Sh. 2/50 per bag; the proposed rate will increase this to Sh. 3/—. It obviously will entirely close the Mombasa market to the Plateau maize, and incidentally, Sir, the railway rate eats up the whole of the f.o.r. value of maize to the grower at present market prices. The increase from Kisumu to Mombasa is Sh. 2/74 per bag, a burden which the trade cannot possibly stand, especially if the Kavirondo native producer is to get any price at all for his maize. Sir, I should like to draw the attention of Government,

especially of the Provincial Commissioner, to what that will mean in terms of hut and poll tax collections from the Kavirondo native employees and producers of maize.

Now, Sir, another very serious repercussion which cannot be ignored is the inevitable effect of this abominable proposal on land values. I should like to invite the attention of Government to the extent to which it must undoubtedly dislocate the ideas of the Land Bank Board in connexion with advances, which, as everyone knows, are based on land values. I must say in all sincerity that revolutionary changes of policy affecting large numbers of Kenya individuals should be avoided at the present time, even at some slight cost, and I am amazed that it should be necessary to use arguments such as these, especially just after, as the hon. the Noble Lord has said, the Gibb Report has been damned by everyone who counts, including the Governors' Conference. I consider it simply monstrous that the hon. the General Manager should reassemble his arguments, all of which were mobilized in the Gibb Report, and have been properly sent where they belong, to reassemble them dressed up in different clothes in order to form a flank attack on the basic interests of Kenya.

Now, Sir, I honestly believe the hon. the General Manager's policy is characterized more than anything else by one long persistent menace to the development of the Colony and a determination to reverse the policy of his brilliant predecessor. The future prosperity of Kenya is being sacrificed at the shrine of a pretty annual railway balance sheet.

Now, Sir, having created a friendly atmosphere—(laughter)—I should like to ask the hon. and gallant gentleman what provision exists in the current budget now under consideration for the construction of landing facilities on the Nyanza-Victoria, on the eastern shores, landing facilities I suggest at Mohoro which are urgently required there to-day. They have undoubtedly been necessary for a very long period for the off-loading of heavy machinery which is being used, and a great deal has been ordered a day or two ago for the development of the mining industry in the southern goldfields of the Colony. There is no alternative method of getting heavy mining machinery to the producing goldfields other than by rail and water. I understand, Sir, that the hon. gentleman is quite sympathetic to the proposal, but I think he wants some guarantee that traffic will be offering. I can offer that guarantee here and now, for the largest producing man in Kenya three days ago placed a large order for between 30 and 40 tons of heavy machinery, and he is a man not very far from Mohoro Bay. Some parts of the machinery weigh no less than six tons, and there is no alternative method of getting them other than by water, and before they can be brought ashore we must have

some form of landing facilities in the shape of a pier. I trust, Your Excellency, that the hon. and gallant gentleman will give the public in his reply to this point some indication of just what is being done to meet what is really an emergency and very, very necessary to industrial development.

THE HON. T. J. O'SHEA: Your Excellency, the estimates which the House is now being asked to approve are certainly very much more reassuring and encouraging than those with which we had to deal last year. They are bound to give a certain amount of satisfaction, in spite of the criticism on certain aspects of railway policy. The hon. mover quite rightly paid a tribute to the work of the staff with which he was able to achieve the results that he did achieve in the last year or two in the way of economies. I should like to associate myself with that tribute, and to connect the hon. the General Manager himself in it too. Undoubtedly there has been achieved in the past year or two a good deal in the way of economies. I hope it will not be regarded as retracting from that view if I at the same time point out one or two things that we should not leave out of consideration in reviewing what has actually taken place in connexion with the railway figures during the last few years. The economies effected were to a very large extent made possible by the extravagance into which the Railway had drifted during our period of prosperity. I do not think that can be questioned. The expenditure was undoubtedly on a lavish scale, and had it not been so it would not have been possible to effect the very big economies that have been effected. It must also be acknowledged that some of the economies have been at the expense of the service to the public. The public has willingly suffered a curtailment of the services previously received from the Railway to enable the hon. the General Manager to get the Railway finances on to a sounder basis. It must also not be forgotten that the present improvement in the financial position of the Railway is due to an appreciable extent to increased freights. Lastly, we should not overlook that a considerable improvement effected this year is due to increased revenue from the wonderful cotton crop with which the neighbouring territory was blessed this year.

A study of the finance of this very fine railway system of Kenya and Uganda brings to light a number of interesting facts that are very often overlooked. It is of some considerable importance to bear in mind that 40 per cent of the gross revenue of the Railway goes to the payment of interest and sinking fund charges. That is to say, the people of these two territories tax themselves through the medium of railway rates for the payment of interest and sinking fund charges on a very large proportion of the national loans that have been raised and handed over to the Railway. So that, Sir, considering

the *per capita* taxation of the people of this country, it is worth bearing in mind that, in addition to the taxation raised by the Central Government, through the medium of the railway rates for the purposes of paying those charges on the greater portion of our national debt, we tax ourselves to the extent of a very large proportion of the £800,000 paid annually for this purpose. It is a fact very often lost sight of, considering the burden of taxation that the people of this country are carrying.

There is another feature of Railway finance to which it may be as well if attention is drawn at least once a year, and that is the very large proportion of the national debt of this country which is invested in the Railways. I draw particular attention to this on this occasion, because I am going to suggest in the next few days that it may be possible to add to the national debt of the country for the purpose of carrying out a programme of economic reconstruction. That being so, I should emphasize that the greater part—I think something like four-fifths of the national debt of the country is in respect of our State railway, the State railway which is the joint property of this territory and our neighbour. The assets of this country have been pledged for that debt and so, in consequence, that capital is regarded as the national debt of Kenya. That being the case, it is very necessary to consider whether the bondholders of that debt are covered by the enterprises in which the money has been invested.

In examining the accounts of the Railway from that point of view, I would like the hon. the mover of this resolution to answer to the House whether I am right in saying that there are possibly very few railway systems in the world to-day, whether owned by the State or private enterprises, that can produce such a balance sheet and such a statement of accounts as he has laid before us to-day. In addition to paying its way, in addition to making very generous provision for renewals from year to year, in addition to making very generous provision for depreciation of capital assets, it is paying a very high rate of interest on the capital with which it was built and it is making full provision for the redemption of the loans within a reasonable period.

Now, Your Excellency, I am asking the question that I have addressed to the hon. mover with every confidence, because, so far as I have been able to ascertain, in no country in the world—in Great Britain, in Canada or the United States, or in any other part of the Empire about which I have had opportunities to read—is there a Railway system, either State or privately owned, which can compare with the wonderful position which the State Railway of this Colony occupies.

There is one aspect of Railway policy with which I should like to deal—my friend the hon. Member for the Lake has already raised some important issues with which I might have dealt had he not done so—and that is in relation to a passenger service on the Railway. Recently this House approved of a policy of granting a monopoly to the Railway for the transportation of freight, in consequence of which the position on the Railway in that respect has been materially improved. The question of whether it is in the best interests of the country, looking at it broadly, that the Railway should have a monopoly is a matter there is nothing to argue on at the moment. Sooner or later the question must come up again, but we should, I think, to-day seriously consider the position of the Railway as a transportation service for passengers. Undoubtedly, Sir, the Railway, from that point of view, is becoming an obsolete system. I should like to see it being corrected if I am wrong in saying that the Railway does, year after year, lose considerably on the passenger service that it is at present endeavouring to provide, that despite its unsatisfactoriness as a service, it still entails considerable losses, and I suggest it is worth while considering, before we go any further in losing on this branch of the Service, whether radical alteration is not necessary to enable the Railway to justify that loss year after year. It has been suggested to the Administration during recent years that the practice of running big heavy trains for passenger purposes on the branch lines is not and cannot possibly be economical and that something might be done on lines similar to what has been done in other countries of having a light mobile type of passenger vehicle. Now, Sir, it seems to me that unless something of that sort is done—and thereby more frequent service can be given to passengers—that the Railway will either cease to exist as a passenger carrying service, or can only continue to exist at the expense of a very considerable loss year after year.

The Council adjourned for the usual interval.

On resuming.

MR. COL. THE HON. J. G. KIRKWOOD: Your Excellency, the annual recurrence of this Council being put in the position where it is able to criticize the policy of the Kenya and Uganda Railways and Harbours, but not to do anything that will help that Railway on the way it ought to go, was brought about, I think, probably in all good faith many years ago when the Railway Order in Council was passed. That deprived this Council of control over the country's Railway and I think that was the greatest disaster in the history of Kenya that has ever happened to Kenya. The interests of Kenya and Uganda are not identical. We produce a great many forms of colonial

produce which are supplied to Uganda, Tanganyika and adjoining territories but are not produced in those territories. In producing them the Railway is the great handicap in the distribution. It is evident to me that it is the hon. the General Manager's policy to kill as far as he possibly can through the Railway rate European civilization in this part of the world. That is my definite opinion.

I do not propose to discuss the figures: I think it is a most admirable report, taken from a financial point of view, but I think it is a disaster nevertheless that the Railway budget has been balanced. It has been balanced at the expense of the agricultural and commercial communities of this Colony. At a time when we want and require every financial assistance and consideration in developing the Colony, the Railway has the power, through the Inter-Colonial Railway Council and the hon. the General Manager to stifle both commercial and agricultural production as far as possible.

Many branch lines, Your Excellency, have been built in this Colony for the purpose of developing the Colony and developing those districts, and also developing our Railway system, with the result that the financial formula which has been applied to the branch line system has had a very adverse effect on those districts throughout Kenya that have developed branch lines, inasmuch as they pay very much higher rates than are paid on the main line. The hon. the General Manager has told us that he has been able to reduce haulage costs one ton one mile to 5.4 cents per cent. Now it is well known to the hon. the General Manager and to me that on the Kilale line—and I have no doubt on other branch lines as well—the figure works out at over 9 cents per mile that they are charged. It shows a big profit, a much bigger profit on the branch lines than they show on the main line.

The hon. the General Manager has told us that the report by Sir Roger Gibb has been of the greatest assistance to him. We have been told by other hon. Members that this report has been attacked by everybody, and it was thought fit this morning that it had received honourable burial; but seeing that the hon. the General Manager is wedded to that report, I propose at least to make two quotations from it, and I hope at least he will implement the recommendations, either implied or directly suggested by that report. With regard to branch lines, Your Excellency, in paragraph 106 Sir Roger Gibb says:

"No railway topic in Kenya and Uganda has been more exhaustively discussed than branch lines and the method of calculating the profit or loss earned by them. It is now agreed that if the Government of Kenya or of Uganda causes a line of railway to be built which is not

expected to pay within a reasonable time, it should guarantee the railway administration against losses on the line. How the losses, if any, are to be calculated is not agreed, and rival formulae produce very different results. On one method of calculation the result of a year's working of the Kitale branch produced a loss of £96,464, and on another method a profit of £5,998."

It is quite obvious it is not a question of whether the branch line pays or does not pay, and it is quite obvious that the Kitale branch line does pay. It is impossible to prove that that line does pay, as we were told in a previous meeting of Council. When I asked the General Manager to state what was the profit or loss on the branch lines, including the Kitale branch line, we were told in this Council that there was no formula known to the Railway or any system of accountancy that would enable him to reply to that question. That, I think, is the most disastrous answer the hon. the General Manager has ever made in this Council, and it would imply that it is impossible ever to prove to this Government that any of its branch lines pay. Consequently, we can only conclude that they have been definitely paying. It is obvious that immediately they pay the branch rate should be taken off, and it is also equally obvious, Your Excellency, as is explained here by Sir Roger Gibb, that it is a question of formulae. Naturally, the Railway uses the formula most suitable to them, and the Railway have also pointed out in another part of the report of Sir Roger Gibb that under that formula the losses incurred on the main line are debited to the branch line account. That, surely, Your Excellency, must mean that the branch lines are carrying the main line, with the result that the produce passing over the main line is not paying an economic rate. But to continue with paragraph 106:

"The fact that it has not yet been possible to agree upon a formula which gives accurately the effect of a branch line on the balance of the railways net revenue account, gives a clue to the solution of the problem. There is no mathematically accurate method of making the calculation. No formula exists which can be safely and equitably applied to all branches and each Government desiring the construction of a new branch will have to give such guarantees to the railway administration as appear best suited to the circumstances of the branch."

That is quite a different position from what we find ourselves in, the people living on these branch lines. The branch line rate also has the effect of killing those districts that are unfortunate enough to be situated within the area of that branch line railway, an area, for instance, which produces maize or wheat—no matter what they produce. To take maize

under the maximum rate: it can circulate within the railway system at Sh. 3 per bag, but as regards maize or posho or wheat coming from a branch line district the rate is increased according to the mileage of the branch line. One branch line profit works out at 46 cents. Possibly 50 cents is a reasonable profit to make on a bag of posho or a bag of maize, but it naturally follows that it is impossible for the area served by that line to be on an equal footing as regards distribution with the rest of the Colony. It would mean, Your Excellency, that these people are damned as cereal producers of this Colony in getting fair distribution of their product. Surely that is an anomaly. It is most unfortunate that such a formula should be applied to the branch line and I ask that in the very near future this matter will be considered and discussed, and I hope some other formula will be found more equitable to the branch line. Otherwise, you can never know that a branch line is paying. I will undertake to prove that one of these branch lines at least is paying to-day, and if the hon. the General Manager cannot find what it is costing per ton mile I will find out for him.

There is another paragraph—the unfortunate paragraph 13—which I should like to quote, with reference to the Inter-Colonial Railway Council. At the moment we know it is in formation, but I cannot understand why the Inter-Colonial Railway Council is treated as a secret body. Even the Elected Members never get any information from the Railway Council, what they are discussing or what they propose to do. Everything is held *in camera* and their reports are definitely treated as secret documents, and I will make an appeal to Your Excellency, as High Commissioner for Transport, to agree to lay the reports of the meetings of the Inter-Colonial Railway Council on the Table of this House. I think that is a reasonable request. The whole of the Council should have access to these reports. I cannot understand why the Inter-Colonial Railway Council should be treated as a secret body. We contribute towards it and the Colony has guaranteed the Railway. One previous speaker referred to us as debenture holders and as debenture holders surely we have some right to know what has been discussed. Paragraph 13 says:

"The failure of the Council to hear rating appeals in public or to permit traders and others to state their case before it is also unfortunate. Interested parties are able to present their case in person to railway officials and to explain the facts as they see them even if they do not succeed in obtaining the rates they hoped to secure. Further, when railway rates are supervised by some independent authority, such as the Railway Rates Tribunal in England, or the Inter-State Commerce Commission in the United States of America, interested parties, again, have

every right to explain their requirements to the Court, but no such right of audience exists before the Kenya and Uganda Railway Advisory Council. The Council is therefore deprived of evidence which would be useful and public confidence in the Council is impaired."

Is there any wonder that the confidence of the public is impaired under the present method of procedure? I do hope that notice will be taken of that and that my appeal will be implemented to some extent, if it is only by the laying of the reports of the Council on the Table of this House. I should like to back up the recommendation contained therein that appeals should be held in public. I see no reason why they should not be, both in Kenya and Uganda, because after all the ratepayers have to foot the bill if the railways fail. There is no doubt about that.

As regards local produce rates, I think it is the case in most countries, if not all countries—I should say definitely in all countries where the Railway is the property of the State—that the Railway is used for the purpose of developing the country, and no railway in my experience—I am 60 odd years—in South Africa, Australia or New Zealand would ever have been built but for the fact that the country required developing and it required a railway to do that developing. The result was that railways were built, and even this Railway was built to develop Kenya and Uganda, and I say that is the right principle, and where local produce cannot compete in its initial stages on the world's markets due to railway rates, the rail rates should be reduced to enable that country first of all to get on its feet. I have definitely come to the conclusion—for some considerable time, during these last two months, and more especially this morning in this House I have become convinced that it is the policy of the hon. the General Manager to kill the European producer of this Colony. We have been told that the rail rate on a bag of wheat to the Coast is Sh. 2/50 from Kitale. That is perfectly true, but even at that price it is impossible. Maize does not go for local sale to Mombasa because it cannot compete with maize from other parts of the Colony on the main line. It is now proposed to increase that rate to Sh. 5. I think it would be very much better to be honest and for the General Manager to make a definite statement on behalf of Government that they are determined that European producers in this Colony are not to exist longer than it will take to kill them by railway rates. If that is the policy, why not say so? We shall then have a clear issue to fight. I am sure, Your Excellency, you will have the country fighting quick enough: I do not think they will sit down under that. It is nothing short of a scandal even to make that suggestion, that you have to pay Sh. 5 if you wish to get a bag of maize down to the Coast or a like distance in another direction.

I am also aware that there are many useful branch lines in Uganda, but they have never been designated branch lines. I presume the man in the street can only conclude that the Inter-Colonial Railway Council, which has representatives from Uganda, will with the assistance of the General Manager defeat the representatives of Kenya.

The question was raised last year with regard to distribution rates. As far as the commercial community is concerned, or anybody else outside the Inter-Colonial Railway Council, we were not consulted, but the effect of abolishing distribution rates to my mind is a very serious blow to the commercial community of Nairobi. Where one suffers there is generally somebody on the other side who gets the benefit and it must be quite obvious that in this case Mombasa will benefit at the expense of Nairobi. It is a question of policy and it is not for me to say whether these distribution rates should be reintroduced, but I suggest that they should. In my opinion they should be reintroduced. From the commercial side it surely means that if there are no distribution rates in Nairobi, the commercial man who knows his job—and commercial men have to study distribution rates—the result is that where you can get a wholesale order you will order from Mombasa. Up-country people who know their business always do that. But there is another side. The people of Nairobi and just beyond are contributing a further form of taxation and have to pay more for their railage in the absence of distribution rates. It also has an effect on colonial development. If distribution rates are to go for all time then commercial houses will suffer outside the Coast area. There is no question about that. The General Manager is, I think, aware that in Australia the rates have had the effect of making towns like Adelaide, Sydney, Melbourne and other places the redistribution centres. The result is that towns up-country have very restricted growth. It has killed the building of inland towns, or killed the natural growth that would develop if they had the principle of distribution rates applied to them. It definitely means from my point of view, apart from the incidents I have quoted, further taxation on everything you buy in Nairobi inasmuch as it means you can buy these articles cheaper and have them railed direct from Mombasa. I say that is wrong.

There is another item that helps me to believe that the hon. the General Manager is out to kill cereal producers in this Colony, and that was the inauguration in Nairobi some little time ago of a new system of paying for native labour. Whereas the boys formerly were paid so much per month plus *posho* issue, which I presume was 2 lb. a day, the *posho* issue was abolished and the boys have been put on consolidated pay. Doing away with the issue of *posho* shows a lack of interest in the employees of the Railway. Natives can get the best at

the same price as they can get the worst. I can only conclude they are getting the worst and suffering physically from inferior feeding and dying in the bazars in Nairobi.

We have been told this morning that it is also the intention of the hon. the General Manager—I can only repeat what he said—that it is the intention to abolish the maximum rates. I do appeal to Your Excellency to give this consideration before it is done. It has been the considered policy of the Railway for years, and if it is done away with it is another argument that the hon. the General Manager is not going to allow wheat, maize, or any other cereal produce in the Colony to exist. There has been an atmosphere created, and it gets intensified as the years go by. Ever since the hon. the General Manager succeeded the late Sir Christian Felling these attacks have continually been made on the producers of Kenya and on the taxpayers of Kenya. The rate on maize went up from Sh. 11/20 to Sh. 13/50 on the main lines and to Sh. 15 on the branch lines; last year the distribution of the pool was Sh. 3/50 per bag on maize. How can the hon. the General Manager, Your Excellency, or Government expect farmers to produce maize at Sh. 3/50 a bag? I do not know. The result to-day is that from 75 to 80 per cent of the producers—and I say that as a conservative estimate—are bankrupt. They are making a fight. Government has got into the very nice habit of sympathizing with them, saying what fine fellows they are, what a wonderful fight they are putting up, and congratulating them on keeping a smiling countenance, and all that sort of thing, but that sort of thing does no good. I rather think that Government is trying to ridicule the suffering producers in this Colony, for nothing has been done during the last twelve months to assist the people who produce and guarantee them at least the cost of production. I shall have something to say further in the debate on the budget, so that I will not detain the House any longer now. I will only suggest that I have put my finger on several items of general importance to the Colony under this budget of the Kenya and Uganda Railways, and I hope they will be given consideration to.

MAJOR THE HON. R. W. D. ROBERTSON-EUSTACE: Your Excellency, I should like to endorse the remarks made by the Noble Lord, the hon. Member for the Rift Valley, and the hon. Member for the Lake, especially too with reference to the remarks made as to the likelihood of an increase in the rates of maize. Many settlers and planters on the Coast have to buy maize or *posho* for their natives, so that any increase in the price of these will very seriously affect the plantations. I would, Sir, also like to pay a tribute to the efficiency of the Railway staff, and to the courtesy invariably shown by the train staffs to the travelling public, of whom I am one very

frequently. I would, Sir, like to congratulate the hon. the General Manager on the improvement in the lighting of several carriages in the trains, and sincerely trust he will carry on the good work that he has started.

There is one other matter that I would like, Sir, to draw his attention to, as to whether it would not be possible to increase the speed of the trains between Mombasa and Nairobi. The line itself is now in excellent condition, and an increase of perhaps a quarter of a minute per mile would bring the train in very much earlier. Even half an hour would be a very great convenience to the travelling public. I would like to know also whether the introduction of excursion rates during last year has led to any increase in the passenger traffic, and whether it is proposed to carry these rates on during the next year?

CHIEF. THE HON. H. P. WARD: Your Excellency, the general subject has been covered pretty fully by the previous speakers, and on that I do not propose to dwell. I should like to support two points in the speech of the hon. the General Manager quite briefly; one is his tribute to the staff. Like himself, I agree that the results we see before us have been achieved by the same people doing more work and for less pay. The second point that I should like to support him on is his warnings. They were threefold. The first is world conditions, which were so ably amplified by the Noble Lord; the need for increased expenditure on maintenance to catch up with the past; and the need for wiping out the deficit account. Is there not yet another warning that the hon. the General Manager should take notice of, Sir? These accounts are definitely influenced by what you might call a windfall, that is the record crop of cotton in Uganda. Is there not a grave danger that if the hon. the General Manager pursues further his present policy, when that special partnership meets with a bad year, owing to the adjustments in tariffs and so on made by the hon. the General Manager, it will be found impossible for the European and native producers in this Colony to come to his rescue at that time. I feel that it is not only the European production but the native production that has been most seriously undermined by the hon. the General Manager's policy. To my mind the two principles involved are, first, that where the Government or the Railway invite capital development on a large scale on a long range programme by a declared policy it is only commercial equity to give those concerns ample notice of any change, so that they may have full time wherewith to readjust their developmental policy in terms of the altered proposals; secondly—and this is a subsidiary question—the right way to carry through a depression and help others to do so is that as you start into depression so must you

continue until you come out of it. In other words, these adjustments that the hon. the General Manager seeks are adjustments better sought in normal times and not when everybody has a terrific difficulty in carrying on at all.

There is one point in regard to the rates that I should like to make. I should like the House to note that the estimated profit for 1934 from the Railways is £3,480. On the other hand, the Government of Kenya budgets for payments to the Railway in respect of guarantees on branch lines, £21,849; of that amount £11,791 comes from branch lines that may be said to serve chiefly native areas and native production; or in other words, native maize. Can the Railway have its cake and eat it? Can it expect the Government of Kenya to pay these very large sums for guarantees, and the producer on these branch lines not be given a fair chance of realizing on his produce? That is an important point that should receive the attention of our Government. The hon. Member for Plateau North was kind enough to help those who live in towns by his reference to distribution rates. I am going to read the hon. the General Manager some notes in regard to the history of those rates, and will ask him two questions: one, whether my summary is a fair summary of fact; two, what remedy he proposes to introduce? These distribution rates were emphatically approved by Colonel Hammond in his report of 1921, for two main reasons: one, that Nairobi was geographically and climatically situated as a distribution centre, whereas at other centres, such as the Coast, goods suffered a good measure of deterioration if stored there for any length of time; secondly, as an essential corollary to taper rates. That taper rate, I would ask the House to note, is still in force. The principle and detail of distribution rates were approved and extended throughout the whole regime of the late Sir Christian Felling, and he did on occasions note to local Chambers of Commerce the importance to the commercial community of these rates. They were supported by the hon. Member, the present General Manager, as late as towards the end of 1929. I believe it to be a fact that certain detailed adjustments in connexion with the whole principle of distribution rates were recommended by him to the Railway Council and were approved by the Railway Council towards the end of that year. That was only just four years ago, and on a point when we were going to enter the depression. Later, Sir, he developed one of those unexplained, and I say it all these adjustments of the rates, I feel that we have never had a fair and square detailed reasoning in support of those prejudices. What is really at the back of the hon. Member's mind? It always remains in the minds of hon. Members as a prejudice from which you cannot shift the hon. gentleman. He met with no success when in 1929 he tried to abolish these

rates. Later on, after that, he got a very good excuse for attacking them. That was the road competition with the Railway between Mombasa and Nairobi, and his case was then an excellent one, because, as he explained, it was impossible in Nairobi to identify goods which travelled by road instead of by the Railway when they were sent forward again to the station under the distribution rates then ruling. He appealed to the commercial community to support him in some form of remedy that would remove this competition as between the road and rail, which the commercial community did, and his only excuse in those days for abolishing the distribution rate was in fact the road and rail competition, and none other. It is obvious, Sir, to this House that the introduction of the recent legislation, as far as we knew from the hon. the General Manager until recently, removed that objection. Then, Sir, and that is why I call it a prejudice, having as far as we know to his satisfaction removed the sole cause for the abolition of the distribution rates, when the commercial community pressed for their re-introduction were they met with a rather astonishing reply by the hon. gentleman? His reply first of all was that the legislation passed by this House, and presumably approved by him as he did not speak against it or urge anything better, did not give the Railway ample protection against road competition in that it was legislation to be renewed at the end of each annual period. That was one excuse. There are five new ones, the details of which I need not worry the House with.

Having, Sir, got to the end of the road, as we thought, it is a matter of exasperation to find the hon. gentleman has still got further cards up his sleeve with which to defeat a very definite and very genuine appeal. The point was made to a certain extent in the Gibb Report, but the adjustments therein suggested on examination proved completely unacceptable to the commercial community and I believe were condemned as equally futile by the Railway Administration. The period since then has been taken up by this motion to the Railway by the Chamber of Commerce regarding alternatives to distribution rates, none of which after examination can be called satisfactory.

I would also like to mention, Sir, that the proposal of the Associated Chambers of Commerce urging the reintroduction of the distribution rates was passed unanimously by that body, including the Mombasa delegates who previously were believed to be opposed to it. The Railway say the total sum involved by abolishing distribution rates is £3,000. Even taking that figure, is it attempted under the abnormal conditions ruling to-day to penalize the general community to such an extent for such a comparatively small matter. It has already meant that merchants who have grave difficulty in keeping their

businesses together at all have been faced with complete re-organization of their distributive arrangements. Depots and offices have had to be opened in Mombasa and expenses incurred which literally they should not be asked to carry, and I do submit, Sir, that if my facts are as stated—which I hope to hear from the hon. gentleman is not the case—it is only fair to urge and insist that some remedy, if it be not the reintroduction of these rates, then some other remedy should be immediately applied.

CARR. THE HON. J. L. CORREY: The general criticisms on this Railway Budget, Sir, have been so ably dealt with by previous speakers that I am left only one point. The hon. the General Manager definitely stated there was no possibility of getting a reduction of rates. Now, Sir, this is what has happened. I will take as an instance a very interesting subject, the moving of cattle and sheep to Nairobi. The general price taken in a period of prosperity in 1928 for a bullock was Sh. 120. The average Railway charge was then some Sh. 10 to get that bullock to Nairobi, which is 8 per cent of the total cost of that bullock. Now, Sir, the price has dropped to at the outside Sh. 40 per bullock, but the Railway rate remains the same in proportion to the actual price of the ox. The actual charge by the Railway to-day is 25 per cent instead of 8 per cent. The rate has been raised from 8 per cent to 25 per cent of the total value, in the majority of cases, and wherever possible, stock farmers have been reduced to the expedients of not making use of the Railways; so we have now the ridiculous position of trucks coming up more or less empty and you see bullocks moving on the hoof to Nairobi, also sheep. Besides the disadvantage to the Government of Kenya and the danger of spreading disease by this method, you have the fact that the Railway itself must in any case lose a considerable amount of revenue by these beasts not being carried in the railway trucks, which are in fact provided for them. I would ask the General Manager if he can give me a real defence of this policy of keeping the rate of these articles to exactly the same rate as existed in 1928.

MAJOR THE HON. J. O. K. DELAP: Your Excellency, as has been pointed out, almost all the ground has been covered by previous speakers, but I would like if possible to draw your attention to, it seems to me, the failure of this Colony in the just in the matter of Railway principle. We have been presented with a balanced budget and that, Sir, from the railwayman's point of view, is of course admirable and creditable and your capacity as High Commissioner for Transport, are above such considerations as affect the Railway Administration regarded solely as a railwayman, and it seems to me, Sir, that

we have not had a satisfactory answer to the question whether in a general way the Railway is to be regarded entirely as a separate entity which must pay its way, or whether, apart from that, it is to be regarded as the servant of the country and of the producers of the country, and particularly in regard to the increased charges on maize and other cereals. It looks as though strictly from the railwayman's point of view, we are making the general use of the railway as the servant of the producer subservient to the railwayman's point of view of balancing his budget. Now, Sir, I do not think any absolutely authoritative answer to that question has ever been made. The Railway Estimates are presented as a *fait accompli* and they do not give the country an opportunity of deciding whether that function of the Railway as the servant of the producer is being properly performed.

There is one point which has been raised before, Sir, and which has been dealt with by the hon. the General Manager in his periodic bulletin. It is one in which my constituents are particularly interested and in which a good many residents on or near branch lines are interested also, and that is the question of rail cars on branch lines. This point has been raised before and the answer given by the Railway Administration has been that rail cars as at present available will not tackle the gradients. That is the first of the objections given by the General Manager when the question of rail cars has been put before him. Recent developments in rail cars have included the introduction of Michelin pneumatic tyres and I understand the difficulty of the railway cars being unable to tackle the grades has been due to the fact that a metal wheel running on a metal rail does not have sufficient point of contact to get sufficient adhesion and I understand the introduction of the pneumatic tyre has overcome that main difficulty. Previous speakers have pointed to the undoubted fact that the Railway is not doing at any rate as much as it might as a carrier of passenger traffic, especially on branch lines, and if rail cars can be made use of it would make the railway of very much greater use generally to the public. I hope, therefore, Sir, that by making this reference it may be possible to resuscitate the question of rail cars and have the question still further ventilated.

THE REV. CANON THE HON. G. BURNS: Your Excellency, I rise not so much to treat with the measure before the House—that is in very much better hands than mine—but to make an appeal to the General Manager on behalf of a section of the community that I have the honour to represent in this House. I refer to the accommodation provided on the Kenya and Uganda Railway for African women passengers.

We know, Sir, that third class passengers are the backbone of the passenger traffic of the Kenya and Uganda Railway and if anyone goes down to the station, especially at the end of the month, when there is a rush of third class passengers going back to Kisumu and up-country, it is a very sad feature of the accommodation provided for third class passengers and the women folk who are travelling with their husbands—and many of them girls who have no husbands—that the women folk have no special accommodation provided for them on the Railway. I should like to appeal to the General Manager if possible to have that attended to. I think myself that it is too bad that those who are keeping the Railway going by their travelling on the Railway should not have proper accommodation provided for their womenfolk. I do appeal very much to the General Manager that this be seen to as soon as possible and such accommodation provided for the women travellers on the line.

With regard to the very able debate which has taken place and the points of view presented by various able speakers who have taken part I of course would like to associate myself. With regard to native produce and the movement of native produce on the Railway I should like to associate myself entirely with many of the speakers and especially with regard to the sending of produce to the Coast where *pusho* has to be provided by those who have their farms there.

THE HON. HAKIM SINGH: Your Excellency, it cannot be denied that the report of the General Manager in presenting the Budget is proof of the success of the policy of the Railway Administration during the year 1934. I strongly support the Budget as it stands.

THE HON. N. S. MANGAT: Your Excellency, during this morning we have been given a very impressive and doleful recitation of the handicaps and calamities which according to several hon. Members the hon. the General Manager is out to impose and inflict on Kenya and Uganda. I do not suggest for a moment that the grievances are not genuine but at the same time I am unable to believe that the hon. the General Manager would invite such strong criticism if he could help it. The recitation of these grievances is an annual affair, as regular as the Budget itself. The difficulties which the farming community have to meet are apparent to the Railway Administration in my submission. In presenting this Budget I cannot believe that the General Manager has been imbued with prejudice or any other motive. I think the question of rates is the only point which has been criticised by the Unofficial European Members and if that is so I think it is a great credit to the Railway Administration that they have presented such an excellent Budget.

I may say at the very outset, Your Excellency, that the Indian community has no choice in the matter. It is not allowed to share in the responsibility. The proposed decrease in the rates, as suggested by the unofficial side, if it comes into operation, I have no hesitation in saying will have to be made up elsewhere. That can be done by putting an extra rate on the imports. In my submission, Your Excellency, imports affect the policy of the Colony more than the exports. The natives import their goods and it appears that the hon. Member who represents Native Interests has associated himself with the remarks of the non-official Members. But I am not blind to their needs.

The Indian community have contributed more than their share in the form of the losses which they have incurred by the bringing into operation of the Motor Transport Prohibition Bill. That has brought to the revenue of the Colony as much as the whole of the Non-Native Graduated Poll Tax, that is to say, £30,000. Their motor lorries were rendered useless to them by the passing of that Bill. You will notice that in the Order of the Day a notice has been given that the Government proposed to continue this Bill for another year. I had a good mind to oppose it, but now that I am convinced that the hon. the General Manager has justified the stand taken by him last year in regard to this Bill I am willing to drop that opposition. Transport by lorries was evidently a great benefit to the natives, who import their blankets, etc., through the Indian shopkeepers. The decrease of rates on maize in my submission will affect only a few producers. I can safely exclude natives, who produce only enough for themselves; and the quality of the maize produced by them is not up to the grade suitable for export. The proof of the pudding is in the eating and I consider the policy of the Administration has been very successful. The unofficial Europeans must take the bitter with the sweet and as they shared in the prosperity so they must now share in the depression. I sincerely hope that the Estimates will be accepted as presented by the hon. the General Manager.

THE HON.—THE COLONIAL SECRETARY: Your Excellency, the hour is late, and I propose to detain the House only one or two minutes. If I may say so, after listening to this debate, I have been very much impressed with the great opportunities that this motion, which occurs once a year, gives the hon. Members of the House both for good, and, if I may say so, for harm. On the beneficial side it gives hon. Members every opportunity which they as representatives of the country should have of informing the hon. the General Manager in no uncertain terms of the feelings of the communities whose representatives they are. I feel that the course of the debate this

morning has been such that on that score at any rate the hon. the General Manager feels that he must be fully informed. On the other side, I do feel that when we are here in this Council, representing as forcibly as we should and must Kenya views as affecting the Kenya and Uganda Railways, we should not forget, as more than one speaker has, that the Railway is joint property. The Kenya and Uganda Railway as you all know is administered under the Railway Order in Council and Railway Ordinance, and provides for both the representation of Uganda and Kenya. I cannot help thinking that statements such as were made by one hon. Member that he felt sure the Uganda members of the Railway Council with the assistance of the hon. the General Manager were out to defeat the Kenya representatives on the Council, is a statement which was unfortunate and is not likely to be a benefit for the successful running of the Railway. If I may say so, as one who is frequently chairman of the Railway Advisory Council, that is not the method in which either the representatives of Kenya or Uganda approach these problems. We realize fully that in certain cases the interests of Kenya and Uganda are not identical and that these interests where they are not should be fully stressed. But we also feel that in the ultimate decisions taken, after weighing these interests, we try conscientiously to give advice to you, Sir, as High Commissioner which is in the interests of the Kenya and Uganda Railway as a whole. I rather stress that point, Sir, because, as I think you stated in your communication from the chair, one indirect—and I think most valuable—result of this unfortunate depression has been the realization that these territories are one economic unit. I believe that that is a feeling which is shared very strongly by the commercial community of Kenya. To-day, dealing with the Railway budget, we are dealing with a business concern. I feel sure that we should be careful in approaching these problems to do nothing which would disturb the essential economic inter-dependence of these territories. The Gibb Report—the exact position of which at the moment I am in some doubt about, as I understood from one hon. Member that it had been given decent burial, and from another hon. Member that it had been consigned to its proper place, whereas possibly after a period of purgatory it seems to have reappeared, inasmuch as I find the hon. Member for Plateau North has backed up the recommendations of the report. That being so, in the Governors' Conference held recently at Dar es Salaam we approached these problems, some of which did involve matters of considerable difficulty. I may say, Sir, with complete confidence and without divulging anything which at present is not public property, that the general approach by all three Governments to the problems with which we were confronted was a realization of commercial matters and the inter-relation of these three territories and the hope that we might, in the problems put

before us, be able to solve them in such a way that that inter-dependence would not be jeopardized or forfeited. I mention this, because I have been asked to give a Government statement on the question of maximum rates, country produce rates, and so on. In these matters, in so far as they were considered, the Government of Kenya felt very strongly that the present time was not one at which any drastic change of rates should be made. I believe, Sir, that also was the feeling generally felt by the neighbouring territories. At the same time, certain questions of a definitely controversial nature and affecting railway policy generally were raised in the Gibb Report and fell under review. It was felt that no harm could be done but that on the other hand much good might accrue from a careful examination of certain proposals of rating and existing rates. I feel that the hon. the General Manager, who will be speaking shortly, will correct me if I am wrong when I say that to a certain extent the feeling of apprehension that appears to have been aroused in the minds of hon. Members opposite has arisen purely from the fact that certain questionnaires were issued on the question of rates, and immediately they have jumped to the conclusion that certain rates are going to be increased. That, I believe, is not the case. The desire is that the question of certain rates and their implications should be carefully examined and in due course the result of those investigations will be put before the Railway Council and come up to you, Sir, in the ordinary way. As I understand it, the Railway budget has no reference to those rates at all, and I feel sure, particularly after what we have heard this morning, that any question of alteration that may arise later on will certainly receive the most careful consideration of the Railway Council, and my friend the hon. the General Manager.

There is one word that I should like to add before sitting down, and that is that I do feel that however controversial some questions may be, the Colony as a whole does owe a debt of gratitude to the hon. the General Manager for the manner in which these economies have been made and the way in which he has carried on the Railway during these very difficult years. Finally, the result we see here to-day in the balance-sheet budget, however small that balance is, could only have been arrived at, as he states, by the co-operation of all concerned and by real determination to reduce expenditure in every way possible.

THE HON. THE GENERAL MANAGER: Your Excellency, the budget, I think, has raised two questions. One is the cost of running the Railway, the other is the method of the recovery of that cost from the users. With regard to the first, Sir, the cost of running the Railway, I think I have very little to answer from this debate this morning, except perhaps one point. It has been asked in two or three places, why need we balance

the budget at all? If you, Sir, as High Commissioner can authorize me to present a budget not balanced nobody will be more pleased than I, but unfortunately I do not think you are in that position to give me the authority, nor it is clear from what source funds would come even if that authority were given. The Railway has under the circumstances to find its own funds, and therefore must balance its budget. The alternative is if anybody can put forward means whereby this Colony, or perhaps Uganda, should contribute to the loan fund charges that we have to meet, because that is our biggest difficulty. I am faced with the difficulty of having to balance my budget, and the whole of my policy, the whole of the suggestions I put forward, are based on that, and unless that fact can be altered I find great difficulty in putting forward any other scheme.

THE HON. T. J. O'SHEA: Your Excellency, on a point of order, seeing that the hon. Member is inclined to debate the matter, may I ask whether that question was ever raised?

THE HON. THE GENERAL MANAGER: Your Excellency, that was the suggestion as I listened to the debate that was put forward by several members, that I need not balance the budget.

LT. COL. THE HON. LORD FRANCIS SCOTT: On a point of order, Your Excellency, no one ever said anything of the sort.

THE HON. THE GENERAL MANAGER: Your Excellency, if that was not the meaning then I will say no more about it, but I certainly understood that.

The second portion of the debate dealt entirely, or 99 per cent did, with the question of the method of obtaining money to run the Railway from the users. It has been suggested in several places that it is evidently my intention to do all I can to kill certain forms of traffic. Well, Sir, I resent that very much indeed, because my intention and my object, and the object of my staff, is to try to find an equitable distribution of the money we have to find and to distribute that burden as I have stated in my speech as equitably and as fairly as possible over the whole of the territories using the Railway. The various questions such as country produce rates, distribution rates, and so on have been referred to in great detail by the other side of the House. I could reply in equally great detail, because there are many reasons why these particular forms of rates are not always suitable to the requirements of the territories as a whole and do not in effect give an equitable distribution of the burden. It is from that point of view alone that I have ever brought them before the Railway Council in cases

for alteration of that system. I would suggest that each case should be properly fought out on its merits alone, and that is all we are trying to do at the present moment. Drastic changes are not desired at the present moment either by the Colony or by the Railway Administration, but we do require that these cases should be examined in the most close and equitable way to see whether we have distributed the burden fairly. It is from that point of view and that point of view alone that these matters come up to the Railway Council.

I could go on, Sir, with regard to these matters at some length, but I will try and reduce my further remarks to answering one or two specific questions. The Noble Lord, the Member for the Rift Valley referred to the report of the Kenya Farmers' Association with regard to the quota system. I read that report I may say, Sir, with very considerable surprise. There is no question so far as the Railway Administration is concerned of adopting any other system for moving this low-rated traffic. There can be no other system when we have no capacity for providing transport at the rate and at the moment it is required for the amount of money the industry is prepared to pay. I may say that in January the quota system was one of many questions on which Uganda congratulated the Railway system on its work during the present year. It has worked with the cotton seed industry excellently. They welcomed it and they require it again for this coming season; and yet the Kenya producers turn it down and say it is a system which cannot be used again. I know of no other system. I do not think the question will be an acute one this coming year because the crop is not great.

The hon. Member for the Lake, Sir, asked one specific question with regard to facilities at the Port of Mohoro. That question has been under consideration generally for some considerable time as we had a demand from that source. We have had surveys made and as soon as a case is made out by the people who want these facilities—I have not been approached so far by anybody in this particular area—then schemes will be prepared and piers will be built. I have yet to learn that a road has been built to this particular port.

THE HON. CONWAY HARVEY: On a point of explanation, Your Excellency, I was asked by people living in that area to make representations on their behalf, which I made this morning.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS: I should be very glad to receive these representations direct from the people concerned, and, although I am very grateful to the hon. Member for bringing

it to my notice, I hope he will ask his friends to give me the further information as soon as possible which is necessary for the consideration of this problem.

The hon. Member for Plateau South, Sir, referred to the question of loan charges and raised the general question of the portion which the payment of loan charges bears to our working costs. His statement regarding that was quite correct. We have in this country permanently developed our railway and transportation resources and until such time as the production of the territory makes up for that expenditure it will form a high portion of our total. Whether we are correct in regarding it as part of our taxation system I am not sure. I look upon it as payment for development which we have made with our eyes open, a development which we all hope will in due course bring its reward. He also asked if the Railway was not in a better position financially than most other railways. I am inclined to think that that is so. I am inclined to believe that we have reduced our costs to a figure that compares favourably with other railways, and that our charges also bear reasonable comparison with other railways; also we have met all our loan charges to the full. We are not in a position to repudiate those loan charges or reduce them in any way. I suggest they are in the nature of debentures. We have not, unfortunately, any share capital so that we are not in a position to reduce our payments as most other private railway companies do.

I was very glad, Sir, to note the remarks of the hon. the Colonial Secretary with regard to the question of our having worked together with neighbouring territories. It would have been the greatest possible calamity if this railway had tried to carry on with its own resources; equally Uganda without Kenya. We live together, Sir, and we cannot get on without working in close co-operation.

Branch line losses, Sir, would take me a lifetime to answer. I am afraid I can hold out no hope under our present system of any of our branch lines being shown to be of financial benefit to the Administration. The question of the best formula is under consideration and is being dealt with. It has been agreed that where an aggrieved person has an appeal to make with regard to rates every possible opportunity will be given to him in future before the Railway Council to make his appeal.

The hon. Member for Nairobi North asked me a question with regard to distribution rates. Well I could dilate on that at some length. My prejudice is merely this, that we have found various disadvantages in the distribution rates system which have been detailed to the full to Chambers of Commerce.

and it is only because we have failed to find an answer to these difficulties that we cannot recommend the distribution rates system. When this question came up before road competition entered into it from this point of view. Distribution rates certainly could not exist and it may be possible that we can find a better remedy. We have not yet succeeded in finding one, but the whole question is being discussed. The distribution rate system has very serious disadvantages which tend to react against that system and which tend to destroy any value that system had in the past.

I should very much like to be in a position to assure the hon. and rev. Member representing Native Interests regarding accommodation for third class passengers. We have reasonably modern and up-to-date coaches that provide two large compartments, but to still further subdivide these coaches into smaller compartments would I am afraid involve considerable additional expense and I cannot hold out any hope of doing this at the present moment. We must endeavour to keep our rates on third class travel as low as we possibly can and somehow or other we must try and manage with the present type of coach until we can afford something a little more luxurious.

There are a great many matters on which I could have spoken in greater detail but the time is late and I suggest I have covered the ground sufficiently.

HIS EXCELLENCY: The question is:

"That the Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours Administration for the year 1934, be approved."

The question was put and carried.

*The Council adjourned till 10 a.m. on
Tuesday, 5th December, 1933.*

TUESDAY, 5th DECEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Tuesday, 5th December, 1933, His Excellency the Governor (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.) presiding.

His Excellency opened the Council with prayer.

OATH OF ALLEGIANCE.

The Oath of Allegiance was administered to:—

Nominated Official Member.

ARCHIBALD THOMAS AYRES RITCHIE, Game Warden.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: In accordance with the undertaking given at the last session of this Council, Government proposes to appoint a Committee to examine the liquor laws of the Colony.

The suggested constitution of the Committee is as follows:—

Attorney General (Chairman),

Treasurer,

Commissioner of Police,

District Commissioner, Nairobi,

A. C. Tannahill, Esq.,

Lord Francis Scott,

Captain Schwartze,

Dr. Karve.

with the following term of reference:—

“To examine the provisions of the Liquor Ordinance, Chapter 71 of the Revised Edition, and to make recommendations as to what amendments are necessary thereto, due regard being had to the necessity of safeguarding the revenue.”

This Committee will hear evidence in public.

There is another announcement I wish to make, in connexion with the committees on agriculture—the Agricultural Mortgages Committee, whose report will be laid on the table this morning. I think I had better explain now that it is impossible for Government to take any immediate action on it in the way of legislation or in any other way, because they will have first of all to consult the Secretary of State, which they propose to do.

MINUTES.

The minutes of the meeting of the 4th December, 1933, were confirmed.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table:—

- By THE HON. THE ATTORNEY GENERAL (MR. W. HARRAGIN):
 Report of the Committee on Agriculture (Agricultural Mortgages Committee).
 Report of the Select Committee on the Architects and Quantity Surveyors Bill.

SUSPENSION OF STANDING RULES AND ORDERS.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg, with your leave, to move the suspension of Standing Rules and Orders in order to facilitate the progress of a Bill to Amend the Legislative Council Ordinance and to pass it through all its stages without due notice.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): Your Excellency, I beg to second the motion.

The question was put and carried.

Standing Rules and Orders having been suspended—

BILL.

FIRST READING.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

On motion of the hon. the Attorney General, the Legislative Council (Amendment) Bill was read a first time.

SECOND READING.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of the Legislative Council (Amendment) Bill. I do so with the greatest confidence, as this Bill merely implements the motion that was passed in this House last week. It is the necessary corollary to that motion, and goes no further; and whatever happy narrative hon. Members may have been able to find in order to justify their differing from the Report of the Select Committee which they signed, at any rate I think it will be almost a gymnastic feat to have altered their minds between the passing of the motion in the House last week and the introduction of the Bill which is before them to-day.

As hon. Members know, there is only one material alteration in the Bill, and that is with regard to boundaries. Already hon. Members have debated that point, and the boundaries, which you will find attached to the Schedule in this Bill, are in fact the boundaries as passed in this House last week.

Opportunity has also been taken to amend the Ordinance in small particulars, such as by substituting "nomination day" for "election day". As hon. Members know, elections are held on different days, and it was impossible to say when exactly the Council had been elected. On the other hand, "nomination day" is a fixed day which is known to everybody, and in future everything will date from "nomination day" instead of "election day". Further, Sir, it was necessary to reconcile the instructions contained in the Royal Instructions and the Ordinance of 1920. In the Ordinance of 1920 the date was from the date of the first election, whereas under Royal Instructions the date was to be three years from the date on which the Council dissolved. We have therefore taken the opportunity to word it so that no confusion can arise. It will be no doubt necessary to make small amendments in the Rules in order to facilitate the holding of elections next year, but that will very well be a matter of a few days here and there in regard to appeals—time for appeals, and so on.

It will be necessary in the Committee stage, Sir, to make one or two small amendments to the Schedule as it stands to-day in view of the amendment that was made in this House last week in the Report of the Select Committee.

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

HIS EXCELLENCY: The question is that the Legislative Council (Amendment) Bill be read a second time.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that this Council resolve itself into a Committee of the whole Council in order to consider clause by clause a Bill to Amend the Legislative Council Ordinance.

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

The question was put and carried.

The Council went into Committee.

In Committee.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

- The Bill was considered clause by clause.

Clause 7.—Amendment of section 19 of the Principal Ordinance.

THE HON. THE ATTORNEY GENERAL: In clause 7, Sir, I would like the word "consecutive" added after the word "twelve" in the second line.

The question was put and carried.

Clause 9.—Repeat and replacement of Part A of Schedule I to the Principal Ordinance.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I should like to refer to the Schedule, which is really part of clause 9.

I beg to move in the Schedule, in paragraph 1, under "Nairobi North", line 4, where the words "Uganda Railway" occur, that the words "Kenya and Uganda Railway" be inserted. That amendment also occurs, Sir, in line 5 as well as line 4; and again in line 1 and twice in line 7 of the description of boundaries of Nairobi South.

The last amendment, Sir, which I have just received from the Survey Department—which Department has been checking those boundaries—occurs in the last paragraph but one. It reads:—

"The Nairobi Municipality as defined in the first schedule of Ordinance No. 19 of 1929 and which lies within the boundaries as described herein is not part of the Kiambu Electoral Area and is excluded therefrom."

It is proposed that that paragraph be repealed and replaced by the following:—

"Provided that Electoral Areas No. 1, Nairobi North, and No. 2, Nairobi South, shall be excluded from this electoral area (No. 11, Kiambu)."

I am informed that those amendments are the only amendments necessary.

HIS EXCELLENCY: The question is that clause 9 be amended by the insertion of the words "Kenya and" before the words "Uganda Railway" where they occur in paragraph 1, Nairobi North, and paragraph 2, Nairobi South, and that on page 13, the last paragraph but one be deleted and the following substituted therefor:—

"Provided that Electoral Areas No. 1, Nairobi North, and No. 2, Nairobi South, shall be excluded from this electoral area (No. 11, Kiambu)."

The question was put and carried.

THE HON. CONWAY HARVEY: Your Excellency, I should like to suggest another small amendment on page 6, in the detailed descriptions of Nyanza. In the fourth paragraph from the bottom of the "Lake Victoria Nyanza", in the penultimate paragraph, the expression occurs "Nyanza" means "lake"; and I therefore suggest the deletion of the word "Lake".

HIS EXCELLENCY: What exactly is your amendment?

THE HON. CONWAY HARVEY: My amendment is that we delete the word "Lake" wherever it occurs in the description of Victoria Nyanza.

THE HON. THE ATTORNEY GENERAL: I have no objection, Sir.

HIS EXCELLENCY: This further amendment is that on page 6, where the words "Lake Victoria Nyanza" occur, there should be substituted the words "Victoria Nyanza".

The question was put and carried.

CAPT. THE HON. H. E. SCHWARTZ: Page 13, Your Excellency: I would like to ask the hon. the Attorney General whether it is correct—in the last paragraph which ends the Schedule there is found a pious note regarding the boundaries. Surely that is no part of the Ordinance, and it should be in the "Objects and Reasons".

THE HON. THE ATTORNEY GENERAL: The object of putting that paragraph in the Schedule is that the "Objects and Reasons" will not be printed with the Ordinance, so that in the future, if hon. Members wish to obtain the information contained in that note—and which I am told is necessary from the Surveyor General's point of view, who is entirely responsible for the Schedule—it will not otherwise be available in the printed Ordinance. There is no objection to having it put out altogether if hon. Members so desire. It was merely put in at the end of the Schedule for the sake of assisting people in the future.

CAPT. THE HON. H. E. SCHWARTZ: I do not want to split hairs, but I think it is peculiar to have a note like that as part of an Ordinance.

THE HON. THE ATTORNEY GENERAL: One often finds peculiar things in a schedule for which the Legal Department as a rule is not responsible. If anyone feels strongly enough that it should be deleted, I do not mind; but I do suggest it might be allowed to remain in for the convenience of the public.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Is the office of the Commissioner for Local Government, Lands and Settlement at the Secretariat, Nairobi? I understand under the new organization that it is no longer in the Secretariat.

THE HON. THE ATTORNEY GENERAL: At the present moment, it is.

THE HON. T. J. O'SHEA: Your Excellency, I beg to move its deletion.

HIS EXCELLENCY: The question is that the last paragraph of the Schedule be deleted.

The question was put and carried by 19 votes to 14:—

Ayes.—Mr. Dale, Canon Burns, Captain Cotter, Major Delap, Mr. Dhanwant Singh, Col. Durham, Major Brassy-Edwards, Messrs. Pagan, Moore, O'Shea, Dr. Paterson, Brig.-Gen. Rhodes, Major Robertson-Eustace, Mr. Sandford, Captain Schwartz, Mr. Sikus, Captain Ward, Mr. Welby, Col. Wilkinson.

Noes.—Captain Ritchie, Messrs. Fitzgerald, Gardner, Harragin, Harvey, Horne, Hosking, Col. Kirkwood, Messrs. Montgomery, Patel, Lord Francis Scott, Mr. Scott, Messrs. Wade and Wolfe.

Declined to Vote.—Messrs. Hakim Singh, Mangat, and Abdul Wahid.

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

The question was put and carried.

The Council resumed its sitting.

On resuming.

HIS EXCELLENCY : I have to report that a Bill to Amend the Legislative Council Ordinance has been considered clause by clause in Committee of the whole Council and has been reported to Council with amendment.

THIRD READING.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL : Your Excellency, I beg to move that the Legislative Council (Amendment) Bill be read a third time and passed.

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

The question was put and carried.

The Legislative Council (Amendment) Bill was read a third time and passed.

MOTION.

INCIDENCE OF UNEMPLOYMENT.

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

"This Council requests His Excellency the Governor to appoint a fully representative committee to examine the incidence of unemployment in the Colony and to make recommendations for the alleviation thereof."

As Your Excellency is aware, some little time ago a committee was appointed to consider means of alleviating the unemployment that was then existing in the Colony, and that committee has been functioning with those terms of reference since its inception. Owing to the discovery of gold at Kakamega and elsewhere in the Colony, the unemployment question, which at the time of the appointment of the committee was assuming quite serious dimensions, became a matter of less public urgency, as many of those who were out of employment were enabled to obtain employment or find work on their own in the alluvial goldfields. This motion, while it arises directly out of a debate which took place in Nairobi some ten days ago, also arises because of the difficulty of ascertaining the true facts of unemployment in the Colony to-day.

I want, Sir, to commence by making it perfectly clear to everyone that the terms of this motion are not to be taken in any way whatever as the slightest censure on the work of the

present Unemployment Committee, which has earned by its unremitting labours the gratitude of the whole Colony for what it has done. That committee, however, had not as part of its terms of reference anything to do with ascertaining the actual position of unemployment in the Colony. Its functions have been confined to trying to help those and find work for those who had put their names on the register of that committee as being unemployed. It is very difficult, Your Excellency, to find out the real truth about the position of unemployment in this Colony to-day. On the one hand, we are informed—and whether the opinion is correct or not, it is certainly given by people who believe it to be correct—that the position of unemployment in the Colony to-day is again getting very serious and is likely to become more serious. We have also been told by other people, whose belief is equally genuine, that the position of unemployment in the Colony to-day is better than it has been for some considerable time. I believe, Your Excellency, that the public have the right to know, and Government is in a position to know, what the real truth is with regard to the incidence of unemployment in this Colony to-day. Further, it is felt that no effort should be spared to try and find measures of alleviation which can be brought into force to help those who are genuinely unemployed. No man who is unemployed, as opposed to the unemployable, wishes relief, pecuniary relief, rather than work to enable him to earn his livelihood. I am perfectly certain that everyone in this Colony wishes every possible measure of relief in the way of work tried before any question of giving pecuniary relief, commonly called the dole, is considered. The disastrous consequences resulting from the dole are well known, and it is only as a last resource that Government would be justified in considering the provision of money for direct pecuniary relief.

Now, Sir, I understand that the attitude of Government is that while they are perfectly prepared to agree that a full inquiry should be made into the actual incidence of unemployment so that the truth can be made public without contradiction once and for all, they do not consider it would be advisable to appoint a completely new committee, seeing that one is already in being, and they therefore are ready to undertake that the present Unemployment Committee should examine the incidence of unemployment and should also at the same time examine the possibilities of remedial measures; they also propose to add to that committee two further members, one representing the Asiatic community and the other a well-known gentleman who is known to have taken the greatest possible interest in this unemployment question. Speaking for myself, if that assurance in the course of the debate is given, and we know that the real facts are going to be investigated

and made public and a real effort again made to try and meet any necessity that arises as a result of those investigations, we shall feel that Government have met us and have done everything necessary for the immediate present.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is:—

“That this Council requests His Excellency the Governor, to appoint a fully representative committee to examine the incidence of unemployment in the Colony and to make recommendations for the alleviation thereof.”

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, two and a half years ago Government made an effort to help the unemployed by appointing a committee with terms of reference which, in my opinion, did not go far enough. A certain sum of money was set aside, and people were called on to register their names if they wanted employment. A total number of 637 at that time put their names down. Of these, Government placed 153 on farms. The conditions were that farmers should find them food and housing, and Government would give the men employed, a sum of £3 if a bachelor, and £5 if a married man with children. Unfortunately, Sir, from that date the amount allowed by Government has steadily decreased until now it only amounts to £3 and £1/10. However, a number of those people have found definite employment with the settlers, and others in other walks of life. One hundred and sixty were returned to the land of their birth at their own request and at the expense of Government. In no way were those people distressed British subjects—I want that clearly understood. They left at their own request, and not at Government's.

It has been stated that people did not register. Now, I put it to any fair-minded man, if a fellow thinks he is worth £15 a month, to put himself on the Government register when he knows that the very best he can do is to get food and somewhere to sleep on a farm plus Sh. 30 at the other end of the country, without knowing whether he can get a job anywhere else, and may stay there for heaven knows how long—would he do that? We have on the books now 52. You will find, within six or five of that number, the same number, probably the same men, registered in Nairobi on other books. But when you think of the numbers that have not registered for the reasons I have put forward, you can safely say, I think, that you can multiply the number of unemployed at least six or eight times to-day. I do not hesitate to say it, Sir. If you

go around you will find that a very large number of farmers are definitely unemployed. They cannot sell their produce at a profit. I know of people who have sent in their produce to Nairobi, and at the end of the day have had to pay for the sale of it, and thus have got nothing out of it at all. They will come on the unemployed market if nothing is done. It is hard lines indeed that men we took our hats off to a few years ago should get the cold shoulder now wherever they move, but it is so. I am perfectly certain that if Government get down to it you will find we must get rid of the unemployment facing us now; and it is facing us. I have only heard to-day—it may or may not be correct; I hope it is wrong—but I understand the Jewish Associations have arranged to import fifty distressed German Jews into this Colony. If Government allows that, it makes the position even so much more difficult, and I hope Government will stop it if it is so.

CAPT. THE HON. H. F. WARD: Your Excellency, in rising to support the motion, quite briefly I should like to state, in case this matter has been overlooked in the last two and a half years, that eighteen months ago, at my instigation, the Mayor of Nairobi presided over a committee representative of every charitable body in the town and the various churches which were working in the town. After a series of meetings it was the unanimously registered opinion then that the unemployment position was still in need of no emergency appeal that need be made either to the public or to the Government. It was left that those bodies would co-operate very closely through the Mayor, and I understand, Sir, that the reasonings which were the basis of this resolution to-day are the representations made by those who were dealing with unemployment through those various charitable organizations.

THE HON. T. J. O'SHEA: Your Excellency, very briefly, I should like to support the motion, if for no other reason than that such inquiry would enable us to get at the true facts. There is a strong suspicion in many quarters that this unemployment is being exploited, that popular clamour is not entirely justifiable, and that if the truth were known you would probably find a large proportion of the unemployed were unemployable, and not the sort of people for whom this State should make itself responsible. I think that the question has got to be kept in its proper perspective. The position of those people who come to the Colony "on spec" is entirely different from the people who have been born here or have been here a great number of years and who should have more consideration. I hope we are not going to admit, because of any popular clamour, that the State of this country is responsible for the people who have come here "on spec"; and may be out of the country to-morrow if they could make something to take

with them. I also hope the terms of reference of this committee will be such as to enable them to draw a clear distinction between those genuinely unemployed and entitled to some support and those who are unemployed.

THE HON. ABDUL WAHID: Your Excellency, I beg to support the motion, because there is far more unemployment among the Indian community than any other.

THE HON. N. S. MANGAT: Your Excellency, the proposition put forward by the hon. and learned mover, if accepted by Government, will be received with great approbation by all public bodies and by those public men who have been facing for many years a problem which, owing to unbalanced budgets, is most pressing in all countries of the world. Take the dignity of labour—I doubt whether there is any dignity in the labour of this Colony, since the politics of this country are based more or less on discriminations rather than on economic principles—but the dignity of labour is at its lowest ebb these days. Indian artisans, skilled men, in any line of business, are getting the price of a native for their work. I am not sure that if there is no legislation what dignity there is will not disappear. Legislation is most necessary because of the conditions prevailing in the Indian community, and are more necessary than in the case of Europeans. The working hours prevailing among the Indian community—

HIS EXCELLENCY: The hon. Member is getting slightly beyond the motion, which is to request His Excellency the Governor to appoint this committee to examine the incidence of unemployment in this Colony and to make recommendations for the alleviation thereof.

THE HON. N. S. MANGAT: Your Excellency, I agree that it is necessary the committee should be appointed, because it is high time the people who do not know their own benefit and who work long hours at ridiculous wages should be stopped by legislation, especially among the Indians, where there is no limit to the working hours for which they receive limited wages. If the committee is appointed, I think its duty would be to recommend legislation about the limitation of hours and the fixing of a minimum wage, so that people can get a living wage for working reasonable hours. I support the motion, Sir.

THE HON. T. FITZGERALD: It may be useful, Your Excellency, if I intervene in the debate at this stage. I do so because, as most hon. Members are aware, I happen to be chairman of the Unemployment Committee—a committee which apparently has not found favour in certain quarters.

It might be useful, Your Excellency, if I gave a short history of Government's connexion with unemployment in the Colony.

In November, 1930, it appointed a very representative committee to report on the unemployment situation in the Colony and to advise on measures which should be taken to alleviate that situation. As most hon. Members are aware, the conditions in the Colony towards the end of 1930 were not very favourable. That committee consisted of ten members, five of whom were official and five unofficial. Of the five unofficial members, two were representative of the Nairobi Municipality, who up to that time had had the unemployment situation in hand, and two were representative of Elected Members. I was on that committee, Sir, and that committee spent an appreciable amount of time in considering various schemes. They found many schemes were hopelessly impracticable, but after due consideration they did recommend to Government that something might be done in regard to the placing of unemployed persons on farms, and also to assist those people who desired to leave the country with assisted passages without any question of their becoming distressed British subjects. These recommendations were accepted by Government and a committee, of which I have the honour to be chairman, was appointed to administer the scheme. Those were the terms of reference, and the committee—and I say it quite definitely—in no respect whatever has failed to carry out the duties imposed upon it. It has administered the farm scheme I consider very successfully, and it has treated applications for assisted passages, I think, in a most generous and in a most humane manner. We have had letters of appreciation from people who have been helped, and that probably in itself goes to show the attitude which we have adopted towards those people.

Now, Sir, the committee of which I happen to be chairman began its operations in January, 1931, and since then we have had some 665 persons on the unemployment registers set up by the committee. I might mention that the maximum number on that register at any one time was 237. We have to-day on that register 47 names. That register has been checked with the register kept by the British Legion, and we find we have 13 names on the British Legion books which are not on ours. That makes a total of 60 registered unemployed persons in the Colony to-day. We estimate that, through old age, unemployment and other causes, quite 20 of those people might now be said to be unemployable, and that leaves us with a total of something like 40 persons on the unemployment registers of the British Legion and my committee. In connexion with the farm scheme, I might say that at one time we

had as many as 41 persons employed under that scheme. To day there is only one such person. Quite recently we had applications from farmers up-country who were willing to give a measure of assistance to these men, and we were not able to comply with those requests.

Now, Sir, I must with regret suggest that people are not registering with the Unemployment Committee; neither are they registering, I assume, with the British Legion. At any rate, if they feel dissatisfied with the terms and conditions under which we can offer employment, then naturally, at any rate as far as they are ex-Service men, one would think they would turn to the British Legion; but the figures I have given prove conclusively that that is not the case.

Our activities are not entirely confined to the farms scheme. We have found employment for people in other ways, and it does not at all follow that people are not registering for the simple reason that they fear that they will be posted to farms in remote parts of the Colony. On the form of application which people fill up when they come to us they are asked to say whether they want to be employed under this form scheme or not. If they do not, efforts are made to find them employment elsewhere.

The committee, Sir, from its very inception, has been given due publicity, and the Press in that capacity has been most helpful, and there is no reason whatever to think that there is a single unemployed person in the Colony who is not aware of what is being done, and who has not at any rate some prospect of obtaining employment.

I consider that the figures I have given may be taken as a fair reflection of the unemployment situation of the Colony to-day. That is the position as the committee finds it. I have made inquiries of other bodies concerned with this work of relieving distress and unemployment. The League of Mercy say the unemployment situation has never been easier in this Colony than it is to-day for the past three years. I go to the Salvation Army, and what do I find there? Precisely the same thing. They say that the situation was never better than it is to-day, that it is very much better than it was twelve months ago and infinitely better than it was two years ago. It was two years ago that the meeting took place, to which the hon. Member for Nairobi North alluded, when it was agreed that the situation was one which did not call for special measures; and to-day it is agreed that the position is infinitely better than it was eighteen months ago.

I also, Sir, have had the advantage of conversing with a very well known clergyman, who confines most of his activities to his clerical duties and to relieving distress wherever he finds

it. He tells me precisely the same thing. As an individual he is probably more in touch with questions of this sort than any other individual in Nairobi, and he says, and I have his authority for saying it and also the authority of the Salvation Army for the statement I make here, that the unemployment situation was never better than it is to-day and that it is infinitely better than it was two years ago.

Now, Sir, the situation being so satisfactory, at the last meeting of the Unemployment Committee I had on the agenda an item to report to Government that the activities of the committee should cease at the end of the year. That was discussed, and it was agreed that it should be held over pending the holding of a meeting in Nairobi which was advertised. That is the meeting to which the hon. Member for Nairobi South alludes. That meeting, Sir, was held. So far as I can gather from newspaper reports, it was attended by people who, so far as I know, have done nothing whatever in regard to the alleviation of unemployment in Nairobi.

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

THE HON. T. FITZGERALD: If they had, Sir, they would not seriously subscribe to the resolution which was passed. It is a question of the people who talk as against the people who do, and I suggest, Sir, that the people who do are perfectly satisfied to-day with the position.

Several suggestions have been made as to how unemployment might be relieved, and I find that constant reference is made to the question of the employment of aliens by Government. Those references of course are aimed at the Goan clerks employed by Government, by the banks, by large commercial houses and by hotels. Of course, it is only against Government's employment of these people that criticism is levelled. The position of these aliens, Sir, is very simple. They join the Government service at a very low rate of salary. After years of faithful service, they work up into a position carrying a reasonable amount of pay; and it is when a man has reached that position that it is proposed he should be displaced and his work given to somebody else.

I, personally, Sir, as one who has the interest of this Colony at heart, regret that a motion of this sort has been raised in this House. We are making a determined effort to attract settlement and to attract a greater population, and while we are doing that, Sir, and while we are spending money in an effort of that kind, a motion of this nature is brought before the House, which, in my opinion, gives a totally false impression of the state of employment in this Colony. Unemployment itself is bad enough, but I cannot speak too

strongly in the interests of the Colony about anything which would suggest that our unemployment position is very much worse than it actually is. I would like to make it perfectly clear, Sir, that in making these remarks I am not alluding to the hon. mover of this motion. Several representations have been made to him and I know he feels it is his duty to come to this House with such representations; but I cannot help feeling, Sir, that it is a tremendous pity that the question of unemployment should be dealt with in a way which, as I say, is calculated to give outside a very wrong impression as to local conditions.

THE HON. HAKAM SINGH: Your Excellency, I support the motion. I am quite satisfied with the explanation given by the Chairman of the Unemployment Committee that so much more attention was paid to the European unemployed that the numbers were reduced to 40. I do not blame the committee for not looking into the unemployment of the Asians, because there was no representative on the committee appointed by the Government.

THE HON. T. FITZGERALD: Your Excellency, on a point of order, in the statement that I made I omitted to mention that the committee have been dealing with cases of Asians as well as of Europeans. I would like to pay this tribute to the Indian community in that although unemployment is very rife among them they have done a good deal among themselves to help their unemployed brothers, and when they have come to the committee for assistance that approach has always been more than fully justified.

THE HON. HAKAM SINGH: Your Excellency, I appreciate the remarks of the hon. Member regarding the Indians, but I trust that Your Excellency will accede to the request that you will give us adequate representation on the committee.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, on a point of order, I did not gather from the speech of the hon. the Postmaster General whether Government were acceding to this request, as was suggested by the hon. the mover of the motion, or not, Sir.

THE HON. THE COLONIAL SECRETARY (MR. H. M. M. MOORE): Your Excellency, if I may, I will further explain the attitude of Government in this matter, although I think that the speech of the hon. the Postmaster General explains our attitude very clearly. The further attitude that we propose to adopt is that if, despite the arguments of the hon. the Postmaster General, the Members of the House generally still

feel that good would be done by a further inquiry into this matter, needless to say in a matter so vital to the interests of all communities Government could not resist such an inquiry. At the same time, they were most anxious that the committee should not be appointed unless there was a clear case made out for such a committee. At the present moment we have listened to the speeches from the other side of the House, four in favour and one against, and it would assist us very much if we knew there was a general feeling by the Unofficial Members that the committee would fill the want.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I support the motion before the House. I think it is most desirable that an inquiry should be held in order to ascertain the facts as regards unemployment in the Colony. Personally, I do not think the situation is serious, but as far as I know Kijamega has been a godsend. It has found employment for a large number of unemployed during the early part of this year and last year. I suggest, Sir, that it would be advisable, as has already been said, that the present committee should be given wider powers to undertake this inquiry. There is a difference of opinion on the subject. Apparently several people in Nairobi, and in the Nairobi Association and apparently the British Legion, think that unemployment is rife. We should lay that ghost by adopting the suggestion that the Unemployment Committee should be given wider powers of reference, so that they can inquire into this matter and report to Government. I see no reason why the position should be left in any uncertain manner as it is to-day. There is an enormous difference of opinion on the subject, and this inquiry should be held; it would clarify the air, and we should know exactly where we stand.

I appreciate very much the work that has been done by the Unemployment Committee, and also the manner in which the Chairman of that committee has taken up the cudgels in this House this morning. I should like to see his example followed by other Members on the other side of the House in the future, that they should be given a free conscience when speaking in this House.

It would not only help the other side considerably, but it would help us as we have been helped this morning by the hon. the Postmaster General.

CAPT. THE HON. J. L. COTTER: Your Excellency, I should like to pay a tribute to the hon. the Postmaster General. In his speech to-day he has really given us some actual figures which I think none of us had had before. But there is one point that I should like everybody in the House to realize.

I know possibly outside Nairobi as many people as anybody else in this room, and I know that they are in truth unemployed and would not dare to register in the Salvation Army, the British Legion, or under this scheme; for fear of being registered under any one of them on to a list that eventually goes to the authorities for deportation purposes. That is the correct expression, Sir. I support the motion because I think we ought to make sure whether unemployment exists or not, and the only way to do so is to inquire in the capital, in every district, and in every township.

There is one other word that I would like to say in answer to the hon. Member for Plateau South. After all, there are a good many people who have been here as long as I have myself. There are many of our fellow-countrymen fallen by the wayside, possibly through drink, old age, or other reasons, yet people who have paid their wick in the country, more so than the self-satisfied people who have not had a drink in their lives, and we have eventually to face this fact: these poor old derelicts, while they remain here with us, are entitled to some form of subsistence allowance. We have got eventually to face it, whether in the shape of a dole, old age pensions, or a home. This committee should look into what the people of South Africa have done for this same type of men known as unemployable. It might be better in the long run to use the lethal chamber, and get rid of them; but under present conditions no civilized country will allow it. In South Africa they have forest farms where these people are accommodated. I submit that this committee should look into what has been done there as the cheapest and most humane form of dealing with the unemployable question, which I admit, and I was impressed with the remarks of the hon. the Postmaster General, is really a more serious one than the unemployed.

CAPT. THE HON. H. P. WARD: Your Excellency, on a point of order, may we know exactly what we are supporting, because I was given to understand before the debate occurred that it was purely formal and that it had been agreed with Government that this matter should be referred to the present Unemployment Committee. For these reasons I support the motion as formulated. I have not the least desire to see another committee appointed.

THE REV. CANON THE HON. G. BURNS: Your Excellency, I associate myself entirely with the remarks of the last speaker.

HIS EXCELLENCY: Before I put the question, I will say the understanding was that if Government found sufficient support to this motion they would ask the existing committee

to inquire into the matter and would add to that committee one Asiatic member and one European member, the Rev. J. F. G. Orr. That is the position. If I find sufficient support, Government will take that line.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I say quite definitely that that is the wish of the majority, if not of everybody, on this side of the House.

HIS EXCELLENCY: Does any other hon. Member wish to speak or the hon. member to reply?

CAPT. THE HON. H. E. SCHWARTZ: No, Sir; I have no wish to reply, except to hope that the hon. the Postmaster General realizes that what I said at the beginning is true—there is not only no dissatisfaction with his committee or himself as chairman, but very much the reverse, not only on this side of the House but amongst those whom they represent.

HIS EXCELLENCY: Do you withdraw your motion on that understanding?

CAPT. THE HON. H. E. SCHWARTZ: On that understanding, Your Excellency, I ask the leave of the House to withdraw my motion.

The motion was by leave withdrawn.

Council adjourned for the usual interval.

On resuming.

MOTION.

ESTIMATES OF REVENUE AND EXPENDITURE FOR 1954.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the motion standing in my name, that the draft Estimates of Revenue and Expenditure for the year 1954 be referred to a Select Committee.

Your Excellency, in moving that motion, it will perhaps be of assistance to hon. Members if I refer briefly to the Estimates for 1953, and the procedure which was adopted in regard to them. Owing to the fact that the deliberations of the Expenditure Advisory Committee had not been completed by the end of last year, a provisional budget was passed by agreement in December. That budget provided for an estimated gross expenditure of £3,267,747, and an estimated gross revenue of £3,053,580, leaving an estimated deficit on the year's working of £214,167.

In May of this year that provisional budget was examined by the usual Select Committee on the Estimates in the light of the Expenditure Advisory Committee's Report, with the result that the Estimates for 1933 as finally passed by this Council provided for an estimated gross expenditure of £3,222,210, and an estimated gross revenue of £3,046,115, thus reducing the estimated deficit on the year's working to £176,095. For purposes of comparison, both in the Memorandum on the draft Estimates and in any figures I may quote relating to the sanctioned Estimates, 1933, it is to these latter figures that reference will be made.

The draft Estimates for 1934, which are now in the hands of hon. Members, provide for an estimated gross expenditure of £3,187,629 and an estimated gross revenue of £3,192,078, leaving an estimated surplus of £4,449 on the year's working. If these Estimates for 1934, as well as the latest forecast as to the out-turn of the current year are realized, we shall be left on 31st December, 1934, with an excess of assets over liabilities of £170,611. This is an improvement of £94,872 over the figure of £75,939 estimated in May last to be our position at the close of the current year. This improvement is accounted for as to £4,449 by the estimated surplus on next year's working, and as to £90,223 by the fact that on the latest information available we believe that we may safely reduce the estimated deficit on the present year by this amount to the figure of £85,872. The manner in which this figure is arrived at is set out in detail in paragraph 7 of the Estimates Memorandum. Before, however, I leave the estimated deficit on the present year, I should like to emphasize that in the opinion of the Standing Finance Committee it is by no means an unduly optimistic figure. On the expenditure side, after making allowance for unforeseen expenditure not provided for in the sanctioned Estimates to a total of £55,000, the revised Estimates for the year have been reduced to a figure of £37,488 less than the sanctioned Estimates. Expenditure Estimates have been cut to the bone, but none the less, in the light of the experience of the last two years, it may well be that larger savings will be realized. On the revenue side it presupposes an improvement on Estimates of £62,735. Of this sum, about £42,000 may be taken as due to the additional taxation imposed at the last session, and the balance of some £20,000 odd represents the amount by which, excluding revenue from new taxation, the revised Estimates of revenue for 1933 exceed the original revenue Estimates for the year.

I will now deal as briefly as possible with the Estimates for 1934. The revenue Estimates have been carefully examined by the Standing Finance Committee and are, in their opinion, sound. They provide for a total increase of £83,228 over the revised Estimates for 1933.

During the period that has elapsed between the receipt of the Report of the Standing Finance Committee and the printing of the Estimates, the Treasurer has kept the revenue Estimates under a close and continuous review. It may be that he will have some readjustments to suggest to the Select Committee, and in particular the question as to whether the estimated revenue under Head XI, "Reimbursements", may require reconsideration, in the event of the Mombasa Municipality being unable in 1934 to meet its interest and redemption obligations in respect of its town-planning loan, will come under review. In any event, however, it is not considered that any such changes should materially affect the gross revenue estimate.

It will be remembered that the Revised Estimate given by the Alternative Proposals Committee, and included in the addendum to their Report dated the 27th April, 1933, of the receipts to be derived from their proposals was £111,000. At the last meeting of Council, it was decided not to proceed immediately with the landing tax, while a reduction by half of the proposed rate on companies and certain amendments made in Council to the Package Tax and Non-Native Poll Tax Ordinances also involved some sacrifice of revenue. The net result of these transactions was that the Treasurer, after very careful consideration, was compelled to advise Government and the Secretary of State in September last that he could not place the yield from these measures at a higher figure than £80,000 in a full year. As Your Excellency announced in your communication from the chair, it has been found necessary in the light of further information to reduce the estimate of revenue expected from the Licensing Ordinance in 1934 by £13,000, and the estimated additional revenue to be derived in 1934 from the Alternative Revenue Proposals as a whole, as incorporated in the revenue Estimates now before Council, totals approximately £65,000.

To turn now to expenditure. I should like to state at once, frankly and without equivocation, that the whole spirit in which the Government has approached the problem of the 1934 Budget has been that the Budget must be balanced within a conservative estimate of revenue. The necessity of balancing the Budget has been generally acknowledged in all quarters of the House on so many occasions that such a statement may almost appear superfluous. It was to this end that all the energies of the Expenditure Advisory Committee were directed. It was to achieve this purpose that, after much controversy as to the form which it should take, additional taxation was imposed during the current year. The fact that it has been necessary to reduce so substantially the estimated yield from additional taxation in 1934 has added considerably to the

difficulties with which the Government has been confronted. That is a fact which has squarely to be faced, and will, I am sure, be generously acknowledged by Elected Members.

I would, however, appeal to them, before embarking on criticisms (which in more normal times would no doubt be capable of substantiation) to the effect that expenditure on this or that service in which their constituents are particularly interested has been unduly curtailed, to bear this point prominently in mind, and to give due weight to the fact that the problem of reducing expenditure within the bounds of the diminished revenue estimate could only have been solved in the manner in which it has been solved, namely, by the rigid curtailment of expenditure on each and every service.

The problem of balancing the budget was made all the more difficult by reason of the fact that Government was faced with an unavoidable net increase in expenditure of £37,519 on account of the irreducible services of Public Debt and Pensions and Gratuities. If this unavoidable increase be excluded from the comparison, it will be found that the reduction effected in net expenditure under the remaining heads of Estimates amounts to £69,691, as compared with the corresponding figure approved in the sanctioned Estimates for 1933.

Speaking generally, the Government has adopted the recommendations of the Expenditure Advisory Committee, and a close study of the Memorandum on the Estimates will reveal the fact that, taken by and large, the Government has followed very closely the recommendations of that Committee, and that, though in one or two instances for reasons that are fully explained the Expenditure Advisory Committee's figures have not been reached, the net result is—that, on a fair basis of comparison, the draft Estimates for 1934 provide for a total expenditure of £10,650 less than the figure recommended as a basis of expenditure by the Expenditure Advisory Committee. In view of the continuous and drastic reductions in expenditure that have been made during the last two years, I venture to suggest that this further reduction is no mean achievement.

Before I turn briefly to the expenditure Estimates more in detail, perhaps I should say a word as to the general form in which they have been drawn up. Hon. Members will see on reference to the printed Estimates that departmental expenditure has been set out generally in the same manner as was adopted for the current Estimates with the agreement of the Select Committee in May last; that is to say, expenditure on direct native services has been shown in the body of the Estimates of the four departments concerned, but they have been shown separately so that the amounts in question will

remain on record in the event of the Native Betterment Fund being introduced on the general lines recommended by Lord Moyne.

As I have already stated, the main preoccupation of the Government in dealing with the estimates for 1934 was to secure a balanced Budget. The importance of a balanced Budget to the Colony's credit cannot be overstated, and the material advantages that are derived from the Colony's credit standing high affect all communities, and are not susceptible of racial discrimination. In these circumstances, while the Government considers the Report of the Select Committee on the Native Betterment Fund—which was laid on the table at the beginning of this session—to be a most valuable document which will merit the closest consideration; any further discussion of the various alternatives proposed in that Report at the present time would, under existing financial circumstances, be necessarily more or less academic in character. It was therefore decided, with the approval of the Secretary of State, to present the Estimates in the form in which they now are in the hands of hon. Members.

Before I pass to the Estimates in detail, there is one other matter to which hon. Members will expect me to refer: I allude to "Terms of Service". So far as the Overseas Service is concerned, the decisions of the Secretary of State have already been published in the Press, and it is not therefore necessary for me to refer to the question in detail. So far as the Local Service is concerned, I explained the position fully to hon. Members in May last, and gave them the assurance that the Government would do all in its power to introduce the Local Service with the least possible delay. I made clear to them, however, at the time, that the detailed application of such terms to officers already in the Service was a work of considerable magnitude, and would involve close examination of many individual cases if the scheme was to be justly and fairly applied. Experience has shown that prophecy to be correct, and since the April-May session of Council my hon. friend the Chief Native Commissioner, as Chairman of the Civil Service Board, has presided at no less than thirty-two meetings and has worked intensively in the endeavour to be able to present to the Government a complete and comprehensive scheme. The Board has made three interim reports, which will be laid before the close of the present session. It has drawn up a provident fund scheme; and is now engaged on a fourth term of reference designed to dispose of any existing difficulties that their investigations have disclosed. While it has not been possible to reflect new grades of pay in the 1934 Estimates, it is hoped that in the case of the European service at any rate the scheme may be formally put into

operation as from the 1st January, 1934, and progressively applied throughout the year. While therefore the proposals are not actually reflected in the Estimates, any adjustments that may be necessary from the introduction of the scheme will be made in the course of the year.

Hon. Members will have observed from a perusal of the Memorandum on the Estimates that for purposes of comparison a summary has been prepared under each head of Estimates, showing the extent to which it reflects an increase or a decrease, not only on the 1933 Estimates but also on the token figure proposed by the Expenditure Advisory Committee in their Report. In this way it was hoped that hon. Members would be able with the minimum of difficulty to gauge the general effect of the 1934 Expenditure Estimates, and to form an opinion as to how far the Government had put into operation its general adoption of the Expenditure Advisory Committee's recommendations. The various Estimates heads have been re-numbered in accordance with the reorganizations which have been reflected in the 1934 Budget. One new "head" has been included, namely, Head XIV, "Department of Local Government, Lands, Settlement and Mines", and three heads which appeared in the 1933 sanctioned Estimates have been excluded from the 1934 Estimates, namely, "Income Tax Administration", "Mining and Geological Department" and "Survey and Registration Department". The two latter heads have been absorbed in Head XIV to which I have just referred.

The first head of Estimates of importance in which the 1934 Estimates exceed the Expenditure Advisory Committee's figure is Head II, "Administration". Under that head, although the 1934 Estimates show a decrease of £16,638 on the corresponding figure for last year, they show a net excess of £1,620 on the Expenditure Advisory Committee's figure. The reasons for that excess are explained in the memorandum.

While the recommendation of the Expenditure Advisory Committee for the division of the Colony into four provinces with three extra-provincial districts has been accepted by the Government, it was considered, both locally and by the Secretary of State, that on a total cadre of 114 administrative officers a provision of only four posts above the long scale was inadequate as prizes to which the Administration could look as the reward of long and efficient service, and further, in view of the proportion of super-scale posts obtaining in the Administration of other colonies, so small a proportion was likely to have an adverse effect on recruitment. In addition the large size of the four provinces now proposed, and the desire expressed by the Expenditure Advisory Committee that the Administration should be increasingly organized on decentralized rather than on centralized lines must not be forgotten.

It is considered therefore that the remuneration now proposed for the five senior District Commissioners is not unreasonable in view of the increasing complexity of their duties and the burden of responsibility imposed upon them.

Head III, "Agriculture": Hon. Members will observe from the tables on page 23 of the Volume of Estimates that, although the draft Estimates for 1934 under this head reflect a decrease as compared with the sanctioned Estimates for 1933 of £9,426, they reflect a reduction of £1,295 only as compared with the actual expenditure in 1932. This reduction on the actual expenditure in 1932 is more than accounted for by the decrease of £1,422 in the cost of the administrative division of the Department, which has been achieved mainly by the abolition of the posts of Assistant to the Director and Office Superintendent. No appreciable reductions have been made in the field staff employed on developmental services; in fact, it is proposed to fill certain posts in the field staff which were unfilled in 1932. Further, although reductions have been effected under certain local transport and travelling items the reduced mileage allowances now in force enable a greater mileage to be performed for a given cost than was possible in 1932. Closer investigation will show that the reductions which have been effected, and which have been rendered imperative in the present financial circumstances of the Colony, have not, generally speaking, been effected at the expense of the staff in the field.

Head VIII, "Education Department": The Estimates show a reduction of £3,069 on the Estimates for 1933, and are £193 below the Expenditure Advisory Committee's figure.

In the case of Indian education, the Government has accepted the advice of the Advisory Council to effect economies in the two Government Indian Secondary Schools at Nairobi and Mombasa by replacing two European assistant masters by Indians, and also by a modification of the basis of payments of grants-in-aid.

African Education: There is an increase of one in the number of Europeans employed in African education, and it is hoped during the year to open two new Government schools at Kisii and Pumwani.

Head XIII, "Legal Department": Shows an increase of £331 over the 1933 figure. It will be seen from reference to the Memorandum that it has not proved possible to proceed with the immediate amalgamation of the Legal Department and the Registrar General's Department, as recommended by the Expenditure Advisory Committee. The question is a difficult one, on which very definite views have been expressed by

members of the legal profession. It has not therefore been considered desirable to reflect any modification of the organization of these departments in the 1934 Estimates.

Head XIV, "Local Government, Lands, Settlement and Mines": Hon. Members will observe that Head XIV of the Estimates provides for the new department recommended by the Expenditure Advisory Committee to embrace Local Government, Survey, Land Settlement and Mines. The question as to whether in view of the growing importance of the mining industry it is desirable to set up immediately a separate mining department has given the Government much anxious thought. It may well be that if the mining industry develops, as we all hope it may, the creation of a special department would in the long run make both for efficiency and economy. This view has recently been stressed by the Committee on mining legislation, and I can only say at this juncture that the Government maintains an open mind on the point. In view, however, of the definite recommendations of the Expenditure Advisory Committee and the comparatively early stage which the mine field has reached, the Government does not consider a strong enough case has at present been made out to warrant overriding the recommendations of the Expenditure Advisory Committee. This is a question which, in the Government's view, might well be reconsidered, should circumstances warrant it, as a special case in the course of the coming year.

Head XVI, "Medical Department":—The 1934 Estimates show a decrease of some £14,000 on the corresponding figure for last year, and some £9,000 below the Expenditure Advisory Committee's figure. Certain services have had to be curtailed, but the degree of curtailment which has been effected is not considered to be in excess of what the financial circumstances of the Colony demand. As Your Excellency announced in your opening address to Council, notwithstanding the reductions in expenditure under this head which have been effected in recent years the amount of work done by the department has increased. It is confidently hoped that this increase will be maintained in 1934, notwithstanding the reductions in the Estimates of the Medical Department.

Under Head XVII, "Military", the Estimates of the Northern Brigade show a decrease of some £4,000 as compared with the corresponding figure for last year, while an increase of £345 under the Kenya Royal Naval Volunteer Reserve has been inserted for consideration in connexion with the proposed training of the personnel in mine-sweeping operations.

Head XVIII, "Miscellaneous Services", calls for little comment. I should, however, say that the amounts which Government has been able to provide for the maintenance, etc.,

of landing grounds during recent years has not been sufficient; and that the vote for local civil aviation barely provides for a skeleton organization. Government fully appreciates this, and is fully alive to the possibilities of further development of local air services, and it is a service which, speaking personally—and I believe I am speaking for Government as a whole—there is no one more than myself who would be glad that if times were more normal we could devote more funds for this purpose.

Under Head XX, Police Estimates show an increase of £809 over the corresponding figure for last year. The details are explained in the Memorandum, but the principal cause of the increase is the necessity for providing for a police patrol on the Kisii-Lumbwa border and for additional police in mining areas. The Government is alive to the importance of keeping the police force at a really effective strength, and has readily accepted the proposals of the Commissioner of Police in this regard:

Under Heads XXI and XXIIa, Post Office and Telegraphs show a small increase, but this the Hon. the Postmaster General assures me will be more than compensated by additional revenue.

Head XXVI, Public Works Recurrent, provides for a decrease of £6,950 on the corresponding figure for the last year. Under Items 1 and 10 a decrease of £7,000 in respect of maintenance and improvement of roads and bridges has been made in the interests of economy. The figure provided is less than that recommended by the Central Roads Board, and is a cut which the Government has only made with considerable reluctance. In view, however, of the generally improved condition of our roads and the imperative need to keep down expenditure at the present time, I hope that this reduction will receive general support.

Head XXIX, "Secretariat and Legislative Council and Native Affairs Department": The organization recommended by the Expenditure Advisory Committee, which involves the incorporation of the Native Affairs Office with the Secretariat has received the approval of the Secretary of State. Provision has therefore been made in Estimates to effect this reorganization in the manner explained in the Estimates Memorandum.

Head XXX, "Statistical Departments": We have budgeted for a decrease of £10,056 as compared with the corresponding figure for last year. Hon. Members will recall that the majority of the Expenditure Advisory Committee recommended the total abolition of the Statistical Section, and the majority also recommended the abolition of the Native Registration Section and the Finger Print Bureau. This question

came under review by the Select Committee on the 1933 Estimates, as a result of which the Government was invited to explore the possibility of providing in the 1934 Estimates for some reorganization of the Native Registration and Finger Print Offices which would result in considerably less cost than at present, but still preserve the *kipandi* system. This question has been most exhaustively examined, and a variety of alternative proposals considered. It has finally been decided to include provision next year for a combined Statistical, Native Registration and Finger Print Section at a total cost of £7,936. Elected Members in the course of the Committee on the 1933 Estimates recommended that provision for the registration of domestic servants should only be continued provided the service could be made self-supporting. As a result of a very full examination it appears that this condition can only be fulfilled if the registration of domestic servants is extended to the whole Colony, and the fee payable by an employer on registering an engagement is increased from Sh. 1 to Sh. 1/50. Provision has accordingly been included in the Estimates, both on the expenditure and revenue side, on this basis. Should this proposal meet with the support of Elected Members, the necessary amendment will be required to be made to the Schedule of the Registration of Domestic Servants Ordinance.

Head XXXII, "Treasury": The Estimates provide for an increase of £5,189 over the corresponding figure for last year, but it will be observed that provision has been made under Items 23 to 34 for a Central Revenue Office. While provision is made for this new service, the Estimates of the Treasury proper have been reduced by £414 below the figure recommended by the Expenditure Advisory Committee. This Central Revenue Office contains the central organization necessary for the administration of the new non-native poll tax, and there is also incorporated in it the Central Revenue Registry, upon which preliminary work was started in the Treasury early in 1933. It is hoped that in the light of experience, the Central Revenue Office will be increasingly charged with the duties of revenue collection.

I trust that I have now briefly alluded to the more important features of the 1934 Budget. It only remains for me, before I sit down, to express once again the Government's appreciation of the manner in which all heads of departments have co-operated in the invidious task of reducing their estimates. It fell this year upon Mr. Wade, as Acting Colonial Secretary, to superintend this operation, and I am sure I am voicing his feelings in paying this tribute to the heads of departments concerned. For my part, I should like to thank Mr. Wade, the Acting Treasurer, and Mr. Bader, the Clerk to Council, for all the hard and strenuous work which they

have done in connexion with these Estimates. If, as I hope, the Budget as a whole receives a kindly reception from this Council, all the credit is due to these officers and those connected with them in the detailed preparation of the Estimates for the result which has been obtained.

I beg, Sir, formally to move the motion standing in my name, and in doing so to explain that the Select Committee will consist, as in past years, of all the Unofficial Members, the Treasurer, the Chief Native Commissioner, the Commissioner for Local Government, and myself as Chairman.

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

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, after the somewhat stormy controversies which we have had during the last three years on the question of the Estimates, I am glad to be able to say that it seems to me, not only after listening to the hon. Member's speech in moving the motion, but also in going through these Estimates and explanatory notes, that Government have made an honest attempt to try and meet the requirements of the present situation.

We have before us a Budget which should be balanced, if the Estimates are correct, by a few thousand pounds. That is a very satisfactory position to have achieved after those very difficult times, but I do think, Sir, we must not be led away by any undue optimism to embark on any actions of extravagance until we have got our position still further consolidated and firmly established. We have to remember, Sir, too, that every year there are automatic increases which we cannot avoid in the way of pensions, normal increments, and so on, and therefore I do urge, Sir, that on both sides of the House, official and unofficial, we should oppose any demands for expansion, whether from heads of departments or from the unofficial community, for further services—expansion of services—which may be very desirable in themselves but which we cannot afford until the position is on a firmer basis.

I believe, Sir, from what I have heard, that the revenue Estimates are on a conservative basis. That, Sir, I think, is the right line to take. Though trade seems to be a little better recently, I do not think there are any sound foundations on which one can definitely say there has been an appreciable turn in the tide, and I think it would be very unwise if we were to budget optimistically for a large increase in revenue to achieve this balanced budget.

While, Sir, I have given credit to the Government side for having tried to follow out the recommendations of the

committee which I sat on myself for many months last year, at the same time it must be remembered that that has only been achieved by further sacrifices on the part of the people of this country, who will this year be contributing, on a conservative estimate, an extra £65,000 towards the revenue of the country. We all know that everybody is in an impoverished condition to-day. Never has the farming community in this country been through such a bad time as we have been through during the last few years, and it is a definite sacrifice which has been called for from the people of this country and which I think the people of this country, however much they may criticize and object to extra taxation—everybody always objects to taxation—have shouldered in a spirit of great citizenship, and I do trust, Sir, that Government will not forget its undertaking, when these taxes were agreed to a few months ago, that they should be of a temporary nature and should be reduced at the very earliest possible moment.

On the other side of the picture, having achieved a balanced Budget, having got to the stage when we hope we may once more be able to build up our reserve funds, I should like to ask whether Government have any policy for definitely increasing the productive wealth of the country, because that is a question of the utmost importance to the future of this country. As the hon. Member for the Uasin Gishu, as I think he is now, has tabled a motion on this subject, I will not dilate on that any further.

The hon. mover referred to terms of service, and I am very glad to hear that after this long time at least we may hope to have the principle of the Local Civil Service established during the coming months. With regard to the other terms of service, having been out of the country, I do not think I have read the despatch dealing with them, but I understand that generally they have been adopted with the exception of the recommendations with regard to housing allowances. I am sorry, Sir, that that recommendation should not have been agreed to, but I do hope that the whole of this controversy may very soon come to an end, because I am afraid it has engendered a certain amount of ill-feeling between the official and the unofficial communities which must be to the detriment of the country and which I hope will not continue, and that we will all work together in the very best spirit for the benefit of the country.

Sir, that is all I have to say on general lines, and I will deal now briefly with certain points as I see them in the Estimates; and I trust, Sir, that any criticisms I may make will not be taken in a spirit of carping criticism; but I think it is our duty to see that wherever possible due economies are

made and that those economies are made in the best interests and not, as is sometimes the case, to the detriment of very necessary things.

The first point with regard to the Administration is the question of the introduction of these super-posts. Now, Sir, if I am to be persuaded to vote for these increased salaries for these five senior District Commissioners, I am afraid I must be given some very much better arguments. That you must have a lot of super posts to encourage people to come into the Service to my mind is the wrong way of arguing the point. Justification for any highly paid post can only be that the post is necessary for the good of the country and that the country can afford it. My information in London was that never was the Colonial Service able to call on such a fine type of young man as it is to-day, and I do not believe for one moment that it is going to affect any single recruitment as to whether these five posts are instituted or not. I have great sympathy with some of the senior District Commissioners who may be kept out of the possibility of becoming Provincial Commissioners owing to shortage of promotion, but, Sir, I do trust the arguments put forward that they must be put there as an attraction to young officers will not be pursued. Frankly, Sir, I do not think it is quite correct to say there are only four "plums" for the Administration officers of this country. There are the four Provincial Commissioners, whose duties and responsibilities I hope will be even greater than they have been in the past, but there are also other posts. There is the post of Colonial Secretary, the post of Deputy Colonial Secretary which has newly been instituted, the Principal Assistant Colonial Secretary, the Chief Native Commissioner, and the Commissioner for Local Government, Lands and Settlement. Those are all highly paid posts, all on the super scale, and all carrying great responsibility; and I cannot agree that the prospects of any young officer only rising to the post of a District Commissioner with a salary of £930 a year, plus 15 per cent house allowance, and pension (amounting to something like two-thirds of the whole when he retires), is not a very good salary which should attract young people to come into the Service.

On the same vote, Sir, one of our recommendations I see has not been carried out; that is the abolition of the post at Embu. I should like to hear whether the very able administrator who controls that Province has changed his views on that subject since he considered that that post could be abolished.

With regard to the Agricultural Department, they seem to have economized even further than what our Expenditure Advisory Committee expected, and that we must welcome. There is one point which I am sorry they have not seen fit

to adopt and that is the appointment of part-time veterinary officers in the settled centres, such as Nakuru and Eldoret, on the same lines as medical officers are there now. I do believe that efficiency would be maintained and great economies would be achieved by the adoption of that principle.

Coming to the Customs Department, in our Report, Sir, we recommended—we found, Sir, that it was very difficult to deal with the Customs Department because it was a dual service serving Uganda as well as Kenya, and we made a recommendation that an inquiry should be made jointly by representatives of Uganda and Kenya. I should like to ask if that has ever been done, as I am of opinion that further economies could be made in the administration of the Customs Department.

Coming to Education, Sir, no one knows better than I do the very great efforts that the hon. the Director of Education has made to get his Department down to an economical basis as possible and maintain its efficiency. There have been a good many criticisms of some of the proposals which came from our Report, especially with regard to the raising of the fees of the secondary schools. I hope, Sir, in the course of this debate that the Director will have an opportunity of explaining to this House the position with regard to European education as clearly as possible, as I think there is a good deal of misunderstanding and I think it would be of benefit if he could be given the opportunity of giving that explanation, Sir.

There is another motion by my hon. friend the Member for Uasin Gishu coming up for discussion with regard to the employment of native artisans, so I shall not refer to that here, Sir. But that is mentioned in the same vote.

Coming to the Judicial Department, I should like a little further explanation as to why it has been found impossible to carry out the recommendations with regard to Resident Magistrates, which at the time we were told was quite possible. It is said it has been held up for the Report on the Administration of Native Justice, but I do not quite see how it can have very much to do with that.

Sir, with reference to the Mining Department, the hon. the Colonial Secretary said that Government had an open mind as to whether it should be a separate department. The idea we had on our Committee was that it was not at present sufficiently developed to justify a complete department, but we did recommend that it should be a self-contained unit which would be able to work by itself as a section under the Commissioner for Local Government, Lands and Settlement as the head of the whole Department, but that the Mining Department should be more or less self-contained; and we did

recommend that for that purpose, apart from the technical people, there should be a secretary with mining knowledge who should be the liaison officer. As far as I can see from the Estimates, however, that appointment has not been made. It is very important that mining should be kept separate, and not mixed up with other branches of the Department, but I should not have thought it was necessary yet to establish a complete mining department.

When we come to Contributions to Local Government—we went very carefully into the question of the main trunk roads and local government institutions. It has been a dog-fight for many years, and there has been every sort of opposition and obstruction put up to the further development in this country by local government of the control over roads. As an experiment, to see what were the effects and whether this could be done as was claimed by local government authorities or not, we recommended that a certain area of trunk roads should be handed over to the Nakuru District Council for administration. I now hear, Sir—I cannot help feeling with the object of making the scheme unworkable or very difficult to work—that the amount which was considered necessary for this purpose has been considerably cut down, and I should like to hear later on whether that is so and the reasons for so doing.

Printing and Stationery, Sir, have evidently defeated all our efforts. We thought we really could make some economy there, Sir, but I see the only result is that they have increased their expenditure. That is very disappointing.

Now, Sir, I come to the Public Works Department. The Public Works Department has increased its vote, and it is very much above what we recommended, whilst the Public Works Recurrent has saved large sums on roads that I may say, Sir, was not at all the intention of our Committee. Our idea was to try and reduce expenditure of the headquarters of the Public Works Department, so as to be able to provide as much money as possible for the maintenance and improvement of our roads. I see that two of our recommendations have not been carried out yet. One was with regard to the emoluments of the Director and the Superintending Engineer—that has not been carried out yet—and the other is, Sir, that the workshops are still continuing. That does puzzle me a little bit, because all the evidence we had before us this time last year was that this work for the Law Courts would be completed last May. I now see it is going to be next May, and that provision is made for keeping on the workshops and other activities connected with them till the end of the year. I do trust that Government will take a firm stand on this question and have those central shops closed down at the earliest possible opportunity.

As regards the Secretariat, I cannot help being a little dissatisfied to see that my minority report, which recommended that one Senior Assistant Colonial Secretary was sufficient, is not carried, as I see the post of the second one is going to remain in abeyance, although at the same time I see an extra Assistant Colonial Secretary has been added to the establishment as recommended.

With regard to the Statistical Department, I also was in a minority on that in the Committee, but the method adopted is probably the best that can be done in the interests of efficiency and economy. When it comes to the case of the Registration of Domestic Servants, I find myself in rather a difficult position. From all the information I can get, opinion is very much divided throughout the country as to the need for expansion of this Ordinance. In certain parts—including part of my own constituency, round about where I live myself—the idea of that part are very anxious to have the Ordinance extended. In other parts again, I hear they do not want it at all. Now, Sir, I think this is a question which has got to be done in a little further to see whether the result can be achieved by a system of local option.

There is one department which the hon. member did not refer to, but it is a very important department at this moment, when we are trying to increase settlements in this country and get a bigger population and generally help on publicity. I refer, Sir, to the Trade and Information Office. I am sure everybody was very pleased to hear that Colonel Kenya had been appointed as the Kenya representative in the London office. Now, Sir, at this end I think something has got to be done to get it on a more satisfactory basis. The work which was previously done in Nairobi by a Government officer has since the last year been done by an unofficial on very much of a voluntary scale. His work is not only the work which was done here before but it has increased very much during the year, and it is a question which I think some be taken up and some steps so as to find a more satisfactory arrangement than the one operating at the moment.

The only other detail which I wish to refer to is the creation of the Central Revenue Registry Office. That, Sir, I think will appear to be principally as a very good move. But I would like to see more to give a word of warning. Whenever a new department comes into existence it seems always to grow like a snowball, and I trust that—I imagine this comes under the purview of the Treasurer—I trust that the Treasurer will be very much interested and will not allow this sub-department to grow to too large an extent.

Sir, I have tried to be as brief as I can in covering the points, most of which will have to be dealt with in Select Committee, but I should like to say, as I said before, that I think this is a genuine and honest attempt by Government to meet our wishes, and we on this side of the House will do our best to support the Government in keeping down expenditure as much as possible, so that in another few years, when we hope we will have emerged from this time of depression, we will once more have our reserve fund in the form of surplus balances built up; but we must go very steadily, and we must resist any inclination to get once more on to an extravagant scale.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, the Noble Lord said at the beginning of his speech, and I agree with what he said, that this Budget could be looked upon as an honest and genuine attempt by Government to meet the situation in which the Colony finds itself. I should like, if I may, to refer in support of that contention to the motion which was moved on the 9th of May in this House by myself with the consensus of Elected Members: "That this Council requests Government in the preparation of the draft Estimates for 1934 to implement the recommendation contained in paragraph 461 of the Report of the Expenditure Advisory Committee and to reduce the expenditure on reducible items to £1,500,000." The figure actually appearing in this estimate of reducible items chargeable to that figure is £1,541,000. From that latter has to be taken approximately £9,400 in respect of the continuation of the combined Finger Print and Registration Department, which had been recommended for total abolition, and a further sum of £5,500 caused by the introduction of the Central Revenue Department, totalling in round figures £15,000, thereby reducing the amount appearing in this Budget to £26,000 only more than the £1,500,000 referred to in my motion. That figure is a little under 2 per cent of what we requested Government to bear in mind during the course of the Budget preparation. I would remind Your Excellency and hon. Members that that figure of £1,500,000 was calculated on the basis of the recommendation of the minority report of the Expenditure Advisory Committee signed by the Noble Lord and Major Cavendish Bentinck, which recommended a further general cut of 5 per cent on the recommendations of the main committee. I think that to reduce our expenditure to within 2 per cent of the recommendations of the minority report of the Expenditure Advisory Committee and the request of this Council in May is an achievement for which Government can justly take full credit.

But I would like to be quite certain that Government will be equally generous in the credit which must be given for the results which have been achieved, not only to themselves, but also to the members of the Legislative Advisory Commission, the appointment of which has proved of such enormous benefit to this Colony, and to their recommendations, passed an Government and now accepted by Government, which have had the happy result which the Noble member has shown us.

I do not propose this morning to deal with any single detail of the Estimates. The Noble Lord has dealt with many other than. Members will deal with those in which they are particularly interested, for I feel that the opportunity will be given to select Committees to deal with any particular points, and as it is wise to avoid redundancy, I propose to deal shortly and briefly with the major issues and not with details.

There are three things which make me believe that we can look for the first time for some considerable period on a brighter horizon than we have looked on for some time past. The first is the actual Budget which is laid before us, because it does tend to show that Government fully realize the position and have taken every step to meet it, and that is a great thing. The second point is that I do genuinely believe that we are not too farward. I do not see that waters of prosperity are pouring in over the sands, but I genuinely believe that the tide has turned and that the depth of the depression has been passed. The third thing which makes me believe that the horizon is brighter is that on both occasions since Your Excellency's return when you have made public utterances you have stressed the need for an appeal for co-operation. I can assure Your Excellency, so far as every Member on this side of the House is concerned, that the appeal will not fall on deaf ears, and that we are prepared to give full co-operation to Your Excellency and Government in every possible way that we can, and that we welcome the definite offer of that co-operation coming from the other side. That without co-operation we shall get nowhere has been made abundantly clear. I believe the time has come when we can forget the mis-understandings and acrimony of the past, wipe the slate clean, and go forward together with the increasing tide to what I firmly believe will be the prosperous times we have had in the past and which must inevitably come in the future. I am a confirmed optimist, Sir, and, I hope, not an unreasonable one. I think probably that I am a greater optimist from the point of view of the immediate future than most Members on this side of the House, and I only hope that my optimism will be justified. But, Your Excellency, I also stress what the Noble Lord said, that, however much things may improve, we must keep a tight rein on expenditure and not go

launching into a mass of no doubt highly desirable but extravagant proposals, until such time as we are not guessing at the future but can see the future with more or less certainty and until we have built up again those surplus balances which some years ago stood in the neighbourhood of three-quarters of a million pounds. I would further say, Sir, that before there can be any questioning of loosening the reins and blossoming out into all kinds of new schemes, two things have got to happen which will bring us back to normality. They are: one, the repeal of the additional taxation which was admittedly of a temporary nature, and two, the repeal of what is also of a temporary nature, the contribution made to the revenues of Government by the levy on official salaries. That was clearly of a temporary nature, and the taxes also, and in common justice both of these have to go in order to get back to normality before we start indulging in any kind of grandiose schemes.

There is one point, dealing with the new taxation, of which I would remind Government—that there was an undertaking given that during the course of the early part of next year some committee or other would be appointed to go comprehensively into the whole question of the licensing laws in order to relieve such inequities as may be proved by practice to exist. No one suggested when the new Licensing Bill was introduced that it was a scientific one or in many ways equitable, and it was agreed to solely on the understanding that the whole question—I am referring not to the liquor licensing laws, but to the trading and other licences—so that a proper and fair revenue from these licences could be considered and agreed to by the whole country. Now, Your Excellency, for the future, I will be very brief, but as questions of high policy of the future can only, except by special motion, be debated on this motion with regard to the Estimates, I am taking this opportunity of speaking my view. In a speech made last Thursday by the Noble Lord in another place, he set the situation out very clearly, and showed the choice which lay before this country, and he also set out quite clearly the road which, in his opinion, the country should take. May I say in a word, Sir, that with great respect, I agree wholeheartedly with what he said. The position has been a very difficult one. Owing to causes which I do not propose to enumerate or to dwell on at all, there was in the early part of this year a very strong demand on behalf of the country for some kind of constitutional change which would give us some measure of control of our own finances. Of that demand I will say no more, except that in my opinion it was not an unnatural one under the circumstances. We have heard that the Imperial Government felt that to hand over the control of the finances to the Unofficial Members of the Council would in effect be an

abrogation of Government, and we have heard that the Imperial Government, represented as it is by a combination of all parties, did not feel it possible to grant that to us, so the issue is plain: we have either got to fight that issue of financial control here and now, or we have got to build up our forces by increased development, increased settlement and increased production until the position is so altered that we are in a position to put forward a demand which no Government would think of refusing. To say that we propose to mobilize our forces in that way, and to concentrate as hard as we can on the economic development of the Colony and not fight now, is not, in my submission, the action of a coward but the action of a reasonable person who does not estrange people who in many ways are anxious to help us, as we have heard from the Noble Lord, and does not choose a battleground which, if not foredoomed to failure, must necessarily mean at all events a most sanguinary conflict, the energies of which would detract from the direction in which they might be used for the full economic development of and increased settlement in this country. I cannot say how much I believe it is absolutely essential that every effort should be made in every direction by Government and by Members on this side of the House and those whom they represent to press forward for increased settlement, increased production, and, if possible, persuade the powers that be at home to give us still more money for the Land Bank, which is of such enormous importance. Now, Sir, I believe that if there is co-operation, not only between this side of the House and that side, but between Members of this side and those whom they represent—if there is proper co-operation throughout we shall achieve practically all we want at the present time.

There is one point that the Noble Lord referred to in his speech which does not mean any constitutional change, and which is a thing we can reasonably ask for when the Secretary of State comes out here, and if reasonably asked for he may very well not refuse. That is the suggestion, not a new one, that the Select Committee on Estimates should remain precisely as it is to-day, purely advisory to Government, but should be a statutory body, and given effect to by statute, and if possible that body should remain completely advisory, but with the right to have the Budget referred to it before its introduction into the Council. It may appear to be a small matter whether this Committee is appointed every year or is a statutory body, so long as it remains only advisory. With respect, Your Excellency, I do not believe that. I think the difference theoretically is none, but the difference in practice might be very considerable. Indeed, Your Excellency as High Commissioner of Transport is advised by a statutory body in the Railway Council, and it stands to reason, in my submission,

that if a body is a statutory advisory body the advice they give must necessarily have more weight than if it is an *ad hoc* body appointed from time to time. I believe there is a good deal in it. I do not see how anyone can possibly object to a body appointed every year becoming a statutory body with its powers clearly defined and remaining advisory. I would urge that Government consider that point of view, and I hope the Secretary of State, when he comes out, will be inclined to favour it, because I believe with all my heart that if we have such a statutory body, although it remains advisory, and if we have co-operation between this side and the other side in a practical way we shall be getting all we want, that our power to influence must necessarily be increased, and that we shall have the substance even if we do not have the shadow. In conclusion, without wishing in any way to cast bouquets at the Noble Lord, I merely wish to say that, in my opinion, he has shown during the last six months that he worthily occupies the position he holds, and with regard to the policy he has outlined, as far as I am concerned, for what it is worth, he has my full support.

THE HON. CONWAY HARVEY: Your Excellency, I should like to associate myself with the views expressed by the two previous speakers, more especially, Sir, with the ultimate remark of the learned gentleman who has just sat down. I should like to take this early opportunity of declaring my allegiance to the most admirable views expressed by the Noble Lord last Thursday evening at Nakuru.

Now, Sir, this Budget appears to be based very largely on the recommendations of the Expenditure Advisory Committee, which have met with universal approval. That, Sir, prompts the suggestion, which I venture for the consideration of Government, as to whether or not they would not be wise to make the Expenditure Advisory Committee a permanent institution, working in very close collaboration with what is known as the "Watch Dog" Committee. I think it very important indeed, Sir, as we are not yet entirely out of the wood, that expenditure particularly and everything appertaining to Government finance should be very carefully watched all the time.

Now, Sir, there are just three or four subjects to which I should like briefly to refer, which will be of especial interest to those not represented in this House, and not without some interest to the Colony as a whole, and which have very definite financial implications reflected in the figures and statement of expenditure under discussion. My first reference, Sir, is to mining. In Your Excellency's opening speech, it was a source of great gratification to me and probably everybody else in the

Colony to hear Your Excellency's richly deserved tribute to miners and natives who, have so loyally done their utmost to develop their industry with a minimum of friction and trouble, but I should like to add to that, Your Excellency, the very deep appreciation of miners, natives and the whole community for the tact and zeal and energy displayed by all the officials concerned in work on the goldfields, both administrative, technical and everything else. I feel, Sir, that the harmony, which is quite a feature of the Kenya goldfields, is very very largely due to the excellent work which has been put in by the Government officials. At the same time, I should like to congratulate publicly the Director of Public Works for the most excellent work which he performed about six months ago on representations from the Central Roads and Traffic Board, who succeeded in getting a special vote for roads in the Kakamega region. His Department, Your Excellency, as everyone knows, is very frequently the subject of adverse criticism, and I should like it to be clearly understood that the people of Kenya fully recognize merit when they see it, and I take this opportunity of congratulating the Department and the individuals concerned most heartily on the extremely good work they did, on the value they got for their money, and on the enormous benefits which these roads have conferred on the orderly development of the goldfields.

Now, Sir, I am not quite happy about one thing which has already been alluded to at some length by the hon. member and the Noble Lord. I allude particularly to the absorption of the mining section by the Department of Local Government, Lands and Settlement. I should like to say that the hon. member, in my opinion, expressed Government's view in the most reasonable possible manner, but knowing as I do, Sir, that the Commissioner for Mines had a full time job before he assumed responsibility for the omnibus department, it is perfectly obvious, Sir, that something—either the mining or some other activity of that Department—must be suffering under the present arrangement, and I sincerely trust, Your Excellency, that Government will do everything possible within the limits of available finance to ensure that the Mines Department works as a separate unit.

Now, Sir, the next subject that I would like to refer to, quite briefly, is the Kisumu Prison. I was told, Sir, by a gentleman yesterday, to whom I mentioned the matter, that I was merely flogging a dead horse, but I have sufficient faith in Government, Sir, to believe that that is not a statement of fact. The position at Kisumu, Sir, is this—and I may say that I have first-hand knowledge of the Kisumu Prison (*laughter*)—as a visiting justice, I mean. The prison, Sir, has been constructed on one of the best residential sites in the township,

in very close proximity to churches, schools and a very large number of residences. The capacity of the prison, Sir, was greatly strained when I was there (*laughter*). With a capacity for something slightly over 400, there were approximately 600 people in residence. Another very great objection, Sir, raised by the residents of Kisumu is the incidence of infectious diseases. I was informed by another visiting justice that an outbreak of smallpox and mumps occurred just a few months ago, and that the infection spread to the children in the neighbourhood. That is a very serious matter, and deserves the most serious consideration of Government.

Now, Sir, when learned judges sentence criminals or guilty persons to a term of imprisonment with hard labour, I cannot believe that they visualize sitting down in the prison compound making string mats as a suitable form of hard labour likely to prove a deterrent for crime. I suggest, Sir—and this is a constructive suggestion worth looking into—that these hefty natives, 600 of them, might far more properly be employed cutting murrum, or at least doing something towards building a prison on a suitable site.

The next subject to which I wish to refer is a matter of grave concern to a very large number of people in Nyanza, where coffee planting is the chief industry, and I should like to express our gratitude to the Agricultural Department and to Government for establishing a small experimental plot in the Sotik for the purpose of investigating the incidence of coffee berry disease, and making recommendations ultimately for the diminution, or, I hope, the complete eradication of that very serious pest to the industry. That work has been done in very close collaboration with the Coffee Board, who subscribed a portion of the necessary funds. But I do not think the work is quite as effective as it might be. Planters complain that they are not kept advised as to the results achieved to date, and precisely what the Agricultural Department's policy is in this connexion. I am fully aware, Sir, that work of this nature is of a very long range character, but planters would like to know the lines that are being followed by scientific officers in investigating the incidence of this disease. The farm is located, Sir, in Sotik, but coffee berry disease is equally rampant in the Nandi area, which is about 70 or 80 miles away; and complaints are made, Sir, that the investigating officer does not maintain sufficiently close contact with individuals in Nandi, who are themselves doing a great deal of most valuable experimental work; and my suggestion is—and I hope to hear from the hon. Director that this has been done—that there should be a far greater degree of co-ordination than there has been in the past in the efforts to combat this deadly menace to the coffee industry.

The last item to which I wish to refer, Sir, is a matter which the Nyanza District Council has asked me to bring to the notice of Government. That, Sir, concerns vehicle licences. There is no shadow of doubt, Sir, that an enormous percentage, probably over 50 per cent of people liable to vehicle taxes, get away without paying. One of the reasons is that Government is guilty of omitting to provide a very elementary protection which would enable the police or other authorities efficiently to do their duty. I am told, Sir, that at the present moment nothing exists in the shape of law or rules for badges to be placed on licensed vehicles which will enable the authorities to check whether the licences have been paid or not. This is a matter of great importance, Sir. As Your Excellency is aware, local authorities derive nearly all their revenue from this source, which is spent on district roads, and I sincerely trust Government will take effective action in connexion with this important matter without undue delay.

*The Council adjourned till 10 a.m. on Wednesday,
6th December, 1933.*

WEDNESDAY, 6th DECEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Wednesday, 6th December, 1933, His Excellency the Governor (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 5th December, 1933, were confirmed.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table:—

By THE HON. THE COLONIAL SECRETARY (MR. H. M. MOORE):

First, Second and Third Interim Reports of the Civil Service Board.

ORAL ANSWERS TO QUESTIONS.

GOAN SCHOOL, MOMBASA.

No. 52.—THE HON. F. A. BRIMSTER asked:—

1. What are the nationalities of the children attending the Goan School in Mombasa?
2. Are the majority non-Goan?
3. If so, out of what fund is the grant-in-aid paid, and what is the amount?

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): 1. Goans. 42; Other Indians. 21; Other nationalities. 17; total. 80.

2. No.

3. Grant is paid from item 61 of Head VIII, Grants-in-aid, Goan Education.

MOTIONS.

ESTIMATES, 1934.

HIS EXCELLENCY: The debate will now continue on the Estimates for 1934.

THE HON. T. J. O'SHEA: Your Excellency, had an opportunity to speak on this motion occurred yesterday I should have spoken with considerable embarrassment. The profusion of

bouquets of brilliant hothouse blooms thrown at Government with such lavishness would have made me feel somewhat ashamed of tendering a few simple country flowers that I might have placed at the feet of the hon. mover. Words are live things and have a meaning, and, however calm I might have appeared yesterday, I was unwittingly very much excited by the brilliant display of laudatory language. It worked so much on my imagination, Sir, that I could not refrain from picturing to myself the old roué who, having spent his younger life in passings to and fro between the gay capitals of Europe, eventually tired of that way of spending his life, and retired to a country village, became a stalwart of the church, and frowned heavily on the simple pastimes and frolics of the lads and lassies of the village. Poucher turned gamekeeper is not a very inspiring character in English literature, but he is a very interesting study, and I could not help thinking yesterday that this House did contain many poachers turned gamekeepers.

To me, Sir, the Budget appears to be a very sound but unimaginative piece of work. My imagination having been so stimulated yesterday, I could not help thinking of it in other figures of speech. Indeed, I found great difficulty in thinking of it as a plain set of figures to be examined in the light of cool reason. To me it appeared, listening to some of the speeches yesterday, as a prize poem on the epic scale, worked out with the calculating machine. It is an honest piece of work, I say, but entirely unimaginative. It reminds one of the solid, substantial and respectable farmer who says to himself: "I can look every man straight in the face because I know my own mind"; and because he has now put his own house in order he feels that the world is indeed safe for democracy.

I think the Government is undoubtedly to be congratulated in having succeeded in balancing the Budget for next year, but on the other hand I cannot help feeling that it has failed to take the wider view that is necessary in view of its responsibilities for the future. I hope therefore, Sir, that at a later stage of this debate, when I bring up the amendment I intend to move, that Government will re-examine the situation from the point of view of making adequate provision for the future.

There are a few matters of principle raised in the Estimates with which I would like to deal briefly. One, Sir, which has occasioned considerable public comment at the present time is the attitude of Government towards European education. It will be said, of course, in excuse for the attitude of Government in the matter of school fees, that their action has been taken on the advice of the Expenditure Advisory Committee. Now, Sir, I have considerable respect for the report

of that Committee, because it is undoubtedly a sound piece of work, the result of very hard labour, but I sincerely hope there is nothing pontifical about that report, and that, if one may question their decisions about minor matters of conduct without being considered unorthodox, I would make a strong appeal to Government, in considering the suggestion that a few paltry thousands of pounds might be obtained by raising the school fees for what has been called higher education, not to think of the problem of balancing its expenditure with revenue in a narrow-minded way, because the issues at stake are so serious that it would, I submit, be a grave error of judgment to think of this question of education fees as merely a question of a few pounds extra from the individual and a few hundreds or thousands of pounds extra into the coffers of the State. The position to-day, Sir, is that the young European children growing up in the country have just arrived at that stage when the provision of schools to give something more than the merest primary education is of the utmost importance. To-day, you are building up at Kibete an institution that does credit to the country, that already in its short life has had a material influence upon the education of the youth of this Colony, an institution that is now at the stage when, if given some little encouragement, it would produce big results in the course of the next few years, an institution that if jeopardized at the present stage may prove a failure when it might have been a great success.

Again, Sir, we have, within the last year or two—or Government has—at long last revised the conditions of service in this country in such a way that you will in future be looking to the youth of Kenya for a very large proportion of the personnel of that Service. I say this for this reason, if for no other, that Government should very seriously reconsider this point of school fees and reconsider it in the light of the requirements of the country, and consider what a terrible disaster it would be if, for the sake of a few hundred pounds, Government were to take a step that would result in the youth of this Colony being deprived of a reasonable standard of education.

I would also urge, Sir, that when these Estimates are being considered in Committee consideration should be given to a scheme of scholarships, and I would ask the Committee to consider the question of including a token vote of a small amount, say, £500, for the purpose of inaugurating such a scheme, on the understanding that if Government finances next year do not permit of the expenditure of that £500 it shall not be spent; but if, on the other hand, the revenue coming in is in excess of anticipations, that that token sum will be the foundation of a scholarship scheme.

Another issue raised in these Estimates, Sir, mentioned in one form by the Right Hon. Member yesterday, is the question of local government institutions. I heard with considerable regret that there is some difficulty about Government implementing its undertaking regarding the handing over of some of the trunk roads of the country to the local governing bodies as an experiment. Your Excellency, it seems to me that if you embark upon this policy of decentralization, after deciding to set up these local government institutions with a view to inculcating a spirit of responsibility in public life, it would be a great disaster if anything were done to jeopardize the success of those institutions. I do hope we shall be assured before this session ends that Government still believes in the soundness of that policy, a policy of building up and developing still further these local government bodies.

Another matter of some importance I should like to bring up, Sir, is the question of this Standing Finance Committee. I do so without desiring to raise in any way any constitutional or racial issues. I bring it up, Sir, as a matter of political expediency. I suggest that Government will recognize that governmental institutions being live bodies must develop; they must grow, they cannot stand still. They must grow with the development of the community they are intended to govern, and it is particularly from the point of view of developing our existing institutions so as to enable them better to serve the purpose of governing the country to its best advantage that I bring up this question of the Standing Committee on Finance. It is an issue that I have raised before, and it has never yet received the consideration that it deserves, and I ask Government and Members on this side of the House to give it consideration in the near future. I urge, Sir, that it would be to the advantage of Government and to the advantage of the country as a whole to reconstitute the existing Standing Finance Committee as a Standing Committee on Finance of this House, and in doing so to examine the possibility of amending the composition and procedure of our Select Committee on Estimates with a view to making it a more efficient body.

I shall now formally move an amendment to the motion, of which I have already given notice. The amendment reads:—

"That it be an instruction from this Council to the Select Committee on Estimates, when examining the draft Estimates for 1934, to consider what additional provisions (if any) are necessary to provide for an adequate programme of economic reconstruction and to consider the advisability of loan funds being obtained to finance any such recommendations."

Your Excellency, I should like to make it quite clear that I am putting forward that amendment in the spirit of your address at the opening of this Council, and in the spirit of the speech of the Right Hon. Member yesterday, when he gave his assurance that your very sincere desire for co-operation would meet with a ready response from Members on this side of the House. It is because, Sir, I regard it as my duty to support that movement in favour of co-operation that I put forward this motion. I should regard it as a failure of my duty to the country at this stage if I were to take any step to jeopardize the fullest and freest and most active co-operation between Government and the people in the problem of solving our difficulties of the next few years. On the other hand, I should regard it as also a failure in my duty if I did not point out that that co-operation must not be one of agreeing upon a policy of allowing things to right themselves, if they can right themselves by being left alone. I think we should all be failing in our duty if we did not recognize that this country is very unlikely indeed to get out of its difficulties unless strong action is taken by Government to assist in its recovery.

With the hon. Member for Nairobi South I entirely agree that this country is definitely on the turn of the tide. Our fears for the future are less than they have been at any time during the last three years, but I think we must recognize that, though we are on the turn of the tide, the country has considerable handicaps that must be overcome if it is to get back on the road to prosperity. It is not, in my humble opinion, sufficient to believe that an improvement in world conditions will automatically improve the situation here. This country suffers under very grave handicaps and steps must be taken to minimize these handicaps. As a dependency of another country, it has not been free to take the steps it would otherwise have been able to take to protect itself. As a country dependent upon foreign finance—I use the word "foreign" merely to indicate something extraneous to the country—it has not been in a position to control its own funds. As a country dependent on another country it has not been free to take the steps that other countries have found it necessary to take in the matter of its currency. As a dependency it has not been free to do as, for instance, Great Britain has done; that is, compromise with its creditors. Because of the manner in which its loans were raised in a period of prosperity, it has not been free to reduce the burden that these loans have placed upon it. This is not a matter of opinion, Sir; it is merely a plain statement of facts. I make that statement of facts merely for the purpose of emphasizing that this country is suffering under very definite handicaps, and that these handicaps make it all the more necessary for Government and the people supporting

it to take steps to relieve the people and the country of the burdens they will have to carry later on as a result of nothing being possible in regard to these matters. Your Excellency, even if we were gradually to increase our exports during the next few years, and even if the people were to receive liberal remuneration for their efforts as farmers or others, they would still be faced with a burden of debt that would make it extremely difficult for them to die other than as very impoverished people, and it seems to me futile to talk in vague terms about increasing settlement and production unless you can do something for the people who have borne the turbulence of the last few years and upon whom the Government of this country is still depending for its revenue.

If you cannot take steps to maintain the people on the land and the country, it is futile to talk of bringing others to the country. In the course of recent months there have been widespread public discussions as to schemes that could be made for the improvement of the situation. It has appeared from these that the expenditure of money is required. Your Excellency, I subscribe to the views expressed yesterday, that because we are on the turn of the tide we should be very conservative about embarking on new expenditure, but I still contend that if, after mature consideration, we can find ways in which money would be well spent, it would be wisdom to find that money and to spend it. That is a very different matter indeed from loosening the rein on expenditure. To people who have given consideration to the matter, it is a conviction that it is sound finance for this country at its present juncture to find new money and to spend it on wise schemes of reconstruction, and I sincerely hope that Government will recognize and will give facilities for the consideration of our problems, and a consideration of this question of finding further money for capital expenditures in the country. I feel tempted, Sir, in order to justify this motion, to mention some of the ways in which the money could be wisely spent, but were I to do so it would probably prolong the debate, because some of my views might be questioned. I therefore content myself with the statement of the problem on broad terms, being assured of Government's sympathetic consideration and, I understand, support in Select Committee.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency. I beg to second the amendment.

HIS EXCELLENCY: The question is that the motion be amended by the addition of the words:—

"That it be an instruction from the Council to the Select Committee to consider what additional provisions

(if any) are necessary to provide for an adequate programme of economic reconstruction, and to consider the advisability of loan funds being obtained to finance any such recommendations."

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I should like to speak to this amendment, and to say that I am entirely in sympathy with the spirit which underlies the object of my hon. friend who has just moved this amendment. Whether, however, this should best be done by this Select Committee on Estimates, whether it would have the time thoroughly to explore all the necessary provisions that it might entail, I am not prepared to say. But I do consider, Sir, and I think I said so yesterday, that not only have we got to see that on the destructive side, as it were, we cut down expenditure, but that Government must consider the constructive side by increasing the productive wealth of the country. To do that, inevitably we must proceed to further loans, but those loans should be strictly confined to loans for constructive benefit and which will not entail a dead loss to the country, as is the case in certain former loans. If, for instance, it means increased funds for the Land Bank, the interest and sinking fund which the country would be called on to pay would be reimbursed by those who borrow money from the Land Bank. I do not wish, as the hon. Member said, to dilate on details, but I do hope, Sir, that Government will accept the principle which has been brought forward in this amendment, and that at the earliest possible time a thorough exploration should be undertaken of all the additional provisions, as is said here, if any, necessary to provide a programme of adequate economic reconstruction.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): Your Excellency, this amendment, as the Noble Lord has pointed out, falls into two parts. The first is that there should be an inquiry held; the second that that inquiry should be conducted by the Select Committee on the Estimates. In regard to the former point, I am authorized to say that Your Excellency is entirely sympathetic towards an inquiry being conducted on these lines. In regard to the second point, it is felt, and I feel sure the Noble Lord agrees, that the Select Committee is certainly a large and unwieldy body to conduct an inquiry of this kind, and that by precedent it has hitherto confined its attention solely to the revenues of the Colony or the surplus balances of the Colony. It is the case, I think, that whenever any research into projects involving loan expenditure has been carried out in this country, a special *ad hoc* committee has been entrusted with the task.

In regard to this particular subject, I have again Your Excellency's authority for stating that Your Excellency is prepared to appoint a special *ad hoc* committee for this purpose, and to add that, in order to obtain the best advice and the best judgment on the matter, that committee will be made as representative as possible.

THE HON. T. J. O'SHEA: Your Excellency, in view of that explanation, I should like, with the leave of the House, to withdraw my amendment, which had to be worded in that particular form in order to introduce it.

HIS EXCELLENCY: I take it that with the leave of the House the amendment is withdrawn. The debate will continue on the original motion.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I must express my regret that Government has seen fit to hold this session so late in the year, which is for all of us a period when we can least afford the time to attend the Council. I put that forward for consideration in the future, and hope it will be memorized.

I congratulate the Colony on having a balanced Budget. I cannot and do not congratulate the Government for balancing the Budget, as I cannot feel that congratulations are due to them; the congratulations are due to this side of the House for having for years—at least three years—pressed for reforms, amendments of the terms of service, etc., which have now been carried out to some extent. If it had not been for the appointment of the Expenditure Advisory Committee, I do not think the Budget would have been balanced this year. I do not also congratulate Government for another reason—that the Budget has been balanced, not out of savings of what one would call economic and actual revenue, but out of taxation, the increased taxation, both by the central Government and the Kenya and Uganda Railways and Harbours' increased tariffs, which not only hit the commercial people but hit still harder the agriculturists of the Colony, and make it almost practically impossible for them to exist at the present prices of cereals ruling on the world's markets. It is a fact that there are some 841 maize producers in this Colony. There are more, but that is the number of members of the Kenya Farmers' Association (Co-operative), which is doing very valuable work. Their last pool was the absurd price of Sh. 3/50 a bag of 203 lb. of maize. I can say confidently, of my own knowledge, that 75 to 80 per cent of those producers are in a state of grave financial difficulty, and notwithstanding that in the earlier part of the year Government was approached to stabilize the minimum price of maize, Government refused to take

any action. In other countries, such as South Africa, they have stabilized the price at Sh. 10 for some considerable time, with the result that maize is in the region of Sh. 12 a bag of 203 lb. to-day. That is a very serious position, and leads me to believe that Government has no sympathy whatever with the European producers of the Colony, as they have taken no action whatever to save them from going under.

There can be no question, Your Excellency, that the commercial people not only in Nairobi but throughout the Colony are merely hanging on, and that a great number would get out of business to-day if they possibly could. It is probably in a general way outside the possibilities of Government assisting them, but with the others it is simply due to the world crisis and the terrific drop in the world's cereal market prices during the last three years. But that does not help things.

With regard to education, it is proposed to increase the fees for secondary education to £15. I maintain, Your Excellency, that there is no justification, no financial justification, for Government increasing those fees for parents who are not in a position to pay, and I say that it is the general position throughout the Colony to-day. The Expenditure Advisory Committee, I am aware, recommended that increase. I am also aware that the Elected Members accepted the Expenditure Advisory Committee's Report. But in accepting it they accepted it *in toto*. Before I can accept Government's right to increase or accept this one item of the Committee's recommendations and leave many others not implemented, I will have to oppose the increase in the secondary education school fees until Government has accepted the report of the Expenditure Advisory Committee *in toto*. That was what we meant when we told Government that we accepted the Report—that we accepted it as a whole, and are not prepared to accept it in parts. Unless I find on the Select Committee on the Budget that Government is prepared to implement the whole of the recommendations, I cannot support an increase in the fees for secondary education. That also implies that if Government accepts the Report *in toto* I am also bound to support the increase in these fees suggested by Government.

There is another Report—a very valuable one, a unanimous one. I refer to the Terms of Service Committee Report. That Report has not yet been accepted *in toto* by Government. Many of the items and recommendations have been implemented, but many others have been left, and I suggest that Government should and must implement the whole of that Report, seeing that it is a unanimous report and that Government had a majority on the Committee which drew that Report up. I do not wish to go into the details of it—that can be done in Select Committee to save the time of this House.

A further item is the decentralization of the Public Works Department. That is another matter which every Member on this side of the House has striven for years as a measure of economy. It is not an attack upon the Director of Public Works—we have the greatest sympathy with him in running the Department—but it is a measure of economy, and we all know that decentralization is advisable. As a result of the Feetham Commission Report, district councils have come into being in different areas of the Colony. They have done magnificent work, and I can say in my own area that we are very well satisfied with the results that we are getting for very much less expense than it cost for the Public Works Department to do the same work. It was prophesied that that would follow, for the simple reason that the personnel of the district council are men practically living on the spot. They are personally interested, and it is for them to see that they get full Sh. 20 in the £ for their expenditure. Having started the decentralization and appointed the district councils, Government has still got to go further and hand over the main trunk roads within the areas of those district councils to the district councils. I am aware, as everybody else in this House probably remembers, that a committee was set up and they have reported, and the result of that report was whittled down to an agreement that the main trunk roads in the Nakuru area should be handed over to the Nakuru District Council. Now we are told that that is not going to be implemented. What the exact facts are I am not in a position to know, but I hope Government will make an announcement on that point, and, apart from making an announcement, that they will still see the advisability of making use of district councils as far as possible to take the roads over from the Public Works Department and reduce the expenditure in the Colony under local government.

There is a rumour, Your Excellency, that, due to one or two or more tenders for the new Law Courts having been withdrawn, that it is now proposed to build that building by the Public Works Department. If there is any truth in that, Your Excellency, I hope Government will think seriously over that matter and still see that it is built by tender. If it is true, it seems to me on general principle that the Public Works Department must be over-staffed, seeing that it has been generally agreed that as much work as possible is to be put out to tender, and especially in Nairobi; and if they are in a position to take on that work to-day then they must be over-staffed in the Public Works Department. That staff is unnecessary if it is the intention to put such public works out to contract.

Last year, Your Excellency, in Select Committee—if you refer to paragraph 108 of the Select Committee's Report on the Budget, you will find a reference to the Kitale Native Hospital. It is the only native hospital in a settled area, as far as I know, that is not run by Government. Sympathetic consideration has been given to the representations I made during these last two years with reference to that hospital by the Acting Director of Medical and Sanitary Services, and he has reported to Government on the advisability of building a new hospital, and, I believe, on the advisability of Government taking that hospital over. He has also reported on the inadequate service supplied at that native hospital. Notwithstanding that report in favour of Government taking over the hospital and putting up an adequate building to meet the requirements of the district and the natives—there are some 24,000 in the district—I understand that it is not Government's intention to go any further than what they have done. The Hon. the Colonial Secretary, in answering a question I put on this subject earlier in the session, gave me the impression that the matter was still being investigated, but I can find no record in this Budget to indicate to me that it is Government's intention to do anything at all, and I can honestly and conscientiously assure this House that the conditions obtaining in that native hospital in Kitale are a disgrace to the Colony.

It is agreed that for want of adequate staff and for want of a suitable building a great deal of suffering is caused among natives in the district. I have seen myself boys going there with fractured limbs waiting for a medical officer to come from Eldoret. I say it is a scandal. A recent case occurred where a native was shot through the stomach. He was taken to that hospital in the evening, but died the following afternoon at 3 o'clock. No operation was carried out. It is only fair to say that medical opinion, at any rate one medical officer, stated that nothing could be done. Another equally good medical officer said that if the boy had been operated on within six hours his life would have been saved. Another outstanding instance was the poisoning of a young Gnan girl, fourteen years of age, recently. Epsom salts were asked for, and I understand the bottle supposed to contain Epsom salts was supplied; but it contained a very strong dose of quinine, and the girl died from quinine poisoning. That was nothing but carelessness, and it resulted in loss of life. It would appear that in those two cases I have quoted that two lives were lost at Kitale hospital recently through not having an adequate staff at the hospital.

As regards the buildings, there is no question about it, they are not suitable. It is agreed by Government that it is advisable to have a European nurse in the hospital at Kitale.

but it cannot be recommended by the Department, as there is no accommodation for her, and the hospital is not suitable for a European nurse. It has been given every consideration and investigation by Government, and I believe that a strong recommendation has been put in by the Department, but Government has taken no action in regard to extending the hospital or building a new one. I maintain, with the Department concerned, that there is only one way out, and that is a new hospital. I hope in the future that attempts will be made by the European population of the district to erect a European hospital. A site has been allocated, a joint site, and it is an opportune moment to do something, not only for the natives of that district, but also for the Europeans who are carrying the burden in regard to that hospital which they should not be asked to carry. I do hope, Your Excellency, that this matter will not be dropped, and that something will be done before this session adjourns.

There is one more matter, Your Excellency, I am compelled to refer to, and that is the remarks passed yesterday in debate by the hon. and learned Member for Nairobi South. I was left with the impression that the remarks applied to not only myself but to the rest of the Elected Members. That is my impression, but as far as I am concerned, it is absolutely incorrect. As far as we are concerned on this side of the House the matter is *sub judice*. We have not had an opportunity of discussing the question of financial control.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, on a point of explanation, if the hon. Member interpreted my remarks as meaning that my support to the policy advocated by the Noble Lord in a recent speech was anything but an expression of my own opinion he was mistaken. I spoke solely for myself, and I do not think I gave this House any reason to think otherwise.

LT.-COL. THE HON. J. G. KIRKWOOD: I am very pleased, Your Excellency, to have that assurance, but it still leaves me in the position of compelling me to state my own view. I am certain that those remarks will be applied to other Members on this side of the House. It will be implied that they agree, and I think it was a tactical mistake to have mentioned the matter at all.

I should like to refer to the declaration made by Elected Members, and published on the 13th August, 1933, "that the machinery of Government be reduced to the lowest level possible having regard to the requirements of a reasonably efficient administration and the taxable capacity of the Colony," and "that the salaries and hidden emoluments of the Civil

Servants be adjusted to conform with the prevailing conditions and the present cost of living". I understand, Your Excellency, that has not been carried out, and it is not at the moment being insisted upon by Elected Members as a whole, and I think it is most important that I should remind the Elected Members who signed that manifesto that they are now backing out of their own declaration of over twelve months ago. It is quite apparent that the salaries and emoluments of Civil Servants have not been adjusted to conform to prevailing conditions and the present cost of living. At a later date, the hon. Member for Nairobi South, on behalf of Elected Members, also made a statement in this House:—

... Determination to press for financial control. Determination to press for a constitutional change as a first step towards complete self-government, regarding which Lord Francis Scott is now discussing matters with the Secretary of State. An unwavering determination that Government expenditure must be reduced to the lowest possible figure and not inflated when prosperity returns. Determination to press for encouragement of all measures to help and cheapen production. Determination to encourage white settlement."

I will not press the matter any further, Your Excellency, but I think a more opportune moment will be given me outside this House. I hope that I have made my own position clear; that I still stand by those declarations. I have not altered one iota from the declarations made in the manifesto and in the statement made last May on behalf of the Elected Members of this Council.

Before I sit down, Your Excellency, I would appeal to Government to keep a level head and a level keel. We are not out of our difficulty. As has been pointed out, the Budget has been balanced by extorting the last farthing from the taxpayer, and I predict, notwithstanding the optimism expressed by both sides of the House, that next year will probably be our worst year. The price of cereals is so bad that the largest number of producers of cereals who are growing maize are producing it at a terrific loss, and I hope really they are going out of it, for how they are going to continue I do not know. Wheat probably is a paying proposition, about Sh. 17 a bag. Maize to-day is unsaleable. I tried in Nairobi a couple of days ago to sell at Sh. 5 a bag, and could not get a buyer; yet there is a shortage throughout the Colony. Sisal is not at a price that would induce the most optimistic financier to put money into it under present conditions. As regards sisal, it would be agreed that the rotation planting has not been carried out for at least two years, owing to the unprofitable markets. Even when they do start their factories going, that want of

rotation is going to be felt next year, for there will be no sisal to cut; it has not been planted. Coffee—nobody can be too pleased about the coffee market. Owing to the drought, the lack of rain this year, the crop will undoubtedly be much lighter than otherwise it would have been, and all will agree that the quality of the crop will not be what it would have been had we had normal rains, so that the revenue will be very much less by many, many thousands. I cannot see what we are to be joyful about in the balancing of the Budget at the moment, unless it is simply trusting to God and Providence that something will happen during the next twelve months to get us out of our difficulty. But if the situation is looked at calmly there is nothing to justify any undue optimism at all. I hope that the unforeseen will happen, that the world's cereal markets will improve, and that is what we are hoping for. If that comes off, the cereal farmers will be able to sell their produce at a profit. But how many will be in existence at the end of next year I do not know, for it is quite obvious the banks are carrying the greater part of them, and they cannot do it indefinitely.

I am very pleased indeed with the action taken by the hon. Member for Plateau South in bringing the amendment that he did. It has my hearty sympathy, and that is the one thing I can compliment Government on, in deciding to investigate the matter further. There is a great deal more in it than most people imagine. I will not detain the House any longer, Your Excellency, but I hope and do believe that from what I have seen this session the period in Select Committee on the Estimates will be a record one for the shortness of time that the Committee will take to come to a conclusion.

LT.-COL. THE HON. C. G. DURHAM: Your Excellency, I congratulate the Government on at last having taken a firm hold on that hoary-headed old nettle called "reduction", and I hope it will never let go. Sir, once again I have got to get back to the military vote. On this occasion, I am not going into detail, but I would congratulate the Officer Commanding the Northern Brigade for having made a reduction of over £4,000. The unfortunate part is that 28 per cent of the amount he has saved comes out of the pockets of the unfortunate settlers. He has made an astonishing saving on his rations of £1,311. As a good soldier, I know that he is not starving his troops, so that it is quite evident the saving comes out of the pockets of the farmers.

To-day I must put up the plea once again for the consideration of Government of the lads of the Colony: I submit, Sir, that the lads of the Colony can very definitely officer both the King's African Rifles and the Police Force of the Colony. You

have in all, and I am referring both to the military and the police, 1,193 British ranks. I do not say for a moment, Sir, that the senior officers should not be brought out from home regularly—the Commanding Officer, the second in command, the adjutant, and the regimental sergeant-major—but beyond that I do submit that the Colony will in the next few years be quite capable of finding all the junior officers that we want for the services of the Colony. The amount of money saved to the Colony would run into thousands of pounds a year, from the point of view that people living on the spot would not want to go back to their regiment at the end of four or five years; further, they would not have to go home every two and a half years on leave. Moreover, they would know the country and its language, and it would not be the case as now, that it takes a man six months to learn the language; he goes on leave, and when he comes out he has to re-learn it. So it goes on year after year, and there is no end to it. To-day, if these forces were officered from people in the Colony, there would be a saving. It would also mean employment in the future to at least 175 or 180 lads of the Colony. It is no good telling us that because they are born out here they are no good for any service, because I could quote cases now—and I will tell the Officer Commanding later their names if he wishes them—of three or four boys who have gone home into military colleges, and have done extremely well indeed. I hope Government will bear this in mind, Sir, and make an effort to get the War Office to see our point of view, and not make this a happy hunting-ground for officers who come out for a short time.

With reference to Posts and Telegraphs, I want to put up a plea for rural telephones. In two areas of my constituency they have done all that was required of them, and have not got the telephones. They have fulfilled all the Government conditions, and yet now Government cannot find the money to extend the telephone system—and it is only a question of extension, I would like to point out to Government the amount of money it would mean to them if they established these telephone lines. To-day you have got a paucity of police *askaris*, and to my mind it is up to Government to get these rural telephones established. It would be a greater benefit to Government than the settlers themselves, for there are not the officers to go around the districts, so that nothing is done, but if anything was needed one could get on to the telephone in a few minutes, whereas otherwise it is a matter of hours. I hope that during Select Committee ways and means will be found to establish these telephones. Another point of view that one must take is this: We know perfectly well that a telephone system does pay for itself; there is no question about it, and it is now run definitely as a Government monopoly. When you give a company a monopoly of a

particular thing, and there is a proposition to extend the service on guaranteed payments, they should carry it out. Government has a monopoly, and when it can be proved there is no loss to Government, Government should give that service. After all, if a private individual tried to put an extension in he would be debarred from doing so. Government cannot have it both ways. If an individual is prepared to do it, and Government cannot give the service, let him do it.

With regard to agriculture, Sir, I can only think, as seen by the reductions, a wolf must have been among the lambs.

Regarding the Game Department, some months ago I put a question up to Government as to the Somalis occupying Mbagathi Plains. What are Government's intentions in this matter. These Somalis are overrunning the place with their cattle. They send their milk in to Nairobi—I did say it was not fit for human consumption, but the Medical Department said it was. I definitely make the statement that it is not. I can bring facts to prove that it is brought in, some of it gets spilt, and it is filled up from any dirty water-hole on the road. That has been seen time and time again. I hope that Government will look into the matter, and put these fellows out from where they do not belong.

Public Works Department—for once, I am not going to say anything, but I want to refer to the question put up by the hon. Member for Plateau South when he asked why natives were not employed on works. There is a Loan Works Committee, and I want to state definitely that the Public Works Department has always done its best to carry out the wishes of that Committee in relation to the employment of natives. The Law Courts were definitely mentioned, and we have to consider whether native labour could be employed on work of that description. It is much too good for native workmanship to tamper with that building, but I expect that everything has been done for the benefit of the natives in any outside work. There is no doubt that native labour is much more expensive than any other you could get, and if the hon. Member will see me afterwards I will give him figures to prove it.

Council adjourned for the usual interval.

On resuming.

THE HON. HAKIM SINGH: Your Excellency, I congratulate the Government on presenting this balanced Budget. I also know that congratulation is 50 per cent due to the public who have agreed to foot the bill and pay extra taxation. The

Government has very carefully considered that; no community escapes without paying new taxation, but when the time comes for declaring dividends my community is missed out.

I mean to refer to social services—that is, hospitals. We have been trying for such service for years and years, but we have always been put off by being told that times are bad. When good times come, Government waits for much better times, and by that time depression falls in again. We have got a very small ward in Nairobi in the Native Hospital, where there are no up-to-date facilities. A patient goes there to get treated for one disease, but before he is cured of that he gets malaria, because no mosquito nets are supplied to the patients. The Medical Officer of Health in Nairobi is always advertising in the local papers that water must be boiled before it is drunk, but in the hospital there are no filters and the water is not boiled, and the result is that the patient gets indigestion. The attendance is poor, and the native boys do not pay proper attention to the patients. I propose that there should be Indian servants to look after the patients. Furthermore, in the female wards there are no female servants, and even when an operation is performed on a female there are only native male servants. That is not the case in the European hospitals. I think, Sir, that there should be nurses to look after the patient and when an operation is performed the ladies should not be left naked in front of these boys.

Another social service is the school. In Nairobi, the elementary school building has been standing for years and years. It has been promised by Government that they will erect a new building, but that has not been done. The site looks like a *duka* out in the "blue". The boys are taught in the kitchen rooms, and the main building, which is made only of matchwood, is in a very dilapidated state. During the rains the water stands for days underneath the floor. This should be remedied before the new building is put up. The Director of Sanitation has asked for £200,000 for next year, and he is showing a decrease of £14,000 odd. I would ask him to reduce this saving and provide these necessities. If we ask for any service, such as nurses to look after the patients, filters, mosquito nets, and so on, we are told there is no money. Instead of showing a saving of £14,000, I ask if he will show a little less saving and make provision for these small items.

THE HON. THE DIRECTOR OF EDUCATION: Your Excellency, there are only two things I should like to intervene in this debate for. May I intervene in the first place in a somewhat personal way. The hon. and gallant Member for Plateau North has stated that the balancing of the Budget is a matter for which the Government can take no credit—only the Expenditure Advisory Committee.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of order, Sir, I think I said the Elected Members.

THE HON. THE DIRECTOR OF EDUCATION: May I ask the hon. and gallant Member to repeat that? I did not quite hear.

LT.-COL. THE HON. J. G. KIRKWOOD: What I said, Your Excellency, was that I gave no credit to Government for balancing the Budget, and that it was due to increased taxation and to action taken by the Elected Members—or words to that effect—in getting the Expenditure Advisory Committee appointed, and so on and so on. I do not want to go over the whole of my speech again.

THE HON. THE DIRECTOR OF EDUCATION: I am very glad to hear that, Sir, but I hope the hon. and gallant Member will give a little credit to those Members of the Government, two of whom at least have passed away, for their assistance in the work of the Expenditure Advisory Committee.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of order, Your Excellency, I would like to state this, that, including Your Excellency and every member of the Administration, I have the greatest admiration—it is not a personal matter when I speak against Government. It is the Crown Colony system of Government that I am up against, as a Colonial.

THE HON. THE DIRECTOR OF EDUCATION: I think that one must be very grateful for that compliment, Your Excellency. The point, however, in connexion with the Budget about which I think I ought to say a few words to hon. Members is in connexion with this controversy of the raising of school fees for secondary education. That increase was recommended by the Expenditure Advisory Committee, and it was recommended, if Members of the House will be so good as to refer to the relevant paragraphs, in connexion with the communal system of finding money for education. It was pointed out that the arrangement came to in 1926, whereby the communities, especially the European and Indian communities, would find the necessary funds from different forms of taxation, including fees, should be sufficient to pay for the cost of education, both European and Indian; and it was pointed out by the Expenditure Advisory Committee that we had nothing to do with approval or disapproval of that system—we had only to suggest to Government that if the system were to continue it should be made to work. We also pointed out that the system had failed owing to the fall in revenue from the

particular items of revenue which had been scheduled as meeting the cost of education; and that therefore, from the point of view of the communal system, it was necessary to secure some additional revenue unless expenditure was to be cut down. That was one point of view, but there was another point of view which had to be considered, and that was the actual expenditure in regard to secondary education.

The hon. Member for Plateau South has made a very reasonable and earnest plea that facilities for secondary education should not be withheld, but I would like to ask hon. Members to consider the matter also from the point of view of reason and not purely of sentiment. I do not suggest that the hon. Member was discussing it purely from the point of view of sentiment, because he argued that there was a special need in this country for secondary education, with which I think we all agree. But the facts are that the cost of secondary education in 1932 was £47-2-0 per pupil. We are asking the parent to pay £15 towards that cost. We are therefore paying from general revenue £32 and more in respect of every pupil who is receiving secondary education. The figures for elementary education may also be given. The cost of elementary education last year was £24-10-0, and towards that we asked the parent to contribute £4-10-0, so that the community is paying over £20 for every boy and girl who is receiving elementary education, and is actually contributing over £33 for every boy and girl receiving secondary education. The difference between £20 and £33 is sufficiently marked to show that Government recognizes its responsibility in regard to secondary education, and it thinks that it should reasonably limit that responsibility to that amount per pupil.

Hon. Members may argue that those costs are unduly high. I can only answer that by saying that they are very much lower than they were. We have reduced the cost of education per head in the last four years by something like £13 per head, and I do urge that hon. Members will bear in mind that, while we do want to reduce costs, we must at the same time bear in mind that we cannot expect the State to contribute unduly in respect of each pupil.

The hon. Member for Plateau South made reference to a scheme of scholarships, and he actually threw out a tentative suggestion regarding a sum of £500. It is interesting to record that remissions of fees that have just been approved in respect of secondary education for next term amount to some £600 per year, including boarding and tuition fees, and as far as I am concerned—I am speaking here quite personally—I should welcome such a system of scholarships, provided it was understood

that it did not go hand in hand with general remission of secondary education fees. I do not think you can have scholarships and remissions; otherwise the Treasurer will become extremely annoyed. He would not like to have a system of scholarships shown on the expenditure side which would be merely balanced by a similar sum on the revenue side, which would mean that the parent, when he receives the money, would hand it back to me, and I should hand it back to the Treasurer. So, from the point of view of logic, there is that objection. It both increases revenue and expenditure, and by a remission of fees you arrive at the same thing. But from the point of view of principle, seeing what the expenditure is, I say there is a great deal to be said for what the hon. Member suggests, but it is not only a question affecting European education.

The hon. Member for Plateau South took the view that the amount of revenue involved in these increased fees was very small. It is only, between the two communities, probably in the neighbourhood of £1,500 to £2,000, but there is the question of principle behind it of communal responsibility, and there is the further question of whether the parent should not, as far as possible, contribute a little more in proportion to the cost of education which is being given to his son or daughter. I hope that no one will think that the Government is putting forward these proposals for increased fees through any lack of enthusiasm in the development of secondary education, and I hope that the figures I have given show, if they do think so, that they think so without any just reason.

THE HON. ABDEL WAHID: Your Excellency, on this question of school accommodation for Indims in Nairobi, we recognize that this accommodation is not all that it should be, but it is like a great many other things that we should like to do that we cannot possibly think of doing at present because it involves a very large expenditure to put up a new school for 400 or 500 children. That would mean money from loan funds, which I see no prospect of getting Your Excellency to agree to at the present moment.

MAJOR THE HON. J. O. K. DELAP: Your Excellency, I am happy to be able to feel sufficient conviction on the subject that I can tender congratulation to Government in having put forward a Budget estimate for 1934 which shows an estimated surplus on the year's working. It is true, Sir, that the recommendations of the Expenditure Advisory Committee have been taken to a great extent, and have enabled these savings to be made, and so, although I do not think it is desirable that we should devote ourselves into a mutual admiration

society, we can on this side of the House, having recommended this step, also congratulate ourselves to some extent on the result.

Now, Sir, it seems to me that the Budget will be balanced by the country in proportion to its recognition of the need for adhering to the findings of that Committee. Under some heads of expenditure, expenses have been reduced beyond the recommendation of that Committee, and that, so far as it goes, from the purely budgetary point of view, is of course gratifying. Under certain other heads, it must be admitted that inevitably the expenditure recommended by that Committee has been exceeded; and under certain other heads it is to my mind apparent that there are still further economies which might be applied without danger. In so far as the Budget implements the findings of that Committee, I feel sure that it will receive the support of the country, for, Sir, the unofficial community, whether vocally or tacitly, has given its support to what that Committee found to be in the best interests of the country; and, Sir, the people of this country are not such as would go back on their word, even though it should involve some sacrifice. The Alternative Revenue Proposals Committee also, Sir, has received the backing of the country in a most notable way; otherwise, I feel perfectly certain that they would not have attempted to pay the additional burdens which they have accepted at their hands. As we all know, the recommendations as to special additional taxation have been made of a purely temporary character, and as such I know that they are acceptable, provided always that the time limit is strictly obeyed.

In regard to the various points of detail contained in the Budget, I think that the intervention of the hon. the Director of Education has cleared the air to some extent in regard to the additional fee for tuition in the case of secondary education. In regard to this I should like to emphasize that the payment of £15, which, on the adoption of the Budget, will be required for tuition, will be asked for services which actually cost the country between £47 and £50. In this connexion, I may remark that some publicity has been given very recently to a comparison between fees charged in the Transvaal and fees proposed to be charged here. In the Transvaal, I understand tuition is free—secondary education is free—but the total boarding fees come to £64, which compares unfavourably with the fee of £15 and some £43 for boarding expenses here.

Another point I should like to raise, Sir—and I really do not know whether in doing so I am only ramming my head against a brick wall—but with considerable experience of local government management of roads under their control, I must say I am disappointed to find that economies were not able to

be effected by handing over the trunk roads to their care. I honestly think, with the experience I have had of local government on district councils, that the trunk roads could be managed with a certain amount of economy to the country by district councils.

There is another point to which I would like to draw the attention of the House. The hon. and gallant Member for Kiambu has for some years past made what seems to me a perfectly reasonable suggestion, that the junior officers in the King's African Rifles, where it is possible to do so, should be taken as far as possible from the young men who have been brought up in this Colony. One realizes the difficulties of this, Sir, but if we could get sufficient support, especially from Government, it seems to me it ought to be acceded to by the home authorities.

In regard to the five super-scale senior District Commissioners, I do submit that the attractiveness of our Colonial Administration in this country is really sufficient to attract considerable candidates from home without this additional expense. The fact that reorganization made possible a reduction in the number of Provincial Commissioners, which in itself is so much to the good, is entirely counterbalanced by the setting up of these posts. I should like to ask Government whether they would not reconsider as to whether these were really justifiable.

Now, Sir, I should like very much, while I have this opportunity, to express my adherence with the general political view so ably expressed by the Noble Lord, the Member for Rift Valley. I should like, Sir, to support his view that the time and the circumstances have now arrived when co-operation between the interests represented in Government and the unofficial side could have and will have the best effect in the reorganization we require. I feel perfectly certain, Sir, that we require now to observe what I may describe as an armistice in political effort to enable us to concentrate the energies of the whole country on reform in local finances and local economics, agricultural and industrial reorganization, the improvement of production, and all steps that can be taken to increase settlement and the greater advantages that go with increased settlement. I would also associate myself, Sir, with the hon. and learned Member for Nairobi South when he asks Your Excellency to consider the possibility of altering the character of the Select Committee on Estimates by making it a permanent body instead of being, as it is, one created by annual appointment. This, Sir, if possible, would be a gesture which would receive general approbation.

Your Excellency, in your opening address of this session, stated that you had felt increased happiness at the fact that the country was being presented with a balanced Budget. And, Sir, in considering the part taken by Government during recent years in relation to Budgets, I cannot help being reminded of a very famous character in fiction. I should hesitate, were it not for the fact that he has endeared himself to succeeding generations of men, in likening the Government of the country to Mr. Micawber. For years Mr. Micawber is known to have relied for the solution of his financial problems on the general policy of waiting for something to turn up. When in fact nothing did turn up, he was driven perforce to pronounce his famous method of obtaining happiness. Mr. Micawber said that on an income of £20 and an expenditure of £20-0-6 he had achieved nothing but misery, whereas with the same income and an expenditure of £19-10-6 the result was happiness. I have always thought, in reading of Mr. Micawber, that the surplus balance on which he based his claim to happiness was on the light side, and I suggest, Sir, that your Government, in co-operation with this side of the House, by persistent increase of economy, will seek to set up such additional surplus balances as will provide a proper basis for that happiness to which you have referred.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. A. DE V. WADE) : Your Excellency, the Noble Lord, the Member for Rift Valley, said that he would want to be supplied with far more convincing arguments than had appeared in the Memorandum on the Estimates before he would be prepared to vote for the five District Commissioners at a salary of £1,200, and the same point was raised by the hon. and gallant Member for Ukamba. I think I cannot do better than recall the arguments used by Sir Edward Grigg in this Council in support of his contention that, if the Colony were to have an administrative service worthy of it, it must maintain a proper proportion between the more highly paid posts and the ones in the ordinary long scale. In a communication from the chair dealing with the revision of salaries which eventually took place in 1927, Sir Edward Grigg, after explaining the reasons for the introduction of what is known as the long scale, went on to say : "The other important consideration is that there should be an adequate number of higher posts for outstanding men, so that men of ambition who feel they are capable of good administrative work may be attracted to the Service by the prospects offered to them when they rise from the narrow ranks." He went on to say that he had been in negotiation with the Governors of Tanganyika Territory and Uganda, and he said : "In my negotiations with the Governors of Tanganyika and Uganda, who know West Africa very well, we

decided to take the Nigerian standard as a rough guide in fixing the standard here so that we might compete favourably with West Africa." In dealing with the standards he said (and this is the important quotation): "We also thought that the higher posts in our Service should roughly bear the same proportion to the lower ranks as in Nigeria. In Nigeria, there is one good post carrying a special salary to every eight men serving in the lower ranks. We have tried to establish that same proportion here, because undoubtedly that exercises a most important influence in getting men of character and men of personality." At that time, Your Excellency, the validity of those arguments was recognized or admitted with complete unanimity in this House, and it was reflected in subsequent Estimates. In 1929 there were eleven of those higher paid posts; in 1930, the number of posts was reduced to ten—four of A grade at £1,350 and two of B grade at £1,200; in 1931, the number was reduced to nine, one being incorporated in the Secretariat under the title of Principal Assistant Secretary which has now become in these Estimates Deputy Chief Secretary. It is for the retention of this nine that we are now asking for in the 1934 Budget. If the arguments for this proportion were valid in 1927, I think they must be equally valid now; in fact, they have acquired additional cogency from the establishment of the general Colonial Administrative Service, of which this Colony forms a part. In this matter we cannot stand alone, even if we wish to. If we cannot offer the same sort of terms as are offered by other colonies who also take part in the Colonial Administrative Service, we are bound to get the leavings of other colonies rather than the kind of men we want. I do not think that anybody in the House would like to take up the position that this is a second-class colony, deserving of only second-class servants. I do not think that anyone who has been in this country lately can say that the problems with which these administrative officers have to deal are less complex or difficult than those with which administrative officers have to deal in other colonies. I think I am right in saying that administrative officers, lately at any rate, have earned and deserved a considerable measure of sympathy from all of us here in the very difficult tasks they have to do, to say nothing of a lot of unmerited criticism which they have had to meet, not so much in this country.

The Noble Lord quite rightly pointed out that there are other posts to which administrative officers may aspire, mostly Secretariat posts. But in the first place we are only asking for nine highly-paid posts out of a total of 114; that is to say, to get the proportion of one highly paid to twelve ordinary ones, whereas Sir Edward Grigg said it should be one to eight. If you take into consideration the other secretarial posts, you

get the proportion more or less right, but there is this consideration: that many administrative officers in the field are most admirable officers and very well suited to the most important work they have to do, but they have no particular flair or liking for secretarial work. We want to make sure of keeping these good officers in the field, and do not want them to transfer to other posts when they are of value to this Colony. I therefore earnestly hope, Sir, that this House will now take the same view of this problem that it did in 1927.

I just want to say a word, Sir, on a point that is not quite clear, because the hon. and gallant Member for Ukamba said the recommendation of the Expenditure Advisory Committee for the abolition of the five posts of senior commissioners had been completely nullified by the introduction of these five District Commissioners at the same salary. That is not so, because the total is reduced by five, and the economic effect, instead of being £6,000 as recommended by that Committee, actually amounts to £4,600. The increase over the amount recommended by the Committee amounts to five times the difference between £920 and £1,200, and that is £1,400.

Another point raised by the Noble Lord was to the effect that we had not closed Embu Station. That is perfectly true. At that time, it was thought that Embu Station might be closed without any detriment to local administration. We went into things more carefully, and in the end decided that the administration would be better served by closing Kerugoya Station, and by rearranging the boundaries of the districts of South Nyeri, Embu and Meru. We have saved the one officer at Kerugoya. There is this other point, that although we have saved the clerical staff we have saved the cost of a house, because had we closed Embu we should have had to build another house for the District Commissioner at either Nyeri or Kerugoya, so that the resultant economies are slightly greater than were contemplated by the Committee, although I am not quite certain. At any rate, we have saved the one officer and we have not had to build a house.

The hon. Member for Plateau South criticized the Budget as being unimaginative. I am inclined to think, in all the circumstances, that that is the most genuine tribute that could have been paid to the sincerity of our endeavours. In the circumstances, we had the somewhat unpleasant task of having to curb every effort at imagination. We had to keep before us always the profound advice of the Expenditure Advisory Committee—advice for which Government I am quite certain is very grateful—that is to say, we had to keep the expenditure of Government within the maximum amount necessary to keep a reasonable machine in being, and, whenever

we had to consider any application for any sort of expenditure, we always kept that before us as a touchstone. Is it necessary to keep the machine in being, or is it necessary for expansion? If we came to the conclusion that it was expansion, we had to do without, and that is why, Your Excellency, we had to cut out provision for hospitals which we know are wanted—native hospitals at Kitale, at Kapenguria, Rumuruti, Lokitung, and hospital improvements in Nairobi. We know very well they are wanted, but we had to cut them out because it was expansion and not maintenance; and the same sort of thing had to be done in respect of the provision for roads. We know perfectly well it would be a waste of the Colony's assets to neglect them entirely, and we had therefore to allocate as much money as we thought necessary to maintain them, and cut out what we thought desirable to improve them. If we had had a large surplus on which to exercise our imagination I am certain that heads of departments would not have been unimaginative.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACK: Your Excellency, I would like first, if I may, to congratulate you on your return to a good state of health at the end of your holiday at home, and I trust, Sir, that you will ensure the maintenance of your health by frequent visits to the health resorts of the Coast, and enjoy the ozone-laden breezes of the Indian Ocean.

I am sure it must be a gratification to you to note the improvement, though slight, which has taken place in the Colony since the last Budget. I am sure we all hope it may continue, and I trust there are not many of us who share the pessimism enunciated by the hon. Member for Trans Nzoia. With reference to his statement that he was unable to sell his maize at Sh. 5 per bag, I should be glad if I can have the opportunity of purchasing some, because I cannot purchase it under Sh. 8.

LT.-COL. THE HON. J. G. KIRKWOOD: On a point of order, Sir, that is a deal.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACK: Right! Now, Sir, I regret to state that lack of communications on the Coast is again causing us serious trouble. I refer especially, Sir, to the withdrawal of the steamer *Ayamonte*, which has been plying for some time up and down the coast, due to various circumstances. In view of this, Sir, the northern part of the coast is now practically cut off, and I would therefore ask, Sir, I quite agree it is a bad time to ask for money, but I do think that the Coast is entitled to a fair share of what money there is available for the maintenance of roads—and I would ask therefore that a small sum should be allowed to

finish off the track, not the road, the track now being made from Garsen on the Tana River to Witu. It is a distance of 36 miles, a good deal of which has already been cut. It requires a matter of three miles of embankment, which will make the road quite passable, perhaps not in the very wet season, but at other times.

With reference to the withdrawal of the steamer *Ayamonte*, I wonder why it is that there seems to be always some way, that instead of encouraging British shipping we do all we can to discourage it. We have had experience of this in other countries, lately in South Africa, but, Sir, this particular little steamer, which did very good work but did not pay except at certain seasons of the year, was faced with a tax or an imposition of Sh. 1,000 a year, which was put on coastal steamers, for what reason I do not know. But the effect of that was to cause the owners of the steamers to withdraw their steamers from plying on the Coast. That, Sir, is only one pin-prick of many which is given to British shipping. For instance, the coastal steamer cannot use the harbour at Mombasa, but has to use that at Kilindini. A great deal of its trade, Sir, consists of bringing down frowood and dried fish from the Northern Frontier. Another thing that competes against them is the overloading and overcrowding of passengers on dhows, which naturally takes away the passengers from their vessels. Dhows also score by being given Sh. 5 per bag for carrying the mails, whereas steamers get only a very small amount I believe.

There are, Sir, now on the Coast, I believe, three schemes of irrigation. They are not large ones, but I do hope Government will see its way to assist them. The one on the Tana River and the one on the Umbwa Valley River will open up an area very suitable to the production of rice, which is a necessity we want very much to increase here. The one on the Loomi River is on a larger scale, but the production which will be obtained from that area will be enormous. I would pay a tribute, if I may, to the excellent work done by the Agricultural Department and its officers on the Coast with reference to agriculture. The cultivation of cotton has increased very largely, and is showing very satisfactory returns. A new ginny has lately been erected at Mazeras. We have already got some 200,000 lb. of cotton seed to start operations on. The policy adopted by Government with reference to the erection of the new gineries is open to severe criticism, but that is a matter which we can go into later.

On education, Sir, I would like to ask the Director of Education whether the Swahili language is not now being taught in the European schools. We have asked this question

before, I know, Sir, but now the boys from the Prince of Wales School are joining the Civil Service, where a knowledge of Swahili is compulsory and they have to pass examinations, surely they ought to be taught while they are at school, and not after they have left school, when they get private tuition. I do not expect, for one moment, that they should be taught up to the Higher Standard, but I think they ought to be taught reasonable Swahili, and not the kitchen and *mimi wewe* class which we hear here.

Regarding Arab education, Sir, at the Coast, a very fine school has been erected for the Arabs down there, of which I am sorry to say they do not take full advantage. One of the reasons is they consider they do not get the education that is provided for Indians; another, that boys besides Arabs are allowed in the school, which they object to; and they have asked, amongst other things, that Arabic should be made compulsory as part of their education. The Advisory Committee on Arab education were divided in their opinion as to this. Some agreed that it should be compulsory, others that it should be optional. Myself and others said it should not take place at all. The Arabs, however, ask that they should be allowed to go into the Indian school and receive the education given to the boys there. The Alladina Visram School in Mombasa was founded by private funds, but I think it is now a Government School and the funds for the finishing of it anyhow were found by Government. Again, the Arab School at Mtwapa is also a Government School. I would like to have it considered as to whether these schools on the Coast should not be made national schools. Why should each community have its own school? Surely, by mixing them up it would do a great deal to do away with the racial question. Boys could then obtain similar education, and would be in a position then to take posts under Government, after having passed the necessary examination, and draw the salaries attached to the posts.

The Coast title, Sir, is still a matter which is giving considerable trouble down at the Coast, but I trust we may, when Your Excellency visits Mombasa, have an interview about this matter.

THE HON. CANON THE HON. G. BURNS: Your Excellency, as flowers are fairly profuse up at Limuru now, plus a good deal of mud, it may not be out of place to throw another bouquet to those who have been responsible for the production of this Budget for 1934. I should like to say, Sir, that since Your Excellency took over the reins of Government, as far as I have been able to judge, you have consistently, with your responsible officers, sought to work out the problems that we have had to face, and you have been so successful that we

have this balanced Budget presented to this Council here to-day. I should like also to say that the people that I am responsible for in this House have contributed very largely to the success and to the possibility of that Budget being brought before us as a balanced Budget, as it is at the present time. I am glad to see that in direct taxation it is estimated that the Africans will contribute over £16,000 more than in 1933. That, Sir, taking everything into consideration, is I think a very creditable thing indeed, when we come to think that for the last three years the African labourer, in whatever capacity he has been doing his work, has had his wages reduced by, in many cases, 25 per cent. He has taken that without, as far as I know, a grumble, which deserves our kind consideration of him from that point of view. He has also done his work, the work that has been given to him to do under those reduced conditions or those reduced wages, in a very creditable way.

There is another way in which the African has contributed, or is helping with regard to the balancing of the Budget. I refer to the reorganization of the administration in the native reserves. The Administration has tried and tried, I believe, really honestly to reduce the expenditure as far as the Administration is concerned. This affects the African very considerably indeed, inasmuch as it puts him in very many instances to a considerable amount of inconvenience as compared with what he would be in years gone by, but in this connexion I should like to congratulate those responsible for retaining the Entbu Station and not closing it, as had been recommended by the Expenditure Advisory Committee. If that station had been closed, Sir, some of the Africans, if they wanted to see their District Officer, would have had to travel a distance of over a 100 miles. I think this House will realize that such a condition of things could not be tolerated; at least, as far as possible, it should not be allowed.

One other aspect of the matter that I want briefly to refer to is the matter of Medical Services. The Director of Medical and Sanitary Services has my sincere sympathy, inasmuch as he has tried to help in balancing the Budget by cutting down his estimates by over £14,000. It is impossible for the Medical Department to do that sort of thing and to maintain the services as they should be maintained throughout all the districts of Kenya Colony. We have had comparisons made between the Agricultural Vote and the Medical Vote, but I venture to say, Sir, that if you have not a healthy people from whom disease has been eradicated you are preventing production in a very real way, because sick people are not the people who will make good workers on the land; so from the point of view of the health of the Africans I am sorry that the Medical Officer has had to reduce his

estimate by that amount. I have been down in the Girirama country recently, and there they have lepers numbering over 32 in that hospital. The conditions under which they are being provided for present the greatest possible difficulty for those responsible. When one thinks of this £14,000, one would like to see some of it given to maintaining the lepers in their sad plight.

I do not want to take up the time of the House, Your Excellency, but we have been listening a great deal to—and I am very glad to listen to it—talk about co-operation. Might I make an appeal from the point of view of the African that if there is one way by which the settler and that unfortunate person entitled missionary can give services, may I venture to suggest that all members of the country can co-operate and co-operate in a way that will be of the most extreme benefit to the whole country; that is in working out a just and equitable policy for the native of this country that will bring prosperity into the reserves and will bring quietness to the people living in the reserves when they see that those responsible for the government of the reserves are making a very real effort in collaboration with the settlers as well as the missionaries in working out a policy that will be helpful to them in every aspect of their life in the reserves. I should like to appeal to the whole House that if there is one aspect in which co-operation can be brought into force and brought into force with real effect, it is in getting together, burying the hatchet, if there has been a hatchet in the past, and unite as one man to try and work out a policy. I am not saying that the Government has not been trying to do that. The Administration officers are trying, but I appeal to the settlers, missionaries and Government officials to do this, and bring peace and quiet into the reserves, where sometimes perhaps those qualities are not shown as we should like them to be. I do make this appeal very much indeed, and hope that when the motion brought by the hon. Member for Plateau South is being considered that this aspect of the problem will not be lost sight of.

CAPT. THE HON. J. L. COTTEEN: Your Excellency, in one of the very well modulated speeches to which I have had the pleasure of listening during twenty years, the hon. Member for Nyanza made use of the remark that one of the principles of a great man was that he was able to change his opinion on occasion. If that is correct, we have got several super men in this House. (Laughter.)

The first part of this Budget that I would like to refer to, Sir, are the remarks on native taxation brought out in no uncertain tones by the hon. the reverend Member representing Native Interests. I suggest, and I have as great a knowledge

almost as the hon. Member, that no body of people are so heavily taxed as are the natives in this country. They are more taxed than any of us. I would say their taxation would be in the neighbourhood of Sh. 12 per head, and this is paid mainly by their own production in the reserves, and the actual amount of what they receive for their production is at least one-third that which they received some time ago, in 1928. There is a book written by Sir Basil Blackett, entitled *Planned Money*, and with your permission and the permission of the House I would like to quote an extract from page 39: "Yet the recent fall in prices has involved an increase so overwhelming in the burden of all money debts that in varying degrees all over the world modification of money contracts begins to be looked on as a justifiable or even necessary corollary of the inequity of continued payment on account of principal and interest in terms of money of which the purchasing power has been enormously enhanced. The nation as a whole and all classes ~~is~~ suffer grievously from this general fall in prices." I cannot understand why the hon. and reverend Member who is defending native interests did not put forward that point. The native himself is receiving not more than 30 per cent of the money he received for his goods three years ago, but his taxes are the same, and it has affected the native to that extent.

In passing through the district which is presided over by my hon. friend the Provincial Commissioner of Nyeri, I saw walking down the street—I do not know the exact number—but about 150 boys taking their exercise from the native jail. I said to the proprietor of the White Rhino Hotel, "What are these boys doing?" And he said they were in prison for debt. I also heard another remark from a friend, an Italian, on this subject: "Do they imprison for debt in England?" He was told "No"; but they did in Kenya. It is a remarkable thing when you think of it. The whole point is that these wretched natives are unable to pay, some all their taxes, others part, and are sent to prison. How does this affect the Europeans? I grow cattle, and this affects me and people similarly situated. It has been my custom for many years previously to sell cattle at remarkably good prices considering, to natives in the Nyeri district. Latterly, I have attempted to do so, and the remark has always been the same: there are no shillings left.

This brings me to the second point—the currency problem. As to whether the Budget has been balanced or not, I have not the faintest interest, because until the Treasury can see the amount of cash or notes in circulation in this country, and can compare this total with that of the previous year, neither this Government nor the Treasurer I maintain has any conception of the true balance. I say definitely, and I have taken the greatest trouble to find out—it has cost me many months'

work—that this Government has overspent by not less than half a million per annum or over in the last five years. How does Government balance the Budget? By the extraordinary procedure they have whenever they are short of money, by raising another loan. The two loans to the Land Bank are cases in point. The first one was for £240,000, and of the present loan probably £40,000, while another £60,000, is drawn on by people who have the promise of a loan, so that possibly £340,000 is put into circulation at interest. The average amount of the previous loan put into circulation was probably at the rate of £250,000 a year during this period. I am prepared to admit that you can go on borrowing money to pay your previous commitments, and I feel myself, in spite of the generosity of the Secretary of State for the Colonies in giving permission for the Colony to borrow money on behalf of the Land Bank, that that is what is being done. I am not sure that his permission was generous. If we had not borrowed you would not have got the money with which to balance this Budget. One other question comes in here. There will be finally a magnificent bankruptcy. For anyone who has studied the race of the dollar against the pound, it is obvious that within six months, probably within six weeks, England is going to inflate. There is no more possibility of getting out of that than there is of jumping over the moon. As proof of that statement, without inflation in England, within three months from now you will see V-8 Fords put on the market in this town at £150. In other words, the market for English cars will be wiped out. England will have to inflate herself, so that the bankruptcy that we see in front of us will probably be put off yet another stage. I will say one other word on this subject in connexion with sisal. The Government of Mexico has inflated, and observe how it has affected the wonderful period of magnificent prosperity that we are all supposed to be going through. Several months ago I attended a meeting of the Agricultural Advances Committee. My friend the Director of Agriculture was present, and I think he can bear me out. I happened to offer a bet with one of the members that the price of sisal was going down; he betted that it would be over £23 within four months. He was imagining that the present condition of depression was a natural affair. It is nothing of the sort. Mexico having inflated, or devalued, is able to put her sisal on the American market and the overflow on the English market at a very much lower rate than the people of Kenya are able to, and by keeping to the rules, as laid down by Mr. Montagu Norman, we are finding that our own fellow citizens, in trying to compete with such places as Japan, Mexico, the Argentine, Australia, New Zealand, are at a disadvantage, in some cases 25 per cent and in most over 50 per

cent. That is what we are trying to do, and the position is an absurd one. It happened so with butter; we cannot compete with New Zealand.

Your Excellency, I was very much surprised to see the reference to the withdrawal of the levy on official salaries. I suppose that nobody really wishes to put a levy on anybody's salary, but the condition of affairs to-day as it is in this Budget is such that for every penny taken off official salaries there is no question that by so much another load is put on the back of the unofficial population. There is no possibility of avoiding that. If you take money off one you put it on the others. I would ask hon. Members opposite if they do not admit that. Whatever may be their hardships, after all the unofficial population is suffering to a very much greater extent.

The hon. Member for the Uasin Gishu in his remarks has fore-shadowed the fact that he is going to ask that this Colony should borrow further money. Then, Sir, I would say, we have borrowed, considerably over-borrowed, and unless we can have the strictest assurance that the money will be spent in purely reproductive expenditure, I would never agree to it.

THE HON. T. J. O'SHRA: It will put more money into circulation.

CAPT. THE HON. J. L. COTTER: That is the point that I thought was possibly at the back of his mind. It would, but it would make more inevitable our eventual bankruptcy. I refuse to look two years ahead, as we have done for so many years. It is for that very reason that we have in the expenditure of this country spent at least half a million more than we have had.

I come to the question of new settlers. We have attempted to attract one type of settler here, and one only. That type is the monied settler, chiefly the retired Indian official. I was surprised to hear during a meeting of the Agricultural Advances Committee and again at a private meeting in Nakuru that certainly 40 per cent of the agricultural population of Kenya, and quite a number of the commercial population as well, are beyond salvaging. Would it not be better to scrap these and get new people to carry on, so that these new settlers may be bled in their turn, was my answer on both occasions.

I should like to say one word on education, and here you may think I am blaming the Director of Education, but of all Members of this Council—and I think I am practically the oldest inhabitant as far as this country is concerned in this House—I have always met with the most courteous consideration from the Director of Education. Yet, Sir, I feel it

my duty to criticize his Department on this one point: In Mumuru some time ago, there was a school where, I think, twelve Dutch children attended. They were sent to that school where a gentleman named Wake-Bowell and his wife—both I think on the pay list of the Government—probably cost the Government between them £1,200 a year. In other words, on these small Dutch children, whom I could teach myself, they were spending £100 a year each on the education of these children. That school was closed down. I met with the utmost consideration from the Director of Education on this point after having seen him on several occasions. There are now some thirty children there, and the cost of the teacher alone is, I believe, in the neighbourhood of £150 a year, so we have the expenditure on that school reduced from £100 per head to £5, which I think is a remarkable achievement.

Your Excellency, I want to finish up on one most serious point. I am here, on this particular subject, authorized to speak by the rest of my colleagues, with the exception of the hon. Member for Plateau South. I am referring to the number of murders that have taken place in Kenya lately. Now, Sir, I should first of all like to say that on no consideration am I advocating any further police expenditure. That is the last thing I am suggesting. We have had in Laikipia, in the settled areas, recently at least twelve murders on European farms, five with mutilation. That is not the whole total, but that is what has happened that we know of. What was the cause of them? Well, Sir, I will say definitely what it really is. In the first place, our Administration officers, more especially those administering these wild outside tribes such as the Samburu and the Turkana, must have some freedom in their judgments of the punishments outside the dreadful revision of sentences by the Supreme Court. Your Excellency, I appeal to you to think of that one point. These men I say very definitely must have a free hand in these places. A case happened recently where a European would have been murdered—a friend of mine, Mr. Wallace—his revolver went off, and his native was shot. Fortunately, he had two revolvers, like the Americans. The natives did not realize that this man was armed till he started defending himself. More and stronger administration is required in these areas.

Finally, Sir, I come on to the point of my old and true friend, Mr. Henry Tarlton. To any man who has been in this country as long as I have, to anybody who knew him, the shock is very much more hard than that suffered by most people. Surely, Sir, every man realizes what has happened. We have had a monstrosity, the Morris Carter Commission, which is probably the cause of these very murders in Laikipia, a Commission which came out here to disorganize the natives,

to give them thoughts and swollen heads. Those sorts of commissions are of no use to any man, and least of all to the natives, and if ever we are threatened with another such commission again, I hope you will politely say that in the circumstances of this country you do not think it is advisable to bring it out here.

THE HON. N. S. MANGAT: Your Excellency, I have a very few remarks to make about one or two matters. With reference to medical facilities, I will be talking about something which does not exist. All I say is give us such facilities as are required by humane considerations. Unless something turns up, which is a thousand times more improbable in the case of the Indians than it was in the case of Mr. Micawber, the lot of the Indians in the Colony is going to remain that of clerks; even then, Sir, in your own interest, why not have healthy clerks?

With regard to what has been said about operations, I do not wish to cast any reflection on Government doctors—in present circumstances they have so many duties to perform that they cannot give undivided attention to any but serious cases. In that connexion, I also have one very serious case to report, and that is the case of Mr. Hussein Merali. This gentleman underwent an operation for tonsillitis, but he never recovered from the chloroform.

Now in these matters, Sir, the Government has promised us—that is, I understand the Principal Medical Officer has given very sympathetic consideration to the proposal of the Indian community that there should be a nursing home or something of that sort for Indians, and the Government from time to time has admitted the need, but under the present financial conditions they have to face I do not think the Indians realize that that will not be an accomplished fact for a considerable time.

On the question of education, Sir, I think that next to the Colonial Secretary, the Director of Education is the most taxed head of department as far as the Indians are concerned, and I have not the slightest hesitation in saying that he is doing the best he can in the circumstances. With regard to the Indian Girls' Schools in Nairobi, the grant-in-aid is only a portion of the expenses of those schools; the balance has to be made up by the Indian community itself. An instance of the sacrifice the Indians or at least an Indian has made has been furnished by the hon. Member for the Coast when he mentioned the Alladina Visram High School at Mombasa. I would like to impress very much on Government, while I am on the subject of education, the point raised by the hon. Member for the Coast in regard to the need for mixed schools. The

Government of Kenya is only 30 years old, but that is over a generation, and during that generation the communities of this country have not done anything at all to promote friendship among the different communities or to throw out any suggestions for assisting the residents of this country. The people of this Colony are not confined to this Colony for ever. Some go to England, some to India, and other countries, and they are brought into contact with other nationalities. In many cases they have such a parochial point of view that during the whole of their life they are unable to mix freely with people outside the Colony. That is a serious result of our present methods of education. How can you expect them to be otherwise when during the whole period of their education they are confined to one school and do not mix with the other communities in the Colony. Sooner or later, you will have, Sir, to found a university here. You will have to give more education and better education, perhaps establish colleges, so, keeping that point in view, I consider you should take adequate steps to promote this scheme of national schools, to which students of all classes may be admitted. In India, where the Government has been established for 150 years, you have several classes of schools, and those people who can afford to do so send their sons to a school entirely in the hands of Europeans.

The third subject, Sir, which I should like to bring to the notice of Government is the police. That subject has been very ably dealt with by the previous speaker, but I wish to deal especially with the point that police officers must be very much discouraged because of the slow speed of promotion. Some of them, Europeans as well as Indians, have no hope of promotion during their lifetime. Compare their conditions of service with the conditions of service obtaining in local government or the Civil Service. In regard to Indians, I find there are on the staff list nineteen assistant sub-inspectors who are posted to separate police stations. I have information that these assistant sub-inspectors are given third-class fares on the railway whenever they travel on duty. That is a very small point, but at the same time I think these officers who are entrusted with such responsible positions should be given some consideration by Government and should be allowed to travel second class. I certainly hope that Government will take that into consideration. These assistant sub-inspectors work all hours of the day and night, and in many cases they oblige the community so much that they go out of their way to help them. For instance, someone might phone up a distant station at midnight; the Indian sub-inspector goes to the telephone and he is asked to convey an urgent message to a settler five or six miles away—and he actually does so. I do not say that that is anything he should not do, but if he does do that kind of thing the Government should appreciate it.

Another point, Sir, concerns the Administration, and I think the Government should now recognize that the time has come for them to realize that "charity begins at home". For several years we have been employing Goan gentlemen in the Administration at the expense of British subjects, who really deserve our first consideration. I may be accused of selfishness for taking up this attitude, but I think I am right in saying we do not get any reciprocity. In Portuguese East Africa they have a special law excluding all foreigners from government services.

There are fairly able, faithful and earnest servants amongst the Goans, but so there are among British subjects, who are nearer to us than any foreigners. While on that subject, Sir, may I also ask the Government to consider giving higher posts to Indians. In India, before 1914, there were not very many posts open to Indians. But now all the higher services are being Indianized with greater economy and with no less efficiency.

I am afraid I have detained the House too long, but before I sit down I would like to say one word on co-operation. Much has been talked about co-operation. The Indians have a great interest in this country. Do not treat them as interlopers. I have not known an Indian who is not quite willing to lay down his bones in this country or who has made so much money that he has gone back to India never to come back again. The interest of the Indians is so considerable that they cannot leave this country, and future generations of Indians will probably live here, provided the Government deals sympathetically with their legitimate aspirations. Also, Sir, I do not want to open that subject, but it is for the Government to see that the Indian is not given a second class citizenship.

The only thing I can say about the Estimates in general is that as drafted they are a great accomplishment.

The Council adjourned till 10 a.m. on Thursday,

7th December, 1933.

THURSDAY, 7th DECEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Thursday, 7th December, 1933, His Excellency THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.), presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 6th December, 1933, were confirmed.

MOTIONS.

DRAFT ESTIMATES, 1934.

THE HON. F. A. BEMISTER: Your Excellency, I would ask the indulgence of the House because I have been feeling a little ill lately. I have not been able to take a very active part in the debate, but, Sir, I would first like to call the attention of the House to a similar debate four years ago in which was a note which I have missed from this debate; when every Elected Member who spoke sang a swan song, as he believed that that would be his last appearance in this House. Apparently, Sir, the Elected Members to-day have much more optimism and hope in their outlook on the coming general election and there is not that necessity to plead for pity. It was at that debate that a remark which I consider the cleverest and truest that has ever been spoken in this House, was mentioned by the hon. Colonial Secretary when he said the ambition for economy increased in proportion to the proximity of a general election. To-day, Sir, it would appear that we have reached the finale of economy and there are already proposals to have committees to raise new funds within about five months of promising to curtail all expenditure in the near future. However, Sir, there has been much congratulation in the last few days, and I would like to congratulate you, Sir, on quite a different line. I would like to congratulate you, Sir, and with you the Secretary of State for the Colonies, for handling a crisis in this last six months in a most remarkable way. I am convinced that it will be many years before deputations go from this country to tell father what bad people there are out here. There is only one person of the trio who fought that battle whom I really pity and that is the Secretary of State for the Colonies, and I can quite understand that, whilst he was waiting to receive interviews from the Governor and Commander-in-Chief of Kenya and the hon. and Noble Lord the Member for Rift Valley, he must have thought in the words of the song in the *Beggar's Opera*, "How happy could I be with either, were t'other fair damsel away."

Now, Sir, you have balanced your budget, you have been congratulated on balancing your budget. In fact last Thursday night the whole country rang with pleasure and whisky and wisdom in the recognition of this great fact. But, Sir, have you not balanced your budget in the same manner as the man in 1928 with £19.3.8 out and he added in the year. I am doubting very much, Sir, if you have balanced the budget, but if everybody is so pleased with it and you are planning for prosperity—prosperity not posterity—may I be allowed to suggest, or make some suggestions which in the words often used at the end of Bills in this House will mean no public money will be expended or required.

Your have sanctioned the appointment of a committee to investigate the possibilities of development, and I have always spotted that when there is a big agitation for development it always means borrowing more money. But, Sir, years ago Mr. Henry Ford was placed in the same position as you are, or as we are. He was handicapped by the financiers holding him up. He was handicapped by lack of resources, and what did he do? He looked inside, and I am going to ask you, Sir, with your official advisers, to look inside. I believe, Sir, that there are possibilities inside the Administration of this Colony which will show you means and methods which in the first place will cost nothing but which will return you a hundred fold the energy you expend.

There are some people who suggest that Government have nothing to do with the prosperity of the country. My own opinion of that, Sir, is that it is entirely wrong. Government has a direct influence on the good working and prosperity or failure of any country. Now, Sir, only two days ago I received—I was not in the House at the time I am sorry to say—I received an answer to a question I had put before the responsible official in connexion with a motion which was played before this House sometime ago and I contend, Sir, that had the real facts or the real English interpretation of the facts, the real English meaning of the words mentioned in that debate, been known I am positive that members on this side of the House would have voted definitely against the motion. I would ask you, Sir, because I intervened in that debate, because I thought it was an excellent proposition, but I was entirely misled. The actual wording on which I acquiesced, and on which the hon. and gallant Member for Kikuyu congratulated Government, was this: "It is estimated that, though of course on that we cannot be precise, the building will cost between £9,000 and £10,000."

Now, Sir, I have always thought that such a sentence as that means, without any legal phraseology at all, not less than £9,000 and not more than £10,000. It might be £9,100

or £9,200, that is all right. Now, Sir, £420 a year is being paid for that money, which is a higher rate than is ever paid for money borrowed at the highest period on any of your borrowings and I strongly, Sir, protest at being let in for a thing and congratulating Government on words, which, I do not care who you lay them for, can only bear the same interpretation.

The hon. and gallant Member for the Coast referred briefly to the question of Coast titles, and this is a question that has been before this House for twelve years. You have had memoranda from the Law Society of Mombasa and as late as 1930 I was promised by the then hon. Attorney General that within six months the Attorney Generals of Tanganyika, Uganda and Kenya were going to meet and study the whole question. At the time, I admit, I did not know what the Attorney General of Tanganyika or the Attorney General of Uganda had to do with Coast titles, but I am always willing to learn. Imagine, Sir, in 1932—June to be exact—in reply to a question I was told that the Attorney Generals had met and referred the whole subject to the Recorders of Titles of the three territories, and here we are in December, 1933, and not a single thing done. This question may not appear to you to be urgent, Sir, but I would like to show you one of the difficulties. If a man at the Coast has land on the Coast and requires to mortgage it for the purpose perhaps of developing it or developing something else, I say it on the authority of the President of the Law Society of Mombasa, it takes him six months to get the deeds through to-day. I do not know how many of your official advisers have ever been in business, but I can assure you, if you want a deed on the 1st January and you do not get it till June; you are somewhat late. Such a thing as that, Sir, handicaps the whole development of the Coast and we are handicapped in so many ways that it seems impossible—and there have been so many delays—that we shall ever get any consideration whatsoever. It must be remembered, Sir, that consideration whatsoever. It must be remembered, Sir, that in spite of Government help, because I contend, Sir, that if the Government policy cotton ginny site leasing had been got from the Government of Uganda a policy you might to-day have had ten times the product. Do you think that the native have had ten times the product when he has only got one market is unwise not to plant cotton when he has only got one market to go to and that one market he was intensely interested in. Sir—the history of Uganda which I was intensely interested in—worked in it for seven years. Uganda through one of the greatest agricultural officers I think this territory has ever seen. Mr. Sampson, opened up the whole area—take your risk, have your buying stations, have your ginneries. Some people put

up ginneries there which cost £8,000 a time. It is true that they lost their money, but that is another story. The natives grew cotton and that is what I am after. It is native production at the Coast that is going to pay. Recently you have allowed another ginnery to be erected, I think it is eighty-four miles from the other one; not exactly much competition when they have to go by road is it?

Now, Sir, you have an Agricultural Board on the Coast which I am told is progressing. I am told they have had three or four meetings lasting some hours each on the main subject, and the main subject of conversation and argument is the freeing of the ferries. A very noble object, Sir, to free the ferries, a noble object, but what has that got to do with production? An agricultural officer, working under the various District Commissioners, with a handful of natives and a few citrus plants, running along the coast and issuing suitable seed to the 814 or 820 *shamba* owners, gradually educating the people and showing them the effect of these plants in their own *shambas*, would do more in five years than you have done in the last twenty-five. You have to remember, Sir, that the history of the British Administration on the Coast is one that in 1833 is like a Catholic looking back on the Inquisition slightly ashamed. In the days gone by they had their slaves and the great British constitution came along and freed the slaves, a noble object, but, Sir, instead of raising the slaves to the level of their masters they reduced their masters to the level of the slaves. What provision did you make for the gradual education of those people? What motive had you for allowing them and assisting them to develop their large territories. At one stroke you took away their habits of a lifetime. Even to-day, Sir, thirty-seven years after the great freedom you are trying to tell them that they cannot grow stuff, however much they knew thirty-five years ago. You have not applied your knowledge and your opportunities to showing those natives and those Arab how they could grow profitable crops. It is only in the last two or three years, three years at the maximum, Sir, that cotton has even come ahead.

But we have opportunities, Sir, of producing citrus and garlic and all kinds of profitable plants which it should be your pleasure—it is already your duty—it should be your pleasure to educate the natives in cultivating. Do not for a moment, Sir, think there is no market for these things. I know there is. Market!—they never will be able to grow enough. Do you know that the imports of garlic into these territories total one million to one and a half million shillings per annum, and that it is a German who is growing it on the Coast to-day? He has not asked the Department of Agriculture; he looked at the statistics, and he started in on his own. He bought a

Ford tractor, and this German is the one who is going to get the benefit of that while the British administration has stood still. It is a native crop, Sir, because it requires a lot of personal attention, and had the department responsible taken that interest in that locality I believe, Sir, even to-day you would have at least half of your imports stopped.

There is only one more point that I would like to mention. Sir, and that is the point raised by several speakers on the question of the new rates of pay for the senior District Commissioners. I have no objection at all to anybody receiving a higher salary, not the slightest. But, Sir, I do object, and most strongly, when it is suggested that you have to pay the salaries to-day to attract better men than you have already got in the Service. And that is the proposal, Sir. Do you think that the Provincial Commissioners of the days gone by when their highest salary was £600 a year, and when they joined the Service do you really think that they thought for one moment of the position or the money they were going to receive at the end of their time? I do not believe it, Sir. The public service is full of intensely fine men. Pay them what you like. I do not want to stop it, but do not hint that their idea of developing their work and territory is entirely mercenary. I know men out in the field—I do not say they know me but I know of them—doing the most remarkable work, studying in every possible way the people under their charge, and I also know that by your present system they are definitely handicapped in their work. One officer, department; he has to ask permission of that department before he can do it. I refer you to that great reform on the Coast, when they were trying to fight the hookworm. Make inquiries there, Sir, and see if those District Commissioners had a free hand. We would not have had the results we did—in fact, the Administration was forced in the end to tell the other departments to stand aside and let the District Officers get on with it. It has always been my ambition, and I suggested it to the Advisory Expenditure Committee, that the District Commissioner should be the head of his district, and the head of every activity in it. Then you would have one channel, and one channel alone. That would then make for organization, and the officer would know where he was. Once trouble came from a good man or a soon to be seen and exposed whether he was a good man or a bad man, and the position could be altered by transferring him or asking him to apply to another Colony for a job. Sir, the whole system wants overhauling, and the sooner it is done the better for the Colony and the much, much greater benefit of the people living in it.

CAPT. THE HON. H. F. WARD : Your Excellency, I am one of those who wish to bring a modest handful of hot house blooms and lay them at the feet of the hon. member. In other words, I believe that this budget is an honest and genuine attempt to do the best for Kenya, to meet as far as possible the recommendations of the Expenditure Advisory Committee and the views expressed by resolution on this side of the House, and I think under the extremely difficult conditions ruling it would be quite impossible to expect Government to go further or do better.

There is one point that I should like to take the opportunity of having cleared up, and which is often mentioned. I believe that Lord Moyne mentioned it in his report, and you have mentioned it in your address; the statement that this Colony has been running on an unbalanced budget since 1929. Now, Sir, if my facts are correct, any statement of that sort should in fairness be qualified by a further statement that in 1929 at any rate, and possibly other years, it was the defined policy of Government to expend as far as they possibly could the surplus balances accumulated the previous years—and, may I say in passing, in spite of remonstrance from some of the Elected Members on this side of the House—that the deficit in 1929 at any rate was very largely influenced by that policy of Government. As explained to the Elected Members, it was the only way the sums in the surplus balances could be got at or expended.

I have been asked by one or two hon. Members on this side of the House to say how profoundly we disagree with the views expressed by the hon. and gallant Member for Kenya yesterday on two subjects. The first was on the subject of native taxation. While, Sir, we do not necessarily agree with the details contained in that report, we feel rightly or wrongly that the material on which Lord Moyne based his details has varied unappreciably in the interval, and the subject had better be left as it was left by Lord Moyne in his report. The other point is that favourite of the hon. Member, currency. I will not detain the House with any detailed answer to the point he has running in his mind, but I feel it right to express, as I have been asked to, our disagreement with any such suggestion of that sort. It is still mindful to some of us that some of the people behind what one may call a "stunt" were behind the agitation on a previous occasion when in 1921 or 1922 our currency was destroyed to the detriment of us all.

CAPT. THE HON. J. L. COTTER : On a point of order, Your Excellency, as the hon. Member is hinting that I had something to do with it, as far as I am concerned my opinions are

honestly my own, and with regard to 1921, what little interest I had in the matter at that time was in favour of leaving the currency alone, as I am to-day.

CAPT. THE HON. H. F. WARD : Your Excellency, I am sorry if I misunderstood the hon. Member in his views, and I apologize, but we feel, Sir, that we do not want another experiment. We feel . . .

CAPT. THE HON. J. L. COTTER : Your Excellency, on a point of order again, may I ask who are "we"?

CAPT. THE HON. H. F. WARD : I have been asked to speak, Your Excellency, for one or two of the hon. Members on this side—(Capt. Cotter: That's right). We feel, Sir, that the only direct objective in such a movement must be the repudiation of all contracts, agreements, and commitments expressed in Kenya shillings. We feel, Sir, it is hardly a proper time when by resolution of this House it is suggested that we may possibly have to appeal to the British investor to help Kenya by a further loan to raise the subject, because it is obvious that in order to appeal to that investor we must produce as far as lies in our power settled events in Kenya. Lastly, Sir, those who favour another experiment should remember that at the recent Economic Conference in London a resolution was passed unanimously by every unit of the British Empire urging as an objective settled exchanges between the units of the Empire.

With regard to the future, Sir, I also support as strongly as I possibly can the views expressed by the Noble Lord in his thesis. There are two lines of approaching the public business before us, the one that is called political activity, the other the consideration of subjects on a business footing. I am hopeful, Sir, that for the future we shall be able to approach all these questions from the business aspect and that it will be possible to avoid the so-called political activity. There are, however, difficulties ahead that we should realize. The Morris Carter Report is likely to be a highly contentious document, but with goodwill on both sides it is surely possible to find adjustments without raising it as a highly political issue. Another difficulty ahead must be the 1935 budget. Those whom I represent are more than hopeful; they look on it as part of the extra sacrifice they have been called on to bear, that Government in that budget will be able to balance without either the levy on official salaries or the emergency taxation. It is a difficult task undoubtedly. It means, either by increased revenue or by reduction in expenditure of something in as far as I can gauge it in the budgetary position of something in excess of £120,000. It should not be impossible, and I am

hopeful that Government will be able to reach that objective. I feel, Sir, that even if we are not called upon to indulge in the same volume of political activity as most unfortunately we have been in the last two and a half years that we shall not plan for prosperity, not even in 1934.

THE HON. E. B. HONNE: Your Excellency, there are one or two points raised by the hon. and gallant Member for Kenya that require some explanation in this House. The first point is in regard to hut tax defaulters. The hut tax defaulters which he saw in South Nyeri district were defaulters who have been imprisoned or detained by their own tribunals and not even by the District Commissioner. Up to the end of October not more than ten cases had been taken in the South Nyeri district. South Nyeri district is not a poor district; there is no excuse as there is in other districts for individuals not raising the tax. They consume some 5,000 sheep a month from the Northern Frontier, merely for slaughter purposes. These people have been detained and sent to the detention camp in Nyeri for a month by their own people. Out of a population of 250,000, about 150 detainees for hut tax is I consider not an excessive number.

The other point raised in connexion with hut tax was that Government was not sympathetic and did not see how much the natives were paid in proportion to the previous year. Government has already reduced the tax in two districts in the Province, Kitui and Nyeri, both of which have had their hut taxes reduced this year. It does show that Government does take some notice and does consider whether the tax is heavy or not.

The other point raised was in connexion with recent murders and unrest in the Province. The one case I will quote was the murder at Thika. The murderer was arrested by the Chief and two of his followers in which one of his followers was killed. It does show that the natives themselves do not countenance these murders. It is not a general outbreak, merely an outbreak of an individual, and I can assure this House that in my opinion there is no cause to consider there is unrest in Kikuyu North. They are in a more contented state now and more contented probably than they have been in the last two or three years.

THE HON. THE DIRECTOR OF AGRICULTURE (MR. H. WOLFE): Your Excellency, I have to deal with a few agricultural matters which have been raised in the course of the debate. The Noble Lord the Member for Rift Valley expressed his regret that Government have not found it possible

to give effect to the recommendations of the Expenditure Advisory Committee for part-time veterinary officers to be employed, and he drew an analogy between medical officers and the veterinary officers. I am afraid that analogy is not a correct one. If the veterinary officer had the same kind of work to do, attention to individual cases of sickness, it might have been possible to give effect to that recommendation. However, unfortunately the greater part of his work is concerned with the outbreak of contagious diseases and part-time service for that particular kind of work is not possible.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Why not?

THE HON. THE DIRECTOR OF AGRICULTURE: Because they are constantly occurring and require full time services.

The hon. Member for Nyanza gave expression to certain complaints which have previously reached the department about the work being done for controlling coffee berry disease. I think these complaints are evidence of impatience amongst the coffee growers of that part of the country at the slowness of the results attending this work. I have a great deal of sympathy with that impatience. If I were a coffee grower I should be extremely impatient myself. Unfortunately it is a very serious and complex problem and I am very much afraid the results will be slow. We are treating it very seriously. In the place of the full time service of one man, recommended by the Director of Amami Research Institute who investigated the problem on the spot, the department is giving the full time services of two men to the investigation, one dealing with the disease itself and the other with the important factor of plant resistance, which we think will be the main remedy for the trouble.

THE HON. CONWAY HARVEY: On a point of explanation, Your Excellency, I did not refer so much to complaints. I stated we appreciated the work that has been done, but what I did suggest, Sir, was a greater co-ordination of effort of Government officials and individual planters so that the results of each may be known to both to avoid duplication of energy and expenditure.

THE HON. THE DIRECTOR OF AGRICULTURE: In regard to co-ordination, Sir, that, of course, is quite necessary and I can assure the hon. Member that it has received attention. The officer in charge of the investigation has been instructed to proceed to Nandi to ascertain what has been done there to co-ordinate the work. Unfortunately he is so busy because of the absence of the assistant at Turbo to study plant resistance there amongst one or two strains that are supposed to be

resistant to the disease that he has not been able to go to Nandi yet. During the last Coffee Conference I took advantage of the presence in Nairobi of several farmers to have a conference, as a result of which a questionnaire has been sent to every coffee grower in the affected area asking him to state his experience under several heads. When these replies have been received, a co-ordinated report by all parties concerned, both Government and private parties, will be available for the department and for the planters themselves. Another complaint was that the department had not published exactly what it was doing and that if it did planters might adopt the same methods of investigation as the department, thus adding to the sum total, with greater likelihood of special results being achieved. In reply to that, Sir, I might say that I have given an undertaking to two or three farmers' associations in the areas that the department will publish a report at the end of each year, whether it has achieved results or not and the first report is due early next year.

The hon. Member for Mombasa questioned the policy of the department in the granting of licences for cotton ginneries and I am very surprised to learn that as a result of his seven years experience in the cotton industry in Uganda he has not arrived at the same conclusion that the Uganda Government itself has arrived at. With your permission I will read a letter I have received from the Director of Agriculture in Uganda. This is a matter upon which the department has received a number of complaints and I think it is as well to clear it up. The Director for Agriculture writes:

"The Uganda Government does not grant exclusive ginning licences and has done so in the past only in rare instances (and then without recourse to legislation). The result of this policy is that Uganda is heavily over-ginned and the industry over-capitalized.

May I suggest that you profit by our experience and adopt some such method as the following:—

- (a) Enact legislation along the line of our Ordinances No. 16 of 1933 and under this legislation break up your potential cotton areas into zones.
- (b) enact legislation enabling you to limit the number of ginnery licences in each zone.
- (c) Stipulate under this legislation that additional ginning licences would not be granted in any zone at least until the average out turn of the existing ginnery or ginneries in the zone had passed the 2,000 bale per annum per ginnery stage.

In due course you will no doubt be arranging for permanent markets in your cotton areas. I would advise in the light of our experience that you take power by legislation to arrange a minimum distance of 15 miles between any ginnery and market and between any two markets. Also that you take power to limit the number of buildings at each market new ones being permitted only when it can be proved to your satisfaction that the average buyings of seed cotton at the market in question have passed the 150,000 lb. (a lakh and a half) per store stage. I would also cut out middlemen from the beginning and limit the granting of store licences to persons holding a ginning licence in the particular zone concerned.

Under your conditions all these restrictions would tend to create monopolies and to safeguard the producers it would be necessary for you to take power to set a minimum cash price to be paid for seed cotton in each zone. This is not difficult to arrive at and is working smoothly here."

Those are the restriction which the hon. Member opposes and I am afraid the experience of Uganda, Tanganyika and also Kenya, confirms that opinion.

THE HON. F. A. BEMISTER: As a matter of explanation, may I inform the hon. gentleman that the Agricultural Minister, Mr. Sampson, has gone away.

THE HON. THE DIRECTOR OF AGRICULTURE: At the beginning of last year, Sir, the Tanganyika Government published its cotton policy, and in the *Tanganyika Standard* of 4th November, amongst other statements, is the following:—

"New Ginneries.—The policy of Government with regard to the opening of new ginneries is that, subject to buying and ginning conditions being satisfactory, no further ginneries should be allowed in districts until the output reached such a figure as would justify more ginneries being erected."

All this, Sir, is the combined experience throughout East Africa of cotton growing.

Another criticism raised by the hon. Member for Mombasa was that the department had not taught the natives how to grow garlic. I am afraid that with our somewhat limited staff, and having as we do to deal with natives in the mass, we have to concentrate on the main industries. Primarily we concentrate on the improvement of their food crops and after that on export crops. At the coast, at the moment, we are

giving attention particularly to cotton and cashew nuts both very promising industries and in respect of both of them we have received very little assistance indeed from Mombasa merchants. I am able to give very specific proof of that. When we started the cashew industry we distributed several thousands of seedlings amongst the natives but it was necessary in conjunction with that to secure the interest of some private firm for the erection of decorticating machinery, that being necessary for the production of the whole kernel for export to external markets, chiefly New York, where the price at that time was about £100 per ton. For several months we attempted to persuade merchants of Mombasa to import that machinery. We offered an inducement but they did not do so. We offered to confine that licence to one firm, but the reply we received in all cases was, "Show us the nuts, and we will import the machinery." Eventually we got a coconut grower at the coast to import the machine. He has now done so and we are now promised a very successful industry.

In respect of garlic I am very much afraid the hon. Member conveyed a wrong impression to the House. The hon. the Commissioner of Customs has just informed me that the total imports into Uganda and Kenya in garlic last year were valued at Sh. 60,000. I understood the hon. Member to say that the total for the three territories was something like one and a half million.

THE HON. H. F. WELBY : Your Excellency, referring to the speech of the hon. and gallant Member for Kenya with special reference to Laikipia, which is in his constituency, I would like to give the House a little information in regard to the murders referred to by him. It is unfortunately true that several murders have been committed in Laikipia during the second half of this year. The victims were native employees or squatters residing on farms in Laikipia.

The circumstances point to the motive being spear blooding, but it was not until the end of October that we got any definite evidence as to what tribe was implicated. At the end of October, as a result of one murder, there was evidence to show that the Samburu tribe was concerned. Vigorous investigations were at once undertaken and followed up by the police and by the administration of the Northern Frontier Province. As a result of that, a considerable number of arrests have been made. These investigations are still continuing, and the Provincial Commissioner of the Northern Frontier Province informs me that the leaders of the Samburu are co-operating in assisting the Government to the best of their ability in the detection of the offenders who, as far as we know, would appear to be individual moran who have been blooding their spears. The Provincial Commissioner also

emphasises that the leaders, the responsible people, have been assisting, and that it is not in any way tribal unrest. The incident affecting a European, Mr. Wallace, which was referred to by the hon. and gallant Member; Capt. Cotter, arose out of a different matter. Owing to the drought and the desperate state of their cattle in the neighbouring reserves, there has unfortunately been a considerable amount of cattle trespass. The majority of this has been on unlicensed Crown land, but in one instance it occurred on Mr. Wallace's farm. Mr. Wallace, in pursuance of his legal right, impounded a certain number of the trespassing cattle, and out of that arose the assault on him. The incident was of course serious, it might have had serious consequences, and it was treated as serious, but Mr. Wallace himself informed me that he was of the opinion that the assault was in no way intended as an attempt at murder.

LT.-COL. THE HON. R. WILKINSON : Your Excellency, the hon. and gallant Members for Kikuyu and Ukamba have raised the question of absorbing into the commissioned ranks of the King's African Rifles the local youth of the country. While being in great sympathy with the idea I should like to inform the House that there are two difficulties. The first difficulty is that if you take any youths from the Colony—you admit that the British Army at home, so that it must follow that there is not much future for the local youth brought into there is not much future for the local youth brought into the commissioned ranks. The other difficulty is that of training. With the present establishment of the King's African Rifles it is impossible to carry in that establishment those who require training in place of those who should be trained. It seems to me that before any question of that sort could be considered there must be some preliminary work such as an officers' training corps. As a matter of fact, in co-operation with the Commandant of the Kenya Defence Force, we have started in a small way training officers of the Kenya Defence Force, partly to assist that force, so that they may have officers who can train their own ranks, and partly for our own sake, because it must be clear to everybody that since both the King's African Rifles and the Kenya Defence Force are established in case of war it will be necessary to fill up in war officers' ranks. I think therefore that the question should remain over until both the Commandant of the Kenya Defence Force and myself know a little more about how we can train officers. The training of these officers has, of course, presented great difficulties.

CAPT. THE HON. A. T. A. IRICHU : Your Excellency, the hon. and gallant Member for Kikuyu asked what Government were doing in regard to the settlement of Somalis in the

game reserve near Nairobi. Your Excellency, the whole question was put up in the Morris Carter Land Commission, who considered the matter in detail and also went over the ground. It is difficult to say more than that, except that I do not share the thoroughgoing pessimism in that connexion that my hon. and gallant friend expressed yesterday, and I hope and believe the report of the Commission will suggest some solution with regard to these Somalis of a very difficult problem.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): Your Excellency, very few questions I think have been raised in this debate which call for a reply in regard to the estimates of revenue. But there are one or two points in regard to these estimates which it may be of interest to the House to know. The last three or four years, that is since 1929, have been years where the estimation of revenue for the year to come has been a task of exceptional difficulty. The collapse in the price of primary products and adverse local conditions have tended to undermine revenue during the course of the year, and the result has been that there have had to be progressive reductions in the estimates of yield as the year goes on. The actual facts of the case are that these conditions so far affected anticipations that in round figures there was a shortfall of revenue as compared with the original estimate in 1930 of £220,000; in 1931 of £450,000; in 1932 of £285,000. The task of estimating the revenue for 1933 was not more easy than it had been in previous years. It is true that we had the experience of those years as a guide and that, following that experience, reductions were made in the estimates over a large number of heads, but I regard it as a very significant proof of the turn of the tide that the revised estimates for this year even without the new taxation are £20,000 higher than the original estimates. Last year, let me remind you, we had a shortfall of £285,000. This year, although the year is not yet finished and the estimates are still only estimates, there is every indication of an increase over the original amount of the estimate, and the figure of £3,108,150 shown, on the revised estimates for 1933 will, I think, be achieved.

It might also be of interest to the House if I were to say a few words about the alternative revenue measures, particularly to give information as to how they have resulted in revenue this year, and to explain in short the figures that appear in the estimates for next year. The Alternative Revenue Proposals Committee estimated that the yield from the non-native graduated poll tax in a full year would be £70,000, that is, £35,000 more than the estimate put in the 1933 estimates as the yield from the old Ordinance. When

the Bill was being considered in this House certain amendments were made, the most important of which was the reduction of the minimum rate from Sh. 40 to Sh. 30 for persons having chargeable incomes of £100 or less. Certain other amendments were made which had the effect of increasing the yield, but taking all the amendments into consideration it was calculated that the yield in a full year would be about £66,000. It was of course a matter of difficulty to get anything like a firm estimate. Details were lacking of the number of people who might come within the purview of the measure, and they were even more lacking as to the amount of income that might be declared under the Ordinance. For 1933, when a special set off was allowed of the tax already paid under the old Ordinance, it was estimated that we might get about £30,000 additional revenue from the new Ordinance. That figure has been exceeded, Sir. Up to the 2nd of December the amount of revenue collected in respect of non-native poll tax from the whole country was £31,049. I think that that gives evidence of a remarkably intelligent guess in assessing the yield from this measure, and the figure of £66,000 that we calculated four months ago before we had any experience of the operation of the measure stands in the estimates for next year as a reasonable expectation of what the amount should be. I should like to say, Sir, that the evidence at my disposal indicates that the non-native taxpayers of this Colony have done everything they could to make this alternative revenue measure a success. 10,187 people have submitted declarations of income under the Ordinance, which has only been in operation for the last two or three months, and remarkably few of them were late in their returns.

I should also, if I may, like to pay a tribute to the staff of the Central Revenue Office on whom fell the main burden of collecting this tax. It is not a simple measure to administer; the work was arduous, particularly during the first week in November when tax collection was very intense. Arrangements were made for staff to be loaned temporarily to the Central Revenue Office from other departments in Nairobi in order to be able to cope with the rush and attend as far as possible to the convenience of the public, but in the first year of operation of an Ordinance like this a large number of points come up for consideration. The first time a lot of information has to be given and I think the manner in which the Central Revenue Office has carried out its work this year has been very efficient. It has worked very smoothly and I think they have done everything in their power to meet the convenience of the taxpayers.

There is one other form of new taxation that I should like to mention and that is the Licensing Ordinance. As Your Excellency said in your opening address the receipts from this

Ordinance have been disappointing; that must be attributed to the over-optimistic estimate of revenue, but I think it will be admitted that on the introduction of a new form of taxation such as this, with an Ordinance which I may say has many obscure points, some time must be allowed to the community affected to get accustomed to the changed conditions and I have every hope that the returns next year will show an improvement over those for this year. I need only say that whereas, based on the accepted estimate, a sum of £16,500 was expected to be collected, this year receipts to date fall under £7,000. They amount to £6,815. The package, tax and the amendments to the Stamp Ordinance have not yet been in operation sufficiently long to make any comprehensive revision possible or to check the estimates against actual receipts. In regard to the package tax, it only came into force on the 1st of the month. With regard to the amendments of the stamp duties those have been in force for three months, but it is very difficult to form any conclusive opinion after only three months operation, particularly for instance in the case of the taxation on the registration of companies. If a company is registered just before the law comes into force it is not going to be registered again. One has to take the estimate over a number of years in order to get any satisfactory results or estimates and it is thought that with the tax at one half per cent as approved by this House, the average over a number of years should be in the neighbourhood of £5,000. That figure would not materially depart from the estimate of the Alternative Revenue Proposals Committee who based their estimate on a one per cent tax.

That is all I need say, Sir, about the estimates of revenue and the new measures. I think there remain two points only which I might mention now. The hon. Member for Nairobi North raised the question of the 1929 financial returns. There was no question in 1929 of an unbalanced budget. The budget as passed by this Council showed an estimated surplus of £77,000 but it will be within the recollection of hon. Members that 1929 was a year of particularly adverse conditions, and that had a great deal to do with the financial working of the year. The point he mentioned in regard to expenditure of surplus balances also affected the working of that year, but if you except the amount of money actually spent from the money specially voted for works from surplus balances in 1929, which amounted to £72,000, you still find these adverse conditions operating against the surplus for the year. The actual facts of 1929 were as follows. The Colony had a deficit of £171,000 and in that deficit must be included nearly £73,000 for these special works. Consequently without the special works there would have been a deficit of about £98,000. It is here that the adverse conditions come into play. The

locusts campaign cost £56,000, there was famine relief necessary in a large number of native areas, the net cost of this was nearly £59,000, and as a result of these adverse conditions Native Hut and Poll Tax fell well below the estimate. The shortfall was over £35,000. The fact of the matter, therefore, is this that if it had not been for the works on surplus balances and the adverse conditions of locusts, drought and famine, which resulted in a shortfall of Native Hut and Poll Tax, there would have been a surplus on the year of £51,000.

One other point I would like to mention and that is in connexion with the remark of the Noble Lord in regard to the Printing and Stationery Vote. There is an increase in the Estimates of I think £143 and the excess in that vote as compared with the Expenditure Advisory Committee figure is in the region of £1,100. The expenditure head, Sir, depends largely on output. If the output is higher the revenue is higher and the actual receipts during this year up to the end of November exceed the receipts during the whole of last year. You will find against this small increase of expenditure an increase of estimated revenue of £4,000 for next year.

THE HON. THE COLONIAL SECRETARY (MR. H. M.-M. MOORB): Your Excellency. I do not think I need keep the House very long in replying to this debate as a very large number of the points raised by hon. Members have already been dealt with by the heads of departments concerned. In the first place I should like to thank the House for what I may I think regard as, on the whole, a very favourable general reception that the budget has received, and in doing so I personally should like to say that I am no less grateful for the somewhat frosty breezes that have blown from the Plateau and the region of Mount Kenya, tempered with the garlicky laden trade winds from Mombasa. Their combination has at any rate eliminated any danger that I might swoon under the perfume of the hot-house blooms that have been so lavishly put before me from other portions of the House.

One criticism that has been made of a general character is that, though it is the case that we have presented a balanced budget, in so doing we have shown some lack of imagination. That point has already been to some extent covered by my hon. friend the Chief Native Commissioner. But I would like just to remind hon. Members once again of the position in which the Government were faced in approaching the budget this year. During the Session in May last hon. Members made it very clear that the general lift that they were going to adopt in regard to next year's estimates was that, generally speaking, the recommendations of the Expenditure Advisory Committee were to be carried out. The terms of reference of that Committee were to provide the minimum service for a

sound Government machine. Based on that advice and on that report the Government's task was to examine those heads of estimates that had survived the scrutiny of that Committee, to conduct a close examination into expenditure services and, assuming those heads of estimates were, as we had quite a right to assume, an integral part of a sound Government machine, to endeavour to bring the total expenditure within the estimated revenue for next year. That, Sir, we have done to the best of our ability and I would like, if I may, at this juncture just to take the point made by the hon. Member for Plateau North. He has, I think, adopted the attitude that until the Government can come and tell this House that every line written by the Expenditure Advisory Committee has been accepted and implemented *in toto* he will be compelled to vote against the budget. Well, Sir, I would suggest to the hon. Member, two points. First, does any hon. Member of this House, however much our admiration for the Expenditure Advisory Committee and its members, suggest that in them alone are we to seek the repository of all wisdom? Surely, Sir, this House, which has the ultimate say in all matters of finance, is not going to delegate to anybody, even though it has been appointed by the wish and concurrence of this House, its rights and discretion—that this House should examine any recommendations put before it on their merits.

There is, Sir, a further point—I do not wish to make it; perhaps it should be regarded as merely a debating point—but hon. Members themselves have not accepted *in toto* the recommendations of the Expenditure Advisory Committee, and in one particular it was their failure not so to accept them that has created an added embarrassment to the Government in attempting to balance the budget. I refer particularly to the abolition of the Statistical Department involving the abolition of the Kipandi system. That recommendation involves a sum of some £16,000. We, acting on the advice and desire of the Elected Members opposite, have not eliminated that head of estimates *in toto* and have found a provision of some £7,000 to keep certain services going. Had we been able to eliminate that head with a stroke of the pen this balance sheet would have been on a firmer footing than we hope it is at the moment.

There is one other point of a general character which I should like to mention and that is—I am sure I am speaking for you, Sir, and the whole Government when we express our gratitude for the attitude of co-operation which hon. Members have given voice to in connexion with the budget and, if I may say so, I have felt in the course of the debate that these were not idle words. Deeds are stronger than words and in listening to this debate I felt with great gratitude that I should have in my reply a much easier time than I have had on previous

occasions for the fact that I think hardly any hon. Member has pressed for any additional expenditure on the budget as presented to Council. In other words, hon. Members have realized that to achieve this result calls for sacrifices on all sides by all members of all communities.

References have already been made to the sacrifices which have been made by the non-native community in the new taxation which has been recently imposed and I was also glad to hear the hon. Member representing Native Interests and the hon. Member for North Kenya emphasize the point that in a particularly hard year like this the native population is doing its bit. The fact that some £16,000 additional taxation from hut and poll tax should be forthcoming is, I think, a real achievement. I should like, at the same time—the point has already been dealt with in some minor degrees by the hon. Provincial Commissioner for Kikuyu, but I should like to explain *fully* clearly what the attitude of the Government has been in the matter of native poll tax during these trying years. In certain cases, as stated, the tax has been reduced. That is only after mature consideration and on our being satisfied that insistence on the existing rate of tax will involve real hardship. In other cases we have been faced with the necessity and desirability of maintaining, as far as possible the essential services for native interests. I do not think the argument can be better developed than as stated by my hon. friend the Chief Native Commissioner in his Annual Report for 1931, and I would ask the leave of the House to read a short passage from it. He states:

“The fall in the prices realized by produce were no less disastrous than the fall in the rate of wages”

He then goes on to say:

“It is not to be wondered at that there were openly expressed suggestions that if Government were to act in an honourable manner it would reduce the hut and poll tax to a rate which would bear some relationship to the decreased value of produce and of labour. It was manifestly impossible for Government to do this without aban- doning its policy of development and sacrificing services already established. A reduction of the tax from Sh. 12 to Sh. 10 would have meant a loss to revenue of nearly £100,000. Such a loss must have necessitated the closing of schools and hospitals and it was decided that the interests of the native population would be best served by maintaining the Government machine in commission even at the price of some inconvenience to those who supplied its running costs. The difficulties of the year have had one good result in that they have focussed the attention of all sections of the community on the imperative necessity

of developing to their utmost capacity the resources of the native reserves. The potential wealth of these reserves is known to be immense and it is appreciated by all that the efforts of Government must be directed to the realization of these potentialities."

So much, Sir, for the general question raised in the debate. There are now one or two individual items to which hon. Members will expect a reply.

The Noble Lord, the Member for Rift Valley, asked for information on the subject of Customs. It is the case that, as recommended by the Expenditure Advisory Committee, it was proposed a joint inquiry should be held with Uganda. We addressed the Government of Uganda on the subject, and their reply was in terms that they were not convinced of the necessity for holding a joint inquiry into the administration of the Customs Department and were of the opinion that the expenditure involved in their case of sending a representative to Mombasa would not be justified. In those circumstances the question of a joint inquiry had to be dropped. In connexion with next year's Estimates, we have pressed the Commissioner of Customs to reduce his estimate to the lowest possible, and he has assured me on more than one occasion that he has done so, and I have no doubt in Select Committee that he will be able to give a further explanation as to why his vote cannot be further reduced.

Another matter mentioned was the question of the Judicial Department and the Resident Magistrates. It was always realized that there might be some practical difficulties in implementing immediately the recommendations of the Committee in this regard, inasmuch as certain of the Resident Magistrates were men selected, admittedly for judicial reasons, at a higher rate of salary than the ordinary administrative officer and that difficulty might be experienced in calling on them for administrative work in connexion with townships in addition to their judicial duties. Further, the Commission on the Administration of Justice has not yet reported, but the report is expected soon, and I believe likely to stress the importance of maintaining at least a strong cadre of what I might call the trained and professional magistrates as against the administrative magistrates. I cannot say what the Bushy Report will be, but in the circumstances Government thought it premature to go to the length of retrenching any individual officer until that report has been published and considered.

The next matter referred to, also I think by the hon. Member for the Lake, is the question of the Mines Department and the Mines Secretary. As I said in my speech, the organization of that department has caused us a great deal of

difficulty and consideration, and all I can say now is that I shall welcome a very full discussion on the point in Select Committee.

The next reference made was to the question of the Public Works Department and the increasing decentralization and so on, and a reference to the headquarters of the Public Works Department. I think it is only fair that it should be made known to hon. Members that they should get a clearer idea of the heavy reductions in expenditure that have been made in this department, and particularly in the headquarters offices. I do not think it is quite as prominently in the public view as is the case with some other departments, for the simple reason that, even before the Expenditure Advisory Committee sat, the headquarters had been reduced from 50 to 80 per cent. There is, however, a general policy of decentralization activities to local government bodies, and in particular the question of handing over certain main trunk roads to local bodies. On that point the position is as follows: The Expenditure Advisory Committee recommended that as an experiment the main roads and trunk roads and others that were maintained under the supervision of the Public Works Department within the areas of Nakuru Municipal Board and Nakuru District Council be handed over to those bodies for maintenance on terms to be settled by the Central Roads Board. I should mention in passing that there are no roads within the area of Nakuru Municipal Board maintained under the supervision of the Public Works Department; therefore that recommendation has been interpreted as referring to the main trunk roads passing through the area of the Nakuru District Council. As a result of that recommendation, the District Council was asked to indicate the terms it would propose for making the suggested experiment. As a result of that, considerable correspondence has passed, and only on 9th October last was the final reply received. The whole question is now down for consideration at the next meeting of the Central Roads Board.

The next matter on which I was asked to speak was the question of the central workshops. In that case it will be remembered that the recommendation of the Expenditure Advisory Committee was primarily dependent on the erection of the new Law Courts being completed. During the absence of the Noble Lord, there have been delays over that, largely in connexion with the contract work given out, and as a result the work cannot yet be said to have closed down. The recommendation of the Expenditure Advisory Committee was, however, very fully considered by Government, and it was decided that when the work in connexion with the Law Courts was completed the staff of the combined workshops and timber seasoning kilns should be reduced to one European foreman and one Asian clerk and the European operating the kiln

seasoning would be absorbed as a staff foreman, to be available to operate the kilns from time to time should it be necessary to do so. That is the position at the moment.

The next item referred to by the Noble Lord was the question of the domestic servants registration and local option. I have no doubt that that will be fully considered in Select Committee. The only difficulty from the financial side of introducing the system of local option is that, in order to get the necessary revenue to make the scheme self-supporting, our calculations have been based on the scheme being applied throughout the whole Colony, as a great deal of the revenue comes from the initial purchase of the books. However, that can be dealt with in Select Committee.

The next point calling for special mention was that raised by the hon. Member for the Lako in the matter of Kisumu Prison. It is the case that at the moment Kisumu Prison is sadly overcrowded, and the figures he quoted are I believe substantially correct. I would only say, Sir, that in the last week or so, in order to alleviate to some extent the congestion, the Commissioner of Prisons has moved some 75 to 100 prisoners to Nairobi. The whole question is not yet satisfactory, however, as there is congestion in many of the prisons throughout the country, and the whole question is being carefully considered by Government at the present time. The hon. Member, however, did make one suggestion, that, arising from conditions in Kisumu Prison, smallpox had been carried to Kisumu generally. I can only tell him that on that matter I am assured by the hon. the Director of Medical Services that no smallpox has occurred in Kisumu for several years. (Laughter.)

The next point he referred to was vehicle licences. I can only say that he has shown his usual foresight as only at the last meeting of the Executive Council was passed the necessary regulations to give effect to his wishes. (Laughter.)

Returning to the point made by the hon. Member for Plateau South, the hon. the Director of Education asks me in his behalf to apologize for the fact that he has replied and did not properly take the point made by the hon. Member. Clearly the hon. Member referred to the possibilities of a scholarship scheme to England or elsewhere, and I can only say that that is a matter which will have the fullest sympathy from Government. He also referred to the question of local government roads, but I hope that what I have stated will give him the information he desires on that point.

The hon. and gallant Member for Plateau North made a reference to the late date of this Session of Council. I can only explain to him, as I think he knows, that conditions were

exceptional this year, and that, owing to Your Excellency's absence and the absence of the Noble Lord, the date was rather late, as I had believed with the agreement of both sides of the House.

On the matter of the Law Courts, the points have already been answered by what has appeared in the Press, that further tenders are being called for.

The next matter of some importance that he referred to was in connexion with the Kitale Native Hospital. I will say quite frankly that Government entirely agrees with him that the present state of the hospital is most unsatisfactory and that something must be done to rectify it. As regards the particular incident that he quoted, I regret that it is the case that death from quinine poisoning was caused in the manner to which he alluded. There was a full inquiry, but the hon. the Attorney General felt that a plea of *nolle prosequi* in all the circumstances should be recorded. I can only say that the Senior Sub-Assistant Surgeon is no longer in the Service.

With regard to the future of the hospital, it is the case that a special inquiry has been made by the hon. the Director of Medical Services and a report on the subject made to Government. That report is receiving full consideration. The reason for the delay is this. As all hon. Members are aware, the history of that hospital is that it was started by local effort, and is partly local, to look after their native labour. That was the primary object of the hospital. At a time when, as has been clearly expressed by hon. Members opposite, they are anxious that local bodies should develop such activities, it seems a pity if means cannot be devised, financial or otherwise, to let local residents continue to be associated with this control of the hospital as in the past, and it is felt that every effort should be made to allow such policy rather than that Government should come in and take it over as a Government hospital. That is the only reason why there has been delay in considering the policy to be adopted.

I think, Sir, there is nothing very much left for me to reply to, except that there were references made by the hon. and gallant Member for Kenya on the question of the revision of sentences and the desirability of administrative officers in some of the outlying areas being given a free hand in dealing with crime. I need hardly say that Government, as already explained by the two Provincial Commissioners who have spoken, are fully alive to the necessity of maintaining law and order and seeing that the prestige of Government is maintained in every possible way. The question of sentences and the Supreme Court is always a difficult one, and here again I do not want to be thought I am putting hon. Members off. It is the case that this matter and the question of administration

as opposed to professional judges is a matter fully considered in the Administration of Justice Report. On its publication I feel sure that the whole matter will come up for consideration.

I think, Sir, that I have now dealt with every point that has been made; if I have not done so it is already covered by other members on this side of the House who have spoken. I have only once more to thank hon. Members opposite for their kindly reception of the budget, and I feel sure that that will be continued in Select Committee.

HIS EXCELLENCY: The question is:

"That the Draft Estimates of Revenue and Expenditure for the year 1934 be referred to a Select Committee."

The question was put and carried.

The Council adjourned for the usual interval.

On resuming.

AFRICAN ARTISANS.

THE HON. T. J. O'SHEA: Your Excellency, I beg to move:

"That in the opinion of this Council the time has arrived when in the interests of the native peoples and the national economy Government should embark upon a more vigorous policy of promoting the utilization of the African as the skilled artisan of the Colony."

Your Excellency in deference to the wishes of Government, and also I think of the Members on this side of the House, I shall endeavour to make my introductory speech on this motion as brief as possible. Time is pressing. I should like to emphasize, Sir, the motion is not put forward in any spirit of criticism of Government. In no way must it be regarded as in any way savouring of a vote of censure on what has or what has not been done by Government in this matter. Being in close touch with the work of Government in this connexion, Sir, I am in the position frankly to acknowledge that much has been done in recent years, and my only purpose for bringing the matter so prominently before the House at the present time is to emphasize that the time is now ripe when more can be done and the problem seen in its proper perspective. Also, Sir, I should like to emphasize that, in the framing of the resolution, I have endeavoured to lift this problem above the atmosphere of party politics. People will I suppose, be found to suggest that it is for party political reasons that it has been raised in this House and there may lurk a suspicion in the minds of some of my friends on the

cross benches on the left that party politics lies behind this motion. That is not the case. I am inviting the House and Government to reconsider this problem in a new perspective.

According to my way of looking at it, Sir, the speedy solution of this problem is an essential part of any sound native policy and equally an essential part of any sound economic policy suited to the requirements of this country as they are likely to be in the immediate future. Looking at it from point of view of native policy, Sir, I think we must recognize that even our most extreme expectations from a native policy based entirely upon native proprietorship in the circumstances of the people of this country, is bound to be very far reaching, and very far short of its results from what in our enthusiasm we are sometimes inclined to expect. After something like twenty-five years in this Colony, Sir, during the greater part of which time I have taken an active part in public life, I have definitely come to the conclusion, and I believe it to be a sound one, that the extent to which we can raise the standard of living of the native based upon his capabilities as a peasant proprietor are very limited and that something very much more must be done if the native is to achieve the destiny we have planned for him in this country. It seems to me essential, Sir, to recognize the extreme limitations, the extreme economic limitations of his position on the land, however much we may do to assist him to make the greatest possible use of the large areas of land which have been reserved for his use in the future. Hand in hand with that policy of developing his potentialities as an agriculturist we must have a policy under which he is developed in other directions as a useful citizen. Much has already been done by Railway Administration, Posts and Telegraphs, the Public Works Department and the Administration Department to develop his undoubted capabilities in many directions, and I think already more than sufficient has been done to prove that we are building on a sound foundation in regarding him as the possible future craftsman of the territory. What I appeal for, therefore, Sir, is a more vigorous programme to use his capabilities in those directions.

Already I think it is true to say that the wealth of the reserve is to a large extent due to the money brought back into the reserves by those who are giving their services outside. In spite of the unfortunate position in which the natives find themselves to-day, there is undoubtedly a considerable amount of wealth in the native reserve. It is very largely due to the work of the natives outside their home countries. In fact, I am of the opinion that if it were possible to collect all the taxes it would be found that the improvement in the position and conditions of the natives in the reserves is very largely

due to the wealth which has been brought in from outside, and that that wealth would be very much greater if a greater proportion of the natives who work outside were earning the money they could earn as skilled craftsmen rather than as unskilled labourers. I would urge also, Sir, that with the greater utilization of the native as a skilled craftsman his influence in the reserve would be such as to very rapidly increase the standard of living of the natives in the reserves. The influence in improving their living conditions would be considerable. You would undoubtedly see the rise of rural industries and a rural craftsmanshlp and these developments would have a far reaching influence upon the material conditions of the native people. Therefore, I urge that Government should seriously consider this problem in the light of its being part and parcel of a sound native policy.

The resolution also urges, Sir, that this work is necessary in the interests of national economy. It is one of the unfortunate necessities of young developing countries to export—to import new capital and send out from the country every year a large proportion of the money in circulation to pay for its necessary imports. Now, Your Excellency, we have been made to realize in the course of the last few years how seriously that difficulty affects a young country like ours in bad times. The amount of money taken out of circulation because of these facts is so great that we immediately suffer from the effects of severe depression and it seems to me absolutely essential to claim the establishment of sounder aspect in the proper administration of this country to minimize as far as possible the amount of money to be exported for payment of non-essentials. There are very considerable advantages now to be gained for the country by employing its own people permanently domiciled in the country rather than having to pay for people who are not permanently domiciled here and who, quite rightly, export year after year the surplus of their earnings.

I think it will not be denied that during our period of prosperity, when very large sums of borrowed money were being spent on loan works, a very considerable portion of that money was re-exported as profit on the skilled labour employed, and surely it is sound economics that we should do all in our power to minimize that process in the future. I suggest that anyone who seriously studies the problems of this country which lie ahead must be impressed by the dangers not only to a native population, but to the future European and the future Indian population of this country if we do not consider this question in its relation to the future of the Indian community. Whether Government does pursue a vigorous programme in this direction or not, it is inevitable that in the course of a comparatively short time the native will demand

his place in this country as a skilled craftsman. If, therefore, we do not take steps now to see this problem in its relation to the Indian community, which has played the part of craftsman here for a period of years, the position will be a serious one, and considerable hardship will be inflicted upon them if we leave the problem to its own solution. This problem must be considered and it must be developed under supervision and with a clear objective in view. I do not need to be reminded that the native in years to come will have very severe limitations as a craftsman and that the Indian artisan, because of the tradition that lies behind him as a craftsman, will continue to play his part in the economics of the country, but in the interests of all concerned I say it is necessary that we should forestall the future and prepare ourselves for it.

Had it been possible to devote greater time to the subject, I should have developed those views at greater length. I sincerely hope, therefore, that Government will not take advantage of me in this matter and suggest that I have not sufficiently developed the problem to be faced.

I am almost certain to be asked whether I have any constructive suggestions to make to deal with the situation and so I shall briefly refer to a few of the things which I believe could be done by Government at no great cost. I suggest for consideration that a Native Educational Inspection Board be set up, which will have associated with it representatives of the master builders. Under existing circumstances there is no idea of close association between the educationists and the practical people. That should exist and until you get the active co-operation of master builders, both European and Asiatic, to assist in the solution of this problem you cannot achieve very much. Also, Sir, I suggest that greater attention should be paid to the securing of employment for those on whom we spend considerable sums of money on training. I am aware that circulars have been issued in recent months and lists of natives available for employment have been introduced in different centres. I regard those efforts as insufficient and I suggest consideration of the question of setting up employment bureaux in different centres. More particularly would I urge that practical work in this direction could be done immediately in the gold-mining districts. A wonderful opportunity there exists inasmuch as the class of building being constructed there is of such a nature as to permit of their employment. On superior type of work such as the Law enforcement there is a superior type of work one can scarcely visualize any Courts I frankly acknowledge for the African artisan because very considerable employment for that of the Indian, and undoubtedly his skill is inferior to that of the Indian, and undoubtedly he is a slow worker; but in many other directions he can be employed and his employment has up to the present

been obstructed by those whom he will eventually displace. It is therefore necessary to seek the co-operation of the master builders and of the Government in the matter.

THE REV. CANON THE HON. G. BURNS: Your Excellency I beg to second the resolution.

HIS EXCELLENCY: The question is:

"That in the opinion of this Council the time has arrived when in the interests of the native peoples and the national economy Government should embark upon a more vigorous policy of promoting the utilization of the African as the skilled artisan of the Colony."

THE REV. CANON THE HON. G. BURNS: Your Excellency, for the reasons already given by the mover of the motion my words must of necessity be very few. I have been resident in East Africa for nearly thirty-five years, and I have been in the closest possible touch with the Africans of the Colony during those thirty-five years. I should like first of all to pay a tribute to what has already been done in regard to training the African to take his proper place in his own country along these lines. In 1923 it was difficult to get a native artisan if you wanted one to do any type of work. That has entirely changed since those days. During the last ten years the strides made have been very real indeed in regard to training the African. But the difficulty that I see is not so much the training of the African as when he is trained and that money has been spent on him—to which he has of course contributed himself very largely—that when he is more or less a finished product from that point of view, there is not secured for him the work for which he has been thus trained, whether by Government or by missions. From that point of view I should like to emphasize and second most strongly what the Hon. mover of the motion has said, that when the African is trained and has been brought to a certain point of efficiency, that training and that efficiency should not be allowed to lose itself in the reserves where very often he returns to his normal African life, that every endeavour should be made to find work for him, to give him work such as he is capable of doing on buildings, whether by Government or private individuals, that are being constructed throughout the whole country. Within the last six months it has been my very real privilege to see a band of boys from the Native Industrial Training Depot at work on a building erected by the Church Missionary Society at Limuru in connexion with their divinity school, and I should like to pay a tribute here to the two European masters who were in charge of those boys during the time they were working on that building. I do not know if members on this side of the House have seen that building being erected by those boys, but

the patience displayed by those European officers in training them—not allowing them to do the work just anyhow but if it were not satisfactory going over it again and insisting that the work should be done along the lines they were there to teach the African to do—was marvellous. Those boys laid out every single bit of the building themselves, the Europeans standing by, not putting a hand to hammer or anything else. The whole work was outlined, the foundations were prepared, and the whole work done by the Africans. They are slow, and we must think they would be for a long, long time to come, but I do urge very strongly that on every possible occasion where an African who has been trained can be used, that as part of his training—whether for the settlers in the districts or the smaller places round about the country—some men of the Native Industrial Training Depot responsible for their training should be allowed—and Government should allow such training to take place—should be allowed to go out with several boys—masons, carpenters, and others—and do the practical work of training, not in the workshops of the Native Industrial Training Depot only, but on constructive work throughout the Colony. I would impress on Government that aspect of the work being undertaken by the Native Industrial Training Depot, that these boys in training be allowed to undertake for settler or Government such work as they are capable of doing under that training, for that is the only way in which they themselves will get the practical training that they will not get in the workshops, in laying out and carrying through work to completion by themselves. I should like to invite any hon. Member on this side of the House, if he is passing through D Route, to have a look at the work done by these boys during the last six months.

I have very great pleasure in seconding this motion, and in doing this I have only the welfare of the African, and I have given my life in his service, and also the welfare of the Colony from its economic point of view, in mind and nothing else. The European needs the African, the African needs the European, and with that combination there can be no doubt that the economic prosperity of the Colony, both from the European and the African point of view, will be assured. Twenty years ago I went out into the Kikuyu country, and the change that has taken place there since that time bespeaks what the Government has done for the African. The change in the whole face of the Kikuyu country is remarkable indeed, for to-day you see neat houses instead of the rat-infested huts, for which we as Europeans in the Colony should be extremely thankful. It is also an indication of what Africans are capable of and will seek after if we help him to do so in his own reserves.

THE HON. N. S. MANGAT: Your Excellency, in my opinion the motion is very superfluous, in this way. From what we have heard from the hon. Members preceding me, we have gathered that Government has done its best to train and promote the native artisan. And as far as the Indians are concerned, I can assure the hon. mover and the House that the Indians are not afraid of the native coming into the market. As a matter of fact, I can claim that the Indians have done more to train the natives in this land than any other non-native community. The Indian, in fact, is accused of teaching the native more than he can absorb, I mean in other lines that politics. As an assurance of that, I will quote only one instance, that while Indians have been fighting for themselves they have included the native. I can also make bold to say, Sir, that the Indian is not afraid of competition. He can hold his own in this labour market, and if allowed to do so, I can assure hon. Members, as a farmer he would also hold his own. I am sure that he would grow better maize, and better wheat, than any other settler thinks he can, and he would not grumble so much. (Laughter.) As regards the co-operation of Europeans and natives, I can assure the hon. and reverend Member that whether the Indian is wanted or not he is staying here and will have to be accommodated, and I can assure the House that he will make himself useful not only to the natives but to the Europeans.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, it is almost needless to say that the motion has my heartiest support, and in the initial stages of educating the African as an artisan the whole of the Europeans in this Colony were behind the movement. They are still behind it, and I only hope and trust that Government will see its way to accept the motion. I feel certain that Government has the greatest sympathy with the motion, and that it is Government's policy to develop the native on the lines suggested by the hon. mover. I am not going to spoil his most admirable speech, which was concise, precise, and probably covered every point, so that it is not necessary for me to say more than to hope that every member on this side of the House will rise for a moment to let Government know we support the resolution. The only regret I have, Your Excellency, is that the hon. the Indian Member who has spoken has not assured Government of the co-operation of the Indian community. But I do not know that we need worry much about that.

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): Your Excellency, I should like to reciprocate the very kindly spirit in which this motion has been moved. Without going into the question of the actual wording of the motion,

I do welcome this spirit, and I should like to say that I appreciate the way in which the mover has moved it. But it does seem to me that it is going to be very difficult for Government to accept the motion as it stands, because although it is not moved in a spirit of criticism the wording of it must involve some idea of criticism by the use of the word "more". The suggestion is inevitable, that Government has not in the past been as vigorous as it should. That after all is not the only objection that I have to the motion, which seems to me to have been very well spoken against by the hon. and reverend Member. I am bound to say that I must express my concurrence with what the hon. Member Mr. Mangat said in regard to the subject—it does seem to me complete proof that there is no necessity at all for moving the resolution. That, after all, is a minor point, and I also appreciate what he has said about the work done by Indians.

My objection really to this motion is that it is too limited in character. It suggests, and I am sure that the hon. Member for Plateau South will appreciate it—it suggests that the economic development of the native or African depends far too much on his being utilized as an artisan. That unfortunately raises in my mind the whole question of the method of training, and the purpose of training the African, and brings us to the very wide field of the education of the African which is obviously quite impossible to cover in the short time at our disposal to-day.

But it is not merely artisans—not merely from the point of view of training artisans—that we have to look at the matter. During the last few years it is very remarkable what the advance of the native has been in regard to other lines of life than the merely trained artisan output of the Native Industrial Training Depot. The position has become so important that within the last month we have anticipated that there are about 450 to 500 boys leaving school this year who have completed the primary course. We have indicated to them, through the headmasters of every school, whether mission school or Government school, that there are various lines of occupation which they should seek, not merely the lines of occupation indicated in this resolution. Let me indicate very briefly what the principal ones are. In the first place we say to every boy that he has the chance, if he is good enough and can manage it, to go on with his education in one or other of the secondary schools, ultimately going, if he is still good enough, to a higher institution in Uganda. But in this we say the opportunities are limited and the opportunities of employment afterwards are limited, and we wish to restrict them as much as reasonably possible. Then, in regard to agriculture, about which the hon. the mover spoke, we have a definite arrangement, and we are urging boys now to go to

both the Department of Plant Husbandry and the Department of Animal Husbandry and, be trained there not only for employment by Government but in the hope that by being trained in these institutions they will become better agriculturalists and better stockmen and so develop the economic possibilities of the reserves. At the same time we ask them to consider the possibility of going into the three branches of the Railway—the locomotive shops, the transportation department and the Mechanical Engineer's Department, and I think my hon. friend the General Manager may have a word to say to you on that subject. We have told them exactly what they can do, and what they can hope to achieve by Government under these forms of trade. Within the last month or so we have approached the Commissioner of Police, who has indicated his desire to get a better type of recruit for the police force. That again is going to help the reserves in a general way. At the same time in the Post Office we are organizing a system whereby the Postmaster General hopes that he will be able to employ quite a number of Africans to put up his telegraph lines. That is quite a recent development. In connexion with the military, we have for some years past been actually supplying the military with boys who do the signalling from here to Moyale and it is an interesting thing that I can say "if you go to Moyale now you will find that the wireless signalling is done by two African boys trained in African schools". These are instances of the different ways in which we must develop the African if we are going to stick to the wording of this resolution, "in the interests not only of the native peoples and the national economy".

But the resolution applies particularly to the training of native artisans, and about that the hon. and rev. Member has spoken. I think I ought to tell the House of the considerable difficulties that have arisen and I ought to indicate how we propose to solve those difficulties. When we started the Native Industrial Training Depot the position was that the number of recruits for that institution who had had some preliminary training was small. We therefore took these at first and we have developed two different lines of approach for training. First of all we took into the depot boys who were apprenticed for five years entirely at that depot. But there is a second line of approach which we have carried on for the last five or six years. We ask mission schools and Government central schools to give the preliminary technical training for three years and then send them along to us to complete their apprenticeship. It is stated that the five years apprenticeship system has proved far more effective. That is due to two very interesting reasons. The first reason is that both in the mission schools and in the Government schools there is a tendency

not to pay sufficient attention to the training of boys on the artisan technical side. That is inevitable. The atmosphere is not solely the atmosphere of artisan training—it is a dual thing going on, both literary and technical at the same time; whereas in the Native Industrial Training Depot the whole work the whole time is concentrated in the training in craft. The consequence is that boys coming from the schools—mind you, I am not throwing a brick here at any schools, because the Government schools are just as defective in this way, but the boys coming from these schools for a short two years course are not nearly so good as those who undergo a full five years course.

The second thing in the development of the African is that the mission schools and the Government African schools can no longer do this work of three years preliminary training because the African is developing so much in his general education that the boys who go to these schools are now too small and too young even to undertake the preliminary years of craft training. We are having boys in mission schools and Government central schools who are so small that they can hardly lift a hammer or heavy tool. They cannot be trained as blacksmiths and they can hardly drive a really heavy plane. That is most interesting because it shows that the development of the African from his youth up is improving enormously while the age of the African as a schoolboy is going down.

So much for the methods that we have adopted. We realize that these methods must be modified. We are constantly looking out for improvements and we have come to the conclusion that the right way is to take these boys from the schools after four years or so of general primary education, which is recognized to be extremely valuable, and take them through a four years intensive course instead of the existing two years; and we believe that if we do that we shall achieve even better results than the hon. and rev. gentleman referred to. But what are those results? Take it by and large, if you train an African for five years you cannot expect, the hon. member himself does not expect that he will be able to compete with the trained artisan of the quality of an English-trained artisan. That would be ridiculous, but we do expect that these boys can be employed under the supervision of Europeans—and I say that with special emphasis on the need for the supervision of Europeans—on plain straightforward work. The Loan Works Committee have always been very helpful in this way. They have employed these boys while apprentices on loan works wherever they possibly could. We have been able to do work, as the rev. Member says, for a mission. Within the last four months we have succeeded in putting up a fair building for a Government school in the reserve, no

longer under the supervision of a European but under the supervision of one of these boys themselves, and I think that is a most remarkable and hopeful achievement.

The hon. Member's motion does not deal directly with the employment of apprentices, but with the employment of the finished article, namely, the artisan. We have to be very careful—both in regard to the training of artisans and in regard to those other forms of training, such as agriculture, engineering, and other forms of employment—that we do not create in the native mind the belief that training in any craft means *zerkali* employment. That is the general impression in the native reserves. I think every Provincial Commissioner will agree with me, and every missionary, that the native regards the school as the place from which he is going to get a job, whether it is the Native Industrial Training Depot, Kabete, the Medical Department Laboratories, or wherever it is. If you favour that idea, let him think that, then he will sit down and clamour for Government work. If you let him believe that, one or two things must happen; either you are going to have an enormous socialistic or collectivist state, which is unthinkable, or you are going to create a dissatisfied class. We have to train them to think and realize that when we have given them the capacity to do the work, they have to fit into the economic life of the community as a whole—not only the economic life of the community in the native reserves but the whole community as represented by natives, Europeans and Indians.

Now there are difficulties at the present moment, and there have been difficulties in regard to that employment. Mr. Mangat hit the nail on the head in regard to this Indian competition. He said that the Indian artisan was working for almost nothing. That is one of the reasons why the African trained artisan cannot get as much work as he might; because the Indian, who naturally is entitled, owing to his greater skill, to claim a higher wage, is forced down to take a wage which would be considered a reasonable wage for a trained African artisan. But the employment figures are not really so bad. I gave some figures in the Annual Report of this year amounting to about 50 per cent. The numbers have recently gone up to 52 per cent, but if you take into consideration the inevitable wastage in any training, whether European, Indian or African, if you take into consideration the fact that the African wants a holiday constantly and that most artisans jobs are temporary—if you take all these factors into consideration, then I think I am not really exaggerating if I say that the number of Africans who have been trained as artisans and who are using their knowledge to earn their livelihood is probably 60 or 70 per cent, and I do not think that is a bad figure.

I hope the hon. Member will not mind my criticising the wording of the resolution in regard to the words that "a more vigorous policy" should be adopted. At the present moment I am perfectly convinced that there never has been greater faith or greater vigour in regard to the matter of development of the African along these lines. Let me give just one instance, which is perhaps almost incredible to some Members. There are three boys within twenty miles of here, at the Alliance High School, and they are demanding permission to go to Makerere with a view to being trained to become Sub-Assistant Surgeons. That, the Director of Medical and Sanitary Services tells me, he is going to push as best he can. In every walk of life, in every possible opening we are pushing the African to take that place which he is entitled to take and which he can justifiably take. I am quite safe in saying that never—certainly during the last five years—have all the different interests concerned, the missions, the education authorities, the Agricultural Department and those other Departments of which I have spoken—the Medical Department perhaps especially—and the Administration Officers in fact, I worked with a more definite sense of co-operation—in fact, I think "co-operation" is almost the wrong word; we have always been working as a unit. I do not know whether any one of us can take any credit for that, but I should like to say that at the present moment I have never known our relations—*if I may speak for Government in this*—with the missions more hearty, more friendly and more sincerely co-operative, and I believe that at the present moment the whole of the African community is as it were moving slowly, with increasing velocity, further towards an enormous development, which is going to have a profound effect, not only on the politics but on the whole national life of Kenya as a place where the European, the African and the Indian have got to move together. I believe that, from the bottom of my heart, Sir, just at the present moment we are coming to this point when we may expect great developments and great changes.

I would ask the hon. Member to consider whether he will not withdraw his motion, because it does not really carry out what he wants to do. It does suggest a criticism, which I know and which he has told us is far from his mind. I have been at this job, Sir, for a lifetime and I should like to say that we have been talking the last two or three days a good deal about co-operation. I regard this motion as an indication of the desire of the hon. Member and those for whom he speaks for an affirmation, a reaffirmation of the desire of the European people of Kenya to go on and press on, doing all they can for the general development of the African in every line of life in order that he may benefit the community as a whole and may, as he is entitled to do, help us to enjoy life and have a better life, and have a better life himself.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I will not detain the House many minutes. My hon. friend the Member for Plateau North suggested that every Member on this side of the House should rise to show they agreed with the spirit of this motion. Sir, I have the authority of the five Elected Members on this side of the House who have not yet spoken to say on their behalf that we are thoroughly in sympathy with the spirit which underlies this motion. The question of the wording I do not wish to deal with, Sir. It is the spirit, and it is the spirit which has been so very ably expressed by my hon. friend the Director of Education. For many years this has been the policy of hon. Members on this side of the House, and I should like to remind this House that the person who perhaps was more prominent in getting this Native Industrial Training Depot started, and the whole spirit which underlies the work which has been done—and about which I think we have been so pleased to hear such a very able and eloquent disquisition by the last speaker—was the late Lord Delamere. Your Excellency, on behalf of Members on this side of the House I should like to say how thoroughly we support the principle of encouraging the native people of this country to improve in their welfare and their utility to the general social life of the country.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. G. D. RHODES): Your Excellency, the Railway is a large employer of the African, and I can add a little to what the hon. the Director of Education has said by explaining briefly what our policy is. During the past five years there has been an extraordinary change. Before that time we had difficulty in getting African artisans to stay and work at any form of railway work. But during the past five years there has been a complete change in that attitude, and I will say now that if any hon. Member cares to inspect the railway workshops he will find that nearly all the machines are operated by African artisans. We have a complete scheme of apprenticeship to replace vacancies and enable us to take on additional staff as we require them from year to year. We turn out twenty to thirty trained artisans each year for whom we hope to be able to find employment in our own workshops. On the traffic side, the duty of signalling and stationmaster's duties and work of that sort are taught, and I hope that in time we shall be able to fill many vacancies. On the engineering side we employ a large number of artisans under the permanent way inspectors and inspectors of works as painters, riveters and on work of that sort. On the mechanical side similar progress is made, and I would state that no faster progress can, as far as the railway is concerned, take place. We want to proceed slowly in a sense in this

matter because these artisans have got to get into their place slowly, as it were, and that takes time. But the progress being made as far as the railway is concerned is really remarkable, and I imagine from what I have heard from the hon. and reverend gentleman that the progress in the reserves is equally remarkable.

THE HON. THE COLONIAL SECRETARY: Your Excellency, after hearing the remarks of the hon. mover and the hon. the Director of Education and such speeches as have been made on the other side of the House, it is perfectly clear that the House is entirely at one in the desire it has to put on record its feelings that we should as a Government do all in our power to encourage the development of the African in all the departments for which he is fitted, and, in particular, that the possibilities of his utilization as an artisan should not be overlooked. I think it would be a very great pity if, for the reason stated by the hon. the Director of Education that the wording of this motion does imply some criticism of Government, there should be a division of opinion on a motion of this sort. Therefore, I will suggest for the consideration of hon. Members a slight amendment to the motion which I can say stow Government will accept and I hope it will equally meet the approval of the other side of the House. The amendment that I propose to make is this, to delete all words after Government in the motion as it stands on the order paper and to substitute therefore "should not overlook in any educational policy laid down the importance of promoting the utilization of the African as the skilled artisan". The terms of the amended motion, if adopted by the House would be:

"That in the opinion of this Council the time has arrived when in the interests of the native peoples and the national economy Government should not overlook in any educational policy laid down the importance of promoting the utilization of the African as the skilled artisan."

I commend that amendment to the House, and hope it will meet with their approval.

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

HIS EXCELLENCY: The question is the motion as amended in the terms set forth by the hon. the Colonial Secretary.

The amendment was put and carried.

The motion, as amended, was put and carried.

SECOND SUPPLEMENTARY ESTIMATES, 1933.

THE HON. THE COLONIAL SECRETARY: Your Excellency. I beg to move the motion standing in my name:

"Be it resolved that supplementary expenditure of £21,051, as shown in column 6 of Schedule of Additional Provision No. 3 of 1933, be referred to a Select Committee."

The hour is late and particulars are fully set out in the Schedule and I do not, therefore, propose to do more than formally move the resolution in my name.

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

HIS EXCELLENCY: The question is:

"Be it resolved that supplementary expenditure of £21,051, as shown in column 6 of Schedule of Additional Provision No. 3 of 1933, be referred to a Select Committee."

The question was put and carried.

CARRIAGE OF GOODS BY MOTOR (PROHIBITION) ORDINANCE.

THE HON. THE COLONIAL SECRETARY: The next motion standing in my name is not one of great urgency. It must be passed this session but can well be passed when we come out of Select Committee, and as the hour is late, if hon. Members agree, I will suggest that Your Excellency adjourns Council now for Select Committee.

HIS EXCELLENCY: I propose to adjourn Council now until 10 o'clock on Tuesday, 19th December. That will give time, I hope, for the Select Committee to confer.

LT.-COL. THE HON. LORD FRANCIS SCOTT: May we hear where the Select Committee will sit?

HIS EXCELLENCY: Ten o'clock to-morrow morning. The intention was that it should meet in the Director of Education's offices. I understand some Members think the acoustic properties of the room are not very good. Perhaps I could have a word with you after the adjournment.

THE HON. CONWAY HARVEY: It would be very convenient, Sir, if we could know before we disperse. It would save the staff a lot of trouble.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Perhaps hon. Members will wait.

*The Council adjourned till 10 a.m., on Tuesday,
19th December, 1933.*

TUESDAY, 19th DECEMBER, 1933

The Council assembled at 10 a.m. at the Memorial Hall, Nairobi, on Tuesday, 19th December, 1933, His Excellency the Governor (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BRINE, K.C.M.G., K.B.E., C.B.) presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 7th December, 1933, were confirmed.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table:—

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

- Report of the Select Committee on Draft Estimates, 1934.
- Report of the Select Committee on Second Supplementary Estimates, 1933.

By THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. E. B. HOSKING):

- Report of the Committee on Mining Legislation, 1933.

NOTICE OF MOTIONS.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to give notice that at a subsequent meeting of this Council I shall move that the Report of the Select Committee on Draft Estimates, 1934, and the Report of the Select Committee on Second Supplementary Estimates, 1933, be adopted.

THE HON. THE ATTORNEY GENERAL (MR. W. HARRADIN): Your Excellency, I beg to give notice that the Legislative Council (Amendment) Bill, which passed its third reading on the 5th December, 1933, having been returned by the Governor to Council for amendment of clause 9, I shall move at a subsequent meeting that the Council resolve itself into a Committee of the whole Council to consider the amendment.

ORAL ANSWERS TO QUESTIONS.

CHILDREN OF SCHOOL-GOING AGE.

No. 46.—THE HON. T. J. O'SHEA asked:—

- Will the hon. the Director of Education please state:—
- (a) What is the education policy of Government in regard to the increasing number of European children of school-going age resident in the North and Central Kavirondo Native Reserves?

- (b) Have the parents of such children been consulted on that policy, or is it intended to consult them? —
 (c) From what date will that policy be put into effect?

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): The question of the education of these children has received the attention of the Advisory Committee on education, which has submitted a recommendation. This recommendation is at present under consideration by Government.

THE HON. T. J. O'SHEA: Arising out of that answer, may I ask whether it applies to paragraph (c) of my question?

THE HON. THE DIRECTOR OF EDUCATION: The answer to paragraph (c) of the hon. Member's question will depend on the decision of Government on the general question.

THE HON. T. J. O'SHEA: Arising out of that answer, may I urge that a decision be come to at the earliest possible date.

USE OF SACCHARINE.

No. 51.—LT.-COL. THE HON. C. G. DURHAM asked:—

In so far as it is used in the manufacture of mineral waters in place of sugar, does saccharine come under the Prohibited Drugs Act, as in the United Kingdom?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. A. R. PATENSON): There is no provision in the Drugs and Poisons Ordinance, Cap. 120, Laws of Kenya, or in any other legislation in the Colony to prohibit the use of saccharine as a sweetening agent for mineral waters.

GOVERNMENT EUROPEAN HOSPITAL.

No. 54.—CAPT. THE HON. H. E. SCHWARTZ asked:—

What is the procedure adopted if an unofficial casualty attends the Government European Hospital for immediate attention?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES: If an unofficial casualty attends the Government European Hospital for immediate attention, he receives such emergency treatment as is necessary from the medical officer in charge. If he is the patient of a private practitioner in Nairobi, that doctor is informed, and the subsequent treatment is handed over to him. In other cases, further medical treatment is rendered by the medical officer in charge, European Hospital, unless the patient wishes to be treated by a private practitioner.

CESSION OF TERRITORY.

No. 57.—THE HON. P. A. BEMISTER (on behalf of MAJOR THURLOW R. W. B. ROBERTSON-EDGECOCK) asked:—

Will Government give an assurance that no reason exists for the rumour that negotiations are pending for the transfer of any portion of the Colony or Protectorate to a foreign country and that there is no intention of considering any?

THE HON. THE COLONIAL SECRETARY: The attention of the hon. Member is invited to the questions and answers given in this Council on the 10th April, 1933. This Government is unaware of any intention of transferring any part of the Colony and Protectorate of Kenya to a foreign power.

MOTIONS.

CARRIAGE OF GOODS BY MOTOR (PROHIBITION) ORDINANCE.

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

"Whereas it is provided by section 12 of the Carriage of Goods by Motor (Prohibition) Ordinance, 1932, that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by proclamation with the approval of the Legislative Council it is continued in force until a later date:

"Now therefore it is hereby resolved that this Council approves the issue of a proclamation declaring that the said Ordinance shall remain in force until the 31st day of December, 1934."

The circumstances, Your Excellency, in which the Ordinance in question was passed are so well known that I do not think it is necessary for me to treat this motion as anything much more than a formal one. It was decided that, at the time when it was recognized that such prohibition was desirable, it was equally considered desirable that the question of the continuance of that Ordinance should come up for review by this Council from time to time. My hon. friend the General Manager has made it clear, in presenting the Estimates of the Railway, that in his view and in the view of the Railway Advisory Council it is essential that this Ordinance should continue in force at least for next year, and in fact his estimates both of revenue and expenditure have been based on that assumption. I do not think therefore, inasmuch as those Estimates have been passed by this House, that it is necessary for me to do more than formally move the motion standing in my name.

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

HIS EXCELLENCY : The question is :—

"Whereas it is provided by section 12 of the Carriage of Goods by Motor (Prohibition) Ordinance, 1933, that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by proclamation with the approval of the Legislative Council it is continued in force until a later date :

"Now therefore it is hereby resolved that this Council approves the issue of a proclamation declaring that the said Ordinance shall remain in force until the 31st day of December, 1934."

CAPT. THE HON. H. F. WARD : Your Excellency, before the debate on this resolution proceeds further, would the hon. the General Manager be kind enough to tell the House how we stand in regard to this vexed question of distribution rates? The reason I ask that question is that the only reason at first advanced by the hon. gentleman when he secured the support of the commercial community of Nairobi in this matter was the fact that unless competition with the Railway of this sort was discontinued distribution rates could not be reintroduced, owing to the difficulty of recognizing whether the goods were handed in at Nairobi: under that rate they travelled by road or by rail. That is the only reason, Sir.

The Chamber of Commerce, Nairobi, in correspondence with the hon. gentleman, has been led to understand that possibly some adjustments in the length of time that this Ordinance is in force might give him a further measure of protection and might permit of the reintroduction of those rates, which are so essential to Nairobi. I would therefore ask that before the debate goes further the hon. gentleman should make some statement.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS AND HARBOURS (BRIG.-GEN. G. D. RHODES) : Your Excellency, I presume that it is unnecessary for me to go into the question of the pros and cons of protection for the Railway, for the same reasons that the hon. mover of this motion has stated, but in regard to the one particular point on which I have been asked to give information I would like to make the position quite clear. It was recognized by this House that distribution rates could not be granted so long as wasteful road competition existed. That, I think, was fully recognized at the time when distribution rates were discontinued. Now the question arises, now that some measure of protection is given to the Railway, should the distribution rates be reintroduced, and that question has been the subject of considerable inquiry during the past two months.

From a railway point of view, Sir, I would like to make it quite clear at this stage, the question of distribution rates is not a serious one at all. From the Railway point of view, it does not affect our revenue position one way or the other very seriously. The question is rather for those who wish to use the distribution rates, because, as a system, it has certain disadvantages. It is a system that tends to choke itself as it grows because the more centres that have this system, the less useful it is to the centres that require it; so that it is necessary for those who wish to make use of that system clearly to understand what those disadvantages are, and why the Railway have suggested to you that there might be other ways of dealing with the same problem. However, that is for them to decide, and I am expecting a final decision on that point from the Nairobi Chamber of Commerce very shortly.

The only way in which these rates affect the Railway seriously is in regard to road competition. Obviously, Sir, it would be quite wrong to reintroduce the system if it is only going to last for a year or a short period. That is, if road competition is going to be reintroduced again, then the system would have to go. I put that point to the Chamber, and asked them, if they supported this system of distribution rates, after that, if they supported this system of distribution rates, after explaining all the disadvantages, that they should represent to Government that we should have a greater degree of protection than the present temporary form of protection that is now in that force. So far as I know, Sir, they have not yet made that representation to Government, but I hope, when they finally decide what they wish to do in regard to this question, that they will do so.

It is very difficult to say over a period of years if you are going to have this type of protection, but it might be possible for Government to consider introducing this legislation every two or three years, with an undertaking that at least a year's notice will be given before it is withdrawn. If that were done, then, from the point of view of the Railway, I should raise no serious objection to the reintroduction of distribution rates, if that is generally desired, and I would support the reintroduction of those rates before the Railway Advisory Council if that type of additional protection is to be given.

I hope, Sir, that answers specifically the question I have been asked to answer. I assume there will be a discussion on the general question and therefore I shall not speak further on it."

CAPT. THE HON. H. E. SCHWARTZ : In view of the remarks of the hon. the General Manager, may I ask that this debate should stand adjourned in order first of all to enable

the Government to decide whether they would be prepared to accept an amendment such as is suggested by the General Manager; and also for the purpose of getting such an amendment put in a concrete form, which it is almost impossible to do at a moment's notice sitting round this room.

On the question of distribution rates, I do not want to speak now, but the feeling is very strong so far as Nairobi is concerned, and it would not be fair to ask Your Excellency to decide whether Government could accept a suggestion such as that of the General Manager.

THE HON. THE COLONIAL SECRETARY: Your Excellency, this Bill has to be passed before Council adjourns. We cannot consider this in two days.

CAPT. THE HON. H. E. SCHWARTZ: I was suggesting merely an adjournment till a later stage of this session, Sir.

HIS EXCELLENCY: Government will consider it.

THE HON. T. J. O'SHEA: Am I to understand that the motion has not been withdrawn?

HIS EXCELLENCY: No, it has not been withdrawn.

THE HON. T. J. O'SHEA: In that case, speaking to the motion, I entirely agree with the hon. mover that there is no need to make out a case for the further continuance of this Ordinance for another twelve months. Circumstances have not changed sufficiently to justify its withdrawal, but it must be obvious to the House that the speech of the General Manager discloses, or rather makes clear, that the granting of a temporary monopoly to the Railway against motor transport is by no means a solution of the problem of Railway *versus* motor transport. I hope it is equally obvious that something will have to be done during the course of the next twelve months to work out a policy that will prove a permanent solution. Certain arguments were used to support this monopolist policy a year or two ago, and we are now beginning to find apparently, judging by the remarks of the hon. Member for Nairobi South, that their agreement to this monopolist policy has not brought the advantages they thought it would. Apparently the bribe has not been paid, and I suggest, Sir, that the problem is a very serious one for this country, that it has not yet received the attention it should have received, and that it is essential it should receive consideration during the next twelve months. It is unsatisfactory to the Railway to have this monopoly on a year to year basis; it is unsatisfactory from every point of view that officers other than the Railway should not know what

is going to be the policy of Government. The question of transport is an all-important one for a young colony like this, and this temporary monopoly is not going to settle it.

CAPT. THE HON. H. F. WAHD: Your Excellency, would I be in order in following up the suggestion made by the hon. Member for Nairobi South, and move that progress be reported on this motion?

HIS EXCELLENCY: I will adjourn the debate now, and continue it after the adjournment. I should like to have time to consult my advisers.

REPORT OF SELECT COMMITTEE ON THE ARCHITECTS AND QUANTITY SURVEYORS BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that the Report of the Select Committee on the Architects and Quantity Surveyors Bill be adopted.

This Bill was actually the first paper that greeted me on my arrival in this country. I found it on the top of my desk, with a written note from my predecessor saying, "To be dealt with at once or will die with the Council." (*Laughter.*) I then looked into the matter, and found that since 1920 this thorny question had been on the files of the various Attorney Generals of this Colony, and that in March of this year the Bill first saw the light of day. For some reason or other, after a debate and a division, it was referred to a Select Committee, and nothing further was done until last month, when I took the matter up. I must admit that, on taking it up, I thought it was a very simple matter; it was inconceivable to me that anyone could raise any really serious objection to it, because all it did was to say that a *quads* should not be called a shovel, and vice versa. Apparently I was wrong, because after calling the Committee together, and getting witnesses, we discovered there was violent opposition to the Bill as it originally stood. But as we govern more or less by agreement, one agreement led to another, until you find the Bill in its present form before you.

I think at this stage that I should offer the House some apology for the number of amendments which appear. It might be thought by some hon. Members who have not read them over carefully that I was attempting to rush through the House a new Bill without putting it through the usual procedure of a first and second reading, but actually, I can assure you, Sir, that this new Bill—I will call it so—contains exactly the same principle as the old Bill. Owing to the fact that we found it would be advisable to delete the important part that was to be played by the Institute of Architects, who under the

old Bill were to handle the whole of the operations, we have had to delete in every section all reference to this Institute and all reference as to how they were to run their business, because it is the recommendation of the Committee to this House that in their place shall be substituted a board of six persons, three of whom shall be nominated by Your Excellency, and three, with your consent, Sir, by the Institute, and it will be the duty of the Board to carry out the provisions and intentions of the Bill. We also found many fears expressed by witnesses which were really the result of misconceptions. For some reason, the Bill was generally misunderstood in its intention. There is not the slightest wish or desire or intention in the Bill to do anyone out of the job he is doing at present. All that the Bill does is to say that in future—and I will deal with the other details of the Bill later on—that in future, from six months of the Bill coming into operation, all persons who are not architects shall not sign themselves as architects or hold themselves out to the public as architects. They can hold themselves out as builders, tinkers, tailors, but they shall not, by signing themselves as architects or using the word architecturally in any way, convey to the public that they have some diploma which in fact they have not got. That is the chief point in this Bill.

Another deletion you will find is the deletion of the section which deals with the levy. Under the old Bill the Institute to which the working of the Bill was to be handed over would have the right to make a levy on its members up to £10. This was strenuously objected to, as it was thought it might be in the nature of a fine; various objections of that sort were taken, and in order to facilitate the progress of the Bill through the House we have, and with the consent of the Institute itself, removed that vexatious section altogether, so that it is not possible for the Board suddenly to come and make a levy on members of any amount at all. The only levy, Sir, will be the registration fee when an architect for the first time has to be registered.

Although in a sense no doubt, Sir, this was dealt with on the second reading of the Bill, it is so long since the House had the Bill before it that it would be wise to mention a few of the principles of the Bill which are actually preserved in the Report now before you. What this Bill seeks to do is as follows: It seeks first to deny the right to no one to make a living in Kenya as an architect who is at present making a living that way. It makes provision for persons who have been practising as architects in the Colony for the last six months immediately to register and preserve to themselves the right to call themselves architects for all time. This provision we admit, Sir, has its weakness, because there are many who will

say, "Why do you allow a man to call himself an architect when you know perfectly well that he is not?" That is true, but in a new country we think that where a man has been making his livelihood for thirty or forty years it would be unfair at this stage to suddenly step in and say, "From now onwards you cannot call yourself an architect; you are not an architect, and may not sign yourself as such although you have been in the habit of doing so." We weakened to that extent, and can only say that for the future no one who is not qualified will be allowed to register his name as an architect in this country within six months of the coming into force of the Bill. We realize fully there will be some not fully qualified in this country who will by registration be able to preserve the name of architects for themselves in the future, and in some ways it is perhaps a pity, but we think this is the most just provision we can make at this stage.

The next matter, and one which has occupied the minds of one or two of the Committee very seriously, has to do with those assistants who work in offices, in Government or private offices, and are architects' assistants. There were one or two who thought they should be able to preserve that name to themselves, but after due consideration a majority of your Committee, Sir, recommend to this House that the word "architectural" or anything of that description should be entirely cut out from the name of a person who is not really an architect at all. If he is an architect's assistant he can write "Assistant to Mr. Jones, Architect", but he shall not down "Assistant to Mr. Jones, Architect's Assistant", thereby indicating to the public that he has in some way qualified as an architect.

There are provisions made, Sir, not only for the scale of fees, but this Board, as the recognized statutory body, will be able to promote examinations in this country for the youth of the country. We thought it was very wise, as we were cutting the Institute—who under the old Bill would have held out these examinations in conjunction with the parent body at home—to give the Board the power to sit and hold these examinations in future, as we visualized that in the future the youth of Kenya without going overseas would be able to pass the necessary examinations here, in order to become architects and practise in their own country.

It is a question perhaps, Sir, as to why Kenya should suddenly think it wants this Architects Bill. I have already mentioned that it has been on the stocks ever since 1920, so that it is nothing sudden, and it cannot be said that we have not considered it with the greatest care for a number of years, and as a result of those deliberations you have before you the

Bill as it stands which, although it does not go quite as far as the majority of Bills of a similar nature that you find in other colonies and civilized countries of the world, in many of which you find absolute prohibition of anyone practising as an architect who has not passed examinations, does go to the extent which I have already stated. In the future it may be necessary to amend the Bill, if the House desires it, to bring about that prohibition, but at least this measure will have the effect of protecting the public, and those are the people we are looking after, and making it clear that we are not interested in setting up a trades union, as was suggested on one occasion. In order to remove any doubt in anybody's mind, we have taken all the authority in the Ordinance from the so-called trades union and put it in the hands of a Board which will entirely be controlled by Your Excellency.

The only criticism of the Report that I think you will have is why we should have put in quantity surveyors as well. At first sight that may seem very sound criticism. Actually, when you go into it, in this Colony you find quantity surveying and architecture so mixed up, people do the same work, and belong to the same Institute, and there are so few, that although they are dealt with separately in England there is no reason to do the same here where you have so few of them. I believe there are only two actually qualified quantity surveyors in the whole country. One or two others under this Bill will be allowed to register because they have been practising as such the last six months. In England, it was impossible to deal with them together, because there are four branches of surveyors under one chart; therefore surveyors are dealt with on one side and architects on the other. Here they are practically together, intimately intermingled, and I think it an excellent opportunity before the profession grows to any great age to step in and regulate in the same way quantity surveyors as well as architects from passing themselves off as quantity surveyors when they are not.

This Bill is designed primarily to protect the public. It may be asked "Why?" when they have not asked for it. It may be that the public do not know how they are being fooled. There is no argument in saying, "Why protect a man when he does not know he is going to be protected." It is your duty to protect him, and that is why the Committee, Sir, suggest that now is the time to step in and protect him without doing any harm to anybody else. There is also the matter of equity to the man who has taken the trouble to spend time and money to qualify as a professional architect, so that no other man should be able to come in and put his name up to ignorant

strangers that he is as good a man as the others. It is on these grounds, Your Excellency, that the Select Committee recommend this Bill to the House.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is that the Report of the Select Committee on the Architects and Quantity Surveyors Bill be adopted.

THE HON. CONWAY HARVEY: Your Excellency, I suggest, Sir, that the learned mover is a bit of an optimist in suggesting that the only criticism of the measure is likely to be directed against the provisions relating to quantity surveyors. Now, Sir, although this unwanted child is less objectionable than its grotesque parent, I suggest in all seriousness that this is not the time to expend public funds and public energy on matters of this nature at a time when the sole efforts of Government should be directed almost exclusively to measures for economic reconstruction. I suggest, Sir, that Government's attitude in this matter is on a par with Nero's fiddling effort.

Although it is very gratifying to find that most of the points I made in my remarks on the original Bill have been made by the Select Committee—and perhaps it would be undignified in view of the fact that they have been made for me to mention I was right and the hon. and learned Member for Nairobi South was wrong—the Select Committee, I suggest with very great respect, has entirely exceeded its instructions in this matter, which is to my mind establishing a most dangerous precedent. In spite of what the learned gentleman said, I suggest that the whole character of the Bill and the principles underlying it have been changed. The original Bill purported to be a measure to provide for the establishment of an Institute of Architects and Quantity Surveyors. The present Bill deals with quite a different matter. It provides for the registration of architects and quantity surveyors. Now, Sir, I suggest in all seriousness that it is most unconstitutional and highly improper to accept the Report of a Select Committee on a Bill with very different principles as a report on the present Bill, and to accept that Report, Sir, as a first reading and sent Bill, and to accept that Report, Sir, as a first reading and second reading of a Bill. In my opinion, Your Excellency, the right course is to introduce a new Bill in the ordinary way, publish it for the information of the public, so that the public know what they are up against, give them an opportunity of ventilating any criticism they desire to express and pass it through the ordinary procedure laid down in Standing Rules and Orders. I sincerely trust Government will give further consideration to that point.

Now, Sir, there is one very big difference which the learned mover mentioned. This Bill, Sir, states in clause 2 that no person shall practice unless he is registered as an architect or a quantity surveyor. There is a proviso, Sir, which meets my case to some very slight extent, but not sufficiently. The proviso states, Sir, that a properly qualified person from another country is entitled to practice in an advisory or consulting capacity only. Now, Sir, I suggest that is not only wrong, but unfair, inequitable, unjust and unusual. A man who may be the most eminent architect in England should not be debarred from practising his profession when he comes to Kenya, and I think I am right in saying that no such provision exists in British legislation on the subject. The whole idea, to my mind, is repugnant to British ideas of justice and fair play. If an architect, properly qualified, Sir, comes from any other country to England, I think I am right in saying he is not barred from practising as an architect and calling himself what he is. But, Sir, there is this very big difference, that I should not object to for one moment if it were introduced: if he is not registered he is not entitled to call himself a "registered architect", and I see no reason why that provision should not be incorporated in the Kenya legislation, if legislation is necessary; and I sincerely trust I shall get a modicum of support in resisting this measure being rushed through in this manner. For those reasons I intend to oppose the passage of the Select Committee's Report with the draft Bill attached.

CAPT. THE HON. J. L. COTTEEN: Your Excellency, I would first of all explain why I signed this Report; and I admit I did so because it was the least objectionable Bill that was likely to be agreed to—and I thought it most undesirable to sign a minority report on this Bill.

On the Committee one of the first things we struck from almost every witness before us was that it was by the desire of the public; that it was the public who wanted the Bill and nobody else. Of each witness before us I asked the same question: "Has any of the public asked you for it?" The reply was invariably the same: "No; the public want protecting against themselves."

Now, Sir, it came out in evidence that the architect's business is simply to make a building attractive to the eye; he has nothing to do with the actual structure of the building at all. If there is no need to protect the public against evildoers—I do not know, but that is what it comes to—I would suggest, Sir, as I have already mentioned to the Attorney General, that in my opinion it is an entirely new Bill; but if he thinks otherwise I shall be prepared to support him.

I would suggest to the Members of this Council that if this is not a new Bill they should support this Bill, because, as far as I can see, it amounts to practically nothing but a registration Ordinance.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I think perhaps it might clarify the position if I were to explain the attitude of Government in this matter. This Bill, as the hon. mover said, has had a long and rather chequered history, and at no stage of its early life, or its pre-natal life, has the Government taken any steps to expedite its delivery; but we have all the time adopted the attitude that if, on the one side, the professional interests concerned are satisfied and can make out a strong case for what I might say the protection of those interests, and if at the same time a scheme can be devised whereby that object can be achieved without in any way incurring hardship on the general public—always bearing in mind that this is a young colony, that the distances are great, and that what is perfection at home is practically certain to be, in a matter of this kind, imperfection out here—if these two contrary views can be reconciled and an agreed Bill obtained, then the Government are prepared to go forward with it. As I understand from the speech of the hon. mover, it is hoped that the Report of the Select Committee which we are now debating has achieved that object.

The hon. Member for the Lake has taken the point that whether this is so or not, in fact, we are faced with a new Bill to-day. I do not propose to go into that matter in great detail. I think possibly there is some ground for saying that the Report has materially altered the original object of the Bill. But, after all, we in this House are masters of our own procedure, and if there is a general feeling on the part of hon. Members opposite that the principle underlying this Bill is a good one, I would suggest by all means let us get this brailing going. If, on the other hand, they say, "We want more time, more assistance before we see the light," we are quite prepared to accept the suggestion of the hon. Member for the Lake. Government would welcome some indication of the attitude of hon. Members opposite in this matter.

CAPT. THE HON. H. P. WARD: Your Excellency, as one of the Members who signed this Report, I would like to take up the point of the hon. Member for the Lake that this is a new Bill. I thought that the hon. mover made that point particularly clear because he explained that what the original Bill in fact intended to do was to place the administration of this Ordinance in the hands of the Institute of Architects, and therefore, naturally, the terminology of the Bill followed that

suggestion. When grave objection was taken to that procedure—and it is only the procedure, not an alteration of principle—the representatives of the profession said: "We only did that in order to try and assist Government and offer our services to the Government for the purpose of administering this Ordinance." When that matter was adjusted to place the administration of the Ordinance in the hands of a Board, naturally the terminology of the Bill would be varied in accordance with that proposal; but I do submit that the difference between the original Bill and this draft is in no way an alteration of the principle of the original Bill.

CAPT. THE HON. H. E. SCHWARTZ: As expressions of opinion have been asked for by the hon. the Colonial Secretary, I should like very briefly to support what the hon. Member for Nairobi North has said, and to urge that some finality should be reached this morning in regard to what has been called the "bratling". If something is not done soon, it will die before it is born.

It probably would be fair, Your Excellency, if you would allow Members on the other side of the House to express an unfettered opinion on this. We have now heard the pros and cons argued for many years; we have now got a completely unanimous report—subject to a minority report by the Director of Public Works—by members appointed to that Committee at the request of Members of this House, who like unanimity, and to put this off again and introduce another Bill is not fair, either to the supporters of the Bill or to the opponents of the Bill. I therefore ask that this Bill go to a final vote this morning.

HIS EXCELLENCY: I am in agreement with the hon. and gallant Member. I see no reason why Members on this side of the House should not express their views quite freely on this. Would the Director of Public Works like to speak?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. H. L. SIKES): Your Excellency, I signed this Report subject to a minority report, but I am not prepared to press that. I think possibly if the terms of the minority report were included in the Report it would be rather better, but it would mean delaying the Bill very much, and I am inclined to support the view that the matter should be settled this morning.

HIS EXCELLENCY: If no other hon. Member wishes to speak I will call upon the Attorney General.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I feel there are very few points for me to answer because they were answered at the second reading. As far as the Select Committee is concerned, we are in this position: We had the principle of the Bill approved in this House by a large majority and we had just to go through it carefully and put it up in final form; so that most of the remarks of the hon. Member for the Lake I am afraid are quite unnecessary as far as I am concerned, because, having referred back to the debates in the House, I find his points were answered about nine months ago. There is, however, one point, and that is that this might be considered by some to be a new Bill. I dislike very much that any hon. Member of this House should think that I was in any way trying to jockey the House. I feel I was jockeyed myself in moving this motion. The Committee had to meet, the Report had to be sent in to the House within a comparatively few days, besides getting witnesses down from the country and countless other problems. Had I had more time, it is probable I might have adopted a different course, but I still suggest that this is not a new Bill. In the first Bill an architect or would-be architect was bound to register with some body calling itself an Institute of Architects. When it came before Select Committee, we said, "No, we do not like the word 'Institute'. We will not have it because there are some people who imagine we are setting up a trades union." Therefore, instead of having registration by this body, we will substitute a Board. I suggest that that is just preserving exactly the same principle—that anybody coming here, before he can start practising in this country and calling himself an architect has to register. That is the point that still seems to linger in some people's minds. He may practise, but he must not practise under the name of architect unless he takes the trouble to go down to the offices of this Board and for a very small fee submit his name and be accepted. We keep out no one whatever from practising who would be entitled in any other part of the world to be accepted.

HIS EXCELLENCY: The question is that the Report of the Select Committee on the Architects and Quantity Surveyors Bill be adopted.

The question was put and carried.

BILLS.

THIRD READING.

ARCHITECTS AND QUANTITY SURVEYORS BILL.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Architects and Quantity Surveyors Bill be read a third time and passed.

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

The question was put and carried.

The Bill was read a third time and passed.

RECOMMITTAL.

REGISTRATION OF PATENTS BILL.

REGISTRATION OF DESIGNS BILL.

THE HON. THE ATTORNEY GENERAL: I beg to move, Sir, that the House resolve itself into a Committee of the whole House in order to consider the Registration of Patents Ordinance, which passed its third reading on the 5th April, 1933, having been reported by the Governor to Council for amendment of clause 17 (3) by the substitution of the words "1st day of July, 1934" for the words "1st day of October, 1933".

With your permission, I would like to add the second motion standing in my name, relating to the Registration of Designs Bill, to this one; that is really concerned with exactly the same points. These two Bills were passed, as the motion states, on the 5th April last. Actually, Your Excellency did not sign them on that date or on any subsequent date because Your Excellency was advised by your advisers that it was probable that in the near future certain important amendments would come out dealing with patents and designs; and it would have been far more simple then to recommit the Bill to the House. Actually these amendments have not come, and it is necessary before the end of the year to have these Bills signed by you, Sir, and put on the Statute Book for this year.

Unfortunately, in passing the Bills last April, it was found necessary to give six months' notice to the public, so that you find in the Bills under the penalty clauses, where it was intended that the public should have six months' notice, that that six months has already elapsed. Therefore it is necessary for us to go into committee once more in order to extend the penalty clauses of the Bills for a further six months in order that the public may have the notice which the House considered it should have on the 5th of April of this year.

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

The question was put and carried.

The Council went into Committee.

In Committee.

REGISTRATION OF PATENTS BILL.

Clause 17.—Offences.

THE HON. THE ATTORNEY GENERAL: I beg to move, Sir, that in clause 17 (3) the words "1st day of July, 1934" be substituted for the words "1st day of October, 1933".

The question was put and carried.

REGISTRATION OF DESIGNS BILL.

Clause 18.—Offences.

THE HON. THE ATTORNEY GENERAL: I beg to move that in clause 18 (2) the words "1st day of July, 1934" be substituted for the words "1st day of October, 1933".

The question was put and carried.

THE HON. THE ATTORNEY GENERAL: I beg to move that those two Bills be now reported to Council with amendment.

The question was put and carried.

The Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that the Registration of Patents Ordinance and the Registration of Designs Ordinance have been considered in Committee of the whole Council and have been reported to Council with amendments.

THE HON. THE ATTORNEY GENERAL: I beg to move that the Registration of Patents Ordinance and the Registration of Designs Ordinance be each read a third time and passed.

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

The question was put and carried.

The Registration of Patents Ordinance and the Registration of Designs Ordinance were each read a third time and passed.

FIRST READINGS.

On motion of the hon. the Attorney General, the following Bills were each read a first time:—

Native Exemption Bill.

Companies (Amendment) Bill.

Education (Amendment) Bill.

Game (Amendment) Bill.

Mining Bill.

European Officers' Pensions (Amendment) Bill.

Notice was given to move the second reading of each of these Bills at a later stage of the session.

APPOINTMENTS TO THE UNEMPLOYMENT COMMITTEE.

HIS EXCELLENCY: Before we adjourn for the interval, I wish to make a statement which I intended to make when the Council assembled this morning, but I understood a petition was going to be presented which has not been presented. It is in connexion with the Unemployment Committee. As the Council will remember, we arranged to put on additional members to the *ad hoc* committee inquiring into the question, and Government has decided to put on Mr. Hakim Singh and Mr. Cocker. They will sit on the Committee *ad hoc* for this inquiry.

The Council adjourned for the usual interval.

On resuming.

MOTION.

THE CARRIAGE OF GOODS BY MOTOR (PROHIBITION) ORDINANCE.

HIS EXCELLENCY: We will now resume the debate on the motion that the Carriage of Goods by Motor (Prohibition) Ordinance, 1932, be continued in force. In the interval, I have consulted my Government advisers and the General Manager, and it is quite impossible I am afraid for Government to hold this motion over now; we must get it through. The question as to whether the Ordinance shall be extended next year for another year will have to stand over. In the meantime, if there is any question of distribution rates being reintroduced, that will have to come before the Railway Advisory Council, and Government will be guided by the advice tendered it by the Railway Advisory Council. We will continue the debate now on the motion if any Member wishes to speak. If not, and as the hon. the Colonial Secretary does not wish to reply, I will put the question:—

"Whereas it is provided by section 12 of the Carriage of Goods by Motor (Prohibition) Ordinance, 1932, that the said Ordinance shall be in force until the 31st day of December, 1933, and shall then expire, unless by proclamation with the approval of the Legislative Council it is continued in force until a later date:

"Now therefore it is hereby resolved that this Council approves the issue of a proclamation declaring that the said Ordinance shall remain in force until the 31st day of December, 1934."

The question was put and carried.

BILL.

SECOND READING.

THE BUTTER LEVY (AMENDMENT) BILL.

THE HON. THE ACTING TREASURER: Your Excellency, I beg leave to move that the Bill to Amend the Butter Levy Ordinance, 1931, be now read a second time. The first reading of this Bill, Your Excellency, was taken at the August session, and in response to requests from certain hon. Members the second reading was deferred to a later stage.

The Bill consists of three clauses, and with Your Excellency's permission I will deal with clause 3 first. The Commissioner of Police has reported to me that, though he was unable to give definite instances, information had been received that there were cases where wrappers already used for the sale of butter had been returned to the vendor to be used again. This was clearly contrary to the Ordinance, but it was found there was no provision in the Ordinance to deal with offenders who did that sort of thing. Clause 3 aims at putting that right, and inserting in the penalty clause a provision that an offence is committed if the wrappers are used more than once.

I now come to clause 2, which arises initially out of a recommendation of the Butter Levy Advisory Board at a meeting held in November, 1931. At that meeting it was pointed out that if the amount of butter exported from the Colony fell materially, there was some danger that the bounty would increase to such an extent that the return for butter exported would exceed the return for butter sold locally. The Butter Levy Advisory Board felt that that should be avoided by legislation. They recommended that the Ordinance be amended by a clause imposing a limit to the bounty of the difference between local and export prices, and they recommended that the Treasurer should be allowed to retain in suspense any unexpended portion of the levy as and when such a position arose. That recommendation, Sir, was first placed before this Council in an amending Bill considered in May of last year. The manner in which the question was put before the Council, however, was in these words: "That the amount of bounty payable on each pound of butter exported shall in no case exceed the amount of the levy for the time being in operation. In other words, the suggestion placed before the Council was that the bounty should in no case exceed 25 cents. That was not entirely in accord with what the Butter Levy Advisory Board had in mind. That clause, forming one of several clauses in the amending Bill, was referred to a Select Committee, who were unable to agree on that clause, and recommended that further consideration be given to the matter. Further consideration was given to it by the Butter Levy Advisory Board

and by Government, and as a result of that consideration the proviso now incorporated in clause 2 of the present Bill was placed before the Council. That proviso fully incorporates the intention of the Butter Levy Advisory Board, to the effect that the bounty shall not exceed the difference between the local and export prices. The first part of the proviso quite definitely provides for that. To put it into figures, the present position is this: The local wholesale price may be taken at Sh. 1/25 per lb., from which, according to this proviso, you must take the amount of the levy, leaving a return of Sh. 1 per lb. for butter sold locally. The export price, on latest information, is now about 40 cents per lb. This proviso means that the bounty paid shall not exceed on present figures 60 cents per lb. The second part of the proviso relates to what should happen if the bounty calculated in accordance with the provisions of the Principal Ordinance should exceed 60 cents per lb. The Bill as printed says: "And if at the close of any year there is a balance standing to the credit of the fund, the Treasurer may carry forward such balance to meet the purpose of the fund for the ensuing year or may expend the whole or any part of such balance on such purposes in the interest of the dairy industry as the Governor may approve." This provision has been before the Council on more than one occasion, and objections have been voiced to at least part of the proposal for dealing with the surplus, if any. So far as I can gather, the objection has been to using any part of the money derived from this levy on butter for purposes other than what were contemplated when the levy was imposed. There is no objection, as far as I can gather, looking at previous debates, to the proposal that if at the close of any year there is a balance to the credit of the fund the Treasurer may carry forward such balance for the purpose of the fund in the ensuing year. That, of course, would be the normal way of dealing with any such surplus. The objection, as far as I can gather, Sir, has been to the possibility of having a surplus which was not required for that purpose. The question whether such a surplus is likely to accrue is not really very important in dealing with this measure. The principle is that the bounty should not cover more than the difference between the local and export prices, and that principle, I feel sure, hon. Members will regard as entirely sound. In actual fact, if the dairy industry progresses as everybody hopes it will, it is most unlikely that any such surplus would accrue. The figures of local and export butter sales show that, anyhow during the last two years—and one was a year of drought—butter exports exceeded local consumption, and it will be seen on present prices, with the levy at 25 cents, that with a difference in the actual return of 60 cents the amount of butter exported would have to be considerably less than half the local consumption for this proviso

to operate. Nevertheless, if it should, there should be provision in law to cover that point. I feel, Sir, that if an agreement is reached that any balance, if it happens, should be carried forward to meet the purposes of the fund for the ensuing year, that that is as far as legislation need go at the present moment, and in Committee I shall move that the words "or may expend the whole or any part of such balance on such purposes in the interest of the dairy industry as the Governor may approve" be deleted from this clause, and the word "may" on the earlier line altered to "shall". That provides the rules by which the Treasurer will deal with any balance if it happens. The clause, if these amendments are accepted, will then say that if at the close of any year there is a balance standing to the credit of the fund, the Treasurer shall carry forward such balance to meet the purposes of the fund for the ensuing year. I beg leave, Sir, to move the second reading.

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

HIS EXCELLENCY: The question is that the Bill to Amend the Butter Levy Ordinance, 1931, be read a second time.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I am delighted to hear the proposed amendment put forward by the hon. the Treasurer. I think the proposed amending Bill as now amended meets the position of everybody concerned.

THE HON. T. J. O'SHEA: Your Excellency, as one of those who criticized that part of the amending Bill, I share the pleasure of the Noble Lord at the intention of Government to move this deletion. It did bring up a very important new principle, as to whether the purpose for which the fund was founded is to be used now for an entirely different purpose that did not receive the approval of the people engaged in the dairying industry, and which should not be introduced into our legislation without that approval being secured because it is a voluntary levy. The second important point that I mention in case Government is dealing with the matter in the near future is that the interests of the consumers of butter in this country are also involved. We did get their tacit consent to butter being kept at a high price locally to facilitate the growth of the export trade, but it is an entirely different question to ask the local consumer to agree to a continued high price of butter for the purpose of devoting that money to some other purpose. Until the matter has been fully considered by the public, it would be wrong on Government's part to introduce that new principle. It therefore gives us all great pleasure that Government has agreed to this deletion.

The question was put and carried.

THE HON. THE ACTING TREASURER: Your Excellency, I beg to move that Council resolve itself into a Committee of the whole Council to consider clause by clause the Butter Levy (Amendment) Bill.

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

The question was put and carried.

The Council went into Committee.

In Committee.

BUTTER LEVY (AMENDMENT) BILL.

The Bill was considered clause by clause.

Clause 2.—Amendment of section 4 of the Principal Ordinance.

THE HON. THE ACTING TREASURER: I beg to move that in line 14 of the proviso the word "may" be deleted and the word "shall" substituted therefor, and that all the words after the word "year" in line 15 be deleted.

THE HON. T. J. O'SHEA: And that a full stop be inserted after the word year.

THE HON. THE ACTING TREASURER: Yes.

The question was put and carried.

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

The question was put and carried.

The Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that the Butter Levy (Amendment) Bill has been considered clause by clause in Committee of the whole Council and has been reported to Council with amendment.

THIRD READING.

THE BUTTER LEVY (AMENDMENT) BILL.

THE HON. THE ACTING TREASURER: I beg to move that the Butter Levy (Amendment) Bill be read a third time and passed.

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

The question was put and carried.

The Butter Levy (Amendment) Bill was read a third time and passed.

*The Council adjourned till 10 a.m. on Wednesday,
20th December, 1933.*

WEDNESDAY, 20th DECEMBER, 1933

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Wednesday, 20th December, 1933, HIS EXCELLENCY THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BYRNE, K.C.M.G., K.B.E., C.B.), presiding.

His Excellency opened the Council with prayer.

MINUTES.

The minutes of the meeting of the 19th December, 1933, were confirmed.

PRESENTATION OF PETITIONS AND MEMORIALS.

THE HON. HAKIM SINGH: Your Excellency, I beg to present a petition signed by some 260 unemployed Indians in the Colony. I have to state that in my opinion the petition is properly and respectfully worded, and I beg to move that the petition be ordered to lie on the Table.

THE HON. C. M. PATEL: I beg to second.

The question was put and carried.

MOTIONS.

REPORT OF SELECT COMMITTEE ON DRAFT ESTIMATES, 1934.

THE HON. THE COLONIAL SECRETARY (MR. H. M. MOORE): Your Excellency, I beg to move the motion standing in my name:

"That the Report of the Select Committee on the Draft Estimates for 1934 be adopted."

In view of the terms of the Report which has been circulated to Council I do not think it is necessary for me to detain the House very long.

It will be observed that the deliberations of the Select Committee have resulted in a net increase in gross revenue of £8,893 and a net increase in gross expenditure of £412. The result of our recommendations if adopted this morning will be to alter the figures of gross revenue and gross expenditure, as shown in the printed draft Estimates laid before the House, to the following figures:

Estimated gross revenue	£3,198,973
Estimated gross expenditure	3,188,041
leaving an estimated surplus of	10,932

as compared with the estimated surplus of £4,440 which the draft Estimates provided for originally.

I do not think, Sir, that it is necessary for me to go into detail on the revenue side. If any further points should require elucidation my hon. friend the Acting Treasurer will deal with them. I think it will suffice to say that after examination and in the light in some cases of new circumstances that had arisen after the revenue estimates were originally drafted the Committee felt that they could, still estimating on a conservative basis, add in certain respects to our revenue figures. Speaking broadly, under Head II £1,400 has been added; under Head V, £1,100; Head VI, £3,000; Head VII, £1,000.

Turning to the expenditure side, Sir, it will be observed that the net increase in gross expenditure amounts to a sum of £412. In the first place, I should like to thank Members of the Select Committee for responding to the appeal that I made when introducing the Estimates that, in the consideration of the expenditure estimates, they would not press for fresh services, which in normal times could probably be substantiated, but which would agree with the Government that at a time like this we must take a very conservative view of what our expenditure commitments should be. In that respect, Sir, the Government received the fullest support, and such additions as have been made on the expenditure side, I think all will agree, are additions which can be substantiated, either on the ground of essential urgency or that, in the long run, they constitute a development service which will, we hope, bring in more revenue in the future. I do not wish to detain the House at any length by referring to these items, but there are one or two matters of special interest to which perhaps I should refer.

Under Education we have inserted a token vote of £80 for the purpose of scholarships at universities in the future. The Committee has recommended that the Government should, at an early date work out the details of such a scheme, but to make sure that it is alive, and further, that if possible something may be done by October next, from the beginning of the academic year, a figure of £80 has been inserted, which, it is suggested, would normally start the scheme on a basis of three scholarships.

Under Mining, it was represented strongly to the Committee that it was really essential, if the proper work of developing our mineral resources was to go on, that the geologist should be provided with an assistant, and further that he should be given some temporary assistance at head office to enable the geological specimens, and so on, that are collected on the field to be collated and labelled and put in an easy form for the public to see. That item, Sir, the total of which amounts to some £1,000, is an addition to Estimates.

On the matter of contributions to Local Government bodies, we were faced while in Select Committee with the fact that the Nairobi Municipal Council was probably going to raise its rate, and that being so, the Committee thought it only proper to raise the expenditure figure to the figure which it was likely we should have to meet in the course of the year, and an addition of £196 was made for that purpose.

Medical, Sir. The hon. Member for Plateau North, in the debate on the Estimates, drew attention to the very unsatisfactory condition of the Native Hospital at Kitale. That question was further and very fully examined in Select Committee and I think all concerned were satisfied that the conditions were such that something ought to be done of a radical character to improve the medical facilities at present available there. The Committee were confronted with the difficulty of finding money next year for capital expenditure and they have therefore made a recommendation that early steps should be taken by the Loan Works Committee to see if there was not an available balance under loan funds within their control which could be devoted to this purpose. A rough estimate of something between £2,600 and £3,000 has been suggested. That project, Sir, the Loan Works Committee will take up at an early date. As that may mean that capital expenditure will be found from loan funds, consequential additions to the recurrent votes of the Medical Department to staff the hospital when once it is going, have been included in the Medical Estimates on a basis of a half year. The consequential figure is roughly an addition of £1,023 to the recurrent votes. In addition to that, a figure of £50 was included again as a contribution to the Nandi Nursing Association, to which funds we similarly contributed last year.

On the question of the Statistical Department, the Committee gave serious attention to the possibility of increasing the scope of the existing Domestic Servants Registration Ordinance, and after considerable inquiry we decided to recommend the extension of that Ordinance to Nakuru, Eldoret and Kitale. It will be seen on page 16 of the Report that an estimate has been drawn up in order to give effect to that and it is hoped on the basis of revenue and expenditure there shown, that the service will be a self-supporting one. We cannot be sure what the revenue we shall get in, but even on the basis given in the Select Committee's Report it is considered that it will be to all intents and purposes at any rate a self-supporting service.

Finally, Sir, under the Trade and Information Office an additional figure of some £900 has been added for the reasons stated in the Report. It was felt again by the Committee that this was expenditure which in the long run could be well justified in view of the returns which are expected to come from it.

On the other side, Sir, there have been various curtailments of expenditure in order to try and still keep our expenditure services down to the lowest figure, because you will observe from the figures I have already quoted that despite these additions to the Estimates to which I have referred, the gross increase of expenditure as a result of our recommendations is only £412. Among the economies that we have recommended should be effected is a reduction in the vote to the Kenya Royal Naval Volunteer Reserve. The Estimates had originally provided not only for the maintenance and the training of that unit as it is at present, but also for supplying it with capital expenditure, of which the amount suggested for this year was only the first instalment. The Committee, Sir, without wishing to suggest in any way the undesirability in more prosperous times of supplying the unit with such things as mine-sweeping gear, and so on, felt that at the present financial juncture the most we could recommend was a training grant sufficient to maintain the unit at an efficient standard. The total we have recommended is some £200, which is double what it was last year, and we feel in these circumstances that for next year at any rate the unit should be able to go on with the funds recommended for its disposal.

I think, Sir, that covers the major points to which I need draw attention at the present moment in the Select Committee's Report; and in conclusion, Sir, I should like again to thank the Committee for the assistance given in the consideration of the Estimates, and particularly the Clerk for the speed with which he got through these detailed figures at high pressure. I would like in this connexion to point out that there is one clerical error on page 3 which should be corrected. In dealing with the question of education tuition fees we have recommended an increase of £15 in regard to children above Standard 6, subject to a remission in respect of not more than 33 per cent of the pupils. It should be "fees", not "pupils"; and I would therefore ask the House to alter the word "pupils" to "fees". With these few words I beg formally to move the motion standing in my name.

THE HON. THE ATTORNEY GENERAL (MR. W. HAMBAGIN) :
I beg to second the motion:

HIS EXCELLENCY: The question is:

"That the Report of the Select Committee on the Draft Estimates for 1934 be adopted subject to the deletion of the word "pupils" in the third line of paragraph 23 (page 3) and the substitution thereof of the word "fees".

THE HON. T. J. O'SHEA: Your Excellency, there are two matters covered by this Report with which I should like to deal. I naturally support the suggestion that Government

should do something in the matter of the Native Hospital at Kitale, but I strongly protest against the idea that it is necessary to provide between £2,600 and £3,000 for the necessary buildings. One reason, Sir, why Members on this side of the House are very often reluctant to agree to any new departure by Government is because, when we do give our agreement, we find that the financial cost is quoted at a figure much in excess of what we really believe to be necessary. In this connexion I suggest it is entirely unnecessary to have anything in the neighbourhood of that figure voted for a Native Hospital at Kitale to deal with the immediate future. I have suggested that the necessary buildings, of a design approved by the Medical Department, can be erected there with the assistance of the Native Industrial Training Depot for a sum not in excess of £1,500, and I sincerely hope that as soon as Government is ready to go on with the scheme it will examine my suggestion that the cost could be very materially reduced by the utilization of the skilled labour at Kabete for which the Government has already paid.

Another more important matter, Sir, is the question of European education. I must express my very deep regret that so many members on this side of the House should have thought fit to support Government in its decision to increase the fees, the tuition fees, for European education. I can quite understand their reasons for so doing. This recommendation was made by the Expenditure Advisory Committee and they have thought it necessary in order to be loyal to their colleagues on that Committee to support that recommendation. I suggest that recommendation was made on entirely false premises, that there is no justification for the arguments used that because European education costs something in the neighbourhood of £40 per head that the parents should be called upon to pay more than they do at the present time. That is a false argument. The parents are already being taxed to pay for the higher costs of education. They pay an amount *per capita* in taxation out of all proportion to the amount of taxation paid by any other community and one of the reasons given is that because of their position in this Colony they require certain expensive services and they must be heavily taxed to pay for these services. Having thus been taxed, is it right that they should be called upon to pay for them again in a direct charge? Furthermore, by endeavouring to raise this extra amount of revenue in this fashion you are again doubly penalizing those who are least able to pay. Under the abominable system of taxation we have in this country, the more wealthy members of the European community are not paying anything like what they should be called upon to pay and in consequence the poorer sections of the community are being called upon to pay considerably in excess of what is their fair share. Now under

this proposal, they are in addition being called upon to pay extra tuition fees for the education of their children. I say that the decision that has been arrived at by Government and many of my own colleagues after collaboration, is not a sound one, but an unwise and most unfortunate decision, and I sincerely hope that in the near future this question of European education will be re-examined. Some few years ago an education policy was decided upon. That policy has been departed from, and now we have no policy—we are merely drifting in this matter, and it will be a matter of serious consequence to this Colony if we continue to drift very much longer. I sincerely hope, therefore, that Government will re-examine the question of European education in the near future. Having said that, I should like to take this opportunity—as I understand the hon. the Director of Education may be leaving the Colony in the near future—of expressing my appreciation of the very good work that he has done during the short period he has been in charge of the Department of Education. He came here at a time when the Education Department was completely disorganized, and his work during the period he has been here deserves the compliments that I am endeavouring to pay him. His work has been hampered by the difficult times through which we have been going, and if it has been necessary from time to time to criticize his shortcomings it is entirely because of the difficulties with which he was faced.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, I merely rise to ask the hon. the Colonial Secretary in his reply to make it quite clear what this 33½ per cent remission is, because quite apart from the small misprint in the report there is undoubtedly a misapprehension in the minds of the public. Some people think that the 33½ per cent refers to the pupils to be allowed free education, others that it is the maximum amount of remission that any one pupil can obtain, whereas I understand the facts to be that on the total amount received from education fees to the revenue, 33½ per cent of that amount can be put aside as a remission to enable those who cannot afford to pay the charge of £15 to be given a remission either in part or whole of the fees for their children. I do think, Sir, in view of the interest that this question has aroused in the public mind it should be made quite clear either by the hon. the Director of Education or by the hon. the Colonial Secretary the exact meaning of this remission.

THE HON. F. A. BEMISTER: Your Excellency, I signed this report as a correct record of the proceedings, but I do wish to take this opportunity of expressing as far as I possibly can the view of my constituents on one very important point. That is, in connexion with the interest and redemption of a loan which was placed on their backs years ago, and which it

must be admitted in equity should not have been included in the estimate for next year on the redemption side. Mombasa received this money at a time when Mombasa had no municipality to control its finances. The money was advanced by Government and spent by Government for an essential alteration in a town from which it had received revenue for tens of years and for which they had given no responsibility to Mombasa. In fact, if you look at Mr. Justice Feetham's Report on the municipality, you will see in there that he definitely stated that the central Government were due to help Mombasa entirely in this town planning loan. Now, Sir, Mombasa up to now, for five years, has stood definitely up to its contract. It has paid you back £5,600 odd, or just half the amount due from them. They have never complained, although they have always protested. This year 1934 becomes the fifth year in which you are going to demand the full amount from Mombasa, and you have included it in your revenue estimates. Actually the figure will cut your estimated surplus down by half, but, Sir, would it not be better for the estimates of the central Government, the surplus estimates, to be cut in half rather than it should be said—as it has been said in the public Press—that the Municipality of Mombasa is defaulting? It may be a huge joke to the people up-country, but I am going to tell you, Sir, that it is one of the most serious things that could possibly happen to the whole territory. One must not be parochial when one is thinking of a large question like this. The credit of Mombasa is equally the credit of the Colony, and, Sir, if they default, and an inspector is sent to investigate the whole of the conditions and terms of that loan, or the so-called loan, I can assure you that if he is an independent inspector and if he gives his decision in equity and justice you will find that you will have to pay back to Mombasa the money you have taken from her in the five years, and you will never get awarded the full amount. I would ask, Sir, a very careful consideration by Government of this item, which involves a great question of principle, and which is going, if you enforce it, to place a great hardship on a very hardworking, progressive town, a town that has been handicapped by years and years of tangled government, that has been handicapped by this whole system of administration; in fact, handicapped by slums of which you know nothing in Nairobi, which you have never had to handle, but which despite the objections of Mombasa citizens to have a municipality until the place was cleared up the municipality was forced on them, and they have regularly done their best to tax themselves to the very limit. They have no money for essential services such as are required, slaughterhouses, and one or two other things like that, which are absolutely essential. They have not a single cent, they are fully taxed, and now you put this demand on them for this money which they have never had any power over, which has never been

any benefit to the town except to clear some slums, to meet the redemption of a loan for which we should never have been made responsible.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE: Your Excellency, I should like to associate myself with the remarks made by the hon. Member for Mombasa.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I do not propose to detain the House long, but I should like to make one or two remarks on the question of the education fees. Sir, my hon. friend the Member for Plateau South—I am not sure whether he is that or the hon. Member for Usin Gishu—he has pointed out, Sir, that the principle to be followed is that those better able to pay should pay more than those less able to pay. It was because of that principle that I personally supported these increased fees, because I do not think anybody can maintain that for those who are able to pay a total fee of £60 a year, which includes all board as well as tuition fees, that that amount can be in any way described as excessive in return for the very excellent education provided at the Prince of Wales School at Kabeto. It was on that principle; Sir, that I feel that those who can afford it should pay as much as that for secondary education, whereas I am in favour of putting aside sufficient for remission to enable those not able to afford it to be able to have their children educated. That is the principle Sir, on which I supported this recommendation. I think, Sir, my hon. friend on my left asked that the hon. the Director of Education should clear up what is the amount for remission of fees, and as I understand it it is this. Suppose there are 120 children at £16 each, or £1,800, then £600 should be available for the remission of fees either wholly or in part, for children whose parents cannot afford to pay the whole or part of the fees. With regard, Sir, to the bigger question, the whole question of education in this country, I quite agree that in the near future it is such a big question that it must be considered thoroughly, and a very definite policy adopted. My hon. friend said they were living from hand to mouth in this matter, and that is probably a correct statement, because unfortunately, owing to the finances of the Colony in the last year or two, we have been unable to adopt a more comprehensive policy, but I do support his contention that action should be taken. There is no other point on which I wish to speak, Sir.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I will not detain the House probably more than five minutes. I would like, Sir, to congratulate Government and also the rest of the House on being able to balance the budget. I think it is the best we can make for the country at the moment,

and the finest Christmas present we can make the country. My hon. friend, the hon. Member for Plateau South, has stressed the point with reference to the Kitale Native Hospital, when that was a unanimous agreement arrived at by the Select Committee, and he suggested that the figure should be reduced. I would point out to him and to the House that the point he raised about the Native Industrial Training Depot has been considered by the committee, and if that method of building that hospital is adopted quite possibly the cost shown in this report can be reduced, but the point he raised has been considered. On the point of education, Sir, I am sorry that I have to refer to a remark by a colleague when he referred to himself as the only one who held the opinion that he expressed on education. I told him, Sir, in committee as I told the House, and I believe on a previous occasion the Director of Education, that I did not agree that the present time was a suitable time to raise the cost of education to Europeans in this Colony, as I am convinced that they are considerably over-taxed at the moment. And it is not a question of taxation alone, but it is the question of the three years just past, which have been strenuous and very trying, and the cereal farmer has got to the point where it is an impossibility to carry on.

Until the Government accept *in toto* the Report of the Expenditure Advisory Committee, I do not feel myself bound to support their recommendation on this one particular Head.

There is one general point I should like to spend a moment on. On the general question of agriculture, I should like to comment on the inability of Government this year to agree to fix a minimum price for maize. It has had a disastrous effect and the result as shown in figures is that the Kenya Farmers' Association pool price has been declared at Sh. 3/50 a bag. As I pointed out in this House before, maize was stabilised in South Africa at Sh. 10

HIS EXCELLENCY: Does this come within the Estimates?

LT.-COL. THE HON. J. G. KIRKWOOD: I think it does, Sir, on many points, but I do not wish to pursue the matter. I do not think it will enter into the question at the moment but it comes under many heads of Estimates.

There is also another question I have raised in this House and that is by a question some time ago with regard to amending the Fencing Ordinance. Your Excellency was bringing in a short Bill to enable advances to be made by the Agricultural Bank for paddock fencing against ring fencing, as laid down in the Ordinance, which has not been applied in this Colony since it has been passed; and I would ask Your Excel-

lency to consider in the New Year the desirability of doing something to help on farmers in the cereal districts to turn over to mixed farming. If that is done and sympathetic consideration given it, it will help a large area in this Colony and a large number of small farmers to get back to prosperity and benefit the Colony in the coming year.

As regards mention that has been made with reference to the main road in Kitale, while I have not unduly pressed for the inclusion of that in the Budget, I do suggest to the Director of Public Works that in the near future he should investigate this matter.

I do not think there is anything further I wish to say. I do not wish to detain the House, more especially as I only arrived in this Colony this morning at 4 o'clock after travelling 260 miles to get here. I would refer again to my remarks before we adjourned to Select Committee when I said that I think this year will probably be a record for the Committee to adjust their time on the Budget. A very great deal indeed has been done by Government to cut down expenditure.

CAPT. THE HON. J. L. COTTER: Your Excellency, the only point I want to bring up on this Report is on the administration of police head. With your permission, Sir, I would like to give an explanation. I see by the paper—and have been told also by some acquaintances—that I referred to the Kikuyu when I spoke on the introduction of this Budget. The tribe I meant was the Samburu. I thought I had said it, but I presume I did say Kikuyu as I have had other evidence.

With regard to the recent troubles and murders that have been happening here in this country, Sir, let me say that as far as the hon. the Provincial Commissioner stationed at Nakuru is concerned, whatever I said had no reflection on him whatsoever. I am not so ignorant of the district I happen to live in not to know that he is in no way responsible for the troubles caused outside his own Province by tribes coming in from the north, but that these troubles are there is more evident now than when I last spoke. For instance there was the case of the death of a young man, Mr. Powys, who lives near where I live myself. There was an inquiry taken into the matter and it was decided by a young magistrate at Itumurti that he died by accident. As a matter of fact we have all known for some time that the Samburu natives have been singing a song about the vultures and about this young man's body. I suggest that when the whole story of what is happening in that part of the world becomes public property nobody in this room will suggest for one moment that conditions in that part of the world are otherwise than unsatisfactory.

MAJOR THE HON. J. O. K. DELAP: Your Excellency, I should like to take the opportunity which the debate on the report offers me of explaining certain facts in relation to the increased fees for secondary European education. There have, as Your Excellency is probably aware, been some criticisms in the country in relation to the augmentation of these fees, but I honestly believe, as a result of conversations which I have had with some of my constituents, that when the facts are fully realized, most of the criticisms directed to this alteration will fall to the ground. For years it was not, I believe, fully realized that the fee of £15 which will now be charged on the educational side of the cost of secondary education is very much less than the actual cost, and when people realize, as they will, that all Government is asking is that those who can afford it should pay a sum very much less than it costs, and when they realize, as they soon will, that the power given to the school committees of remitting fees has been increased, I feel sure that the objection that has been felt to the onus of applying for remission will be borne by people who cannot afford to pay. That is the main difficulty which people had, Sir, in understanding how it was that the Expenditure Advisory Committee were able to recommend an increase in these fees.

There is one other point with which I should like to deal, Sir. It may appear a minor one, but in reality it is not so by any means. It relates to the question of the sea defences of Mombasa. Speaking with considerable experience of the defence of a defended water, the organization which these defences require, I do suggest Sir, that the Committee have done right in suggesting the continuance of a vote for the purpose of the Kenya Royal Naval Volunteer Reserve, but I would like to suggest—and I am glad to be able to put it on record, without making any constructive suggestion I am afraid—that the question of the defence of Mombasa and the details for this purpose have not, as far as I am aware, been sufficiently worked out. It appears to me, Sir, that the suggestions which were made and the organization proposed for the defence of Mombasa have been on the scale originally proposed and which the Select Committee has suggested should be reduced. That organization is not a suitable one and is not really in accordance with what is required for the purpose. If I may, I would suggest, Sir, that before the next Budget is laid on the Table, the matter should be thoroughly gone into and that responsible people with a knowledge of this particular form of organization should be consulted with a view to getting out a scheme which might satisfy the requirements of the Colony.

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT) : Sir, I think I ought to reply to the point raised by the hon. Member for Plateau South, but he has made it a little difficult for me to reply because of the extremely nice way in which he has made his remarks.

THE HON. T. J. O'SHEA : Sorry!

THE HON. THE DIRECTOR OF EDUCATION : I should like to thank him. The point has really been answered in a sense by the Noble Lord and the hon. Member for Ukamba, but perhaps I might make the position a little clearer.

First of all, may I say there does seem to be a confusion of thought between the words "taxation" and "payment for services". I quite realize that it is my business—and I do carry out my business to that extent in regarding educational services as the most important in the Colony, with which most people here will entirely agree, but at the same time I have to remember that it is a service and not a measure of taxation. When the Government gives a service it is perfectly reasonable for it to charge for that service. That being so, the payment for the service must bear some relation to the cost of the service. I only mention that point to make one thing clear, and that is, is it not reasonable that whereas, in the case of boys and girls receiving primary education, Government is at the present moment giving in effect every parent a scholarship of some £20, in the case of every boy and girl who will pay these higher fees Government will be giving for secondary education a scholarship of something like £35. That is to say, the expenditure—the ratio between expenditure and revenue is far higher—it is in the case of secondary education than primary education, and I do not think that is altogether healthy. The fundamental thing we have to do is to reduce the cost of primary education so that everybody gets a minimum of education. In that way it has been worked out.

When the decision of Government was conveyed to me, that the fees of secondary schools should be raised to £15 per pupil, I took the two secondary schools together and set to work: I take these figures for the purpose of illustration. If all the boys and girls in the two schools were able to pay £15, you could expect a revenue say of £1,000, and we only expect £750. As a result of this recommendation of the Select Committee I shall expect to get £660 out of £1,000, some parents getting full remission and some part remission. What is the effect of this? I want to say this very definitely here to-day and with a full sense of my responsibility. I can assure hon. Members, and I hope they will assure their constituents, that on the basis of the reduction proposed by the Select Committee

it is true to say that there is not a single child, or will not be at the beginning of next term, who will be paying these fees unless the committee is of the opinion that the parents can pay full fees. There will not be a single boy or girl who is precluded from the benefits of secondary education through lack of funds.

There are a certain number of people who are too proud to come and ask for a remission of fees. I would ask hon. Members, when they go amongst their constituents, to put this point. A parent says: "I will not go to Government and ask for a remission of fees. I want to pay my way". If you will tell him that he never does pay his way; that if he thinks that by paying full fees he is paying his way, that is all nonsense and the only difference in paying his way at £15 and paying his way on the old rate is that the one case he gets a bursary of £42 in the other £32. That seems to me a very narrow line on which to base one's self respect.

HIS EXCELLENCY : If no other hon. Member wishes to speak, I will call upon the Colonial Secretary to reply.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I think there are very few points arising out of the debate which remain for me to answer. The hon. Member for Plateau South referred to the question of the cost of Kitale Native Hospital—I think I correct in saying that, as Your Excellency has not yet assented to the Legislative Council Ordinance, the exact nomenclature of the hon. Member stands as it is at present. He said that he was afraid that if the Public Works Department built this hospital he thinks the expenditure would be unduly heavy.

THE HON. T. J. O'SHEA : Your Excellency, on a point of explanation, I was not criticising the Public Works Department but the tendency on the part of Government to spend unnecessarily much money on a project which has been approved in advance.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I can assure the hon. Member that it is not Government's wish to spend any unnecessary money on this hospital, but I think he has had this disadvantage. If my memory serves me aright, he was not present at the subsequent meeting of the Select Committee, when the Director of Medical Services attended again with estimates worked out by him in conjunction with the Principal of the Native Industrial Training Depot. This amount is based on figures which are admittedly rough figures. I mentioned the sum of from £2,600 to £3,000,

but I can assure the hon. Member that the Loan Works Committee, when considering the proposal, will do all in their power to keep down the estimate to the lowest figure possible.

THE HON. T. J. O'SHEA: Your Excellency, on a point of order, am I right in believing that the sanction of the House will have to be obtained to this expenditure before it can be embarked upon?

THE HON. THE COLONIAL SECRETARY: Your Excellency, I understood the intention of the Select Committee generally was, that provided the Loan Works Committee were able to find the necessary funds, this work should be proceeded with and done without further reference to this Council.

THE HON. T. J. O'SHEA: Your Excellency, on a point of order, with respect I submit that the Select Committee cannot abrogate the powers of the House on something that the House has not yet given approval.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I do not think that a point of order arises. The Select Committee is the committee, I take it, to make the recommendation, and that was, I understood, the recommendation of the Select Committee in this matter. The actual disbursement of loan funds has already been delegated by this House to the Loan Works Committee, and if the funds can be found by the Loan Works Committee and they think they have the general approval of this House in constructing this hospital, I suggest to the hon. Member that we are not in any way infringing the privileges of this House.

THE HON. T. J. O'SHEA: Your Excellency, on a point of order . . .

His EXCELLENCY: What is your point of order?

THE HON. T. J. O'SHEA: Your Excellency, I ask for a ruling as to whether any resolution has been submitted to the House for the expenditure of loan funds on a project to build a native hospital at Kitale, and also whether it is possible to spend money from loan funds without a resolution being passed by this House to that effect?

CAPT. THE HON. H. F. SCHWARTZ: Your Excellency, on a point of order I suggest that this is not a matter that can be decided now. It is for the hon. Member to bring it up at a later stage if the money has been spent without any sanction.

His EXCELLENCY: I must allow the debate to continue, and no point of order to my mind arises.

THE HON. T. J. O'SHEA: Your Excellency, with respect, may I ask if I may not rise on a point of order?

His EXCELLENCY: There is no point of order as far as my decision goes.

THE HON. T. J. O'SHEA: I am sorry, Your Excellency, but with all respect I submit on the point raised by the hon. the Colonial Secretary that this House has not given its sanction to the expenditure of these funds. I am asking for your ruling, Sir, as to whether loan funds can be spent without a motion having to be passed by the House to approve.

His EXCELLENCY: The ruling I give is that the hon. Member can raise this on another and suitable occasion. The motion before the House is that the Report of the Select Committee on the Draft Estimates for 1934 be approved. That is my ruling.

THE HON. T. J. O'SHEA: Your Excellency, am I to understand that you will give your ruling at a later stage?

His EXCELLENCY: The hon. Member can raise it at a suitable time.

THE HON. THE COLONIAL SECRETARY: So much, Sir, for the hon. Member for Plateau South! (Laughter.) The other point I think was raised by the hon. and gallant Member for Kenya, who wished to explain that the anxieties he voiced earlier in the debate were largely confined to the Samburu tribe. I should like to assure him, Sir, that Government is very actively engaged in the situation that has arisen in that area, and is in no sense lying back on the subject. In fact, only yesterday one of the Provincial Commissioners came up and discussed with me informally a scheme of some redistribution of district boundaries which it is hoped will have the effect of ensuring more effective control of that tribe. I can assure the hon. Member that all the administrative officers on the spot and Government headquarters are taking the situation into consideration very seriously.

The hon. Member for Ukamba made a reference to the Royal Naval Volunteer Reserve. I think his point was that he felt it would be a good thing for the Government to have a concerted scheme of coast defence before attacking the problem in what appeared to be a piecemeal manner. I can assure the hon. Member that the improvement of the defence of the coast of Mombasa is a matter that will be considered very carefully by Government, and has been engaging their attention. But the capital expenditure involved, if anything on a scale which coast defence batteries involve, is a very heavy consideration.

I can only assure the hon. Member that in consultation both with the naval and military advisers the whole question of the Port defence will be kept under review.

The only final thing that remains to be dealt with I think is the point raised by the hon. Member for Mombasa. I do not think that this is the time or place, Sir, to discuss at length the question of the town planning of Mombasa. The real significance of his intervention, as I see it, as affecting the estimates is whether or not it is proper for the Select Committee not to have reflected in these estimates the possibility that Mombasa Municipality would not fulfil its obligations. It is suggested to me, Sir, that this was a matter which required very careful consideration, and involved a great question of principle. I entirely agree with the hon. Member, Sir, and it is for that reason that Government feel they cannot come to a hurried decision in this matter. It is common ground that a good deal of money was spent at a time when Government was responsible for the expenditure in Mombasa on the town planning scheme. It is equally undeniable that after the Froetham Report the Mombasa Municipality was started, and that municipality was definitely asked if they would shoulder the expenditure involved, they knowing what they were being asked to shoulder. They stated they would shoulder it, but as they were a young body and had many calls on their reserves, they suggested that for the first five years Government should help them out with half the interest. That we have done, and it is only at this year that the question arises that in 1934 they ought to meet their full share in accordance with the agreement they arrived at. At the present moment, Sir, the issue is still *sub judice*. Their estimates have not arrived at the Standing Committee, which is the proper statutory body to deal with it, and in those circumstances it is improper for Government to prejudice the issue. I can assure the hon. Member that every consideration will be given to Mombasa's claim when it comes up. I would remind hon. Members that I hope in accordance with the usual practice, if the motion standing in my name is approved, that the Appropriation Bill will be taken by the Suspension of Standing Orders as a formal measure.

HIS EXCELLENCY: The question is:

"That the Report of the Select Committee on the Draft Estimates for 1934 be adopted subject to the deletion of the word "pupils" in the third line of paragraph 23 (page 3) and the substitution therefor of the word "fees".

The question was put and carried.

The Council adjourned for the usual interval.

On resuming.

SECOND SUPPLEMENTARY ESTIMATES, 1933.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that the Report of the Select Committee of the Legislative Council appointed to consider the Second Supplementary Estimates, 1933, be adopted. These items were fully gone into by the Select Committee, and I do not think there is any need for me to say any more, except formally to move this.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): I beg to second.

The question was put and carried.

LEVY ON OFFICIAL SALARIES ORDINANCE, 1931; LEVY ON SALARIES (TRANSPORT SERVICES) ORDINANCE, 1931.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the motion standing in my name:

"Be it resolved that the Levy on Official Salaries Ordinance, 1931, and the Levy on Salaries (Transport Services) Ordinance, 1931, shall remain in force until the 31st day of December, 1934."

This motion, Sir, will be I am sure in the nature of a formal one. The estimates both of the Railway and of the Colony which have now been approved have been based on the assumption that these two Ordinances would continue in force, and it is only necessary now to obtain the consent of the Council formally to prolong the life of the two Ordinances. I beg formally to move this motion, Sir.

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

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, regarding this motion, I merely wish to say that it has come to my knowledge within the last week or two that there is in many quarters, both in the Civil Service of the Colony and of the staff of the High Commissioner of Transport, a genuine belief in these quarters that it is not the intention of the Government ever to remove this levy, that although it was introduced as a temporary measure it is in fact the intention to deed as a permanency. That is a belief which I am quite certain is an erroneous one, and one not shared by any member on this side of the House. I do think, Sir, that the hon. the Colonial Secretary should again make it clear—though I should not have thought it necessary—that these levies were introduced for a specific purpose and as temporary measures, and that there is no suggestion of them becoming permanencies.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I should hardly have thought such an assurance was necessary. In view of the form of the Ordinances, which are expressly tem-

porary in character and for that reason are renewed every year. It was always the intention, in introducing these measures, that they were measures of emergency which would fall to be reviewed as times improved.

HIS EXCELLENCY: The question is that the two Ordinances named in the motion of the hon. the Colonial Secretary remain in force.

The question was put and carried.

THE ENTERTAINMENTS TAX ORDINANCE, 1931.

THE HON. THE ACTING TREASURER: Your Excellency. I beg to move the motion in my name:

'Be it resolved that the Entertainments Tax Ordinance, 1931, shall remain in force until the 31st day of December, 1934.'

This Ordinance, Sir, also requires renewal from time to time by the provisions of the Ordinance. It was last renewed in March of this year, the renewal then being to the end of 1933. The estimates of revenue for next year have allowed for the revenue being received under this item, £4,600. The tax is working smoothly and the revenue is useful, and I trust that the Council will approve of the continuance of the tax throughout 1934.

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

The question was put and carried.

SUPPLEMENTARY EXPENDITURE.

THE HON. THE ACTING TREASURER: Your Excellency, I beg to move:

"Be it resolved that this Council approve the expenditure of a sum of £46,100 upon the purposes specified in the Schedule hereto as a charge against the revenue and other funds of the Colony:—

SCHEDULE.

1. Pensions and Gratuities:	
Pensions and Gratuities	£10,100
Commuted Pensions	31,900
2. Post Office and Telegraphs:	
Expenditure common to Kenya and Uganda—Conveyance of Mails by Sea and by Local Rail and Steamer Services	
	4,100
	<u>£46,100.</u>

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

The question was put and carried.

AGRICULTURAL ADVANCES.

THE HON. THE ACTING TREASURER: I beg to move, Sir:

"That this Council gives covering authority under section 6 of the Agricultural Advances Ordinance, 1930, for a temporary appropriation of £6,000 in addition to the sum of £107,000 already appropriated to cover certain advances made during the year 1933 in excess of the sum of £107,000 on the understanding that the sum of £6,000 will be recovered as quickly as possible, this further appropriation to be a temporary charge on the surplus balances of the Colony."

Hon. Members will recollect that the appropriations towards the purposes of the Central Agricultural Advances Scheme have so far been a sum of £100,000, provided in May, 1930, and a sum of £7,000 temporarily appropriated early this year to cover certain temporary excesses which it was then known must be incurred during the year 1933. When that motion was passed—I think it was in May of this year—it was known that the net balance due to the Treasurer from this scheme at the end of 1933 was £105,377, and that temporary appropriation was made necessary to give this Council authority for that figure.

The Board at that time put forward recommendations to the Government for assistance to be continued in thirty-three cases during 1933 and at that time their estimates were that the amount involved in advances would be something like £31,000, and they also expected that recoveries during the course of 1933 would amount to £30,000. Their appreciation of the position at that time therefore was that the net balance due to the Treasury in 1933 would be less than the £100,000 originally appropriated.

The advances which they recommended should be approved in these thirty-three cases were approved and the Board has been operating on them during the present year. They have been subjected to continual revision. In certain cases it has been found unnecessary to make the advances fully approved, and it is now expected that the total amount advanced during the course of 1933 will be some £17,000—I think the figure is £17,827.

On the other hand recoveries have been very adversely affected by drought conditions and the continuance of the world depression. I think it is true to say that the drought has been the most important factor in the short-fall in recoveries,

and the present position is that not only have certain farmers been unable to make the repayments that were expected of them, but, owing to the drought and the lateness of the seasons, certain fecoveries which were expected to come in in 1933 have necessarily had to be postponed till 1934. Instead of the original estimate of £30,000—which already in May was seen to be an over-estimate—the present expectation of repayments during 1933 is £11,390; so that the position of the scheme, as far as the working of the year 1933 is concerned; is this: that whereas they expected to pay out £20,000 and get £30,000 back, they now expect to pay out £17,000 odd and get £11,000 back. That additional £6,000 of outgoings is roughly the sum now asked for in this motion.

The manner in which the scheme is operated is I think well known to Members. Approval in specific instances is based naturally on the circumstances of those cases and advances are paid out to those people as required, generally in monthly allotments, or at less frequent intervals. At the same time, from these people, and other people who are participants in the scheme—there are about eighty people on the books—repayments are coming in, and those go against the total amount outstanding to the Treasury. It is that figure outstanding against the Treasury at any one time which is the figure which this Council has to approve. As I said, certain repayments which were expected during 1933 may now be expected in 1934 and the terms of the motion indicate that it should be the duty of the Board to recover this additional £6,000 as quickly as possible.

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

HIS EXCELLENCY: The question is:

“That this Council gives covering authority under section 6 of the Agricultural Advances Ordinance, 1930, for a temporary appropriation of £6,000 in addition to the sum of £107,000 already appropriated to cover certain advances made during the year 1933 in excess of the sum of £107,000 on the understanding that the sum of £6,000 will be recovered as quickly as possible, this further appropriation to be a temporary charge on the surplus balances of the Colony.”

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, while it was my intention to support this motion, I would like to stress one or two points. In the first place a portion of this money was advanced to cereal farmers—wheat growers, maize growers, etc. As far as wheat is concerned, it cannot be made

to pay under present conditions and the conditions which have existed during the last two or three years. The position of the maize farmer is that he cannot go on cultivating maize at a loss, which he has been doing now for three years, and I suggest that if you hope eventually to get 100 per cent of this money back you have got to go further and settle in the New Year, when we have time to go into the subject, what is going to be done to help the cereal farmers to turn over to mixed farming. They are trying to help themselves in every possible way. As an instance, the Creamery at Eldoret, supported not only by Plateau South but also Plateau North, would help them to turn over to an extent to dairying. If Government could see their way, many things might be done for the maize farmer. They might stabilize the minimum price—I think I have never suggested anything else in this Council than that the price of maize should be stabilized by legislation at a minimum price, which means that you make it illegal to sell it at another price, except by Government—which will enable the maize farmer to get his costs of production back and take his chance on the market as regulated by supply and demand.

There are some 800 odd producers in this country who are in very serious financial difficulties at the moment, due to locusts in past years and due to drought in these last twelve months—and in my own view the drought—and rains three months late—has affected the crop. I doubt whether the present crop will average a price that will cover the cost of production. That can be done by helping the farmer himself, who is willing to help and contribute to, say, a creamery.

It would help in another direction if Government would agree in the New Year to bring in a short Bill authorizing the Land Bank to make advances for paddock fencing as against ring fencing, provided for in the Ordinance passed three years ago which has not yet been put into operation. Everybody who studies this subject realizes that finances are not available to implement the Fencing and Dipping Ordinances. Local authorities have not got the finances to meet their liabilities. The Railway is not likely to take it on, and I presume the Native Councils are not likely to fence the boundaries of their Reserves until the Fencing Ordinance is put into force. A modified Ordinance to get over this difficulty and to enable paddock fences to be got on with would mean that the individual would be able to get an advance from the Land Bank for paddock fencing.

I propose at the next meeting of Council to move a motion on this matter unless something is done in the meantime, or is going to be done in the near future. But I think it is a question of co-operation between Government and the agriculturalists who are anxious to help themselves but who require

finance. Unless something is done early in the New Year, this money will not come back to Government as anticipated, but if something is done on the lines I suggest I believe 100 per cent of it will come back and will be of great benefit to many districts of this Colony.

HIS EXCELLENCY: Does the hon. member wish to reply? If no other hon. Member wishes to speak I will put the question.

The question was put and carried.

BILLS. RECOMMITTAL.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL (MR. W. HARRAGIN): Your Excellency, I beg to move that this Council resolve itself into a Committee of the whole Council to consider amendments to the Legislative Council (Amendment) Bill which Your Excellency has returned to this House.

Hon. Members will remember that the Schedule to this Bill—which is the part of the Bill to be altered to-day—was introduced very hurriedly when the Bill came before the House, and the Surveyor General did not have sufficient time to check his boundaries, although he thought at that moment that they were correct. Since this House passed the Bill he has had an opportunity of checking them and he finds it is necessary to make various amendments. These amendments I have set out in the Order of the Day and they are merely formal amendments to the boundaries, which are necessary from a surveying point of view, Sir. I move that this House resolve itself into Committee to reconsider these amendments.

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

The question was put and carried.

The Council went into Committee.

In Committee:

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

Schedule.

THE HON. THE ATTORNEY GENERAL: I beg to move that paragraph 1 of the Schedule to Clause D of the Bill be deleted and the following substituted therefor:—

"1. *Nairobi North.*—Commencing at the junction of the Getathuru and Nairobi Rivers;
thence bounded by that river down-stream to its junction with the Ngong river;
thence by that river up-stream to its junction with the Kenya and Uganda Railway;

thence by the Kenya and Uganda Railway (up-line) to its intersection with the eastern boundary of the Kiambu Native Reserve at Kabete Station;

thence generally northerly by that Native Reserve boundary to the Getathuru River;

thence by that river down-stream to the point of commencement."

CAPT. THE HON. H. F. WARD: Your Excellency, there is one very small point. The opening paragraph of the amending clause mentions two rivers; the second paragraph says "by that river". Would it not be clearer to state which river is meant of the two?

THE HON. THE COLONIAL SECRETARY: It is the Nairobi river which is meant.

CAPT. THE HON. H. F. WARD: That is the latter river.

THE HON. THE ATTORNEY GENERAL: Are we quite sure? I am not an expert in these surveying matters, but I am not sure that it is not the Ngong river.

CAPT. THE HON. H. F. WARD: The first paragraph says: "Commencing at the junction of the Getathuru and Nairobi rivers". The boundary then goes "down-stream to its junction with the Ngong river."

THE HON. THE COLONIAL SECRETARY: It is clearly stated to be Nairobi river in the section as amended.

CAPT. THE HON. H. E. SCHWARTZ: I think "that river" which appears in the second paragraph of the amendment—that the word "that" must come out as there are two rivers mentioned in the first paragraph.

THE HON. THE ATTORNEY GENERAL: I think, Sir, we should be careful to stick to the amendment we have before us.

CAPT. THE HON. H. E. SCHWARTZ: I think it is perfectly all right, Sir, except the first "that".

CAPT. THE HON. H. F. WARD: I think this amendment really should stand over till to-morrow, Sir.

HIS EXCELLENCY: Yes, I think it is very desirable to have the matter properly looked into.

THE HON. THE ATTORNEY GENERAL: Then, Sir, I move to report progress.

HIS EXCELLENCY: The Council will resume later to consider this matter.

The Council resumed its sitting.

SECOND READINGS.

MINING BILL.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT (MR. E. B. HOSKINS): Your Excellency, I beg to move that the Bill to consolidate and amend the law relating to mining be now read a second time.

I will endeavour to be as brief as I possibly can as the hour is late, but it is necessary to go back a little way to show how this Bill came to be introduced at all. The first Mining Ordinance in this country was in 1912, which gave us a legacy of two leases that are not affected by the provisions of this Bill, as they were for base minerals which would now be issued under the Crown Lands Ordinance. In 1925 a new Ordinance was introduced as a result of the findings of a Select Committee of the House. It was an extraordinarily good Ordinance, but suffered from the weakness that it endeavoured to crowd into itself all the provisions that might more properly have appeared under regulations. It was a strong Ordinance, but brittle and incapable of extension. This also left us a legacy in the shape of many claims. The 1925 Ordinance continued in force until 16th March, 1932. During that time a number of claims had been pegged in the Lolgorien area and in what is known as Area 5, or Gori; also in Kakamega and on the coast. Many of those claims are still subsisting. I shall refer to them later in dealing with the clauses of the Bill. In 1928 the Law Society was most anxious that there should be proper uniformity of legislation between Kenya and the neighbouring territories. We suggested our 1925 Ordinance to Uganda, who at first were favourably impressed with it. Then they said they had received a model Ordinance from home and proposed to follow that in preference to ours. We, in our desire to attain uniformity, asked to see the model Ordinance, and said that perhaps we might adopt it. We actually published it in the Official Gazette for criticism. Then Uganda said that Tanganyika Territory were introducing a still better Ordinance and that they thought of following that. We applied to see that Ordinance. We were not very interested in mining at that time, and in our desire for uniformity we were willing to fall in line with our neighbours. I trust that our neighbours will now fall into line with us. That brings us to the Ordinance of 1931, and a set of regulations based on the regulations prevailing in Tanganyika Territory. It was a very generous Ordinance—too generous in fact, allowing the pegging of large claims for a low fee and with very light conditions. It was abused, and further mining regulations had to be introduced in August of the same year. Neither Ordinance nor regulations we found were ideal, and eventually about the middle of this year a committee was appointed to go into the question of our existing mining legislation and to make recommendations. The report of this committee I laid on the table yesterday.

Turning to the Bill before us, I propose to deal with only the main points of difference between the Bill and the Ordinance that it is proposed it shall supplant. In section 1, the Ordinance shall come into operation on such date as you, Sir,

shall by notice in the Gazette determine. I trust that regulations under the Ordinance will be ready shortly, so that the Ordinance if approved and the regulations may come into force as early as possible in the new year. The second clause contains a definition of "engineer", for obvious purposes, and we have made an addition to the definition of "mine" so that it includes operations in connexion with prospecting. That is to bring the safety regulations into effect with regard to excavations and workings in connexion with prospecting as well as mining. On the second page of the printed Bill, in the same clause, it will be seen that provision is made for "protection area". That is a reversion to the system that prevailed under the Ordinance of 1925. The committee felt that if we were to revert to blind pegging, the best way to stop the senseless pegging of an area was to give a man time to make certain that he had got what he wanted. If he has protection and time to look around over a certain area, he will not take up land simply to get ahead of his neighbour, but he will have time in which to test its potentialities. It will be noted that the regulations are those for the time being in force under the Ordinance, which is to bring all the mining laws under the new legislation. We have also in this section provided a definition of "stock".

The next important change is in clause 7, where in the second and third lines we have introduced the words "or mining" after prospecting—"The following classes of land are (save where otherwise in this Ordinance provided) excluded from prospecting or mining". There had previously been an anomaly. A man might not prospect in certain prohibited areas, but there was nothing to stop him mining. It was quite possible, for instance, for a man to obtain a permit under section 1 in a native reserve; he might transfer his claim to a man who had no permit. This was most undesirable. In this committee stage I propose with your permission, Sir, to move certain amendments to this clause 7. One is to (b), where it is most essential that we should include trading centres in the areas to be excluded from mining, besides municipalities and townships, so as to avoid a duplication of notices every time we declare a trading centre. There is an addition in (g) on the first and second lines. We have included "or any land within 30 feet of the centre line of any street, road, or highway, or land reserved for any public road or highway". That is to prevent anything being dug against a roadway which might be a danger not only to miners returning home but to all those who on their lawful occasions pass along the road. I propose also to move in the committee stage that provision should be made, Sir, to open on conditions areas of land that you, Your Excellency, have seen fit to close under (f). It is quite possible, Sir, that you may see reason

to close an area, say a sleeping sickness area, from general prospecting, but you would be prepared to reopen it on certain health conditions.

Under section 9 we have provided for a new officer to be known as a "mining engineer"; he will be necessary for the administration of the Ordinance. In clause 12, reference is made to royalties. Royalties are dealt with under regulations, and I think very rightly. The question of royalties has been receiving the most careful consideration of Government. It is dealt with in the report of the Mining Committee. Government has received advice from many sides. The committee has recommended a system of royalties on values of ore produced; the minority committee recommended no royalty at all. We have received advice from the most reliable sources, recommending an increase of royalties, and Government has come to the conclusion that there is at present no justification to alter the present flat rate of 5 per cent on all gold won. I do not like, Sir, going behind the back of my loyal committee, but I am sure the committee will agree with me that next year is not a year of production but of development, and the retaining of the royalty that has prevailed up to now and which is prevailing in neighbouring territories of Uganda and Tanganyika Territory, cannot be said at the moment to be inadvisable. The companies that came to invest their money came in on a 5 per cent royalty and when the price of gold was about Sh. 120. We shall not be turning away the capital we need, Sir, so badly, by retaining that rate a little longer. It is a matter that can be revised as circumstances alter and as it is required, as it is contained in the regulations.

In clause 14 it will be noted that diamonds are to be excluded from general prospecting. That is very necessary. The diamond market is too delicate to allow amateurs to butt into it. We have received expert advice on the matter, and my committee was unanimous in agreeing it was desirable for the general welfare to make diamonds the subject of special legislation. In subsection (6) of this clause you will note, Sir, that a reference is made to the protection area; this will be embodied in the regulations. In clause 15 the only addition is in the third line from the bottom, with reference to stock. That is an additional protection for the natives, in whose areas we are to-day mining most extensively and intensely. Stock is apt to fall into trenches and pits, and compensation should be paid for any damage done. It is said in the Objects and Reasons to the Bill, this Bill is "to amend, re-arrange in more logical sequence, and consolidate the laws relating to mining, and to bring all mining activities under one law". I have little knowledge of mining, but I do know our Kenya miner, for I have had twenty years experience of farmers who have now turned miners, and I do know that what

he requires is a mining law which is straightforward and which he may interpret for himself or go to the nearest district officer for an interpretation without having any recourse to legal assistance. Another thing that he requires is that the law shall be interpreted in a straightforward manner, and that while he is prospecting he will not have to look under any sections except those headed "Prospecting". If you tuck a section that applies to prospecting away under "leases" the average prospector will never find it because he will not look for it. We have accordingly rearranged the Ordinance in logical sequence.

We have dealt with the type of land, the rights under prospecting and how to set about obtaining a claim or location. We now come to exclusive prospecting licence under clause 17, which has been altered in one important respect. We have introduced the necessity of submitting a programme of work in subsection (2), but in subsection (5) we have increased the maximum term of an exclusive prospecting licence from three to five years. There are many alluvial propositions which cannot be pegged out as claims owing to the nature of the ground. You cannot dig a trench in a swamp or lake, so that we have provided for that. It is quite possible that a proposition may not be worked out in three years, although we are of opinion it should be in five years. The proviso is new. It has been pointed out to us that should a man apply for a renewal of an exclusive prospecting licence he might not be informed that it had been refused until a day or two before his time was up. It seemed only reasonable that he should have a certain period in which to consolidate and retain the area he wished to retain under mining location title. You will note in the report that the Committee are requesting you, Sir, as Governor, to delegate your authority to issue exclusive prospecting licences up to a maximum of eight square miles to the Commissioner. In clause 21, subsection (2), in the committee stage I shall request that that may be reworded. Clause 24 I also trust will be reworded to simplify it to some extent.

Passing to Part III—Mining, in clause 27 there is a very important provision. The Mining Committee were met with demands from all sides for a composite type of claim. Claims were usually lode claims—we prefer that word now to "reef"—or alluvial, but in many cases it happened that they were both lode and alluvial, and what was required was a type of claim which permitted a man to mine both claims over the same area. There were technical difficulties but I think we have met those difficulties by section 3 of clause 27. We found provision had been made under leases for this contingency and so we have introduced it under "locations"—"Mining locations shall be either alluvial locations or lode locations". That, in effect, means that if a man is working a

lode claim and finds that what he thought was a lode is alluvial, he can apply to the Commissioner to work that alluvial or lode without losing his title to alluvial claim; and of course vice versa.

In clause 28 the rent payable is shown in this Bill as Sh. 2/50 per annum per acre, whereas under the 1931 Ordinance it was Sh. 5. We have halved that rental for a very good reason. It costs Sh. 10 to register a mining location of four acres—Sh. 2/50 an acre. We are most anxious that people should acquire the most satisfactory mining title as soon as possible, and the only satisfactory mining title is a lease. We do not see why a man should be penalized in the way of rent by transferring to a more desirable title. The rent is a mineral rent and has nothing to do with the rent of the surface of the land with which it is concerned.

In clause 30 you will note that there is provision for a maximum period under which a mining location can be held. If a man cannot in five years make up his mind whether he is going to retain this area under leasehold or not, it is time he gave it up.

Clause 33 is an interesting innovation. The original Ordinance hid provisions as to cutting timber under leases. We have brought this forward because it is most important that a location holder should not be unduly hampered; but we have inserted a provision that before any cutting of timber takes place he should agree to some compensation first. The previous Ordinance led him to cut first and argue the point afterwards.

Clause 34, section (2), makes provision for defining how forfeiture of locations is to be declared. The 1925 Ordinance was very strict on this point. The 1925 Ordinance said that a claim should be deemed to be abandoned if the holder, for instance, did not send in the prescribed returns or if he had not done the amount of development required. The result was that there was much insecurity of tenure. After six months, if the return when due was not submitted, the claim was taken to be abandoned and somebody else could step in. We want to give more secure title to the location holder under this Bill. We want a claim to hold good until it has been abandoned by the holder or declared forfeited by the Commissioner, so that people shall know exactly how they stand, and provision is made in this section for that purpose.

In clause 35, subsection (2) we have amplified this, making provision that should a man not apply for the renewal of his location he shall be deemed to have abandoned it.

Clause 37 gives added provision for a breathing space to ensure that there shall be no claim jumping, and special provision is made that land shall not be reacquired by the same

holder for three months afterwards. That is very necessary in order that location holders should not dodge development conditions by abandoning a claim one day and reclaiming it the next. He has to abandon it for three months before reclaiming that land under a mining title.

Clause 45.—With regard to the renewal of the lease, the 1931 Ordinance provided for an increase of rent on renewal. We have made provision in this Bill that in the case of any renewal the rent shall not be increased.

I think I had better make a passing reference in clause 56 to "ore at grass". To a layman that may mean little, but I think that to an expert "ore at grass" gives us the definition required, and that is ore that has been excavated and is lying outside the mine. Under this clause permission is given to remove that ore which has been excavated.

We come now to the most important clause in this Bill, clause 60. I should think that this provision is unique in mining legislation, but so are the conditions of mining in Kenya. In no other part of the world has mining taken place in such a closely inhabited area as the Kakamega area, in the lands of natives, for whom we are holding it in sacred trust. The provisions of this clause are to enable us to restrict the surface leases that we shall be issuing to mining companies or concerns to the irreducible minimum so that the native reserves—we are thinking particularly of the native reserves in this clause—shall not be unduly disturbed. The applicant for a lease will apply for an irreducible minimum of the area he requires for his surface work. It may be ten acres, twelve acres, or up to twenty or thirty acres, for his actual shafts, pit heads, machinery, housing, hospital, and anything else that he requires sole surface rights over. If we make provision for giving him subterranean rights over an additional area we are not interfering with the holders of surface rights adjoining the surface lease granted. I understand that in England and Wales mining actually takes place under the sea and we are assured that a man with a twenty acres surface lease can mine for a considerable distance underground from that surface lease. We have made provision for him to have certain easements over the area over-lying the subterranean area. If he drives his tunnels in far enough he may come up to the surface for an air shaft, or he may actually require a shaft from which he wishes to extract ore. The proviso to this clause gives him the right, as against a third party, to certain easements over that area. If he wishes to go outside his surface lease and obtain half an acre for a shaft some way away he must pay full compensation for that area, and should he want to run a trolley line or power line and have access to

that area from a surface lease, he must have a way leave to get there, after he has paid due compensation for the area that he has disturbed.

In Part IV, dealing with disputes, there is another innovation. Originally it was the Commissioner only who could inquire into and deal and decide in disputes. He could, of course, delegate his powers, but it is very doubtful whether delegation of certain of those powers can be granted. Anyhow, once he has delegated his power, of course, he cannot recall it, and the result is that there is nothing between the man to whom he has delegated his power and the Supreme Court. It is intended, Your Excellency, that all second class magistrates should be wardens for the purposes of this Bill. But although the wardens in the mining area are very experienced, the district officer with second class powers normally is not so experienced. His decision may not possibly be the best decision that could have been given and so it is considered preferable that there shall be an appeal from the warden to the Commissioner before there is an appeal from the warden to the Supreme Court. In consequence, the word "warden" has been substituted for the word "Commissioner" where it occurred in the 1931 Ordinance and provision is made in clause 69 for an appeal from the decision of the warden to the Commissioner, and from the decision of the Commissioner to the Supreme Court. Certain provisions have been made for answers in writing required by the warden trying the case and for appeal out of time to the Supreme Court.

In view of the shortness of time, Your Excellency, I shall only deal with the more important points in this Bill.

A new clause is introduced in clause 91 with regard to payment of wages. I am given to understand that this is practically universal in all mining legislation and provision is made that all wages shall be paid in cash when due. We have certain other provisions with regard to the employment of natives, but this clause applies to the wages that are due.

Clause 93 is also a new provision. In the 1931 Ordinance a man could with impunity submit a false and misleading return, and that was found to be most undesirable. This clause provides for penalties for returns of this nature.

Passing to clause 101, you will notice a provision for protection areas which it is proposed to reintroduce in the regulations under this Ordinance, somewhat on the lines of the regulations under the 1925 Ordinance. In the Committee stage I should like to alter subsection (n), adding the words "and health" after the word "safety". It is very necessary that provision should be made for the health as well as the safety of people employed in mines. The Director of Medical and

Sanitary Services is becoming alarmed as to the possibility of infection in mining areas and I think we should have provision for making sanitary provision in mining areas. Certain sanitary provisions are already made in the safety regulations which may possibly have meant a slight extension of subsection (y).

Now, Sir, coming to the last clause, clause 103, the position is that there are still a certain number of 1925 claims subsisting. We think it is in the interest of all that there should be only one mining law and that all mining titles should be held under one law, but we do realize that we cannot suddenly bring the 1925 claims by compulsion under this Ordinance. They have certain easier conditions. The royalty under the 1925 Ordinance is 2½ per cent only when their profits exceed £100 per month, but against that, under the Ordinance itself, they were only allowed to produce gold from leasehold. It was only by special provision that they were allowed to produce from a claim. That permission might conceivably be withdrawn, but of course we do not want to take a somewhat arbitrary step like that. We trust that by extending or keeping alive the rights over those claims for twelve months after this Bill becomes law they will have had an opportunity of getting a leasehold title.

Reverting for a moment, Sir, to the question of royalties, I would like to point out that we have provision under clause 47, which is the old clause reintroduced from the last Ordinance, for according special leases in special cases. I should like to read that clause, which is as follows:

"47. (1) The Governor may grant a special lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on or under such land, or for any other cause, it is necessary that such a lease be granted.

(2) The Governor may fix the form of, and area to be comprised in, any such lease, the rent and royalty to be paid, and the labour and other conditions, reservations and exceptions to be contained in the same, but in all other respects such special lease and the applications for the same shall be subject to the provisions of this Ordinance and of the regulations."

There is, therefore, provision, Sir, if the agreed rate is unduly onerous, that the royalty might be eased in a special case.

Your Excellency, the general tenour of this Ordinance is to leave most decisions to a benevolent despot, the Commissioner, but behind the despot stands the Supreme Court to guarantee his benevolence. As I said before, the miners of the Colony want a straightforward Ordinance and I think we

are giving them a straightforward Ordinance. They also require a straightforward interpretation thereof, which I trust we shall be able to give them in future.

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

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

THE HON. CANON THE HON. G. BURNS: Your Excellency, with regard to underground tunnelling, and the rights of those who are using the mine for air shafts and also for shafts from which to extract the material from the mines: Say a man has been granted an area of ten acres as his first claim, and it is underground mining, and it goes perhaps half a mile underground, when the material he extracts is brought up to the shaft erected not on the original site but on new land other than where his mining operations began. What distance will he be entitled to, for instance for the dumping of material that he may bring up? or is there any restriction on the area he has to occupy for, say, the erection of a trolley line, or bringing up an air shaft to the surface. Will he be allowed to have an area equivalent in width to the original area which was granted? If the mine should be given up, will he be responsible for the removal of such material from that surface and leaving that area under which he has been mining in fit condition for the natives to occupy after he has done? I should be very grateful, Sir, for some assurance along those lines.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, the point raised by the hon. and rev. Member for Native Interests is covered in one of the clauses. The area over which a miner obtains a surface lease is for the purpose of dumps or any other type of occupation. If he requires occupation over any other area besides the surface lease he has first of all to make arrangements with the surface holders for paying rent and compensation for the use of such surface. He has no actual right until he has come to a composition with the surface occupier. Provisions are made, Your Excellency, for a mine abandoned to be filled up or rendered innocuous by high fencing. I draw the attention of the hon. and reverend Member to clause 35.

HIS EXCELLENCY: The question is that the Bill to consolidate and amend the law relating to mining be read the second time.

The question was put and carried.

THE GAME (AMENDMENT) BILL.

CAPT. THE HON. A. T. A. RITCHIE: Your Excellency, I have the honour to move that a Bill to amend the Game Ordinance be read a second time.

This Bill, Your Excellency, falls into two natural parts. The first, and a very simple portion of it, deals with the control of trophies, the export and in part of game trophies. The second, and rather more complicated part, deals with the licences and permits, and the powers and privileges that licences and permits confer on the holders, and the conditions under which the licences and permits are held. With Your Excellency's permission I will give a general outline of the main parts of the Bill, and then proceed to touch on one or two points of detail in the sections one by one.

With regard to the control of trophies, their export and import, the Game Ordinance as it stands at present includes five very discursive, ambiguous sections which are further somewhat mutually exclusive in some of their provisions and are otherwise contradictory. One indeed, I may almost say, is nonsense, or the legal equivalent of it. One section of this new Bill contains what I believe are all the necessary provisions for dealing with the export and import of trophies. I need not explain at all why it is necessary for us from the point of view of game preservation to try and control our export and import of these trophies. That should be obvious. Admittedly it is necessary and it is entirely essential that the legislation dealing with the restriction of the movement should be as simple as possible. I think the one section we now have contains these five very remarkable sections, and it is simple and intelligible, which is one of the things I always hope we shall have in a Game Ordinance, if nothing else. Furthermore, Sir, this section allows us to carry out in the letter as well as the spirit our obligations to Italy with regard to the agreement made with them for the prevention of smuggling on our respective frontiers. Furthermore, it is in entire keeping with the undertaking with all the great Powers interested in Africa which was made at the international conference in London, to prevent the movements of trophies illegally between their respective territories.

There is one point when the Bill goes into committee stage where I shall want to move an amendment, in the section dealing with the export and import of trophies, but I will draw attention to that later.

With regard to licensing, Sir, there are several new licences proposed in this Bill, and there are several licences the fees for which we have proposed to reduce. It seems possibly curious that at a time like this, when the Colony needs all the revenue it can get, a suggestion should be made

that fees should be reduced. I am quite confident, however, that the reduction of fees payable for these licences should not lead to any loss of revenue. I hope, indeed, that it may lead to some increase. In any case, I am confident that one or two of the licence fees now existing are too high. It is very difficult, Sir, to assess on what basis a licence fee should be based. I think the only basis one can apply is the number that are applied for by members of the community. The applications for licences have gone down in the course of the last two or three years, and I believe we shall stimulate the applications for licences by reducing judiciously the fees chargeable.

The one new licence that will have considerable importance to the Colony is the 14 days' licence for visitors. For some years I have been very much against the introduction of short time licences for visitors, because I believed, and I think even now rightly, that we obtained so much money from large *safaris* that came out here that it would be unwise in any way to jeopardize their favour or custom by allowing our shooting areas to become overcrowded. The number of these *safaris*, the type of arm chair and ice chest *safaris*, are owing to world conditions, very much reduced. Another factor has also come to the fore and must be considered, and that is that owing to the opening up of otherwise inaccessible areas not only by an increase of roads and bush tracks but also the increase in motor transport, areas that a few years ago were completely inaccessible to shooting parties are now commonly used. That is most important, for it means that many more parties can be in the field without danger of overcrowding or danger of upsetting the larger *safaris* which, having paid £100 for a licence and spend several thousands for outfitting, consider they have bought a temporary right to an exclusive portion of Africa. Visitors' licences, I believe, will now be a benefit to the Colony. We may not sell a great number, but the mere fact that they are obtainable will go a long way towards rendering tourist publicity, which is becoming a feature of companies at home and elsewhere, so valuable that they will not be slow to use it. I base that not only on inquiries that I have made myself, but on the opinions of several people who are very well in touch with the tourist traffic business.

As well as the short time licences for visitors, there are two new licences suggested for serving officers. If as I believe, and the Council does, it is reasonable that a serving officer should have preferential treatment over any casual visitor to the Colony as far as shooting is concerned in respect of full licences, it is also reasonable that he should have preferential treatment in respect of licences in the other two categories available for either residents or visitors.

There is one other licence that is a new one, the assistant's licence. It is not a direct revenue measure at all. It is more for the benefit of people who have been acting, though in good faith, somewhat outside the law, and who have been breaking the law, with my permission and my connivance, I am afraid, putting them within the law and allowing them a definite basis for their actions and letting them know where they stand, thus putting the whole thing in order. Briefly, the position is this. A white hunter will go out with a client who has a special licence for elephant; the white hunter will not have that special licence to shoot elephant because he is not shooting one. His only business is to help his client to shoot. Often all that the client does is to keep well behind the white hunter. Under the present Ordinance, it is laid down that any person who molests or hunts an animal without a licence entitling him to do so, is guilty of an offence, so that that white hunter is breaking the law because he has hunted an elephant without a licence. This assistant's licence, which is very cheap, is not to tax him any further but to allow him to stand within the law and to allow him to act in various ways, whereas now the law is being broken without me being able to be in a position to prevent it. The assistants' licence would also naturally be available, not only for the persons who accompanied the people shooting, but also for persons going out to photograph game.

That brings me, Sir, to the last point I wish to speak about in regard to this Bill on a general basis, the photographic permit. It is a frequent cause of complaint against my Department that we are always producing amendments to the Game Ordinance. Many of us remember the days when a motor car had to proceed along the road behind a man with a red flag; the motor followed, possibly under its own steam, possible not. Then there came provision for a maximum speed of twenty miles an hour, and there is no finality yet. I maintain the Game Ordinance is in the same position—there is no finality yet and probably there never will be. We have nothing to work on in the way of precedent; all we can do is to try and fit our legislation to conditions as they arise from time to time.

I believe the time has arrived when we must definitely introduce some legislation to deal with the photographing of game animals. Photography has now taken the part which shooting used to play ten years or more ago. Interest has gradually moved from the record head to the photograph, and I think it is certainly greatly in the interests, not only of game preservation but of the Colony to do all we can to encourage photography. The photographic permits, Sir, which are suggested under this Bill, are meant in no way to restrict photographic activities but to encourage it and let people who

are anxious to photograph know exactly where they stand in regard to the Game Ordinance. I do not wish to go into any detail in this matter because the time is very short, but I will give one instance of how this will operate. In the past, if anybody wished to photograph a rhinoceros he had to have a licence or run the risk of being charged with molesting the animal without a game licence if he got into a mix-up and had to kill the animal. We do not wish to make people take out a licence to kill and I believe the way to deal with this matter is by the issue of a permit to allow the photographing of dangerous animals, for which little or nothing should be charged except under a system of forfeits should the person holding the permit get into a mix up and have to kill the animal. As to the actual details which should be put into these permits I will say nothing, but that is the rough outline of the idea.

Now, to turn to the Bill in detail. The first three clauses are merely to give effect to the photographic permit. The fourth is to give effect to the assistants' licence. The fifth is a very important clause—the import and export clause—and it is in sub-clause (4), in the seventh line, that I think an amendment is necessary. It reads, Sir:

"Such written consent shall be surrendered to a Customs officer before export is effected and the Customs officer may detain the animal, trophy, or meat which it is sought to export until such written consent shall have been surrendered".

I have consulted the hon. the Commissioner of Customs and he entirely agrees with me that "may", which is permissive, is not strong enough. What we want is "shall be obtained" and at the proper time I shall propose that amendment.

Clause 7 of the Bill, Sir, includes a new licence and particulars of reduced rates for certain licences; and puts into reasonable and logical order a number of licences, permits and so forth that were added to various parts of the Game Ordinance before.

There is one small point in clause 8 which is by way of being slightly new, and I think I should mention it. In clause 8, sub-clause 17 (b) there is a provision for a person holding a licence to produce his licence on demand or sign his name if asked to do so by one of the various authorized officers. I hope very much that this Council will agree with this provision that on a demand being made by one of the authorized officers or a duly accredited servant of the Game Department a man shall sign his name. I do not wish to labour this point but there are only four officers for game

preservation in the whole Colony, and a great deal of the work has to be done by native scouts. If the native scout has no power to ask for a name it means he is completely helpless in identifying and bringing that person to me. Our scouts invariably behave, and I hope that this will not be considered as granting undue power to the Department; and if it is passed I hope it will do a great deal to help.

There are then five sections which are repealed simply because the various provisions are found in the rearrangement under clauses 7 or 8.

Clause 14, Sir, which provides for the issue of photographic permits, has been criticised, and I think quite rightly. The criticism is in regard to the proviso at the foot of sub-clause (5). If that were carried to its logical conclusion it would become an absurdity. I believe that my powers—if you delegate your powers to me—my powers under this section will not be in any way lessened or hampered by the deletion of that proviso; and I shall propose accordingly, if it will meet the views of the hon. Member on the other side of the House who objected to it—if it will meet his view, I propose to move the deletion of that proviso at the proper time. It was put in more from the point of view of informing the public what the whole thing is about rather than because it is an actual legal part of the document.

I think there is only one other point that I should touch on. All the other things in the remainder of the Bill are either incidental amendments or simply rearrangements. But there is one small point under clause 15. We had to amend 26 (1) so as to provide for putting in a full licence instead of only a visitor's or resident's full licence; so while that was being amended I took the opportunity of cutting out the portion that states that no elephant shall be killed having tusks of less than 30 lb. each. That weight limit is a relic of the dark ages. There seems to be an idea that you can only preserve elephants if you keep the young ones. The number of elephants shot on licence is very limited to-day, and if any person likes to pay £25 for a licence, he has a perfect right to shoot elephants with tusks of less than 30 lb. each. I consider the 30 lb. weight limit absolutely useless, and in some cases absolutely harsh.

I hope this Bill will not be sent to a Select Committee because if it is passed these licence regulations will go through in time to come into force on the 1st January.

I omitted to mention just now that there are two small points in regard to licences, the alteration of which is proposed. One is that residents' licences, instead of ending on the 31st December, should run for twelve months. I think that is a

very much fairer way of issuing them and will tend to bring in a certain number of new licences. On the other hand, if the licence lasts for a year, they will not hesitate to take it out at once. The other second small point is that instead of having to wait a year after the expiry of one 14 days' licence, I am proposing in this Bill that the second 14 days' licence should be available after six months. That is to meet people who want to take their holiday in May of next year. Under the present arrangement a person cannot take out a second 14 days' licence until a year has elapsed.

In conclusion, before formally moving the second reading of this Bill, I should like to say that I believe this is the first time an officer of the Game Department has ever been able to speak to his own Bill in this Council. I am very glad that has happened in Kenya, because Kenya has the finest stock in the world, Sir, and Kenya leads the world where game legislation is concerned.

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

HIS EXCELLENCY : The question is that the Game (Amendment) Bill be read a second time.

The question was put and carried.

*Council adjourned till 9 a.m. on Thursday,
21st December, 1933.*

THURSDAY, 21st DECEMBER, 1933

The Council assembled at 9 a.m. at the Memorial Hall, Nairobi, on Thursday, 21st December, 1933, His Excellency THE GOVERNOR (BRIGADIER-GENERAL SIR JOSEPH ALOYSIUS BRUNS, K.C.M.G., K.B.E., C.B.), presiding.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY : I have an announcement to make. Some time ago Sir Basil Blackett was staying with me and he was very much interested in the Tana River. He thought there were great possibilities and he took a great personal interest in it. I pointed out to him that there was very little hope of our being able to do anything in the matter because, before any capital could be attracted to a scheme of this magnitude, an exhaustive survey would have to be made by authorities who would command respect and that if they gave a favourable report it might attract capital to the Colony. I am glad to say that this morning I have heard from the Secretary of State. Mr. Harris, late Consulting Engineer to the Government of India, and Mr. Sampson, late Director of Agriculture, Madras, and now Economic Botanist at Kew, will be sent out at an early date to conduct this important inquiry. The expenditure involved, except possibly that incurred on local travelling, will all be paid for by the Colonial Development Fund.

MINUTES.

The minutes of the meeting of the 20th December, 1933, were confirmed.

LT.-COL. THE HON. LORD FRANCIS SCOTT : Your Excellency, I may be out of order, but I am going to crave the indulgence of the House—which I hope may be granted to me—to say on behalf of Members of this House how very much we regret that this will be the last occasion on which the Clerk of the Council will be here. I think on this occasion I am probably voicing the views of both sides of the House, Sir, in saying how deeply we have appreciated the maximum of efficiency and courtesy which the Clerk has exerted during his tenure of office and how very much we regret that he will not be with us during next year.

HIS EXCELLENCY : I am sure I greatly appreciate, and the Government greatly appreciates these remarks and I support every word of them. I have a high opinion of the excellent work done by Mr. Bader since he has been here.

MOTIONS.

COMPULSORY INSURANCE.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency will remember that the debate on this motion in connexion with compulsory third party insurance was adjourned in order to ascertain whether the Roads and Traffic Board, or some other board would be the best body to inquire as to whether the opinion of the Colony is the same to-day in regard to third party insurance as it was 18 months ago. I understand that the Central Roads and Traffic Board have actually met and have sent out inquiries to all district councils and bodies interested to ascertain what the opinion is, and in those circumstances I would, with Your Excellency's permission and that of the House, ask leave to withdraw this motion.

Before actually sitting down, I would like, Your Excellency, as there seems to be considerable misapprehension in the matter, to make it abundantly clear that in putting up this motion on behalf of Members on this side of the House, there was never the slightest intention or suggestion of forcing this, or of asking Government to force compulsory third party insurance on an unwilling community. The sole object was to ascertain whether, in view of certain events, opinion had altered and to enable Government if it so desired to state its policy. We all felt that, although third party insurance was a sound scheme, it was not perhaps the time to force this additional taxation, if I may use the word, on any community unless they were willing to accept that burden.

HIS EXCELLENCY: I take it the House grants permission for the motion to be withdrawn.

The motion was by leave withdrawn.

BILLS.

SECOND READINGS.

THE COMPANIES (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL (MR. W. HARRISON): Your Excellency, I beg to move the second reading of a Bill to Amend the Companies Ordinance.

This extremely short Bill is almost self-explanatory. It provides for the addition of the words "except a private company" in section 324 (1) of the Principal Ordinance in order that private companies may not be under the obligation to submit a balance sheet to the Registrar every year. The Companies Act, as this House is probably well aware, is really taken directly from the English Act, and it is a strange point to note that the wording here is exactly the same as in England, though we know that, in fact, private companies did

not submit balance sheets as required under the section. We wrote home about it and asked how they got over the matter, and the reply came back that it was true the law demanded it but that in practice it was not done. It is not a very satisfactory state of affairs to leave it to officers to decide whether the law should be carried out or not, and therefore, we ask the permission of this House to make the necessary amendment of the law by this Bill.

THE HON. THE ACTING TREASURER (MR. G. R. SANDFORD): Your Excellency, I beg to second the motion.

HIS EXCELLENCY: The question is that the Companies (Amendment) Bill be read a second time.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, might I ask a question as an illumination from the Attorney General. In the statement of Objects and Reasons for this Bill it states that it is not the practice in England to enforce the law so far as balance sheets of private companies incorporated outside the United Kingdom are concerned. Does this Bill only apply to companies incorporated outside Kenya, or does it mean that no private company, whether incorporated within or without the Colony, has to provide balance sheets. If it means that, and no private company at all is to send in balance sheets I am not at all certain that it is a wise measure. I am not certain—I have not had time, Your Excellency, to look up whether the part, to which this particular section refers, refers to companies incorporated outside or inside the Colony, or both.

HIS EXCELLENCY: I do not know whether any other hon. Member wishes to speak. If not, I will call upon the Attorney General to reply.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I have just asked for a copy of the Ordinance, which will settle the matter in one moment. I will settle it in a quarter of a minute. I will guarantee in the Committee stage, but at the moment I think we may take it that it only refers, in the same way that it does in practice in England, to companies incorporated outside Kenya, the amendment being with the object of making this law apply in exactly the same way as the law in England. As the law in England only applies to companies incorporated outside Great Britain, so this will only apply to companies incorporated outside Kenya. But the matter can be finally settled in Committee.

The question was put and carried.

THE EDUCATION (AMENDMENT) BILL.

THE HON. THE DIRECTOR OF EDUCATION (MR. H. S. SCOTT): Your Excellency, I beg to move the second reading of a Bill to Amend the Education Ordinance, 1931.

This is a very short Bill, Sir, and I think the Objects and Reasons give a fairly accurate description of the purpose of the Bill. The Bill has been submitted to and considered by both advisory councils on European and Indian education, and meets with their approval.

There are perhaps one or two points I ought to make clear. In the first place, the amendment to section 39 applies really only to subsection (2) where the difficulty has arisen, that though fees are payable in advance, first of all the parent has a fortnight's grace and then, having had a fortnight's grace, he has a further month's grace; and that makes it very difficult indeed for us to pursue recalcitrant parents with satisfactory results.

I do hope hon. Members will realize that this refers only to people who can pay ordinary school fees and from whom we have difficulty in getting school fees when we have reason to believe they are able to pay. There are certain kinds of people who are always inclined to dodge the Government if they can.

The Bill unfortunately contains the word "may" in the second line of subsection (2). That is an error and should be "shall", as in the original Ordinance.

Since the Bill was drafted the Attorney General has pointed out that the exclusion of the old subsection (3) of the Principal Ordinance is an error—not an error for which he or I are responsible—an error in the original draft. I propose, therefore, in committee to move the amendment I have just referred to—"shall" for "may"—and the re-insertion of a subclause on similar lines to subsection (3) of the Principal Ordinance. I hope there will be no objection to this power to exclude the children of parents who definitely refuse to pay fees and can pay fees. There is a proviso that the despotism of the Director of Education is hampered by necessary reference to school committees which I hope will be regarded as ample safeguard. School committees have full knowledge of deserving cases and they will certainly not recommend any.

The other amendment in clause 3 is an amendment the necessity for which is clearly stated in the Objects and Reasons. When the law was passed we put in this section 41 and we omitted to recognize that this section ought to apply only to Africans, and not to Europeans or Indians, and now we desire to take this opportunity of rectifying that error in the law.

21st December, 1933

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

HIS EXCELLENCY: The question is that the Education (Amendment) Bill be read a second time.

THE HON. T. J. O'SHEA: Your Excellency, it is true this is a short bill and self-explanatory, but it contains a most pernicious principle and I sincerely hope it will not be agreed to without some assent on the part of Members of this side of the House. It asks, in effect, for authority to exclude children from school if the parents are unable or unwilling to pay the fees demanded for their education. That is to say, Sir, that the education of the child is to suffer because of the poverty or lack of honesty or public spirit or sense of duty of the parents. Now, Your Excellency, I think it is most undesirable that we should agree to this. When the main Ordinance was being passed this question was considered and it was decided then, that the proper procedure was for Government to take the ordinary steps of suing for the debts lawfully due to it. When a parent has incurred liability on behalf of a child's education, liability to Government, Government should do as everybody else has to do and take the necessary legal proceedings to recover its due debts. I would draw the particular attention of Members on this side of the House to the clause of the Principal Ordinance which it has been asked to amend. It distinctly lays down that the debt must first be incurred. Having been incurred, Government must take the ordinary steps to institute legal proceedings for the recovery of the amount that is being owed. That is being done away with, and we are now asked to give our consent to Government recovering this money through penalizing the child. We are being asked to empower Government to deprive the child of education because of the fault of the parent. That is a most pernicious principle, and I sincerely hope it will not be allowed to receive the support of the whole House. The hon. the mover has naturally endeavoured to win our support by playing upon our sympathies, and has emphasized that his application of this amendment will be subject to the approval of the school committees. It is true, Sir, that that does give some safeguard to the unfortunate children who are involved by the shortcomings of their parents in this respect, but I think the principle is one that is entirely wrong and should not be agreed to in connexion with the education of our children. The hon. the Mover is correct in saying that the amendment has been agreed to by the European Education Advisory Council. But, Sir, very reluctantly, very reluctantly indeed, and not unanimously. It was agreed to by a majority only, and because of the case made out by the hon. the mover. In it he pointed out that the Government was short of funds and

that he must take any and every possible step against parents who cannot pay and are not willing to pay. I am very pleased that the hon. Member has intimated that at a later stage he will move the reproduction of subclause (3) of clause 3 of the existing Ordinance, because by so doing he does recognize that Government should take the ordinary legal proceedings for the recovery of school fees. In moving that, if he can make some change to make it clearer that Government will first of all endeavour to recover these fees in the ordinary way, I should be grateful, and only as a last resort turn the child out of school. Then the strongest objection of some of us to this pernicious principle may be lessened.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I feel that there is a great deal in the argument put forward by the last speaker. I think everybody must agree that as a principle it is the last thing we want to do to penalize the child for the misdeeds of the parent. With regard to one remark by the last speaker, I do not think as I read the Bill that it is correct. He spoke of parents unable to pay. As I read it it is to deal with those who are able to pay and do not.

THE HON. T. J. O'SHEA: Your Excellency, on a point of explanation, if unable or unwilling to pay.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Unwilling yes, but not unable, I gathered. I do agree that Government should have recourse to all legal action before taking the extreme step of preventing children from attending school, and I should like to hear, in the reply from Government, the reasons why it is not possible to follow out that form of procedure.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, personally, I see no occasion for any alteration as proposed in this Bill. Section 39 of the Principal Ordinance which it is proposed to amend appears to me to be perfectly satisfactory at the moment. It lays down the liability of the parent and the right of Government to recover school fees. Why the House therefore should be asked to vote for this amendment, I do not know. Personally, I think it is a waste of time. There is specific legislation dealing with this subject, which is concise and precise, and perfectly clear, and why it should be altered again I fail to appreciate. I intend to vote against it.

LT.-COL. THE HON. C. G. DUNHAM: Your Excellency, apparently the only person who is going to suffer is the child under this amendment. It appears to me that Government has sufficient power to deal in any way it likes with a parent unwilling to pay, and I shall oppose the amendment.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, would the hon. the Director of Education consider some kind of amendment by which a certain amount of latitude or time is given before the right to refuse admission to a child is exercised. I personally feel it is not unreasonable to ask that, but if a parent continues to refuse, the time must come when Government should have the right to say "We are no longer prepared to educate your child". It would be the height of absurdity if they had to educate the child every term and in the holidays bring an action to recover the fees, and to keep on in that way. At the same time it is a great hardship if a child is immediately expelled from school because the parents have not paid, and justice would be met if some kind of amendment could be made whereby if the school fees were more than a certain amount in arrears there should be some right to refuse admission. We should create agreement on all sides, if the hon. the Director of Education could do that. I throw this suggestion out, that this Bill might go to a Select Committee. There does not seem any enormous urgency about it.

THE HON. THE DIRECTOR OF EDUCATION: Your Excellency, the hon. Member for Plateau South, if he will allow me to say so, always conducts his case in a most fair and reasonable manner, but I think this morning he has led hon. Members opposite a little bit astray, perhaps unwittingly, and the Noble Lord has put his finger on the first of his misleading statements. There has never been any suggestion that those parents unable or willing to pay should be penalized—it is only those unwilling and who are able. The second point on which the hon. Member has unwittingly misled his hearers is the suggestion that this is to increase revenue. That was not the purpose for which the Bill was brought in, Sir, but to facilitate administration and to secure a more reasonable method of dealing with school fees. The amount of difficulty and trouble that is caused by recalcitrant parents—I emphasize that word recalcitrant—is really very very great. I want to give you an example of that. We have under the existing law the power of course to refuse admission to children if their fees have not been paid in advance. This Bill only asks you to give us power to send a child home if we are satisfied that the parent is deliberately withholding payment of fees, and then only after the matter has been referred to the School Committee. I should like to say that earlier this year we issued the instruction that parents who had not paid their fees in advance should be informed that their children would not be admitted to the school in the second term. Not a single child was excluded as a result of that order. The result was that whereas in the first term of the year some £500 were collected in fees, on the first day of the second term £3,000

were collected. That means that parents, knowing or believing their children would not be allowed to come back to school, paid their fees, and as far as we know there was not a single case of real difficulty. If there had been, it would have come to our notice. There were one or two cases of people who asked for assistance, and it was gladly, generously, and sympathetically given.

I do hope that hon. Members opposite are not going to be misled into thinking that this Bill is part of the machine for getting more money out of people or to be hard on them. I hope that that explanation has at least in some measure satisfied the hon. Member for Plateau South. It is really rather important that this amendment should be passed. It is possible that parents will go on trying to evade payment, and I think that most hon. Members opposite will know that whereas life is very hard in this country at the present moment for the person who cannot pay his debts and we ought to sympathize and help that person, life is extremely easy for the man who will not pay his debts. (Laughter.) It is that person whom we want to get hold of. A large amount of trouble is caused to the Treasury, to us, to the School Committees, and seriously militates against the efficiency of the machine. I do earnestly ask hon. Members opposite to realize that with this safeguard there can be no possibility of real injustice, and the point raised by the hon. Member for Plateau South is really taken in the Bill, because we must trust the School Committees, who are representatives of the people locally, and as we cannot take any action in the case referred to by him of hardship we may be perfectly satisfied the School Committees will recommend postponement of payment of fees until the following term.

HIS EXCELLENCY : The question is, that the Bill to amend the Education Ordinance, 1931, be read a second time.

The question was put and carried.

THE EUROPEAN OFFICERS PENSIONS (AMENDMENT) BILL.

THE HON. THE ATTORNEY GENERAL : Your Excellency, I beg to move that the Bill to amend the European Officers Pensions Ordinance, 1927, be read the second time.

This again is a short amendment merely to implement suggestions made by a Committee which has been sitting to consider these Ordinances. The first amendment is to extend the time of retirement to 55 instead of 50, and the second is to exclude from estate duties and trustee fees any sum granted by Your Excellency as compassionate allowance on the death of any one in the Service, an officer in the Service at the time of his death. As Your Excellency is well aware, you have

power in Executive Council to grant up to one year's salary to the personal representative of an officer on the death of that officer. As the law reads at present, that amount has always come into the estate and has to be charged estate duty, and if it comes under the Public Trustee then his fees have to be paid on it. The object of the Bill is to exclude it from those two particular fees.

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

HIS EXCELLENCY : The question is, that the Bill to amend the European Officers Pensions Ordinance, 1927, be read a second time.

The question was put and carried.

THE NATIVE EXEMPTION BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. A. DE V. WAGBÉ) : Your Excellency, I beg to move the second reading of a Bill to Provide for the Exemption of Certain Natives from the Operation of Certain Laws.

This Bill, Your Excellency, in principle differs not at all from the existing Ordinance, the Native Exemption Ordinance, which was enacted in 1920 and appears as Chapter 123 of the Revised Laws of Kenya. The principle of both measures is the same, that is to say, that those natives who by their ability and industry have raised themselves to a position superior to the ordinary social conditions which obtain in primitive tribal communities should be granted exemption from certain obligations and disabilities that are suited to such primitive tribal communities but are not suited to individual citizens who have attained a reasonable measure of responsibility.

The qualifications that are considered suitable for such exemptions are set out in Schedule I of the Bill. That Schedule is almost entirely identical with Schedule I of the existing Ordinance, but there is one slight difference, and that is in the test of literacy. It will be noted that Schedule I embraces first of all any who may be admitted to any of the learned professions and certain trades, and secondly, those who have arrived at the requisite standard of literacy. In the existing Ordinance that standard reads : "Any native holding a certificate of education signed by the Director of Education up to the standard approved for this purpose by the Board of Education". As there is not a Board of Education in Kenya it is necessary to alter that wording and the alteration has been made so as to make it possible to grant a certificate of exemption not only to those who have passed the actual examination accepted as representing the necessary standard, but also

those who may have attained the necessary standard without actually having sat for the examination. That is the only difference in the Schedule.

Schedule II, Sir, shows the Ordinances from which a native who has been granted a letter of exemption may be exempted. That Schedule also, is identical with the Schedule to the existing Ordinance, but in the committee stage I wish to propose that that Schedule be amended by the addition of the Compulsory Labour (Regulation) Ordinance, 1932. It is the intention to exempt these natives from any form of compulsory labour. Since this Bill was first drafted, the Compulsory Labour (Regulation) Ordinance has been passed, which repeals certain sections of the Native Authority Ordinance, and it is now necessary that this Ordinance should be inserted. It will be seen, Sir, that precisely the same categories of natives will be affected under this Bill and also affected, Your Excellency, in the same way. The only difference is in the procedure to be adopted in order to obtain a certificate when they have earned it. Under the existing Ordinance the native must apply to the Chief Native Commissioner. Under this Bill it is proposed that he should be able to apply to a District Commissioner or a Provincial Commissioner. Under the existing Ordinance a certificate of exemption has to be renewed annually. It is thought that it is needlessly irritating to a man who has earned and been granted a certificate to make him come and get it renewed every year for a fee of Sh. 2. There is of course, provision for the cancellation of the exemption certificate in cases of misconduct or any sort of action that would merit such cancellation.

The other important alteration is that at present an applicant for exemption has to deposit a sum of no less than £4 with his application. If his application is successful that £4 is returned to him, but it must on occasion be very troublesome for a native to collect the £4 to put down with his application and we do not see the need for any such deposit. It is therefore proposed that an applicant for exemption, if his application is granted, shall get his certificate for the payment of a fee of Sh. 2 and that that certificate shall be valid for life, unless it is cancelled for good and sufficient reason.

Of the 15 clauses of the Bill, Sir, nine of them, 1, 2, 4, 5, 8, 11, 12, 13 and 14 are identical with the corresponding sections of the existing Ordinance except for some very minor verbal alteration. Of the remaining clauses, four (3, 6, 9 and 11) are virtually the same except that they provide for application to be made to the Provincial Commissioner or District Commissioner instead of the Chief Native Commissioner and for the granting of a duplicate by the Provincial Commissioner or District Commissioner instead of by the Chief Native Commissioner. Of the remaining two clauses, clause 7 provides

that the certificate shall be valid for life, and clause 15 merely repeals the existing Ordinance. It will be seen therefore, Sir, that this Bill introduces no new principle whatever—it merely facilitates the application of a principle that has been approved by this House and which is embodied in existing legislation. Your Excellency, I beg to move the second reading.

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

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

CAPT. THE HON. H. F. WARD: Your Excellency, I am very full of sympathy with the objects of this Ordinance, but there is one—the last but one proviso in Schedule I—which I do think wants the very earnest consideration of all of us. As the Chief Native Commissioner has explained, that power to exempt from the Native Registration Ordinance was originally placed in the hands of a Board. Because that Board was not formed they propose to give this completely unqualified and unfettered authority to one individual member of Government. Where an important subject like the Native Registration Ordinance is concerned, is that actually wise and safe from anybody's point of view? The words actually are: "and who has satisfied the Director of Education that the standard of education justifies the issue of an exemption certificate"—completely unqualified, completely unfettered control in the hands of one officer of Government. Now, Sir, I am quite sure that would be safe in the hands of the present holder of the post, and with the utmost confidence I would give him that authority, but looking into the future—suppose for political reasons it was desired to undermine the Native Registration Ordinance, what a wonderful opening that would give to Government to say that anybody attending a Government school could be saved from the Native Registration Ordinance. This is such a vitally important point that I submit it should not be passed without consideration by a Select Committee.

THE REV. CANON THE HON. G. BURNS: Your Excellency, with regard to the remarks of the hon. Member for Nairobi North, I beg to draw his attention to the fact that there are two officers involved before the native can get his exemption certificate. First of all he must be recommended by the District Commissioner, who would have an intimate knowledge of the applicant and then he has to be recommended by the Director of Education as to his educational qualifications. I do hope, Sir, that this Council will see its way to pass this Bill, for to my knowledge for years this has been one of the things that has irritated the more advanced natives more than anything else I know of in the whole Colony. Without any

European being responsible for it, it was quite on the cards for any policeman to go up to an educated boy, who is honourably filling a post in Government or elsewhere, and demand his *kipandi*, and even, to my knowledge, go into their houses and rooms where their women folk were living. This causes such an amount of ill-feeling that I am sure this Bill will be a very real benefit to the natives.

There is one other thing I would like to say, and that is, in dealing with these natives, it is a very real difficulty to look upon them as beginning to grow up. We have always looked upon him more or less, and spoken of him as a child, one who has to be instructed and taught, but those of us who are fathers know perfectly well that there comes a time when we must recognize that our children are growing up and that the rules and regulations affecting them, perfectly justified when they were children, cannot be applied as they grow up. There are hundreds and hundreds of natives in this Colony today who are growing up, and some of them have grown up, and they are just as responsible from the point of view of government and good order as we Europeans are responsible for their conduct. I do hope the Bill will get the sanction of this House.

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, I am quite in sympathy with the principles of the Bill, but I would like to ask for some information on paragraph 12. At the end of the paragraph it says: "in the case of a female child upon her marriage". This is an intimation that Government is in agreement with child marriages. Could it not be "female" instead of "child"? I see no provision in the Bill to allow the same privileges for females that are granted to males in the matter of exemption. Surely, it is only reasonable that the female, if she can prove her qualifications the same as the male, should also be exempted.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, I think most Members are in favour of the principles of this Bill, but we wish to see it carried out in the way which we feel is most efficient and safe, and as there cannot be any great urgency about this Bill being put through to-day, I hope, Your Excellency, that you will agree to this question, which has been raised by the hon. Member for Nairobi North, being sent to a Select Committee, so that everybody can be satisfied that this is the best method of dealing with that particular section, and so on. The Bill may eventually go through with the complete unanimity of everybody.

THE HON. THE DIRECTOR OF EDUCATION: I think I ought to say that my hon. friend the Chief Native Commissioner consulted me in regard to this paragraph of the Schedule, and I

should like to disarm criticism as far as I can by saying how extremely difficult it is to phrase any paragraph in a Schedule which would cover every case. But we can quite easily put in here the name of some examination, such as the secondary school examination, or something of that sort. That is quite easy, but it does not cover the case with which one has the most sympathy, the case of the chief or headman who has had a fairly good education but has not had the opportunity of passing any particular test, and those are, in fact, the people who are most affected by this Ordinance as far as I am concerned. I have natives sent to me by District Commissioners. The District Commissioner says: "I want to recommend this man for a letter of exemption to the Chief Native Commissioner. Will you please examine him"? I do so, and if he has reached a reasonable standard of education, the Chief Native Commissioner exercises his discretion and issues a certificate of exemption. The point is really covered by the statement of the hon. and rev. Member that there are two authorities to consult. It is not really an educational question only; it is also a general question of character and standing of the particular native. All I do is to give expert advice as to whether a particular applicant has reached a reasonable standard of education. It would be possible to devise some means of meeting the difficulty but it would be extremely difficult to make it work satisfactorily.

CAPT. THE HON. H. E. SCHWARTZ: Your Excellency, may I support the request made by the hon. Member for Nairobi North that this Bill should go to a Select Committee. I think the Director of Education's remarks have clearly shown that this request is not an unreasonable one. It is not suggested that you should attempt to make the passing of a certain standard of education compulsory, but there is a great deal to be said for giving a discretion in regard to the granting of an exemption certificate; but that power of exemption should not be exercised in one person alone. I have not the slightest doubt that Your Excellency will allow this to go to a Select Committee. The Select Committee can settle the matter in a quarter of an hour, sitting round a table, to everyone's satisfaction.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I am authorized by you to say that if at the end of this debate after what I have said, hon. Members opposite still wish the Bill to go to a Select Committee, Government has not the slightest objection whatever. But I do submit, Sir, that this is a perfectly straightforward Bill really, and that there is no real question that needs to go to a Select Committee. But that is my own personal opinion. The hon. the

Director of Education has explained to you how it came about that it was necessary to alter the regulation regarding the literacy test, and it does not seem to me that in practice there will be any real great difference with the existing Ordinance. That refers to a standard approved by the Board of Education. What was contemplated was that the Board of Education would merely say that a certain examination was to be the test and no one would be granted a certificate unless they passed it. In practice, that is what will happen now. I believe I am right in saying that what the hon. the Director of Education does now is this. There is an examination which covers 90 per cent of the cases probably exactly as was contemplated, and that no application for a certificate of exemption will be listened to by the District Commissioner in the case of an ordinary boy coming from school in the ordinary course of events unless he produces a certificate to show that he has passed this examination. There are certain pupils perhaps from Uganda with pass out examinations and there may be people who will not have passed at all and yet are far more qualified for a certificate of exemption. You may have a fellow coming from a public school in America in every way deserving of a certificate of exemption, and I cannot see any real necessity for this Bill to go to a Select Committee on this one point, because the practice will be no different from that which has obtained in the past.

The hon. Member for Plateau North raised two points. He asked for an explanation of the proviso that such privileges shall cease in the case of a male child when he attains the apparent age of sixteen and in the case of a female child upon her marriage. I think if he will turn to the first paragraph of Schedule II he will see the reason for that proviso. That is to say, a native who has been granted exemption is exempt from any of the Ordinances or municipal by-laws dealing with order by night or residence in native locations. In Nairobi, for instance, a native without an exemption certificate can only live at night in a native location. If he gets a certificate of exemption as a doctor or a parson he is no longer bound by that obligation. Suppose we have a priest of the Anglican Church granted a certificate of exemption, living in his own house in Nairobi with his children. Obviously this particular exemption must apply to his family otherwise they would have to live in the location while he was somewhere else. But we do not want that exemption to apply when the family is grown up. If he has some lazy, good-for-nothing son who will not educate himself up to the necessary standard, we say: "You are not fit for exemption, you have reached manhood at 16 and can get out". Similarly in the case of female children. They can live with their father until marriage, so long as he retains the certificate of exemption . . .

LT.-COL. THE HON. J. G. KIRKWOOD: Your Excellency, on a point of explanation. The point I raised was the last paragraph in clause 12 which reads: "Such privileges shall cease in the case of a female child upon her marriage". I suggest the advisability of deleting the word "child", for nobody is going to suggest child marriage. I would also suggest some provision might be made for females under this Ordinance to be granted exemption.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I think the words "female child" are perfectly right and intelligible. We have limited this benefit to the children of the person granted exemption. If you alter it, it may be a female friend, the very last person who ought to get a certificate of exemption. (Laughter.) The other point that the hon. Member suggested, was that there was no provision for females being granted certificates, I believe that is wrong. I have been told that in law male includes female. Clause 2 reads "Any native belonging to a class specified in Schedule II hereto annexed may apply for a letter of exemption". If you get a Kikuyu lady doctor there would not be the slightest objection to giving her a certificate of exemption, and there is nothing against it in the Ordinance.

LT.-COL. THE HON. LORD FRANCIS SCOTT: Your Excellency, we should like this to go to a Select Committee.

HIS EXCELLENCY: The question is, that a Bill to provide for the exemption of certain natives from the operation of certain laws be read a second time.

The question was put and carried.

SUSPENSION OF STANDING RULES AND ORDERS.

THE HON. THE COLONIAL SECRETARY (MR. H. M. M. MOORE): Your Excellency, with your leave and the leave of the House, I beg to move that Standing Rules and Orders be suspended in order to enable the 1934 Appropriation Bill, 1933, to be introduced and passed through all its stages without due notice.

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

The question was put and carried.

BILL. FIRST READING.

1934 APPROPRIATION BILL, 1933.

Standing Rules and Orders having been suspended on motion of the hon. the Colonial Secretary the 1934 Appropriation Bill, 1933, was read a first time.

SECOND READING.

1934 APPROPRIATION BILL, 1933.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move that the 1934 Appropriation Bill, 1933, be read a second time.

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

THE HON. THE ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole Council to continue consideration of amendments to clause 9 of the Legislative Council (Amendment) Bill and to consider clause by clause the following Bills:—

- The Mining Bill.
- The Game (Amendment) Bill.
- The Companies (Amendment) Bill.
- The Education (Amendment) Bill.
- The European Officers' Pensions (Amendment) Bill.
- The 1934 Appropriation Bill, 1933.

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

Council went into Committee.

In Committee:

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL.

Clause 9.—Schedule.

1. Nairobi North.

THE HON. THE ATTORNEY GENERAL: I beg to move the amendment set out in the Order of the Day—that paragraph 1, section 9, be amended by the deletion of this paragraph and the substitution therefor of the following:—

"1. Nairobi North.

Commencing at the junction of the Getathuru and Nairobi rivers;

thence bounded by that river down-stream to its junction with the Ngong river;

thence by that river up-stream to its junction with the Kenya and Uganda Railway;

thence by the Kenya and Uganda Railway (up-line) to its intersection with the eastern boundary of Kiambu Native Reserve at Kabeta Station;

thence generally northerly by that Native Reserve boundary to the Getathuru River;

thence by that river down-stream to the point of commencement":

Since we met here yesterday, Sir, the hon. and gallant Member for Nairobi North has been kind enough to come up to my office, and I there arranged a meeting with the Surveyor General. I am glad to be able to say that, as far as Nairobi North is concerned, the description of the boundary is quite satisfactory with the exception of one small amendment, which is that the words "the Nairobi" be substituted for the word "that" in the second paragraph of sub-paragraph 1. The paragraph will then read as follows:—

"1. Nairobi North.

Commencing at the junction of the Getathuru and Nairobi rivers;

thence bounded by the Nairobi river down-stream to its junction with the Ngong river;

thence by that river up-stream to its junction with the Kenya and Uganda Railway;

thence by the Kenya and Uganda Railway (up-line) to its intersection with the eastern boundary of Kiambu Native Reserve at Kabeta Station;

thence generally northerly by that Native Reserve boundary to the Getathuru River;

thence by that river down-stream to the point of commencement":

Apparently there was some excuse for the word "that" because at the junction of these two rivers, the two rivers become one and therefore, under whatever name the river was called, there could, in fact, be no mistake. As a matter of drafting, however, I think it would be better if we inserted the words "the Nairobi". Otherwise the paragraph stands as it appears on the Order of the Day.

The question was put and carried.

2. Nairobi South.

THE HON. THE ATTORNEY GENERAL: I beg to move that paragraph 2 of Clause 9 be deleted and the following substituted therefor:—

"2. Nairobi South.

Commencing at the junction of the Kenya and Uganda Railway with the Ngong River;

thence by that river up-stream to its junction with the Mtoni River;

thence by that river up-stream to a bridge on the Nairobi-Ngong Road;

thence by a line northerly to a beacon at the south-western corner of L.R. No. 180 A.R. (Government Farm extension), which beacon is on the Kiambu Native Reserve boundary;

thence generally northerly by that Native Reserve boundary to its intersection with the Kenya and Uganda Railway at Kabeta Station;

thence by that Railway (down-line) to the point of commencement":

The question was put and carried.

6. *Rift Valley.*

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

(a) that line 33 to 44 inclusive of paragraph 6 of Schedule I of Clause 9 be deleted and the following substituted therefor:—

“thence north-easterly by the north-western boundary of that portion to the south-western corner of L.R. No. 3841;

thence generally easterly, northerly, south-easterly and again northerly by the generally south-eastern boundary of that portion to the south-eastern corner of L.R. No. 1864;

thence north-easterly and northerly by the generally eastern boundaries of L.R. No. 1864 and L.R. No. 6259 to the north-eastern corner of the latter portion”;

(b) that in line 63 the figure and letter “2631/R” be deleted and the figure and letter “2618/R” substituted therefore.

Apparently there has been some slight misunderstanding with regard to the town of Kijabe. It is perfectly clear that Kijabe was meant to be included under paragraph 6, which deals with the Rift Valley. Owing to some misunderstanding with regard to the boundaries and the notice with regard to the boundaries—namely, that the district council boundaries of the Rift Valley do not exactly coincide with the Kiambu administrative district boundaries—though they will in the very near future by notice in the Gazette—it is necessary to add the following proviso, which I move be added at the end of the paragraph:

“Provided that the township of Kijabe shall be included within this electoral area (No. 6 Rift Valley)”.

That will make it quite clear that the electors residing in Kijabe will vote in the Rift Valley constituency.

The question was put and carried.

8. *Usain Gishu.*

THE HON. THE ATTORNEY GENERAL: I beg to move that paragraph 8 be amended by the deletion of the last three sub-paragraphs and the substitution therefor of the following:—

“thence southerly by the eastern boundaries of L.R. Nos. 6259 and 1803 to the south-eastern corner of the latter portion;

thence southerly, north-westerly, and again southerly, and westerly by the generally south-eastern boundary of L.R. No. 3841 to its intersection with the Usain Gishu Administrative District boundary;

thence by that district boundary westerly and northerly to the point of commencement”.

The question was put and carried.

11. *Kiambu.*

THE HON. THE ATTORNEY GENERAL: As a consequential amendment, Sir, in view of the amendment accepted in regard to paragraph 6, I would like to move that paragraph 11 be amended by the addition of the following words:—

“Provided that the township of Kijabe be excluded from this electoral area”.

or there might be some misunderstanding. There should be added to that, Sir, in order to make it quite clear “No. 11, Kiambu” in brackets at the end of that proviso.

The question was put and carried.

HIS EXCELLENCY: The question is that Clause 9, as amended, do stand part of the Bill.

The question was put and carried.

THE MINING BILL.

The Bill was considered clause by clause.

Clause 7.—Lands excluded from prospecting.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I beg to move that “clause 7 (b) be amended by the insertion of the words “for trading centre” after the word “township” in the first line, and by the addition at the end of the sub-paragraph of the words “or of the District Commissioner in the case of a trading centre”. The sub-section will then read:—

(b) Any area situate within any municipality or township or trading centre except with the consent of the owner or holder of surface rights and of the Governor or municipal or township authority, or of the District Commissioner in the case of a trading centre.

The question was put and carried.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I would like to move a further amendment to sub-section (f) at the instance of the Postmaster-General, who has suggested that in the second line of (f), after the words “of any dam” should be inserted the words “or canal”. The reason is obvious. If you exclude dams and reservoirs it is necessary to exclude anything in connexion with power works.

The question was put and carried.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: There is a further amendment, Sir, to sub-section (f) which I should like to move—that the following proviso be added at the end of the sub-section:—

“Provided that the Governor may reopen any land so excluded from prospecting or mining under such conditions as he may think fit”.

I drew attention to that proviso in moving the second reading.

The question was put and carried.

Clause 21.—Obligation of the holder of exclusive prospecting licence.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: At 21, sub-section (2), Sir, I would like to substitute for the sub-section as it stands the following sub-section:—

“(2) Failure to exercise due skill and due diligence to the satisfaction of the Commissioner shall be a ground for cancellation of the licence”.

The question was put and carried.

Clause 21.—Discovery to be reported.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I would like to move an amendment to Clause 21—to substitute for the Clause as it stands in the Bill the following Clause:—

“24. Any person who discovers any minerals of economic value on any land subject to any licence or location granted under this Ordinance other than that for which his licence or location was granted shall report the discovery to the Commissioner as soon as possible”.

The question was put and carried.

Clause 27.—Mining: when lawful.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: In sub-section (2) of Clause 27 I beg to move that the words "mark-off" be substituted for the words "peg out" in line 21. The words are preferable to the words "peg out".

The question was put and carried.

Clause 60.—Subterranean limits.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I would like to move that in line 11—that is four lines from the bottom—after the words "construct thereon such works, ways and buildings as may be" the words "deemed by the Commissioner" be added.

The question was put and carried.

Clause 65.—Warden may decide disputes.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, it has been drawn to my attention that Clause 65 should more properly start with the words: "Subject to the provisions of any law for the time being in force in the Colony", and then carry on.

The question was put and carried.

Clause 80.—Powers of officers.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: At the end of the second line I would like to substitute for the word "him" the words "the Commissioner". As the clause stands it does not read sense.

The question was put and carried.

Clause 101.—Power to make regulations.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: In sub-section (a) of Clause 101, I would like to interpolate the words "and health" after the first two words "the safety"; and further, that in the last line of the sub-section the word "sanitary" be inserted after the word "proper". The sub-section would then read:—

(a) the safety and health of persons employed in mines and the carrying on of prospecting or mining operations in a safe, proper, sanitary and effectual manner;

The question was put and carried.

Clause 102.—Repeal.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: I would like to move that the last four lines of Clause 102 be deleted and the following substituted therefor:—

"provided that, notwithstanding any such repeal, any right or title granted under the Mining Ordinance, 1925, may continue to be of full force and effect as prescribed by that Ordinance for a period of twelve months from the date on which this Ordinance comes into operation".

The question was put and carried.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, may I revert, my attention has been drawn to the fact that in Clause 7 (j) the words "prospecting and mining" were used. It should be "prospecting or mining".

HIS EXCELLENCY: I will finish with clause 102 first. The question is that the amendment to Clause 102 be approved.

The question was put and carried.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: Your Excellency, I regret to say that in Clause 7 (j) the words "prospecting and mining" were used whereas it should be "prospecting or mining".

THE HON. THE ATTORNEY GENERAL: Actually, Sir, it is "or" in my copy.

THE HON. THE ACTING COMMISSIONER FOR LOCAL GOVERNMENT, LANDS AND SETTLEMENT: The alteration is in the amendment—the substitution of the word "or" for "and".

The question was put and carried.

THE GAME (AMENDMENT) BILL.

The Bill was considered clause by clause.

Clause 5.—Restrictions on import and export of trophies.

CAPT. THE HON. A. T. A. RITCHIE: Your Excellency, I beg to move that in sub-clause (2), line 6, the word "may" be deleted and the word "shall" substituted therefor.

The question was put and carried.

CAPT. THE HON. A. T. A. RITCHIE: In sub-clause (4) line 7, I beg to move that the word "may" be deleted and the word "shall" substituted therefor.

The question was put and carried.

Clause 14.—Photographic permits.

CAPT. THE HON. A. T. A. RITCHIE: I beg to move that the proviso at the end of sub-clause (5) be deleted.

The question was put and carried.

THE COMPANIES (AMENDMENT) BILL.

The Bill was considered clause by clause.

Clause 2.—Amendment to section 324 of the Principal Ordinance.

THE HON. THE ATTORNEY GENERAL: It is only right, Sir, to inform the House on the point raised by the hon. Member for Nairobi South that the explanation which I gave during the second reading is correct—that this only refers to companies incorporated outside the Colony carrying on business within the Colony.

THE EDUCATION (AMENDMENT) BILL.

The Bill was considered clause by clause.

Clause 2.—Repeal and replacement of section 89 of the Principal Ordinance.

THE HON. THE DIRECTOR OF EDUCATION: I beg to move two amendments to this clause: that in line 2 of 39 (2) the word "may" be deleted and the word "shall" substituted therefor. The second "may" stands, Your Excellency. It refers only to the first "may" in the second line.

The question was put and carried.

THE HON. THE DIRECTOR OF EDUCATION: I beg to move, Sir, that at the end of sub-clause (3) the following sub-clause (4) be inserted:—

"(4) The Director of Education may in his own name institute legal proceedings for the recovery of any fees or other sums due in respect of the attendance of a pupil at a Government school".

That is, in effect, the reinsertion of the old sub-clause.

THE HON. T. J. O'SHEA: Before putting that to the vote, may I ask whether no notice is to be given of the fees being due? In the old sub-clause it was laid down that the Director had to give first a fortnight's notice and then a month's notice, but under this proposed sub-clause he is not required to give any notice at all.

THE HON. THE ATTORNEY GENERAL: I do not know that I should butt in at this moment but it does seem extraordinary that here you have a man sending his child to school and it is now suggested that you should give him notice that he has to pay.

THE HON. THE DIRECTOR OF EDUCATION: Your Excellency, we are altering the Ordinance in order to avoid having to give notice.

THE HON. T. J. O'SHEA: Your Excellency, that makes it perfectly clear that I am correct in my interpretation. My point is that I do not think it is right and proper that we should pass this. It is the usual procedure to give notice.

I wish to move that after the word "owing" in line 5 of sub-clause 2 the following words be added: "for a period of more than one term"; and I would like to give notice that when that has been disposed of I shall move that at the end of the first line of the proviso the following words be added: "legal proceedings have been instituted and".

HIS EXCELLENCY: How does it read?

THE HON. T. J. O'SHEA: "Provided that such exclusion shall not take place until legal proceedings have been instituted and the school committee has been consulted".

LT.-COL. THE HON. FRANCIS SCOTT: Might we have the wording of the first amendment again?

THE HON. T. J. O'SHEA: "For a period of not more than one term".

Your Excellency, in the debate on the second reading the Director of Education suggested that I had unwittingly misled the House in this matter. He pointed out what is perfectly true, that the education fees due are for the consideration of those parents who are not in a position to pay any portion of the fees, and that the purpose of this amending Bill is to get at those parents who are in a position to pay and unwilling to pay. It is with the children of those parents that I am particularly concerned. I am well aware that the education authorities are most considerate in the matter when they know and believe that the parents are not in a position to pay; but, Sir, in quite a good many cases the Department is of the belief that the parents can afford to pay and are unwilling to pay, when, if all the circumstances were known to the Department, such might not be that belief. What I am striving, and striving very hard for is to protect the unfortunate children of those parents who either are, in fact, unwilling to pay or who are believed by the Department to be unwilling to pay. I think it has got to be recognised that for over 20 years we have been able to carry on in this country without such provisions as we are now asked to agree to and that in the past the Department has been able to collect a very high proportion of the fees from

parents, which is an overwhelming proof that an overwhelming majority are willing and do pay, but owing to the difficult times we have been going through during the past few years the Department has found greater difficulty in collecting these fees. That is a passing phase, and in order to save the Department a certain amount of trouble in collecting these fees we are asked to agree to this provision. If it were a case of penalising the parents I should not raise this strong objection, but I feel very strongly about the suggestion that we should agree to any change in the law which gives the Department the power to penalise the unfortunate children of those parents, and I say, Sir, that it is really unnecessary that we should do so. There may be a great deal of trouble involved in attempting to collect the money, but the greater part of the trouble is due to the parents who are unfortunately unable to pay; and these you say you are going to apply this law against.

In view of the fact that Government is insisting upon passing this undesirable measure, we should at any rate endeavour to soften its harshness, and I think it is only reasonable we should agree that the fees must be in arrears for at least one term before anybody has the power to turn a child out of school. I sincerely hope that will appeal to the whole of this House, and I therefore press for my first amendment, that the fees must be in arrears for at least one term.

CAPTAIN THE HON. H. F. WARD: I must admit I am very greatly in sympathy with the arguments which have been advanced, but no community under present conditions has any clear right to have its cake and eat it. If on the one hand we acknowledge the tremendously liberal exemptions provided for in the Budget, how can we refuse to the Department, reasonable facilities for collection of fees from those who are able to pay. People know their children are going to school at a certain date and they know the scale of fees of the Department. If we are going to have these tremendously liberal exemptions we must be prepared to give the Department what they are asking for.

THE HON. T. J. O'SHEA: In reply to that very short-sighted argument, I am not endeavouring to deprive the Department of their legal rights to obtain payment from the defaulting parents. What I am merely asking is that we should not give power to the Director to take a child out of school because the defaulting parent does not pay.

THE HON. THE DIRECTOR OF EDUCATION: This is really almost a second reading question again.

May I say, Sir, that I think nobody is keener on the development of the schools than I am. It is my job, but I would like to ask the hon. Member if there is not such a thing as payment for services rendered. Nobody goes down to the railway station here and tries to get into a train for Mombasa without paying in advance. I know the service is infinitely more important, but when you recognise that there are people who can pay, I think they ought to pay, as they have to when they buy a railway ticket.

The hon. Member is really playing on my feelings and he knows my feelings are easily upset in this matter. I am entirely in sympathy with those who cannot pay but he is quite wrong when he assures me that the number of people who can pay and do not pay is very small. The number of people who can afford to pay and will not is very large. The moment they are told that unless they pay their children will not go to school they will pay.

THE HON. T. J. O'SHEA: I am very pleased the hon. the Director of Education has brought up this argument. He says that people must recognize the necessity for paying for services rendered. I should like to point out that there is no comparison whatever between the position of parents in relation to the education of their children in this Colony and the question of paying for a railway ticket down to Mombasa. We do not pay in taxation for our railway tickets to Mombasa, but we pay the Railway. But he do pay in taxation for the education of our children and one of the arguments on which the Government is justified in imposing a high taxation is that the education estimates for European children are very extensive and that the fees charged cannot possibly go any way towards paying the whole cost. Again I would emphasize that I am not endeavouring to obstruct the Department in any way in the collection of these due debts, but I am endeavouring to prevent giving power to the Director or any school committee to keep a child out of school because the parent is unwilling to pay these fees within one month of their becoming due, and I say it is entirely wrong to give such authority to Government in view of the fact that taxation is raised for the purpose of paying for this service and that the cost of it is not expected to be covered by the fees.

HIS EXCELLENCY: The question is that in line 5 of sub-clause (2), after the word "owing" the following words be inserted: "for a period of more than one term".

The question was put and lost by 4 votes to 27.

DIVISION: Ayes: Col. Durham, Col. Kirkwood, Mr. O'Shea, Lord Francis Scott.

NOTES: Messrs. Hale, Remister, Canon Burns, Major Delap, Mr. Dhanwant Singh, Major Mirasas-Edwards, Messrs. Fitzgerald, Gardner, Hakim Singh, Harragin, Harrey, Horne, Hosking, Manget, Moore, Patel, Dr. Peterson, Captain R. H. Major Robertson-Festare, Messrs. Sandford, Scott, Sikes, Wade, Wahid, Captain Ward, Messrs. Welby, Wolfe.

HIS EXCELLENCY: We will now take the second amendment, that the proviso be amended . . .

THE HON. T. J. O'SHEA: Your Excellency, would you give me the right to speak to my amendment? I should like to make it clear, Sir, that my motive in moving this amendment is not for the purpose of obstructing the Department in any way. It is entirely for the purpose of ensuring that somebody other than the Department shall say whether the parent is able to pay or willing to pay. I do not see why the Department should be left with the power to turn out a child instead of taking the ordinary procedure for endeavouring to recover its debt. It is a measure of protection which should not be denied to the unfortunate child, and I sincerely hope the reasonableness of this amendment will appeal to Government.

THE HON. THE ATTORNEY GENERAL: I think the hon. Member is a little bit mistaken even as to what the exact amendment he is moving will mean in fact. As I read the amendment it will mean that provided you take legal proceedings and if the school committee has been consulted—that immediately these two things have been done, the child may be taken out of school. I do not think, as a matter of fact, he does mean that. He means legal proceedings brought to a conclusion in a manner adverse to the parent. If the Director is so ill-advised as to turn the child out when he has no good right to turn the child out, then he would be liable for damages. If, on the other hand he has the right, the Court would have to give judgment against

the parent. The whole object of this Bill is to avoid delay. We have already dealt with the point raised by the hon. Member on the general question and we all sympathise with it, but the principle has been decided that we cannot give to the children of Kenya free education; and so I hope the hon. Member will realize that this amendment just means further delay.

THE HON. T. J. O'SHEA: If it were a case that this amendment merely meant further delay I should accept the polite appeal of the Attorney General and not press the amendment, but it does mean something very much more. It means that a court of justice will decide whether a parent is in a position to pay because at the present time, Sir, that will, in effect, be its result, because at the present time the Department and its committees have to decide that a man is able to pay.

THE HON. THE ATTORNEY GENERAL: On a point of order, as a matter of law, I think my hon. friend is incorrect. The Court will decide in any case this one point. Is the child going to school and are these fees payable. Whether the parent is able to pay or not will not be before the Court. That will only arise afterwards.

THE HON. T. J. O'SHEA: I would never think of questioning the greater knowledge of the hon. and learned Member on a matter of law, but I am thinking of the procedure which takes place in this country when an application is made for recovery of debt. The defendant states his case and he applies for consideration and time in which to pay. Consequently, Sir, if the case has to be taken to Court it does give an opportunity to a man to prove to the satisfaction of everybody that he really is not in a position to pay these fees as and when due, but that if given time in which to pay them he will do so; and I stick to that point for a very good reason, that I know a case where that happened—a case where they threatened to turn out the children of a man who was not in a position to pay because he had not paid in advance; and the man said, "If you will allow the children to go to school and give me time in which to pay I will pay".

HIS EXCELLENCY: The question is that the proviso at the end of sub-clause (2) be amended by the insertion after the word "until" at the end of the first line of the words "legal proceedings have been instituted and".

The question was put and lost.

THE 1933 APPROPRIATION BILL, 1933.

The Bill was considered clause by clause.

SCHEDULE.

THE HON. THE TREASURER: Your Excellency, I move that in the Schedule, item XXXIII, the word "Debt" be deleted and the word "Works" substituted therefor.

The question was put and carried.

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT) BILL.

The Bill was considered clause by clause.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I beg to move that—

The European Officers' Pensions (Amendment) Bill; and
The Companies (Amendment) Bill;
be reported to Council without amendment; and that

The 1934 Appropriation Bill, 1933;
The Game (Amendment) Bill;
The Education (Amendment) Bill;
The Legislative Council (Amendment) Bill; and
The Mining Bill

be reported to Council with certain amendments.

The question was put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that:—

The European Officers' Pensions (Amendment) Bill; and

The Companies (Amendment) Bill

have been considered clause by clause in Committee of the whole Council and have been reported to Council without amendment; that the Legislative Council (Amendment) Bill which had been recommitted for consideration of certain amendments to clause 9 has been considered and has been reported to Council with amendments; and that—

The 1934 Appropriation Bill, 1933;

The Game (Amendment) Bill;

The Education (Amendment) Bill; and

The Mining Bill

have been considered clause by clause in Committee of the whole Council and have been reported to Council with certain amendments.

THIRD READINGS.

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

The European Officer's Pensions (Amendment) Bill;

The Companies (Amendment) Bill;

The Legislative Council (Amendment) Bill;

The 1934 Appropriation Bill, 1933;

The Game (Amendment) Bill;

The Education (Amendment) Bill; and

The Mining Bill

be each read a third time and passed.

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

The question was put and carried.

These Bills were each read a third time and passed.

APPOINTMENT OF SELECT COMMITTEE.

THE NATIVE EXEMPTION BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move that the Native Exemption Bill be referred to a Select Committee, the personnel of which committee will be announced later.

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

The question was put and carried.

HIS EXCELLENCY: Before adjourning may I wish hon. Members a happy Christmas and I hope a more prosperous year than we have had in the past.

LT.-COL. THE HON. LORD FRANCIS SCOTT: On behalf of Members of this side of the House, Sir, we should like to reciprocate the good wishes of Your Excellency.

The Council adjourned sine die.

WRITTEN ANSWERS TO QUESTIONS.

SAVINGS IN 1931 AND 1932.

No. 10.—By CAPT. THE HON. H. F. WARD:
"What savings have been effected during 1931 and 1932 by:—

- Retrenchments or termination of appointments.
- Levy upon salaries.
- Savings on Travelling Allowance.
- Savings on Motor Allowance?"

Reply:

(a) It is not possible to give exact figures of the savings which resulted in 1931 and 1932 from retrenchments or termination of appointments. The result of the policy of Government of making reductions in the establishments of departments and of leaving unfilled for as long as possible any posts which have fallen vacant is reflected in the following comparisons of the Sanctioned Estimates of Personal Emoluments in 1931 and 1932 with the actual expenditure on that account:—

	Personal Emoluments	Sanctioned Estimates	Actual Expenditure	Savings
		£	£	£
1931	...	1,269,913	1,199,938	69,975
1932	...	1,200,453	1,141,825	58,628
Total 1931, 1932	...	2,490,366	2,341,763	148,603

In addition to savings on Personal Emolument items referred to above, savings have resulted on account of House Allowances and Rents. An indication of the extent of those savings is to be obtained from the following comparison of the Estimates in 1931 and 1932 with the actual expenditure during those two years. It must be realized, however, that the savings effected are not due solely to retrenchments and termination of appointments.

House Rents and Allowances	Estimates	Actual Expenditure		Savings
		£	£	
1931 ...	48,629 ...	45,980 ...	2,649	
1932 ...	41,082 ...	36,614 ...	4,468	
	<u>89,711</u> ...	<u>82,594</u> ...	<u>7,117</u>	

It will be realized that in addition savings on account of passages, etc., accrued as a result of revised leave conditions, certain posts being abolished and others being left unfilled. These savings are estimated at £11,046 in 1931 and £20,635 in 1932.

(b) The proceeds of the Levy on Officials Salaries during 1932 amounted to £53,815.

(c) The savings on the Sanctioned Expenditure on Travelling Allowance items throughout the Estimates during 1931 and 1932 were as follows:

Travelling Allowances	Sanctioned Estimates	Actual Expenditure		Savings
		£	£	
1931 ...	18,267 ...	6,406 ...	11,861	
1932 ...	4,094 ...	3,375 ...	719	
Total 1931, 1932 ...	<u>22,361</u> ...	<u>8,681</u> ...	<u>13,680</u>	

(d) It is not practicable to ascertain the actual savings which accrued during 1931 and 1932 under items from which Motor Mileage Allowances are paid. Some indication of those savings may be obtained from a comparison of the Sanctioned Estimates under Local Travelling and Transport items throughout the Estimates with the actual expenditure under those items.

Including the proceeds of the Levy on Official Salaries, but excluding the unestimated saving on Motor Mileage Allowances, it will be seen that Government economies affecting personnel during 1931 and 1932 give a total of over a quarter of a million pounds.

Generally, reference is invited to the Annual Reports of the Treasurer for the years 1931 and 1932.

LAND BANK.

No. 33.—By THE HON. ABDUL WAHID:

"1. Out of the applicants for loans under the Land and Agricultural Bank of Kenya scheme, how many were Indians from the time the said scheme came into force?"

2. If there were any, how were they dealt with?"

Reply:

From the time the Land Bank commenced operations up to the present date two applications only have been received from Indians.

The applications were dealt with by the Board in exactly the same way as all applications are dealt with.

Both these applicants failed to satisfy the Board as to their eligibility for loans in the terms of the Land Bank Ordinance.

COTTON FIRES ON THE RAILWAY.

No. 36.—By THE HON. F. A. BEMISTER:

"1. The number of cases of fire in railway wagons carrying cotton on the Kenya and Uganda Railway during each of the years 1929, 1930, 1931, 1932 and 1933?"

2. How many bales of cotton were damaged in each year?"

3. How many of these fires occurred on sections of the line on which engines normally consume (a) wood fuel,

(b) coal, (c) oil fuel?"

4. What is considered to be the cause of these fires?"

5. If the cause is not known, what steps have been taken to ascertain the cause?"

6. What steps are taken to extinguish the fires and to keep the fire wastage as low as possible?"

Reply:

1. 1929 ...	16 cases.
1930 ...	No cases reported in transit.
1931 ...	26 cases.
1932 ...	10 cases.
1933 ...	14 cases.

2. 1929 ... 40 bales.
 1930 ... 4 bales reported damaged on arrival at destination.
 1931 ... 303 bales.
 1932 ... 110 bales.
 1933 ... 48 bales.

3. The information asked for is not available. Coal and wood, and sometimes coal, wood and oil are used for locomotive fuel purposes over the same section.

4. It is in many cases impossible definitely to determine the actual cause of the fire, but the Administration's investigations have shown in many cases of fire in bales of cotton that the fire has started at the core of the bale and worked outwards, which indicates that in such cases the generation of excessive heat within the bales was the cause.

5. Cotton fires on railways occur in all countries through which cotton is transported by rail. Inquiries made in Egypt, where large sums of money were spent and an expert engaged to endeavour to ascertain the cause, showed that no definite conclusion was reached; the cause may be due to sparks or internal combustion.

6. Where fires occur every effort is made to extinguish them by the use of water and, in order to restrict the risk of fires and, when they do occur, to limit the damage occasioned, all covered vehicles in which cotton is conveyed are inspected at each depot *en route* to the Coast.

ACTING ALLOWANCES.

No. 39.—By *Lt.-Col. THE HON. J. G. KIRKWOOD* :

"Will Government state the amount of Acting Allowances paid during the month of July last?"

Reply :

The amount of Acting Allowance paid during the month of July, 1933, was £445-5-57.

GEOLOGICAL SURVEY.

No. 41.—By *THE HON. T. J. O'BENEA* :

"1. When may publication of Sir Albert Kitson's Final Report be expected?"

2. What progress is being made with the Geological Survey which Sir Albert Kitson inaugurated?"

3. Is it a fact that the Geologist is compelled to spend so much of his time at headquarters that he is seriously hampered in his geological work?"

4. Is Government considering the advisability of engaging an Assistant Geologist?"

Reply :

1. It is not yet known when Sir Albert Kitson's Final Report will be published.

2. Three short reports illustrated by geological plans, on the Loldaika, Lolgorien and Kakamega areas have already been published.

Another report, also illustrated by geological plans, on the western half of Kenya is in course of publication and will shortly be available.

3. The Geologist was engaged in the dual capacity of geologist and adviser on technical mining affairs. His duties in the latter capacity have required his presence frequently in Nairobi, where, however, much of his geological work has also to be done. His mining duties may have outweighed his geological duties but cannot be said to have "hampered" them.

4. Provision for an Assistant Geologist has been inserted in the draft 1934 Estimates for the Mining and Geological Department.

LAND BANK FUNDS FOR NATIVES.

No. 58.—By *THE REV. CANON THE HON. G. BURNS* :

"1. Will Government please state whether the funds of the Agricultural Land Bank are available for an African native who, being desirous of increasing his production in the Reserve, finds himself unable to do so owing to the lack of funds, and who would wish to approach the Bank for a small loan.

2. Should the answer for any reason be in the negative, will Government try to devise some means by which such disability may be removed and (a) an individual holder of a *githaka* or (b) a clan desiring such help may be able to obtain it?"

Reply :

1. Under section 26 of the Ordinance, advances for any of the purposes defined in section 19 of the Ordinance may be made to natives, but no such advance is to be made without the consent of the Local Native Council concerned if the applicant for such advance is a farmer within a native reserve. Such advances are to be made on such security as the Board, with the consent of the Governor in Council, may from time to time determine.

No applications for advances have as yet been received from natives.

2. In view of the reply to question 1, question 2 does not arise."

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