KENYA NATIONAL ARCHIVES

PHOTOGRAPHIC SERVICE

Description of Document	LEGISLATIVE COUNCIL DEBATES, VOL. VI.
Covering Dates	28th Oct., to 19th Dec., 1938.
Reference No.	From Central Government Library.
have been made by the Photo be quoted or otherwise	ction(s) of document(s), the property ofTHEKENYA_GOVERNIENT_ otographic Service of the Kenya National Archives solely for the purposes of research, and must reproduced by any means, either in whole or in part, without the express permission of the Chief w-President, P.O. Box 30520, Nairobi, Kenya, to whom all communications respecting this film
Date of Reproduction	28th Beromber 1965

KENYA GOVERNMENT ARCHIVES PHOTOGRAPHIC SERVICE

SECTLON 7

CONTINUED FROM REEL No.

Tuesday, 8th November, 1938

Council assembled at the Memorial-Hall, Nairobi, at 10 a.m. on Tuesday, 8th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, GC.V.O., K.C.B., C.M.G., D.S.O., A.F.C.) presiding

His Excellency opened the Council with

MINUTES

The Minutes of the meeting of the 7th November, 1938, were confirmed.

KENYA AND UGANDA RAILWAY (AMENDMENT) BILL

FIRST READING

On the motion of Mr. Harragin, seconded by Mr. Willan, the following Bill was read a first time:—

The Kenya and Uganda Railway (Amendment) Bill.

Notice was given to move the subsequent readings at a later stage of the session.

DRAFT ESTIMATES, 1939

EARL OF ERROLL: Your Excelency, I must confess that I find it a very difficult matter to address this Council on the subject of the Budget. I am rather hampered by the feeling that I am playing the part of the Greek Chorus, which only comments upon events after they have taken place and without having any very serious effect on them. If, indeed, this were my only function, I should be inclined to address by hon, friend the Financial Secretary in the words of the Europidean Chorus:—

"Omoi omoi O pai."

(Laughter.) But I still have a faint hope that what I have to say to-day and the warning that I am going to try and give may still have some effect on the Standing Finance Committee when these Estimates are before them.

Another difficulty with which I am faced is that it is to-day the fashion to the sive some adjectival qualification to the Budgets that are placed before Council. For instance, last year we were told that it was a "Consolidation Budget", and for that very reason hon, members on this tide of Council, were asked not to press

for any great relief in taxation. This year, not-in-this Council but in other places, we are told that this is a "Defence Budget", and because we have only an estimated surplus of £509 we cannot expect any relief in taxation, nor can we expect any increase in expenditure on any of our own little pet foibles. A great many of us have them; some were enumerated vesterday by the hon. Member for Mombasa, others may be equally important and equally urgent as those supported by hon, members on the other side of Council. But those hon, gentlemen may be surprised to hear from me that I do not intend during the whole of the debate to ask for one single item of expenditure. (A member: Hear, hear!)

But it does lead me to wonder what we may expect next year, and I only bord, if there is to be an adjectival qualification to the next Budget, that it may be a "Development" or an "Agricultural" Budget next year which could only be of integest to us all.

Before going into any detail I should just like to say how much I appreciate and welcome the inclusion on page 6 of the Revenue summary of column 3. It is a very great and material help to members, and I only hope that next year, it may be possible to include a similar column on page 7 in the Expenditure summary. I cannot see that there can be any more difficulty to include a column there than it is in the Revenue summary.

But I do hope that the present form of the Memorandum will in future be abandoned. It is most inconvenient. One has to look up in three different places the items under one head. Also, I find that there are an enormous number of "f's" and "m's" in the notes columns of this Budget, and if one looks in the Memorandum for an explanation one finds it generally rather airily dismissed in one word "Reorganization", or "Revised scale of salary", which does not give the picture of a new item. I hope that in future we may revert to the old type of Memorandum which has been presented with the Estimates in previous years.

Before going into any detail, I should like to stress some of the general figures which are contained in this Budget.

Hord Erroll

I would particularly wish to stress that the estimated Kenya revenue, and I am now only speaking of Kenya figures, for 1937 is £50,000 less than the acrual recupts for 1937 and 100,000 less than the respect estimates for 1738. These are very important figures when Aou lake into consideration that, in spite of this shortfall in revenue in the last two years. the estimate for Kenya expenditure for 1939 is £50,000 more than the actual expenditure in 1937 and £57,000 more than the sanctioned listimates for 1938. I am quite certain that before the end of the year we shall find this increased expenditure is very considerably increased. It happens every year, so that we cannot say this is the last figure.

I do suess this recurrent expenditure increase year after year, and there is never any sign of stopping it. I do hope the time has now come when it will be contailed as soon as possible. It is an alarming tendency.

But something even more alarming in this fludget, to my mind - and I am talkour now of prose tirings is the margina in gross expenditure represented by the figure of 177,094 on page 8. That sloes not, in fact, show the whole picture, because we heard from the hon. Financial Secretary vesterday that fitere is a sum of £14,000 in contributions to the water supplies renewals fund which has not yet appeared in the Budget, but the hon, member and the Memorandum have explained to us that if there is a surplus revenue at the end of 1939 that item will be included.

For practical purposes, and presuming that that will be the first call on the revenue, we may say that the increased gross expenditure for 1939 will amount to £90,000. I submit that that is a very large increase indeed when it is realized that the decrease in cross revenue in 1919 as compared with the Revised Estimates for 1938 amounts to £82,852. I do hope the Standing Finance Committee will do exersthing in their power to reduce this recurrent expenditure.

I would ask bon members for a moment to refer to page 13 for a moment -rather an ominous number-which sets

out the revenue derived from licences duties, and taxes. The first figure that almost knocks my eye out is £91,000 expected increase in the income tax receipts. I cannot allow this figure to slip by without a very vigorous protest from

Hon, members will be relieved to inow, I am sure, that I do not intend, as has been done on various occasions in this-Council, to go over the back history of this tax, but I would remind them that. after a very bitter controversy, the majority of hon, members on this side of Council accepted a form of income tax on trial on an agreed basis. The basis they aereed to was that this income tax should produce £43,500 per annum.

For this purpose the local Government arranged a certain scale of fees, or whatever they are called. We now find that this scale is to bring in not £43,500 that it was proposed to do, but, in these Estimates, to bring in 1939 a sum of £134,000. It is obvious, therefore, that the suggested scale was far too high for the agreed purpose, and that Government, in spite of the evidence which they must have had before them, made a wild guess. at what they would get out of the tax at the scale they imposed.

I cannot admit that the unofficial community can be bounced in this way without a very vigorous protest.

A very able report was laid on the table of the Council last session on this very question of income tax, which proves quite conclusively that the entire butden of a very large proportion, over 90 per cent of the burden, fell on the shoulders of the European community. I carnestly trust that the whole question will be reviewed in the light of experience.

To my mind, while on the revenue figures, the two main revenue features of the Budget are the estimated fall in Customs duty of £75,000 and the estimated increase in direct taxation of £104,000. If this difference between indirect and direct taxation was accounted for by a decrease in Customs duties, there might have been some argument for it, but that is not the case. Customs duties have not been reduced, and the estimated shortfall is merely on account of world conditions: [Lord Erroll]

and trade prospects. I do hope that the Standing Finance Committee will bear this id mind seeing that the increased texation, as I have already stated, comes entirely from the pockets of the Euroceans of this country.

We are told that, owing to the infinitesimal surplus, we cannot expect any relief in taxation this year, but I do submit that, in spite of this, we could find reliefs in taxation by reducing expenditure. After all, if we cannot afford services which we think desirable we cannot have them, and that is all there is to it. It always astonishes me how, year after year, certain departments such as the 'Medical and Education Departments get away with the enormous increases they inevitably produce, while other departments which are specially designed for the development of our one basic industry, agriculture and its components. are very often short of money.

To bear this out, I would ask hon. members to turn back to nage 7, the Expenditure summary, where they will find four heads-Medical, Education, Military, and Pensions-account for £42,000 of the £77,000 increase in net recurrent expenditure. On more minute detail. I find that a very great increase appearing under most is the item "Passages', and I have been very meticulous in going through all these items in the Budget, I calculate that next year, for this item alone, a sum not less than £7,500. has to be spent more than last year. I would suggest that this seems a very abnormal increase for this particular blessing,

The hon, Financial Secretary has pointed out that the recurrent expenditure is made up from two points: from personal emoluments, which amount to about £1,150,000, and from expenditure other than personal emoluments amounting to £1,300,000 approximately, I would also point out that the increase in personal emoluments for new civil appointments alone this year amounts to the quite substantial sum of £14,334.

I suggest that here we might find some economy. I would suggest that any money to be saved be not expended in other

appointments or for the petty foibles I nave already mentioned, but be balanced by a similar reduction in taxation.

STH NOVEMBER, 1938

Coming to greater detail in this Budget. I had hoped that the repeated protests of hon, members on this side of Council would have at last borne fruit with regard to the increase in the salaries of those officers who no longer like their title and prefer a very high-sounding one. Leaving out Head I, we come to Head II, and the first item is Accountant-General, Because that centleman is no longer Principal Assistant Treasurer and now is called Accountant-General, he has an increase of salary of £80 per annum.

This once raises its head in various guise throughout the Budget, and I do not want to mention them all, but I do hope that renewed efforts will be made to curtail this tendency.

On page 26, item 18, we find five labour officers are provided for. This item I wholeheartedly support, I do not know what we should do without the Labour Department, for they are all most efficient officers and all eive. I think, of then very best in obtaining labour and in looking after labour. There is one small typographical error in the brackets. My mathematics are bad, but one and three I believe make four, whereas here one and three make five.

Still under the head "Administration", I do not intend to follow the lead given by the 'hon, Member for Mombasa yesterday and advocate a snappy stenographer for the hon. Provincial Commissioner, Rift Valley, because I am well aware that that hon, gentleman is well able to look after himself in that respect!

I now come to the Education Department. Here, as already pointed out, there is a substantial increase in expenditure. This increase amounts to approximately £8,500. My only comment is that of that increase only £1,670 is attributable to European education.

The next head upon which I should like to comment is the Inland Revenue Department, page 52, which shows a net increase of £2,329., This, as the hon. Financial Secretary said, is a very small amount. It appears this year, anyhow, to be a very small amount, but nevertheless

and the party of the same of t

[Lord Erroll] this department does increase its expenditure every year, and it is not such a small amount when it is realized that the actual expenditure on this department in 1937 amounted to a not 17,000, whereas to-day, reducing the 13,500 for income tax from the total expenditure, leaves 17,000 odd, an increase of very nearly 150 per cent.

I now turn to another great spending andum;—
department, the Medical Department,
whose statistics appear on page 61. Here
we are asked to find two very large "Is";
an Assistant Director of Medical Services
and mind you, we already have the
jon. Director himself—and a Deputy
Director of Medical Services who apparently takes the place of a semior inedical
officer of health. The other "C" that the
hom gentleman has included this year is
another specialist in the form of an
amacythetist, Last year the hon. Director
produced another specialist, an ophthalmot possibl

When this appointment was agreed to by the Standing Finance Committee it was pointed out that there was a sacincy among the scinor medical others in the country, and at was agreed to for that reason, and also for another piven in the Memorandium on the Draft Estimates last year, which says:—

"In view of the fact that an undertaking has been given by the Director of Medical Services that there was no intention to increase the establishment of senior medical officers over the authorized number of five, one of the posts previously appearing at item 11 has been abolished, and the new specialist post has been substituted therefor."

What is the position to-day? If we refer to trein 3- under this head, we find the true post as I have said of Assistant Director of Medical Services takes the place of a sensor medical officer. That gentleman is transferred to trein 10, and a very small sum of addition of fitting 3, 10, 41: 12, and 43, shows, six sensor medical officers, in spite of the undertaking given last year that these should not exceed five.

That is the way I feel that some of these appointments ereep in rather by

the back door, and I leave hon, members to draw their own conclusions.

The next head on which I have something to say is Head XXIII, Miscellangous Services, page 67, and the figure 1 particularly dislike under this is that of 1750. Farmers Assistance Ordinance, which is provided for expenditure on this Ordinance because, to quote the Memorandum:—

"The income from interest on advances is insufficient to cover the administration expenses of the Ordinance, which require to be made good by Government".

I would have no objection whatever to this expenditure, nor even to increased expenditure, if I felt the Ordinance was of any great practical value at the moment. I am perfectly aware that the existence of it is said to be of value, but the Conciliation Board, in my mind, cannot possibly be of practical value with the limited powers it has at present, and I find this a very difficult expenditure to support. This is not the occasion to press Government for an implementation of the promise made to my predecessor in Council last year, that the farmers' indebiedness question might be reviewed by the Standing Board of Economic Development, but I do hore that this tirgent and very, very serious problem will not be lost sight of, and will be tackled in the near future.

While on the general subject of indebtedness, I should like to hear from the hon. Financial Secretary why the Land Bank interest cannot be reduced below 61 per cent. It is of great interest, and there must be excellent reasons, and I am sure hon, members would like to hear them.

On page 76 there is another minute typographical error. At the bottom of the page the net increase is given as 2.278. We do not know what it is, but of course it is pounds.

I come to page 90, Head XXXVII, Vetvinary Services.

thirst of all, I should say that we regret that the hon. Director of Veterinary Services is unable to be here to-day because there are several questions I wish to ask [Lord Erroll] him, I understand he is ill in hospital, and I feel certain I shall be expressing the wishes of all hon, members of the Council when I say that we wish him a speedy

recovery. (Hear, hear.)

I should, however, be most interested to know what steps he intended to take for the eradication of rinderpest, not because I happen to be suffering from that disease on my own farm at the moment, but because I am told that until this endemic disease is removed from Kenya we cannot hope to have a beef export with the United Kingdom. I myself admit that I find it very difficult to believe that it is possible to eradicate the disease, but I understand the Director has a certain policy, and I am only sorry that we are unable to hear it to-day.

My final point on the Kenya expenditure is that on page 95, Head XXXIX, Colonial Development Fund, item 9. Acceleration of reconditioning in the Machakos Reserve. In your opening address. Sir, you stated that destocking woold be proceeded with energetically inthe native reserves. I naturally accept Your Excellency's assurance with very great pleasure, but I would be grateful if some hon, member on the other side of Council would, in reply, give me some information as to what measures are being decided upon and, if no measures have actually been decided upon, when these may be expected and when will some policy with regard to this question be put into operation. I have a feeling that a great deal too much has been left. in the past to each district officer to decide for himself with no particular guidance from some central authority. I amall in favour of the district commissioner. but I think there should be a definite cooldinated native policy and that, so far, has been very seriously lacking.

I carnesty-hipe and urge that Your Excellency will think fit to appoint a destacking committee under the chairman-ship, perhaps, of the Hon, Director of Vectoriary Services with a very-strong unofficial representation on it. This will assume responsibility for making recommendations covering the whole areas concerned, and I believe that in this way the

problem could be solved amicably and speedily, and above all, there would be continuity of policy throughout all the reserves that had to be dealt with.

We have had in this Colony for two years exactly this month the company of Messrs. Liebigs, who came here because Government had announced that they intended to introduce a destocking policy. It came here to play an essential part of absorbing the cattle that had to be disposed of if the native reserves were to be saved from calamitous erosion. That company has been in a position to operate as a company for the past nine months but, owing to lack of supplies, they have only been able to operate spasmodically for five months and then only with very inadequate supplies. For the most part they have received only very immature stock which they have found it very difficult, I understand, to work with on an economic basis. We are all, I know, most anxious to see a beef export trade. started in this country, and for this purpose it is absolutely essential to have a meat factory in the colony of some kind, but I can assure hon, members that if Messis, Liebigs had to close down through lack of supplies we have very little likelihood of any other meat factory in this country for many years at least. For this reason I trust that my suggestion for the appointment of a destocking committee will meet with favour,

That is all I have to say on the Budget itself, but I would like to say one or two things on points brought up by the hon. Member for Mombasa. The hon, gentleman is, of course, at perfect liberty to have an opinion of his own on the question of a large loan. But on this point I can only say that I cannot support the flotation of a large loan because, everynce I have tried to take an intelligent interest in the alfairs of this country, I have continued that the overheads have been the curse of this Colony.

Again, I cannot let him get away with the argument that the present coffee planters in Kenya should tend towards a company basis. To my mind this is a shocking idea, It would mean the gradual elimination of individualism in the coffee areas, and it would mean the extinction

[Lord Erroll] this department does mercase its expenditure every year, and it is not such a small amount when it is realized that the actual expenditure on this department in 1937. amounted to a net £7,000, whereas to-day, feducing the £3,500 for income tax from the total expendinge, leaves £17300 odd, an increase of very nearly 150 per cent.

I now turn to another great spending department, the Medical Department, whose statistics appear on pone 61. Here we are asked to find two very large "I's"; an Assistant Director of Medical Services and, mind you, we already have the hou. Director himself-and a Deputy Director of Medical Services who apparently takes the place of a senior medical officer of health. The other "f" that the hon, gentleman has included this year is another specialist in the form of an amesthetist. Last year the hon. Director produced another specialist, an ophthalmic specialist.

When this appointment was agreed to by the Standing Finance Committee it was pointed out that there was a vacancy among the semon medical officers in the counity, and it was agreed to for that reason, and also for another given in the Memorandum on the Draft Estimates last year, which says: ---

"In view of the fact that an undertaking has been given by the Director of Medical Services that there was no intention to increase the establishment of senior medical officers over the authorized number of five, one of the posts previously appearing at item II has been abolished, and the new specialist post has been substituted therefor."

What is the position to-day? If we refer to Hem I under this head, we find the new post as I have said of Assistant Director in Medical Services, takes the place of a sensor medical officer. That gentleman is transferred to item 10, and a very small sum of addition of nems 3. 10, 11, 12 and 13, shows six senior medical afficers, in spite of the undertaking given last year that these should not exceed tive ...

That is the way I feel that some of these appointments creep in, rather by the back door, and I leave hon, members to draw their own conclusions.

The next head on which I have something to say is Head XXIII. Miscellanes ous Services, page 67, and the figure I narricularly dislike under this is that or +750. Farmers Assistance Ordinance which is provided for expenditure on this Ordinance because, to quote the Memorandum: --

"The income from interest on advences is insufficient to cover the administration expenses of the Ordinance, which require to be made good by Government".

I would have no objection whatever to this expenditure, nor even to increased expenditure, if I felt the Ordinance was of any great practical value at the moment. I am perfectly aware that the existence of it is said to be of value, but the Conciliation Board, in my mind, cannot possibly be of practical value with the limited powers it has at present, and I find this a very difficult expenditure to support. This is not the occasion to press Government for an implementation of the promise made to my predecessor in Council fast year, that the farmers' indebtedness question might be reviewed by the Standing Board of Economic · Development, bur t do hope that this urgent and very, very serious problem will not be lost sight of, and will be tackled in the near future.

While on the general subject of indebtedness, I should like to hear from the hon. Financial Secretary why the Land Bank interest cannot be reduced below 61 per cent. It is of great interest, and there must be excellent reasons, and I am sure hon, members would like to hear them.

On page 76 there is another minute typographical error. At the bottom of the page the net increase is given as 2,278 We do not know what it is, but of course it is pounds.

I come to page 90, Head XXXVII, Veterinary Services.

First of all, I should say that we regret that the hon. Director of Veterinary Services is unable to be here to-day because there are several questions I wish to ask

133 Estimates [Lord Erroll]

him. I understand he is ill in hospital, and I feel certain I shall be expressing the wishes of all hon, members of the Council when I say that we wish him a speedy recovery. (Hear, hear.)

I should, however, be most interested to know what steps he intended to take for the eradication of rinderpest, not because I happen to be suffering from that disease on my own farm at the moment, but because I am told that until this endemic disease is removed from Kenya we cannot hope to have a beef export with the United Kingdom, I my-Self admit that I find it very difficult to believe that it is possible to eradicate the disease, but I understand the Director has a certain policy, and I am only sorry that we are unable to hear it to-day.

My final point on the Kenya expenditure is that on page 95. Head XXXIX. Colonial Development Find, item 9. Acceleration of reconditioning in the Machakos Reserve. In your opening address. Sir. you stated that destocking would be proceeded with energetically in the native reserves. I naturally accept Your Excelleney's assurance with very great pleasure, but I would be grateful if some hon, member on the other side of Council would, in reply, give me some information as to what measures are being decided upon and, if no measures have actually been decided upon, when these may be expected and when will some policy with regard to this question be put into operation. I have a feeling that a great deal too much has been left in the past to each district officer to decide for himself with no particular guidance from some central authority. I am all in favour of the district commissioner but I think there should be a definite coordinated native policy and that, so far, has been very seriously lacking.

I earnessly hope and urge that Your Excellency will think fit to appoint a destacking committee under the chairmanship, perhaps, of the Hon, Director of Ve crinary Services with a very strong unofficial representation on it. This will assume responsibility for making recommendations covering the whole areas concerned, and I believe that in this way the

problem could be solved amicably and speedily, and above all, there would be continuity of policy throughout all the reserves that had to be dealt with,

We have had in this Colony for two years exactly this month the company of Messrs, Liebigs, who came here because Government had announced that they intended to introduce a destocking policy. It came here to play an essential part of absorbing the cattle that had to be disposed of if the native reserves were to be saved from calamitous erosion. That company has been in a position to operate as a company for the past nine months. but, owing to lack of supplies, they have only been able to operate spasmodically for five months and then only with very inadequate supplies. For the most part they have received only very limmature stock which they have found it very difficult, I understand, to work with on an economic basis. We are all, I know. most anxious to see a beef export trade started in this country, and for this purpose it is absolutely essential to have a meat factory in the colony of some kind. but I can assure hon, members that if Messis. Liebies had to close down through lack of supplies we have very little likelihood of any other meat factory in this country for many years at least, For this reason I trust that my suggestion for the appointment of a destocking committee will meet with favour.

That is all I have to say on the Budget itself, but I would like to say one or two things on points brought up by the hon. Member for Mombasa. The hon, gentleman is of course, at perfect liberty to have an opinion of his own on the question of a large loan. But on this point I can only say that I cannot support the flotation of a large loan because, ever since I have tried to take an intelligent interest in the affairs of this country, I have contended that the overheads have been the curse of this Colony.

Again, I cannot let him get away with in argument that the present coffee pianters in Kenya should tend towards a company basis. To my mind this is a shocking idea. It would mean the gradual elimination of individualism in the collecareas, and it would mean the extinction

[Lord Erroll]

of many who have come here with the sole idea of living in Kenya and making Kenya homes and leaving their places to their children. It would thereby affect a sections setback to the improvement of closer settlement. I think we can say that in the coffee areas in Nairobi settlement is closer than almost anyhere else in this Colony, and the suggestion that these people should give up in favour of the formation of a commany to my mind cuts right across that policy. It would also mean that the fertility of our soil would be exploited for the purpose of enriching the pockets of some of those old ladies and gentlemen living in Balham or such other salubrious spots and, finally, it would mean that I would find it impossible to represent in Council the views of a number of small companies as intimately and wholeheartedly as I try to represent the views of a large number of very valuable settlers in that district.

MR. ISHER DASS: Your Excellency. I have maintained always that no amount of criticism is likely to do any could to those who are here or to the Covernment or to the people as a whole, unless we on this side of Council. Europeans, Indians and other members. are all prepared to take an equal blame for all the recriminations in the past. It is very easy, in fact it is becoming the fashion, to come here every year in the ." month of October to attend the budget session and whip the willing horses ton the other side of Council) and badger them. They are just as human as anybody else with all their limitations, and I sincerely believe that they are always honest and sincere in their administration. 1 think each law improves the conditions of this country and makes the country fitter for the people already living here,

The hon. Member for Mombasa suggested many points requiring attention in his very eloquent speech of yesterday, but I will go turther than he and say that immediate action should be taken in connexion with shore suggestions. It is not necessary thereby to follow like sleep. We are responsible for the financial state of affairs in this country and when we look at this budget we will find that if we take the whole matter from the commercial point of view—from that of commercial people with businesses and commercial integrity—then the position is very different. But if we are here simply as sheep only to level criticisms as a matter of fashion, then no useful purpose will be served.

Estimates 136

As I have already maintained the budget does show a very strange position. In the 1937 Estimates the actual revenue was £2,669,243 while the estimated revenue for 1939 is £2,618,052. That means a decrease of £51,191 in the revenue in the last two years. Against this the actual expenditure for 1937 was £2,567,825, while the estimated expenditure for 1939 is £2,617,543. That is an increase of £49,718, in spite of the assurances of the Government and in spite of the promises made before this Council to keep a careful watch on the expenditure services. The state of affairs is not very satisfactory, for while the revenue decrease is tremendous, the expenditure has increased. This is, I presume, something that is going to happen year after year, for the expenditure will have to be increased because of the natural increments due to the people retiring on pension and their dependants and so forth and so on. The expenditure is bound to increase. But if this state of affairs goes on I think personally we will not know where we are going to land.

What is the position we have come to? The actual revenue in 1937 was £2,669,243, and the actual expenditure in 1937. £2.567.825. That gave us a surplus of £100,418. Now we come to 1939-the revenue amounts to £2,618,052 and the expenditure to £2,617,543, leaving a surplus of £509. This is the actual financial position. We have come down from a surplus of £100,000 to the nominal figure of £500; And I am perfectly sure that at the end of 1939 this margin of £509 will not be there at all and, instead, there will be a very heavy deficit. Again, I would point out that in the memorandum the hon, mover has in effect liberally provided for a drop in the Customs of £75,000; and then again in the Posts and Telegraphs, Head V, he provides for a deficit of £10,784; against Head XII there is £13,000. This total comes to £98,748 and against that there is £90,000 [Mr. Isher Dass]
to be placed to revenue from the increase in income tax.

The revenue in Customs is actually the barometer so far as the exports and imports of the country are concerned, and if a deficit is already provided for by the hon, mover then I take it presumably there is likely to be a bigger decrease. If this is true, then we cannot expect under those circumstances to have enough from income tax, which is only estimated, to cover the decreases in other parts of the revenue. It may not be so, of course, but 1 support the contention that at the end of 1939 the financial position of this country will be far from satisfactory.

I am very sorry to see this after the neak years of 1937 and 1938. Following on the depression years of 1933, 1934 and 1935 one would have thought that it would have been a lesson, at least that last year and the year before all of us would have sat down to find some means of improving the financial position of this country. But nobody seems to have taken things seriously. As I said, people are willing to criticize others and will not take the responsibility or blame on their own shoulders, and for this reason we are going to lose money. We shall not be in the very happy position of adopting the suggestion of the Noble Earl the hon. Member for Kiambu who wants relief from taxation and at the same time expenditure on certain services.

EARL OF ERROLL: On a point of order, Your Excellency, I specifically mentioned that I was not asking for an increase in expenditure this year.

MR. ISHER DASS: That was the suggestion I gathered from his remarks as to "relief from taxation".

Matters of detail in expenditure have already been dealt with by the hon. Member for Mombasa, but there are a few things that I wish to point out in this budget.

Under Head IV, item 40: Head X, item 93: Head XVII, items 4 and 19; Head XX, item 5; Head XXVII, item 14, and Head XLV, item 57, an increase in European learners has been shown to total nine, while against this there is an increase of only three altogether to the staff

of Indian learners—in Head XVII, item 41, there are two, and in Head XLV, item 64, there is one. Why is it that only these nine European lads coming from school have a chance of earning a living and only three of all the Indians leaving school are provided for? My contention is that if at the end of each year you can only find jobs for twelve youths, nine of whom are Europeans, then the problem of finding the local youths jobs is very serious.

No one seems to have thought very seriously as to what is going to be the future of the youth of this country. Are there going to be any industries or any developments to absorb these youths? As it is, the present state of allairs cannot last much longer, and, further, this country cannot depend only on agriculture.

I have one other point on the expenditure side. I find in the budget that provision has been made for two new special grades for Asian clerks on overseas service terms in the Legal and Public Works Departments, I should have been happier if provision had been made to allow for the promotion of senior clerks who have been at the top of their grade for a long time and must continue to draw the same salary until they retire at the end of thirty years service. In a state like this the efficiency of the service is bound to suffer, and I would have been happier if more vacancies in the special grades had been provided for these.

Even with these two posts I would like the assurance of Government that they will remember to fill them in order of seniority and not by favouritism. If the most senior man is found to be incapable of doing the work required, then the next senior man should be tried, and so on until a suitable clerk is found. Merely to say that, a junior clerk is very good at the job does not meet with satisfaction from the staff and is hardly desirable that he should have the job, and further it will create a very unfavourable feeling among the staff.

Where a clerk has been doing his work for a number of years my contention is this. However expert a clerk may be at his job owing to his being too long on it, he should not necessarily be promoted to

[Mr. Isher Dass]

a vacuncy unless he were the most senior. To do this would be unfair to the seniors who are as highly efficient in their own work.

So much for the expenditure. I will not take a long time in dealing with the details of the revenue side. But I will take this opportunity of offering my criticisms; or I should say, suggestions, to the departments concerned because this will be the only opportunity of my being able to do so.

I will first deal with the Public Works Department.

There a lot has been said by the hon. Member for Mombasa who, among other things, emphasized that good roads are likely to be a form of attraction to overseas visitors. That is quite true. And in this connexion I would like to point out how much has been spent in the neighbouring territories by the different governments, but we have not got any money in our vote, and I sincerely believe that in the present state of affairs the Public Works 1939 budget will not provide any substantial sum for the improvement of roads. I do suggest, however, that out of some head, in some way, the hon, mover should find a sum of money to spend on improving the roads, even at the expense of other departments. It is not likely to be wasted and if will not be merely for the benefit of muries

While speaking on this road question, I should like to say that it is very unfortunate that the road programme has been left alone. To me, this seems to be for one reason—because the Government has seen fit to grant a monopoly to the railway against all the other vested interests of transport in this country. It is high time that this system of granting a monopoly to the railway against the interests of other forms of transport should be abolished by the Government, It is not a sound policy, and it will be detrimental to the country in the long run.

Also I wish to point out to the hon. Director of Public Works that the conditions of labour in his department, including piece labour, are not very satisfactory. I do not suggest for a moment that

in wishing for the moon employees should be granted the moon. But I think a great deal could be done to make their lot happier and more contented.

The next department is the Education Denartment. There is no one in this Council more appreciative than I of the difficulties which the Education Department has to face. As I said at the beginning, you have the number of children increasing year by year-it does not matter whether they are Indian, European or African-and some kind of education has to be provided unless we are out to see the boys and girls running about the streets of Nairobi and of other towns in Kenya. We are anxious to find a future for them-we are living for the future and not for the past-so therefore let us provide all that is required for these children. This is the problem

I seriously appreciate the many difficulties which the Director of Education is experiencing. It is not a revenue department. It spends every penny on social services. We want good citizens, and for that we must have education for the boys and girls of this country, irrespective of race, creed or colour. We want to obtain the best education for them within our means, though we find it always very difficult to find the money, and the Government equally have found it difficult to allocate a sufficient amount particularly to the Director of Education.

But there are one or two suggestions which I wish to make. If Government is anxious to promote the welfare of the children then I think no difficulty will be found in getting the money. There is somewhere in this country the sum of £23,000 which has been here for the last twenty years. It is in the control of an individual in Kenya, and it is interesting to note that it is in the hands of an hon. member of this Council. If the hon. member will give his consent and the reople concerned will co-operate, I am perfectly sure that none of those in question and interested in the matter will find any difficulty in agreeing that he shall part with that sum of £23,000 in order to let it go to the Director of Education, and very many in this country will be happy. Instead of that, the amount is lying invested in the bank balance of an

141 Estimates
[Mr. Isher Dass]

individual firm and has not gone to the benefit of the children concerned.

One thing can be said, why that individual firm should part with that £23,000. I may say here that legally and morally it is not their money; it was not earned by them and has nothing to do with them. It is purely trust money. That is exactly the position, and if you can obtain that £23,000 then the difficulties at the moment experienced by the Education Department for providing education for the children will be removed.

I sincerely regret that the Education Department in the 1939 Estimates has not thought fit to take over any private Indian school in the Colony. Also there is another thing which I should like to impress on the hon. Director of Education. and that is that his department should exercise a more strict control over Government-aided schools. When I say "strict control" I do not mean of the different individuals, but of the department going into the needs of private schools, as to their local boards and the employment of staff and the character of their courses, and that there should not be given too much latitude to the individual managers of these private schools.

Recently the Director of Education had to appoint a committee of inquiry with regard to a very serious problem in schools. The board was appointed by the Department concerned, and met, and a very unfortunate state of affairs was disclosed, so far as the teaching qualities of a member of the staff of a school was concerned. I presume that the Department and the hon. Director of Education will use their influence not only in the interests of the children but also in the interests of the man concerned. You cannot expect them not to march with the times; you cannot take dead horses with you, you must leave them somewhere. You cannot carry them with you for sentimental reasons alone.

In the old times there was no capable man available for this place, and therefore this man had to be employed. This man has now reached a certain stage, and therefore are there no means which

can be followed whereby he should be retired voluntarily in order to make room in the interests of the children for a better teaching stuff.

Estimates 142

There is one thing more I am very sorry to find lacking in the Education Department, and I should like to see something in the 1939 budget in connexion with it. That is, a new building for the Indians at Kisumu, Nakuru and Nairobi, which require immediate attention. At present the girls' school building in Nairobi is in a bad condition, and we are anxious that Government should make provision next year for providing a building for the girls' school at Nairobi and the boys' schools at Kisumu and Nakuru.

Lastly, in connexion with this department, I may say that the hon. Director of Education) knows perfectly well that the Indian-community is perfectly willing to co-operate wholelicartedly to further any effort he and his department may make to improve education among the Indian children in this country.

Another department I wish to make some suggestions about is the Medical Department. The hon, Member for Mombasa has already referred to the question of hospitals, the fees charged non-Government people as well as for officials. In that connexion I wholeheartedly support him. I agree, however, that it is not right that people should live on charity-I do not think they want tobut the fees are so excessive that at the moment many cannot afford to receive the attention and treatment that they should have. Cannot there be some scheme of reducing the charges and cannot Government provide the means of arranging fees to suit the patient's pocket.

In dealing with the Medical Department's annual report for the year 1937 I see that there is a great increase in tuberculosis cases, but there must be some reason for this which the hon. Director of Medical Services, I hope, will

On the first page there is mention about the native section of the group hospital being started. Much has been said in the Press, and Government and the hon. Director of Medical Services tate Isher Dassl

one word, as disgraceful.

must be fully aware of the conditions of the Indian ward at the Native Hospital, Nairobi. But that will not take us very far: we want a definite assurance as to the probable date on which the Indian and European sections of the group hosnital of Nairobi are likely to be started. It is no use asking when funds will be available I know, because if we are to live on pious hopes then we are hoping period hone. We want a definite assurance because the wards are a necessity. It is not a luxury that the people in Nairobi are asking for, and the present state of affairs can only be described, in

Speaking on this question of hospitals, I am surprised that improvements have not been made in the Indian wards in the Native Hospital, If you are merely going to wait for funds then we will have to wait until doomsday before the European and Indian sections of the group hospital are started. Meanwhile, this community does deserve that some kind of improvement should be made at once, and as it was not provided for in the 1938 estimates then it is only right that it should be in the 1939 estimates. We cannot live entirely on hopes, and if you cannot provide us with something entirely satisfactory at least it is your duty to provide something better than what we have at the moment.

On page 3 you see an analysis of rationts at Government hospitals. We asked the hon, the Director of Medical Services in the years 1935 and 1936 if he would be kind enough to show in future the number of Indian in- and out patients in the Government hospitals senarately, Yet nothing has been done about it. Certainly I do think that it is not too much to ask him and he could easily provide it.

On page 13, the community and people who read this report are alarmed by the increase in tuberculosis cases in this country. In fact, it is the second biggest percentage that has been known in this country. I should like the hon, the Director of Medical Services in his reply to give us the extent of the increased figures of tuberculosis in Kenya, and if he is going to suggest to combat this disease in future. Why cannot we have a sanatorium in this country? The people will be only too glad to pay or at least to contribute and co-operate with the hon, the Director of Medical Services to do away with this horror and to relieve this tragedy. It is a very serious problem as has been expressed in the report by the hon. Director himself.

On page 14 is shown the toll of malaria and it is suggested that the incidence is higher in 1937 than in 1936 and that it is increasing in Nairobi. If this is so, may I ask what has been done with regard to the removal of the causes of the increase in malaria? The first and chief cause we have is the existence of the Nairobi swamp. What action has been taken by. the Government in connexion with the removal of Nairobi swamp? I think the Council would be delighted to have some kind of definite assurance that if the departinent has not been able to remove this out of the way and to take action in previous years, they will at last rise to the occasion now and take immediate action.

On page 21, Government has again as usual advanced the excuse that, for want of funds, they cannot provide for the medical inspection of school children. If Government is honest and serious and wants to take this sten in the right direction, the question of money does not come in in this case, because, as has been said in this Council, the hon, Director, of Medical Services has been assured of the co-operation free of charge of the medical profession to help him in this inspection. If such an assurance is there and such co-operation without any expense is forthcoming, I certainly see no reason why the same limited excuse of want of funds should be advanced.

'All the hon, member has to do is to appoint doctors giving their services in an honorary capacity without charge to help to inspect the schools; they can submit a report to the senior medical officer who will compile a full statement and present it to the Director for his exhaustive consideration and necessary action. Where, then, comes the question of money when people are willing to assist? it is due to unforeseen reasons, and what I am surprised that Government should (Mr. Isher Dass) make the excuse of lack of funds for this work.

On page 24 there is the question of vaccination, and I would suggest to the hon. Director of Medical Services that, in the interests of the people of this country, he should communicate with the Government of Bombay or India as to why when people are vaccinated here and given proper certificates by our Medical Department, those certificates are not recognized at the port of entbarkation in India, I am not concerned with individual inconvenience, but why should not cognizance be taken of the certificates of the department here? I think in this matter the hon, member would earn the appreciation of the people concerned if he took some such action

On page 35 there is the question of training. There is no provision for the training of Indian hospital assistants. The hon. Director should find it easy to get a few Indians to train as suitable candidates for the posts of compounders, and I trust the hon member will give us an assurance that that will be done.

My last point in dealing with the Medical Department is that there is an increase under the head Nursing shown of £175 consolidated. I would like to know if it is intended that nurses shall be imported to this country from Sevchelles. because there is some fear in the minds of the people. If the hon. Director makes any attempt to recruit Indian nurses from India, he will find no difficulty, or if he does find it difficult he can easily get Asian girls in Kenya to train as nurses without importing into this country more girls from Seychelles.

My next criticism is against the Agricultural Department.

In dealing with this department the hon. Member for Mombasa has really exhausted all the arguments that he could have possibly placed before this Council. He gave reasons, when speaking on the settlement question and development of the Colony, and suggested the Soldier Settlement Scheme was a failure. But we are to-day concerned with how to improve the condition of this country.

This country is necessarily an agricultural country, and it will do no harm if some kinds of industries are introduced and developed as well. As to the agricultural policy. I have always maintained there is something wrong somewhere, as otherwise why, with all the support Government gives in the form of financial assistance in the shape of the Land Bank advances, and special concessions on the railway and other assistance given farmers, is agriculture unfortunately a failure? Who is to be blamed for this?

I may point out here that year in and year out I have, with all the emphasis at my command, nut before this Council that this is where it is wrong, that the land at present in the occupation of only 2,000 European farmers (most of whom are not real farmers) is held for speculative purposes. If the agricultural community were themselves to try and find a proper solution I am sure that every member of all races in this country would wholeheartedly co-operate with them because, truly speaking, this country is an agricultural country, and we have got to admit that agriculture is the main in-

The hon, Member for Mombasa in this connexion suggested a very good scheme, and that is, if the big landlords or absentee landlords and people holding land for speculative nurposes, with millions of acres of undeveloped land. were to come forward and divide their holdings into small holdings of 500 or 1,000 acres, it would thereby make it available for families to settle on the land. He told us that 1,800 families had been sent to Libya by the Italian Government-

MR. NICOL: On a point of explanation, Abyssinia.

MR. ISHER DASS: I am not criticizing, I am supporting the suggestion, that if the Kenya Association or Government. as suggested by hon, members on this side of Council, could get the right type of big farmers in this country and provide the land, let us start charity from home first before asking Government to go on increasing their liability of assistance to farmers in the way they have, let us make an attempt to place land at the IMr. Isher Dassl

disposal of the right sort of farmers in small holdings of 500 acres. I entirely agree with his suggestion. When you have the right type of farmers in this country it will progress.

The hon, Menber for Mombasa also suggested that a co-operative system should be introduced. If it were on a voluntary basis, I think it would be a practical system, but if you turn this cooperative system into monopolies then. of course, the small growers and farmers have no chance to remain in existence in the presence of the big landlords.

Speaking on this point, in my recent tour un-country I had the pleasure of meeting European farmers who were definitely suffering from the hardships imposed on them by the Kenya Farmers Association and other similar institutions because they are small growers and farmers, and they carry no influence with these big bodies who are in charge of them and who have been granted monopolies.

While I have congratulated the hon. Member for Mombasa on his eloquent speech and the suggestions he has placed before Council, I should certainly be failing in my duty if I did not disagree with and criticize one suggestion he made. As a business man he did not tell us, and we are ignorant of what is in his mind, what he meant when he suggested that a tenmillion loan should be raised in London. He has forgotten that a few years ago we asked for a loan for Kenya and only 23 ner cent was subscribed. There must be some reason for that.

The second thing is, it is not sound policy from a business point of view or a country's point of view to simply go into the market and ask for ten millions. Anybody will be only too glad to have it. The question arises before asking outside for assistance for your business or industry is that you have got to inform the moneylender how you are going to repay it The hon, member never told us that one thing, how we are going to repay it. He said, "Let us have ten millions." It sounds well, but when we are asked how we are going to repay it we have no answer; we cannot simply say the country will go ahead and it will be repaid.

If anybody is willing to lend us ten millions, I hope we can go ahead. But when the country has limited resources and a limited revenue of 24 millions only. and carries a 174 millions debt on its shoulders, it is not easy and it is not sound policy to burden the country with another very large loan of ten millions for a fantastic scheme only.

HIS EXCELLENCY: If the hon. member is now going on to another subiect. I think Council could adjourn for the usual interval?

MR. ISHER DASS: Yes, Sir.

Council adjourned for the usual interval.

On resuming:

MR. ISHER DASS: Sir. with regard to the Agricultural Department I have to offer one more suggestion, and then I will deal with other departments.

On this question of improvements and of settlement, two or three months ago we had a special debate, and the line taken was that it was high time the committee appointed by Government in connexion with settlement presented their report, and it was also said that settlement should be increased. When we take into consideration the present state of affairs, one wonders what is the good of alienating more land to farmers when actually, from authentic documents in my possession, there are still 148,254 acres of land available in Kenya to-day. This document was issued by the Kenya Association (1932), and has been circulated in India. England and other parts of the world.

If the policy of Government is to keep on alienating new land when there is already land available, and I also note from this documeent that people are not very desirous of remaining on that land and are just holding it for speculative purposes. I do not believe that we should import more people and give them land by the grant system when so much land is still available in this country. There is something wrong somewhere so far as the agricultural policy of the country is con-

I should make myself clear that this is essentially an agriculural country, and it [Mr. Isher Dass]

149 Estimates

is up to us to adopt means and methods so that the interests of agriculture and the true farmer, the people who maintain themselves by farming, are helped in all ways that the Government and the people of the country see fit, but to keep on giving unlimited financial assistance will not solve the problem. If all heads were to join together and evolve some scheme it would be more beneficial to agriculture and the country as a whole.

The next department is the Defence Force, You, Sir, in your opening speech laid stress, and it has also been said by all sections of the community, on the fact that you were satisfied as to the measures recently taken in connexion with the defence of the country. It is true that people may be satisfied, but I for one am certainly not satisfied with the actual measures taken in connexion with the defence of the country. I am not one of those pacifists or people who, living in a world to-day of uncertainties, still believe in peace for ever. I believe that war is part of human nature, and sincerely believe there will be war, and there is no harm when the war is for the right cause.

But there is one thing which surprised me in the last couple of months when we had very uncertain conditions in this world that, in spite of assurances given by the hon. Chief Secretary that in time of necessity and need the Indian manpower would be utilized, it is strange that neither he nor Government thought fit to have one member of the Indian community on the Manpower Committee to co-operate with Government and give all sorts of assistance and co-operation so far as the manpower of the Indian community was concerned. Certainly at such a critical moment it is advisable to have as many heads as possible working together rather than to slight a community for one reason or another.

I am voicing the sentiments of the whole of the Indian community. Not because it would have been a source of great pride to them if one of their numbers had been appointed a member of the Manpower Committee, or not, but as a matter of principle, when they have to play their part in the defence of the

country as a whole, they should have been in close co-operation with the other communities rather than that they should have been ignored on this important

In this connexion, the Secretary of the Indian Elected Members Organization wrote to Government on the 23rd October, 1938, as follows:-

. "At a meeting of the Indian Elected Members Organization held on the 6th October, 1938. I was directed to submit to you respectfully that the Organization has noted with great regret and disappointment that the Government has not appointed an Indian member on (1) the Manpower Committee, (2) Immigration Committee recently constituted.

"It is hardly necessary for me to say that the functions of both these committees are of vital importance to the Indian community, the former dealing with the national problem of the defence of the Colony and the latter with the settlement of the Colony, and therefore the whole Indian community considers not only that they have been ignored by the Government but takes the omission as a definite slight to them.

"I hope that the Government will find ways and means of appointing an Indian representative on both the committees, preferably from amonast the Elected Members. On hearing from. you the Indian Elected Members Organization will submit the suitable names."

It may be argued that the only reason why Government did not appoint an Indian member was that they did not want to have an unwieldy committee, but if there were three on the Manpower Committee a fourth chair could have been provided, because that member would have been there not in his own personal interests or the interests of one community but in the interests of the country as a whole concerning national defence. No justification or convincing argument can be advanced by Government, or none that my community will accept, because it will not be convincing at all.

IMr. Isher Dass!

There is another point on which the neonle of Nairobi and other centres have written to me to find out about, and that is the defence measures taken.

In the matter of A.R.P., all efforts have been made to enrol people for training but there has not been one mention in the Press or in any communique issued by Government with regard to gas-masks. If there were none in the country, nobody could believe that the defence measures could be adequate, and nobody could be satisfied on that point.

There was another unfortunate omission during the recent crisis, I am informed on very good authority-and I hope I shall be proved wrong, and that the hon. Chief Secretary or some other representative of Government will give us an assurance that the information imparted to me is without foundation-and that is that special instructions were issued to the Defence Force that, in the event of any gas attack or aircraft attacks, the European women and children should have preferential treatment, and then the European men, and after them Indian women and children. If that information is correct, then it is very, very unfortunate. I am not a member of the Defence Force, and unfortunately under the existing legislation no Indian, if he has not seen live years service in the last war and has not been mentioned two or three times in despatches or had his services placed on record in some way, is not entitled to the preference which is given under our legislation to aliens. But if this information of mine is true, I say that it is very disgraceful that such action should have been ordered to be taken. After all, though we may be called an inferior race, we do take into consideration the safety of all women and children first without any question of the colour har.

Under the head "Civil Aviation", 1 have a criticism to offer, though I have all along expressed my views on this matter and there is not much useful purpose in repeating them. When Government gives a grant from general revenue to aid an Aero Club whose rules and regulations do not permit any non-European to be trained or accepted as a

member. I do not think such an institution does deserve that financial assistance from the general revenue. If there is such a contribution made, the question of racial discrimination should not arise Here is a club which trains pilots and mechanics for the Air Force, and while it takes Europeans irrespective of who they are or how they came into the country they will not take Asians as members although they are more comnetent, efficient and loyal men. This attitude is very deplorable and one which. I am sorry to say, the Indian community does not like. I maintain that in future Government should absolutely make it clear to this institution that if there is any racial discrimination then they cannot expect any sort of financial assistance. from the general revenues of the country.

Estimates 150

The next department upon which I have to comment is the Mining and Geological Department. In this connexion I have no criticism to offer, but merely to give information to the Hon. Attorney General, for I wonder if he is aware of the fact that the mining syndicates and companies operating at the moment in Kakamega and other places, against all rules and regulations, have police of their own? In addition, they have detention camps, and whenever there is a crime committed by any employee these syndicates and companies have their own methods of detaining a man in their own camps and dealing with him in their own way. If, unfortunately, some excesses are committed, the matter is referred to the Government bolice.

I believe it will be agreed that any company or individual is entitled to have their own watchmen to protect their interests, but I do not think there is any reason why a company or syndicate is entitled to have their own police or detention camp and deal with offenders in their own way. I am not speaking on hearsay, I have been to Kakamega and visited the detention camps there, and their police in their own quarters.

There is one important point in connexion with the Mines Department, That is, while I appreciate that the labour officer has very little time at his disposal for all the numerous duties he has to perform, there is one thing which does

IMr. Isher Dassl require a good deal of consideration and careful watching by him.

I have myself seen quarters provided for African and Indian labour in some of the goldfields which are simply disgraceful. When I say disgraceful, it is not a fancy word. I wish I could use something worse than that. The walls of some of the quarters have timber against them to keep them straight, and with the roofs leaking they are in a hopeless condition. It can be argued that one, two, three, or four quarters are nicely built, but they are against the road for people to see, but it is immaterial whether it is Indian. European, or African labour it is labour. and large mining companies have a duty to discharge for the welfare of the labour they employ. I therefore request the Mining Department or its representative in those areas to pay more attention to the housing conditions that have been provided by many concerns,

I have pointed out more than once in this Council that the time has come when there should be direct representation of the natives. I am not voicing any criticism or casting any aspersions, but I do sincerely believe that no amount of indirect representation can be good or satisfactory to the people as if they had direct representation themselves,

Two methods have been suggested for direct representation in the early stages. One is by nomination, and the second the more improved method of the elective system. We may have difficulty at the moment in getting a representative elected by the Africans themselves, but we certainly could take the lesser evil of direct nomination and have one African on this Council to represent their interests. The only thing that can be said is that Government cannot find a suitable candidate. That I cannot grant, because many Africans are educated people, not numerous perhaps, but more than two or three or five who are suitable and could easily be appointed to represent native interests here.

Why I suggest this so strongly is that when such a representative is appointed to this Council he will have direct access to the natives for consultation on all

important matters better than by the indirect method of representation, to which recently they have objected themselves. Such complaints have been brought to your notice. Sir, and to the notice of Government by the Native Councils of North and South Kavirondo and different political institutions of Africans in Kenya.

Estimates 154

One more argument I can refute, that there is no sort of co-operation among the different tribes in Kenya, and therefore one member of one particular tribe appointed as the representative of African interests on this Council does not necessarily represent the interests of other tribes. That argument cannot hold water at all, because the Masai have their own institutions, social and political; the Ukamba have their own political institutions; the North and South Kavirondo have their own political institutions: the Kikuvu their social and political institu-

If Government were very anxious to do this justice to the natives, there is nothing to stop the Hon. Chief Native. Commissioner getting together representatives of all these political institutions, together with representatives of all the different important tribes, and asking them to submit names for consideration and, with their consultation, appoint one native to represent native interests-one definitely, if possible two.

Speaking on this subject, I sincerely believe the Africans themselves will then have no chance to say that their case is not represented here, and that they are represented by someone in whom they have no confidence or whom they think is not a fit representative or is a Government man, that then no kind of suggestion or complaint can be brought to Government, for they will have their own representative who will consult with the different tribes. One thing is definite, no Government can govern the country without the goodwill of the people concerned.

I did not intend to speak in connexion with the destocking policy, but since the noble Earl the Hon. Member for Kiambu has referred to this question I sincerely believe that, in spite of the discussion Estimates 156

IMr. Isher Dass! which took place in this Council about the methods to be adopted concerning the problems to be solved, that the measures of destocking adopted in this connexion have definitely been harmful. It has not cone a long way to improve the position, and in effect it is likely to create more unpleasantness and discontent among the tribes themselves. If the Government takes oppressive measures against the people whose cooperation it is essential to obtain in the carrying out of the Government policy, then I say that these oppressive measures are not going to do any good, particularly if they are adopted against an individual merely on hearsay evidence and suggest-

I believe that one of the reasons for the deportation of one man was because he was found in Mr. Isher Dass's office and company and therefore he had committed a great crime. If this is the case why do not Government bring Mr. Isher Days before a court of law and, if they have the pluck to do it, take action against him?

These confressive measures are doing no good to anyone. We want a mutual understanding and the goodwill of the people. After all, we are governing them in their own interests and for their own betterment. And, of course, harsh measures may be necessary sometimes, But these oppressive measures are certainly not going to do any good.

Finally, the Hon. Member for Mombasa, if he is reported correctly and I presume he was, in his eloquent speech yesterday said "let us drop politics and think of the country's future from a commercial point of view".

It is true that it is a very honest and sincere suggestion coming from the hon. member on this side of Council, I cordially agree with him. But if the suggestion is based on one thing alone, of seeking co-operation without removing the causes of discontent and misunderstanding in the different communities of the country, then it is not a practical suggestion and not the kind of policy which would help us to work together in the interests of the peaceful development of

the country. However sincere such surgestions are, they will not be very beneficial. These causes contribute to the misunderstanding between the races of this country and between His Majesty's British subjects in Kenya and before we can progress in harmony these causes must be removed.

You cannot separate politics from religion, everything is politics and everything is religion. Therefore the best suggestion that I can make is to call a round table conference and thereby evolve some kind of scheme of working together and taking measures to remove these misunderstandings and racial prejudices. If you can remove these harmful causes then, certainly, these suggestions will not only be practeal but they will in the lone run prove most beneficial to Europeans. Indians and Africans.

Therefore, with all my comments and criticisms, I support the motion.

COL. KIRKWOOD (Trans Nzoia): Your Excellency, I rise this morning to support the motion before Council. Later, I shall have some suggestions to make and some criticisms, and I hope that they will be taken in the spirit in which they are meant.

As I found during the last budget session and since, the atmosphere still seems to be the same. We are all trying to work together as a team and I think by doing that we will probably get very much further than we did in past years when we were in direct opposition and attacked Government on the slightest possible pretext.

As usual, I have my own budget to start with.

I want to go back over some of the items that appeared and were discussed at the precious Council meetings and I refer to paragraph 274, on page 29 of the report of the Standing Finance Committee of the Draft Estimates of Expenditure for 1938.

There were several items there-9 pliogether-and it was left to the Standing Finance Committee to get on with that expenditure as detailed in these 9 items in paragraph 274, when there was a £100,000 surplus visible in the finances of the country. There was no question

(Col. Kirkwood) but that that £100,000 did appear, but very little happened as regards these items. And I would like to ask them to he reinserted in a similar form in the present budget.

8TH NOVEMBER, 1918

There is one, for instance, Kitale School and Kitale and Soy Post Office. under Public Works Extraordinary, item 9, paragraph 274. Nothing has happened with regard to this notwithstanding that a very large windfall in the form of income tax has accrued. The Government have apparently found it necessary to spend that money in other directions. The promise once given, as printed there, has not been implemented and I do ask that it should be adhered to in the way that I have suggested by reinserting it again to be dealt with when funds are available in order of priority.

Also, as a member of the Kitale School Committee, I was definitely promised an assistant master at Kitale School (this was twelve months ago) by the late Director of Education, Mr. Morris. He investigated the circumstances on the snot with myself and the other members of the Committee in Kitale and did definitely promise an assistant master at Kitale School. Well, that promise has not been kept. It is on record in the school records and it must be on record in the Education Department, I understand that no provision is to be made, but I do not see why that teacher cannot be found from the present staff in the employment of the Education Department. I do not know the reasons of it, but there must be some very curious reasons why an assistant master should not be appointed after a promise had been definitely given for that promise not to have been kept. However, I will ask the Finance Committee to try and keep faith with the promise made in that direction.

Also, I should like to know, after what has happened at the previous Council, what has happened with regard to the Order in Council which has been expected for some time, and also what has happened with regard to the Highlands Board? I hope I shall get an answer.

I did ask at the previous Council-and this is not a new item-for a veterinary officer to be posted to the Trans Nzoia

area. I want to go into this shortly, As I explained before, the district is making a very noble effort to turn over to mixed farming and I think that it should be encouraged by every possible means in the power of Government to do so. Maize, although a very valuable crop, should not be relied upon entirely. That veterinary officer has not appeared and what has happened? Mr. Harris, who was in the Veterinary Service before and who had rejoined, was sent up to Kitale and was a very valuable officer there. But unfortunately he has now had to retire and he is replaced by a junior stock inspector. We are very concerned about that item.

I would point out that we have no complaint against Captain Creery or the department, but it means that as the veterinary officer at Eldoret he has to function up as far as the Suk border and down to the Tanganvika Border and he is very often away a week or more from Eldoret, Travelling expenses must pile up and must amount to an uneconomic figure. It is obvious that it is quite humanly impossible for him ever to do justice to his work to his own satisfaction or to anybody else's.

Also, I want to raise this question. While Mr. Daubney was in England I hoped he would be communicated with in order to make an endeavour to fill the vacancy of the field veterinary research officer on the establishment and also those of the research officers at the Scott Laboratory which must be kept going at all costs. I believe the research officers have been found and one field veterinary officer. But even so it still leaves one field veterinary officer short on the establishment, and it seems hopeless for me to. press for a veterinary officer under these conditions. I should like to ask why It is not possible to get a veterinary officer other than from England, which apparently appears to be the essence of the contract. Every endeavour should be made to get one. This Colony is very short of officers on the establishment and others are wanted. It is impossible to do justice to mixed farming, and in turning over we do so with a great deal of apprehension because we have not got a veterinary officer in the area.

[Col. Kirkwood]

It is very similar to the position of people with children going to a district. The first question they ask is "what are the educational conditions?" and the next question is "Have you got a medical service; have you got a medical officer; have you got a hospital?" And, of course, in this instance "Have you got a veterinary officer?"-and the answer is in the negative-"We have not got one". Even if we paid for the services it would be much more preferable than to be without one and suffer the losses we are suffering at the present every day,

I would like to ask for information with regard to Makerere College, I would like to say a good deal about this, but I will leave it just at that, I would like to ask Government to say what it heans by so large a grant-without in any way criticizing this scheme at all. If the sum of £50,000 is correct, we seem to be unusually liberal in sending money to the college when we are so much in need of it for our own educational services.

As I have said in regard to the budget, without wading through page by page or department by department, there are certain suggestions and criticisms I want to offer, hoping that they will be considered and, if possible, implemented by the Government.

Conditions since we last met have undergone considerable changes. There have been world changes and these changes are having a boomerang effect on Kenya, whether they are temporary or otherwise I cannot say,

I do not know what the position is as regards Tanganyika which is mandated to Great Britain, but there is no doubt that if that territory went back to Germany it would have a serious effect on this country. We have, I understand, an agreement with the railway, that will go; the customs duty and the post office inter-territorial agreements will have to go; and it would alter the economic conditions that exist to-day very considerably. It will, too, I have not the slightest hesitation in saying, make a great deal of material difference to any budget that may be prepared in the future. I would suggest that Government consider as a

result of this (if it has not already been done) communicating with the home authorities pointing out, without advocating one way or another, what the consequences would be to Kenya were Tanganyika handed back to Germany. Personally, I have visualized for a long number of years the union of the East African territories and I still hope that that dream will come true.

Income tax I am not going to debate -The principle of income tax I have dealt with in this Council on other occasions and I think that my opinions on income tax are well known. But I would urge Government to appoint an ad hoc committee to investigate the implementation of this tax so that when we get the facts before us we would be in a position to decide upon its merits or otherwise. As Your Excellency is aware, we asked at a previous meeting of Council for an ad hoe committee, and I think it was the Chief Secretary who, in his reply, said that it would be referred to the Standing. Finance Committee and if they recommended an ad hoc committee he would give it his serious consideration.

As a result, I asked for consideration to be given for a small committee to get the facts and figures and details which I think are so essential in the consideration of this tax. I would like to point out that instead of the £43,500 anticipated revenue I see we are budgeting for £134,000 in 1939. I hope that at a later date Government will in consequence give relief in other directions in taxation equal to the amount of income tax. That is one argument that I have always put up and it should be inserted as one of the conditions, its far as I am concerned, that income tax, if it is imposed, should give us relief in other directions from taxation. It has been a windfall but as far as I can see that windfall has already disappeared.

I would also like Government to express a general opinion as to why it is necessary to keep an armed force on the Northern Frontier border. When it was Abyssinia, before it was captured by Italy, that country was a member of the League of Nations and I asked then, why the League of Nations could not insist on them keeping their own nationals in order and prevent them from raiding

[Col. Kirkwood] Kenya, I would now ask why Italy, as a seemingly friendly nation, cannot be asked to police her own borders and relieve us of a very large expense which this Colony cannot, is not in a position to afford. If, as I understand it, it is insisted on by the home authorities that this force should be kept in being, then I maintain that a considerable amount of the expenditure should be paid out of Imperial funds.

With regard to education I should like to pass a few remarks.

I think I am correct in saving that every European school-and the Indian schools are the same I think-are now full to their limit. I know that in my own district at Eldoret and Kitale that is so. and if any of the younger generation are coming in at the bottom we have got to see that we push others out at the top. The school is much too small I am not asking for any expenditore, but I am asking Government to seriously consider. what is going to be the position if these conditions are going to be prolonged. They are going to be intensified and the schools' accommodation is getting smaller and smaller every year and the position points to the necessity of getting -a policy of dealing with this position.

It means larger buildings, more expense and everything else, or otherwise the children of this Colony are not going to be educated. As it is to-day, quite a very large number of European children are being educated outside Government schools, apart from those going abroad. Very many of the younger boys from thirteen to fifteen are being sent to be educated in England because we cannot take them here for the higher qualifying examinations or even for the Colonial somes could then be loaded on the lorries, Civil Serice. To be given the education that they are entitled to and have the right to expect, very large sums of money will have to be spent in the near future on education in this Colony, but I do not know what we are going to do if we are only going to have a repetition year after year of the budget as tabled before us now, with only a surplus of £500 odd.

I am perhaps taking rather a pessimistic view. But, provided the world conditions do not change, it is a long view which I want Government to appreciate. It is quite obvious that the money will have to be spent in the near future and I want Government to decide where that money is coming from. It is no use wasting my time trying to find it in this budget. It is up to the Finance Committee to do that and for Government to implement some policy and to say when that money will be forthcoming.

Estimates 162

With regard to the Public Works Denartment I should like to see closer cooperation between the Public Works Department and the K.U.R. & H. I did mention this to one of the heads some time ago and asked him why it was that the railway was not carrying ballast and dumping it along the Rift Valley, there are many points right on the roadside where this could be done. Railway haulage is much cheaper than by road and a great deal of money could be saved in that way, and a great deal of macadam roads could be made up at a very much cheaper rate than what they are costing to-day.

Those who travel from here to Nakuru know of point after point where the railway comes within a hundred yards of the road, and the same applies from Mail Mazuri on the way up to Timboroa. where stones are very scarce and expensive because they have to be hauled up and down in the valleys by road whereas they could be hauled up by the railway. You could have tiptrucks-they could be easily convertedand it would not take long for a trainload of stones to be emptied-five minutes perhaps. A tanker could take the trucks up and dump them at a point near the road and then shunt, and the

It is a practical suggestion and I should like to see the two departments get together on this. I know the head of one of the departments told me that he had thought of the project. I then said to him "Don't you think it is a good idea?", and he replied "Yes, a splendid idea, but it is not my job to take the initiative". I suggest that these two departments should be made to get together and save the country a great deal of money in that Estimates 164

(Col. Kirkwood) way. This is one of the big items Government has got to face, and I believe Goveroment is facing it, for at last we have a road programme, and we shall have to arend-a considerable amount of money over a period of years to give us good

In connexion with the question of the Escarpment road, I understand that the Railway have definitely decided to after the alignment of their line from Unlands to Nakuru. Some years ago Mr. Moore, the then road engineer for the Colony. who has now returned, to Australia, investigated the possibilities of having a road running parallel to the railway line along the Escarpment so as to avoid the present Rift Valley Road, but it was turned down on account of the expense. If the proposal were investigated againthe railway, by reason of its new alignment, could help, as has just been suggested by me, by hauling the stones in tiptrocks and dumping them at the required places. This method would be very much cheaper than any other method. It has for to be considered what money has cheed, been spent on the present road through the Rift Valley, many thousands of rounds, whereas by the means I have suggested a far better road with a better alignment would be obtained very cheaply,

The Hon. Member for Mombasa is asking for a loan, and he mentioned a very large figure. Personally, I am rather pessimistic about mentioning any such figure. But, I will say this, that if Government's policy is to encourage settle-s ment and development, then it cannot be done without money and, I should say, a terribe amount, though, as far as the loan is concerned, I will leave it to Government. But I do agree in general principle with the hon, member that we should have a loan, and its expenditure would be a big asset to the Colony if a proportion of those funde could be expended on seulement in the Colony and increase the preduction of Europeans, Indians, and Africans.

As far as the hon, Indian member is concerned, I am not going to follow him on a racial question, but I would like to point out that there is a farge acreage

of land between Nairobi and the coast which, in view of the climatic conditions and the altitude, is very suitable for Indians to occupy. I think Government would be justified in spending money for them to fill up those spaces if they can get the Indians to take them up. It is a very suitable place for them in my

Water could be found and there are a number of boring machines that are still lying idle-they have been for a considerable time-and I think it is very regrettable that there has not been found some work for them to do in finding water and if possible finding it near the rail. way. That would be another big asset to the Colony if that stretch of country could be developed, for it will mean increased production and increased turn over. I think Government should give it some thought.

With regard to the Agricultural Department, first of all I should like to say a few words about the locusts now in the Colony, Rightly or wrongly, I have been told that the present infestation is coming from the Sudan and it is the most intense infestation that the country has produced in the history of man.

If that is true, I should like to ask that the agricultural officers should keep in touch with the locust movement and get the very latest information from the Sudan and keep this Government continually advised. I should also recommend to the Agricultural Department that they should schedule a list of cereals, etc., that could be grown as alternative crops to fusize and wheat and which the locusts will leave alone. In my experience they will not damage beans and they will not touch flax. I have seen them flying over and settling amongst flax but they did not touch it-this was in the Trans Nzoia just a few weeks ago. Now these locusts are coming through Turkana and Suk. I do not know where they have laid but they have certainly laid very heavily in the Trans Nzoia and Uasin Gishu. There the hoppers are hatching out and the settlers are doing their best to kill

That is the line that I want the Agricultural Department to think of in order to help the producer and to give information about well ahead, of crops that

165 Estimates [Col. Kirkwood]

will not be destroyed by locusts. It is quite possible that the infestation next year may be very heavy indeed and may have serious consequences for the whole of the Colony. Of course, we are still hopeful that other things may happen, and I may be wrong. I am not a pessimist, but I am simply giving a word of warning so that we should be able to help ourselves, because I believe it is true that God helps those who help themselves.

I notice an amount for accelerated reconditioning of Machakos Reserve. I have always been very apprehensive of the mechanical reconditioning of a native reserve, and I submit that the whole of the linances of this Colony, even if a 10 million loan as suggested by the Hon. Member for Mombasa were obtained, would be spent and we would get very little results from reconditioning native reserves mechanically.

I have quoted on numerous occasions from the Agricultural Commissioner's report, though I shall not do so this morning, but I would again draw Government's attention and the attention of heads of departments concerned to that document, and recommend them to read it from cover to cover. They will find there that the Commission did recommend that it would probably be necessary to close down for grazing for long periods some areas to allow them to recondition themselves. I have found myself that when erosion has taken place in a road, by nutting couch grass, etc., therein, after a matter of about twelve months the road had been raised a considerable distance. On one small farm I have had twelve inches in eighteen months due to wash coming down from outside the farm, getting on to the road, but by putting couch grass in it holds up the slope and builds up the erosion. That is only a small example.

I do maintain that this mechanical reconditioning is a farce, or so I would call it, for it is not going to help, and its application is so restricted that it can only be a demonstration of what can be done but will have no practical utility, because it will not cover sufficient acreage or area.

When big areas are in question, the only way to do it is by controlling the amount of stock allowed to graze or, alternatively, to take stock off for periods so that the land can recondition itself.

Under the same head I should like to refer to the plant breeder, Mr. Burton, I have known him since he has been in the Colony; he was in charge of the plant breeding when Professor Biffen came out and took him around, Mr. Burton has done splendid work in finding rust-resistant wheats for the different altitudes, and I cannot see where the nolicy of Government is. That is his special job, and he is qualified for it, as a specialist,

Now, what happens? They take him away from Nioro Plant Breeding Station and nut him into the headquarters of the Agricultural Department in Nairobi. Then he is transferred again from there to the collect team. Now, I understand, he is going to be transferred from the coffee team to the London office.

I maintain that he is the finest man we have as a plant breeder, and he should be kept here, if necessary, by putting up his emoluments, for it must be remembered that plant breeding goes on for a . number of years, perhaps for a man's lifetime, and if he is keen and interested it is a prolonged study, so that Mr. Burton should be kept here. I do not want to lecture on plant breeding or anything else, but the work can only be done by a plant breeder who is keen-and takes an interest in it. Incidentally, the most successful plant breeder or wheat producer in Canada was a man who left London and took to it. He educated himself, and has been at it all his life, and has done wonders in Canada in wheats which are outstanding, for he has made a life study of it.

I cannot understand the item 16 under Administration, £1,500 for African Tropical Services Course, which refers to five officers going to Trinidad for instruction in tropical agriculture. I should have thought that if they were given a post here and started here on quite ... reasonable pay and emoluments, they should educate themselves and not at the expense of Government. If you want to spend money on educating people like

and yet.

[Col. Kirkwood] that why not take colonial boys and send some of them? They are used to colonial conditions, and they could be given a course instead of bringing in outsiders. In any case it is an item the Standing

Finance Committee should go through

The Hon, Member for Mombasa mentioned that the Soldier-Settlement Scheme was a failure, and that the settlers who came out knew nothing at all about farming. I am sorry to have to challenge that and to take it up, but if it is allowed to go by it may have serious repercussions outside the Colony. What he says is true, but it is taken out of the context altogether, as I have tried to explain before.

The scheme was initiated by a previous government, in fact, I was a soldiersettler myself and came out under the scheme. Trans Nzoia has more soldierscitlers than any other area.

To put his statement into the context, it has got to be realized that a lot were farming 130 miles from the railhead. Everybody must realize that you cannot farm properly if you have to haul by wagon over 130 miles by road, and some failed for that teason. Some failed probably for want of knowledge of farming, but I do not know one single case. because there were those who followed the practices in the neighbourhood and in course of time became good farmers. Quite a number are still alive to-day.

Look at it from the other side of the picture. They did open up the district, They started the district, In 1920 when I went into the Trans Nzoia there were 5,000 acres under cultivation. I do not know what the figure is to-day, probably the hon. Director of Agriculture could tell us, but it is a considerable increase." We have been for some time the largest producers of maize, we have been forsome time third on the list for acreage in coffee in the whole of Kenya. It did justify the railway building a branch line. and I eventually persuaded the railway that the line was paying and they remitted the branch line rates. This has developed the whole area, which is a very big figure to the main line, and it has helped the

Colony, I maintain, to a considerable extent in finding railway traffic, paying customs duties, etc., licences, and so on

If the Hon, Member for Mombass would honour me by paying the district a visit I shall be glad to entertain him and show him the difficulties they had and explain to him the initial stages, and I think he will be astounded that any of us are left to survive, for we were wrongly advised from London and at this end. Settlers were told that £1,000 was sufficient. By the time a man had equipped a farm a thousand pounds does not go very far, with stock, etc., while they were isolated 130 miles from railhead. It is due probably to the many factors that they survived. It is God's country, and the mistakes they made God put right, and there was the fertility of the soil and rainfall. It is one of the finest districts in this Colony, and its present standing is due to the Soldier-Settlement Scheme, 1

I should also like Government to consider making double inoculation compulsory, either double inoculation or vaccine every twelve months. There are many spots throughout the Colony where rinderpest exists, and I maintain that the veterinary services and Scott Laboratory should have wiped it out years ago. If they had cleaned it up it was an easy matter to keep clean. I know that on the veterinary side there is a big difference of opinion. I know that Colonel McColl, who was Chief Veterinary Officer for Tanganyika, does not believe in double inoculation but vaccining, and maintains that by double inoculation you introduce rinderpest whereas by vaccine you eliminate it. That is up to Government and its advisers to decide, but the essence of the contract is to get rinderpest cleaned up. It is a very big handicap on the Colony, and is going to be a handicap in the future when we are in a position to export, because we cannot export unless there is no rinderpest. It is a subject which I hope Your Excellency's Executive Council will take up and decide, either to vaccine cattle every twelve months, or whatever period is considered necessary by the department, or to have double inoculation made com-

169 Estimates (Col. Kirkwood)

Then there is destocking. I notice that a sale was advertised and then it was cancelled. I am also told that Liebigs have now closed down. I am sure it is the consensus of opinion generally that it is to the interests of the natives, especially in the Ukamba Reserve, to carry out progressive destocking over a period of years. The information in the ten-yearold Carter Commission is correct, so that if you allow for natural increase the stock can be got down to 60,000 head. which is supposed to be the carrying canacity, in ten years, and the longer destocking takes place the longer the natives suffer.

It is a controversial matter, I have not the slightest doubt about. They look on their cattle as wealth and do not look on them as we do, as a matter of economic use.

There is also the suggestion about coinage in that report which has not been tried. I believe myself, that if discs were supplied to natives and they knew that on presenting them to the district commissioner they would get cash for them, they would support it. You will find it suggested in the report, but it has never been tried. Some people probably think it is Gilbertian, but I think it a suggestion worthy of trial, and until given a good trial nobody can say it is going to be a failure.

I do not wish to weary Your Excellency or the Council, for there are many other members to speak. But, before sitting down. I would appeal to Government to formulate what I call a policy, a long-range policy, over a period of years-five, ten, fifteen or twenty yearsand decide to put that policy into practice when funds are available. Without a policy I am afraid we do drift from year. to year. We get a budget session, and we find there is no policy outlined in the budget.

Estimates 170

I quite understand that the budget is simply a statement of expenditure and revenue and emoluments and so on, but without a policy, and without one defined and determination to try it once it is defined and the determination to keep near it when possible. I do not think we can go ahead that way.

Before I sit down. I do hope that world conditions will not change for the worse. There are many outstanding things one has in mind, but this is not a suitable place to discuss them, but I believe that with the goodwill we have had in this Colony for some time and the co-operation of all classes, Kenya will be one of the jewels in the British Empire if handled in the proper way.

The debate was adjourned.

ADJOURNMENT.

Council adjourned till 10 a.m. on Wednesday, 9th November, 1938.

Wednesday, 9th November, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 9th Nosember, 1938. His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened Council with prayer.

MINUTES

The minutes of the meeting of the 8th November were confirmed.

NOTICE OF MOTION

AMENDMENT UNDER S.R.O. NO. 28
MAJOR CAVENDISH-BENTINCK:
Your Excellency, in the motion on the
Order of the Day appearing under my
name I am afraid that the word "alleged"
in the fourth line should have been expunged when I gave notice of it. Under
Standing Rule and Order No. 28 I beg
leave to ask that this word "alleged" be
deleted.

A number of my colleagues and myself are very anxious that this motion should be brought forward at the earliest possible date and I wonder II it could be debated as soon as possible?

HIS EXCELLENCY: I will see that the motion is brought up at an early date, although I will not make any promise at the moment as to the exact day that it will be brought up.

ESTIMATES OF REVENUE AND EXPENDITURE, 1939

The debate was resumed.

LORD FRANCIS SCOTT: Sir, I think this is one of the most difficult budgets to deal with that I can remember. It is one that gives one very serious cause for thought. It has already been explained in this Council by other hon. members that, while the revenue is down this year by about £50,000, the expenditure is up t77,000 on last year. But I have to bring to the notice of this Council a very much more serious figure than that; and one which I did not realize until I was looking up last year's—the 1938—Draft Estimates. When you look at them you will find that the Draft Estimates for

1939 are in excess of those for 1938 by no less than a sum of a quarter of a million. That is a very, very serious position.

When those Estimates-I have them here before me-were presented to this Council on the 29th October, 1937, the recurrent expenditure was £2,227,763. This year it is £2,477,770. There is a difference here of exactly-within £7of a quarter of a million, and I think that that figure brings it home to us that we are forgetting the lessons which we learned so bitterly seven years ago. In saying this, I am not throwing the blame on anybody. I feel that I must shoulder as much blame as any other person as a member of the Standing Finance Committee, because last year, when we had the money available, we were probably too lenient in listening to clamours for increased expenditure. But I do suggest that it is a position that we must not treat lightly, or else we shall find ourselves once more in the same difficulties that we were in seven years ago, when drastic steps had to be taken to get the finances of the Colony once more on a sound basis.

The position is perhaps even worse than as shown on paper if we realize that we have had a fortuitous increase under one shead—Income Tax—of £91,000, which has just enabled these Estimates to be laid before us with a small balance of £500.

I think I can perhaps realize the mental reactions of the hon. Financhal Secretary when he was preparing these Estimates. He had before him the expenditure already approved in previous years ambunting to a very large sum, and he found that he could not justly estimate for revenue which would meet that expenditure. On top of that I have not the slightest doubt that he had numérous claims for an increase in expenditure from every department which, no doubt, he had to refuse

When we go into Standing Finance Committee—and this motion before Council is that the Estimates shall be referred to the Standing Finance Committee—I do suggest that there will be need of co-operation between all of us on that committee to see that we do do our very best to restore this budget to the

[Lord Francis Scott] lines which are in conformity with prudent finance.

Of course, the difficulty of getting these Estimates on the lines on which we want them is the fact that we are unable to deal with them on ordinary commercial lines, as my hon, friend the Member for Mombasa has said; this would be much more preferable than the government system. But we cannot do that, we have to follow what is laid down in the Colonial Regulations, and we all know that the idea which is uppermost in the minds of the Colonial Office is to see how attractive they can make the posts for the surplus population in England and how many of those attractive posts they can find in the different Colonies.

They never seem to bother their heads as to whether the Colonies can afford it or not, but we who know, know that there is hardly a meeting of the Standing Finance Committee goes by but that some document or other appears in which certain scales of salary are to be increased to some higher standard, either because some other department is on a higher scale or because that particular department is on a higher scale in another Colony. We never get the opposite, of pointing out that we are paying too much because they are paying less for this service in another Colony. And so it goes on and on, always upward, and so the expenditure of Government always increases. I do honestly feel that we are offering posts to people on very generous and very good scales, and I think they are too good in proportion with the state of the development which some of these Colonies have yet reached.

My hon, friend the Member for Mombass asid that he had come to the conclusion that the Colonial Office were-really the people to blame. I think we all came to that conclusion a good many years back, but I am not sure now that we are quite correct. I do not think that we have got to the origin of the trouble. The trouble is that the Colonial Office is very frightened of two other institutions which are much more powerful than themselves. The most powerful of all, of course, is the British Treasury. I have quoted before, and I quote again what Lord Milner used to say:—

"The amazing thing about the British Empire is how it still manages to exist and continue despite the British Treasury."

The Treasury is a soulless entity which thinks of nothing but how to produce as much money as possible from any source

It is the Treasury's one idea to get money from the Colonies, and it is not interested in the wider aspect of the development of those Colonies. And, of course, it was from the Treasury that emanated the demand that we should repay the 51 million pounds for the original building of the railway in this country. And the Colonial Office are not strong enough to be able to stand up against the Treasury.

The other great institution of which the Colonial Office is frightened is the House of Commons. We all know, those of us who have been in touch with the people at the Colonial Office, that the one thing they are frightened of is lest someone was to ask a question in the House of Commons. Why they are frightened I do not know. Also, I notice that when questions are asked the answers are usually rather half-hearted sort of answers, making excuses for something that has been done. and never the right answer "that it is necessary that this should be done because this is for the benefit of the Colony concerned." .

To-day, this question of Colonies is taking a very foremost place in the discussions of the world. We all know that the uncerlainty as to the future of the ex-German colonies is causing a great economic setback in this part of the world. I do sincerely trust that before long we shall get an unequivocal statement from the responsible Ministers in Great Britain that there can be no idea whatever of allowing Tanganyika 'to go back to Germany. (Hear, hear.)

And when this is done—I hope it will be done soon—I do hope that the Imperial Government will take into consideration the whole question of their relations with the Colonies overseas. We want a different outlook altogether, and I believe there is no man who can tackle that question better and with greater understanding and sympathy than the

What we want, to quote once again the works which have been used before, is for them to look on us as an estate to be developed rather than just a mere place to be administered. And what greater illustration can there be that the opposite has been the idea in the past than those figures quoted by the hon, mover when he moved this motion before Council, and pointed out that the allocation to what he called the Services for development of economics only amounted to 14.2 per cent of the whole expenditure. I think, if you go further down into that figure of £353,000, you will find that the greater part is spent on administering these services rather than providing money which can be used actually for development.

To go more into the details of the Budget, on the revenue side we see that the estimate is being reduced by £75,000. Hon, members have given us their opinions that the estimate is a reasonable and proper one. But there is one point on that which I should like to put forward in the hope, perhaps, it may have a slightly more favourable effect on these estimates. That is, that the coffee position has so immensely improved since these estimates were framed. At that time we were all very despondent as to the prices coffee would fetch this year. Since then the prices have gone up very much and I trust that that may give a slightly more favourable result.

Then to come to income tax. To go back a little bit over the history—I am not going deeply into the history of income tax—to go back to a short time ago, the original proposal for income tax was on a scale to produce some £86,000. It was eventually agreed that that rate should be cut down by half, estimated to produce £43,500. Actually, as we know, it is producing over £100,000 a year. This year's estimate anticipates that it will produce over £130,000, but that. I understand, includes a certain amount of lag from the present year which will be paid

On this question of income tax, which has been a very controversial one, certain

things have been agreed to. One was that as soon as the figures were available it should be referred to the Standing Finance Committee. That has been done, and the Standing Finance Committee have been considering it and will be having a further meeting this afternoon. and until we have finished our deliberations there is nothing to be said about it. At the same time, about six months ago the elected members on this side of the Council did ask that there should be an ad hac committee formed to go into the whole question. Government's reply was that that would depend on what was recommended by the Standing Finance Committee. I take it that that still holds. and if the Standing Finance Committee recommends that the matter shall be rereferred to an ad hoc committee, Government will be prepared to accept that.

Again, on this question, when I spoke last year I said that we were not going to ask at that moment for any reduction in taxation, but that if affairs were to carry on in a normal way for another year, this year I should do so, whether it was for the abolition or reduction of income tax, or whether it was for a reduced taxation in other directions. It is quite obvious that with the budget we have before us it would be a waste of time to ask Government to reduce taxation, but I do submit that, as the hon. mover has pointed out, we have every hope that normal times will return and that this is only a temporary setback in our customs revenue. And, if normal progress comes back as I have every reason to expect, then the customs revenue will probably go up higher than it has been in the past, and there will be then surplus funds. When that happens we do retain our right to ask for a reduction in taxation.

I think the case for a reduction in taxation is much stronger now than it was a year ago, in view of the fact that income tax has brought in so very much more money than was estimated.

We quite realize that this year we have had to spend more money on defence measures and that, truthfully, we cannot budget for as much returns from customs as we did hast year. But we do not know, of course, what will happen during this coming year, whether world affairs are

[Lord Francis Scott] going to settle down or not, and on that does depend a great deal whether we can get back to our normal state of progress which we had hoped we had embarked on in the last two or three years. In asking for a reduction in taxation there is one particular tax which I should like to mention because I have been asked to do so, and which I think we can legitimately ask to be taken out if income tax becomes a permanent part of our fiscal system. I am not anticipating any report which may be made on this question, but I am only saying that if income tax becomes a permanent part of our fiscal structure then I think there is very good cause for abolishing another tax which, I think, in a young country like this is premature and should not be on the statute bookand that is estate duty.

We do expect at some time or other a reduction in taxation but, naturally, we cannot do that if we go on demanding increased expenditure on such extravagant lines. I think, in this countrywhere the public are rather spoilt in having services ahead of what the Colony in its present state of development really should have-we are rather apt, if anything, to expect to have everything just as we like and in encountering any slight inconvenience say that we must have an increase in this or that department. At the same time we are asking for a reduced taxation, and, of course, the two things cannot go together.

As I consider that reduced taxation is so much more important than making all these services completely perfect, I trust the public will not demand any great increase in these various services.

The reason why I say that reduced taxation is much more important is that we must have money in the pockets of the people of the country which can be used for further development and which will produce further revenue so that, as a result of that, in due course and when the time is ripe, these services can eventually be brought up to the standard which we asked for. I do suggest that we are a little inclined to want to live at a champagne standard on a beer income and I do assert, by way of a word of warning, that we cannot expect in the

present state of the Colony to have everything perfect.

I always remember an old shepherd up in Scotland, an old friend of mine, who used to say "You will never get 'pairfection' in this world." We want to get perfection in this Colony, but we will not do so until we get a great deal more money to spend. Just as an instance. I see there is a demand for extra agricultural officers. I suggest that if there are parts of the Colony which are very backward and where the natives require expert advice to help them develop their land, it should be arranged that one of the agricultural officers in one of the more advanced areas should be temporarily removed from that area to some other area when he will be able to get these natives to produce things on proper lines. not ask for extra agricultural officers.

Then, with regard to stenographers, I personally feel very strongly that not nearly enough use is made of stenographers in the Government service. There should be many more, but if we are to introduce stenographers there should be a corresponding reduction of ordinary clerks who cannot take down shorthand, I personally think that there should be a bar in the clerical service above which no one can rise unless they can write shorthand. I believe that a greater use of shorthand all through the Service would help a great deal to increase the efficiency of the Service and allow senior officers to devote more time to their own work. But I do suggest that at the same time a corresponding reduction should be made in the ordinary clerical staff.

There is one demand for increased services which I think is really necessary if development is not to be retarded, and that is the demand for another surveyor to be added. This I think is very necessary.

I am not going into very great detail with individual items, but there are just one or two which I want to refer to.

In the Medical Department, there are two new high salaried appointments. When that matter comes before the Standing Finance Committee I, for one, shall have to have very strong evidence put before me to agree to these two new appointments.

Estimates 182

Hard Francis Scottl

In Education, there are two very large increases in grants-in-aid to the Indians and Africans. We went into this question of grants-in-aid very thoroughly last year and I thought we had come to a finality on this subject. On that count the hon. Director of Education will have to put un a very strong case before I can agree to this.

I was not quite satisfied with the explanation given by the hon, mover for an increase in the Inland Revenue Department, because it seems to me that there is a great deal more in the figures than he explained.

Under the head Secretariat, I am going to plead for increased expenditure, but it will not be for a very large amount. When it was agreed that this building in which we are now meeting should be made larger. I think there was an agreement that there should be a room made available with writing tables and chairs where hon, members could sit and read and where they could go if they were rather bored with listening to some of the rather long harangues that sometimes take place in this Council: Hon, members, especially hon, members on the other side of Council, could transact their ordinary business there and have a clerk at hand for they have, we know, a great deal of work to do. And we could also have a division bell there to call them in to Council at any time there is a division, I would put in a plea that a small sum of money might be provided so as to equip that room with tables and chairs and so on for the convenience of hon, members, I believe it would result in a great economy of time for official members, and, a great deal of work could be transacted there which at the present time cannot be done.

Under Subventions, I should like to ask -I know it is an old question-whether the sanitary station at Zanzibar is absolutely necessary. I understand that no ships have been sent there for four Scars.

It does seem rather an unnecessary expenditure if that is the case,

Coming to the veterinary services, we have made some increases there, and yet the Veterinary Department cannot fill up

the vacancies. I am sorry to say that it seems, from the evidence one has heard. that there is a sort of trade union, a sit down striké, against the Colonial Service. unless we make this service very much more attractive. I cannot agree that the present terms of the Veterinary Service are not attractive. A young officer comes out here on £600 a year plus all his allowances, which I submit is very much better than he is ever likely to get in private practice in Great Britain, and he can work up to be a Director who, at the present moment, gets £1,300 plus all allowances. I submit it is a good service. and that these are very good terms, but if veterinary officers will not come out here and will not do the work. I suggest Government would be justified in employing foreigners, perhaps not on the regular establishment, but on some temporary basis and consolidated pay for a limited period of years. (Hear, hear,) I do not see why the country should be held back because these gentlemen will not come out here from Great Britain. when there are other highly qualified veterinary officers, especially from places like Austria, who could do the work.

Estimates 180

One other item I wish to refer to under Veterinary is the new item for a beef measles unit. We all know the question of beef measles is a very serious matter and does require action being taken. But many of us are a little bit doubtful as to whether this is the way proper results are going to be brought about. While I do not wish to oppose this item, I do suggest it would be a wise thing if this time next year we could have a full report on how it is working and whether it is doing what is wanted or not, so that we shall not be committed for ever if it is not doing the work which we hoped it would.

Already one hon, member at least has referred to the question of passages, and it is rather alarming to see an enormous increase in the amount this year. In the analysis of the costs of Government we were told that personal emoluments were £1,100,000 and other services £1,300,000. I do not know whether passages were included under emoluments, because it has been laid down that they are chargeable under that heading for the purpose of income tax, and so presumably they are part of emoluments.

Hord Francis Scottl

We understood when the tour was increased from 3 to 4 years and from 24 to 3 years that there would be a considerable saving in passages, but instead of that-and I should have thought there was plenty of time for results to have begun to appear-we find a large increase this year.

The next point I wish to touch on is the suggestion made by my hon, friend the Member for Mombasa, that some of this capital expenditure appearing in the Estimates should properly be charged to loan. With that idea I have a great deal of sympathy. For instance, such works as Government buildings at Kisumu and the military lines at Nanyuki, which should come out of loan.

With regard to the Mombasa telephone exchange, which is costing nearly £16,000, we did raise the question last year, and we were told, if I remember rightly, that it could not be charged to loan because the life of a telephone exchange was only about 10 years. When my hon, friend replies. I should like to be told whether that is so or not, because the fact remains. that that charge of £16,000 is a very crippling one in this particular budget and is preventing further development of telephones, apart from other things, in other parts of the country.

For instance, last year we considered in Standing Finance Committee the building of a telephone line to the Kinangop, and it was recommended by the committee that that should be one of the first things done as soon as funds were available. I may say that the people concerned have already guaranteed to produce the amount of revenue which the Post Office asks for, and it does seem very hard that once more, for another year, those people should be debarred from a service they are prepared to pay for because this large sum for Mombasa has got to be found out of current revenue.

Incidentally, what makes it a little more depressing is the fact that we are also informed that the new telephone exchange at Mombasa will not reduce recurrent charges nor increase the revenue derived. I do not know whether anything can be done about it, but I hope the hon. Financial Secretary in his reply will deal with that.

I am afraid that I have very reluctantly to cross swords a little bit with my hon, friend the Member for Mombasa on one or two things he said,

The first thing he referred to I am in entire agreement with, that there should be no distrust between the coast and upcountry or between country and town. I have always agreed with that, and unless I am very much mistaken I would say there is less distrust to-day than there has ever been, and a great deal is due to the very much broader outlook which the hon. Member for Mombasa takes in all these affairs than perhaps we have been accustomed to for some time in the past.

But where I am going to differ with him is on the question of the Soldier-Settlement Scheme, which he described as a complete failure. My hon, friend the Member for Trans Nzoia informed Council how he came out under that scheme. I also came out under that scheme, and I am extremely grateful to that scheme for having brought me to this country. I go so far as to say that that scheme was a tremendous success from the country's point of view. Had it not been for it, we should not have the settlers in the country that we have today and, what is more, their children are now the vounger generation of Kenya and have grown up, and their friends also came out to join those settlers after-

Undoubtedly a certain number fell by the wayside, which was inevitable, As the hon, member said, most people who came out were amateur farmers, and they had to learn. As the hon, member also pointed out, many of them were very long distances from the railhead, and I think it is amazing what a success that scheme was, It was a bold scheme, the only bold scheme we have ever had in this country. and I consider it was one of the greatest and best things ever done for Kenya.

Another point where I must differ with the hon, member is when he said-I think I understood him correctly, I may be wrong, and the Noble Earl the hon. Member for Kiambu has touched on it-I thought he said that the day of individual holdings was departing and the company basis must come in.

MR. NICOL: Your Excellency, on a point of personal explanation. I thought I said the day of the individual was gradually departing and there was some tendency to swing over to the company basis. I think that was what I actually

183 Estimates

LORD FRANCIS SCOTT: What I wish to say is that this Colony is going to be built up by the individual who makes his home here and looks on the country from his own point of view as his home and a home for his children. When you get too many companies it gets, rather like the British Treasury, to be a soulless entity, so that I trust the tendency to individual farmers being mopped up by companies will be as long delayed as possible. The opposite tendency is what is required in this country.

Regarding the establishment of industries, I am in agreement. I think we have all come now to the conclusion that that is a question which must be dealt with, and it is necessary for the development of the country. But, when we come to the question of tourist traffic, I do suggest that we must be a little bit cautious in the figures we are talking

I think we all agree that the tourist traffic is a tremendous asset to the country, and all agree that expenditure to help on that traffic is well spent money, But do not let us lose our sense of proportion and think that the welfare of the country is going to depend on increased tourist traffic. We are told that 30 millions is found in England to-day from tourist traffic. Well, the total revenue of Great Britain two years ago-was 800 million pounds, so it is not such a very big proportion as it might seem.

Of course, we have not got the attractions here for tourists which they have in Great Britain, We have got attractions, and we must make the best of them. By far and away the greatest attraction is the game, and I agree it is time that the question of game parks was settled and that we had a definite policy in regard to game, as to where game should be encouraged and where decreased, and have game parks accessible to visitors. I entirely agree with that,

When it comes to the question of antiquities again. I quite agree we have a modified asset in some antiquities which have been discovered in this country, and I think we ought to try and preserve and develop that asset to be an attraction to a certain type of tourist. I quite agree with that, and I think, when we go into Standing Finance Committee, if we are able to make economies in other directions and if there is any money available. we should consider whether we could afford more money for this purpose in this budget.

When we come to the difficult question my hon, friend put forward, that we should have a 10 million loan for various purposes, I feel that in a way he was rather exaggerating the position for the purpose of drawing atteniton to what he wanted us to pay attention to. That is, that there is a definite need of a constructive policy for development which would have resultant benefits to this country. As far as that goes, I entirely agree. I should like to see the day when we had money surplus so that we could finance most of these things from current revenue and not have to go to the country and borrow money, but it is quite obvious that for some time to come, anyhow, that cannot be the case. Therefore I think we will have to go to the market for a loan of sorts.

But the way I look on a loan is this. One must very clearly know for what objects you want to borrow money, and each object should be most carefully scrutifized as to whether it is either absolutely necessary from the ordinary progressive point of view of the country, or whether it would be of such a form that it will help the development of the country and so bring in increased revenue

Under the first head I am thinking of such things as hospitals, schools, and even perhaps central offices for Government, and so on. They may be necessary, and we may have to borrow money to build them. Under the second head come suggestions for improving the tourist traffic, and especially for increasing settlement in this country. I do feel that it is absolutely essential that we must get more European inhabitants into this country, if the country is to go ahead in

[Lord Francis Scott] the way it should. I do feel that in any scheme which is to be put forward with that object in view Government have got to be bold and take the broad view,

185 Estimates

There is one point I should like to mention, and that is the question of locusts. We know they have already done considerable damage in the Trans Nzoia and Uasin Gishu Plateau, I also know that they are at this moment very busy laying eggs on my own farm and neighbouring farms. I also know, which perhaps some members of Council do not know, that Government have voted a considerable sum of money to see that the action taken against locusts shall not be delayed for lack of finance. I think it almost inevitable that whatever is done, however efficient the means are to cope with the present situation, more money will be required during the course of 1939 than has been so far anticipated.

It will be a disaster for this country if once more we have these swarms of locusts doing irreparable damage to farms all over the country. "

One small point raised by the hon. Member for Trans Nzoia was the question of rinderpest. I do trust that the policy of Government will be in favour of vaccination rather than double inoculation, because that is the way to eradicate it, while double inoculation must keep it alive. It may be necessary in the early stages to use a vaccine virus which may, to a certain extent, keep it alive, but that is a problem to be faced when the department undertakes to clear it up.

It is unfortunate that the hon. Director of Veterinary Services is laid up in hospital and unable to be present to-day, and I am sure that all members hope he is going on well and will soon be restored to complete health.

I do not know whether I have put my case as clearly as I wanted, but if I may just sum it up it is this.

Do not let us forget the lessons of the past, and we must confine ourselves to services which are absolutely essential, and cut out other services which may be desirable. Let us try and build up surplus funds for the twofold object of (1) to reduce taxation to as low a level as

possible so as to leave money in private hands for development, and (2) to have sufficient funds in Government's hands which will also be available for development, and by these co-ordinated means to so improve and build up the wealth of the Colony.

MR. KASIM: Your Excellency, I think we are in a very happy position this year in that we have not to discuss any measure of taxation issue...

On page 12 of the Draft Estimates Government is budgeting for a revenue of £20,000 on grain and flour. It is regrettable that, in spite of the 100 per cent protection afforded to the wheat grower. the Colony is importing thousands of tons of grain and flour from overseas. Best Australian superfine wheat flour is quoted at £5-8-0 f.o.b. Australian port, or £8 c.i.f. Mombasa, as compared to £22 for Kenya Paramount wheat flour or £20-7-0 for Keny: Pride.

Protection afforded to the local wheat grower is about 100 per cent, which works out as follows: protective duty per ton, £6-12-0; clearing charges per ton. Sh. 11; difference of railway freight between local and imported flour from Mombasa to Nairobi, £3-2-7; total, £10-5-7. The protective figures are based on Nairobi price. Thus it can be seen that wheat growers have 100 per cent protec-

According to the agricultural report, the Colony produces about 15,000 tons of wheat annually. If protection at a rate of £10 is calculated, it becomes about \$150,000 or three millions of shillings. All this burden is borne by the consumers. If it is still necessary to subsidise the industry. Government should subsidise it from the general revenue. so that the taxpayers may know the exact burden the wheat industry is to the Co'ony.

Wheat flour is the staple food for the Indian community, and Government should consider reducing the price of wheat flour or reduce the protective duty on wheat or wheat flour.

On page 15, Government is budgeting £5,700 from Kisumu water supply. The water and meter charges are unduly high in Kisumu compared with Nairobi and Mombasa. The water supply should not be a revenue producing machine.

MR. NICOL: Your Excellency, on a point of personal explanation, I thought I said the day of the individual was gradually departing and there was some tendency to swing over to the company basis. I think that was what I actually said.

LORD FRANCIS SCOTT: What I with to say it that this Colony is going to be built up by the individual who makes his home here and looks on the country from his own point of view as his home and a home for his children. When you get too many companies it gets, rather like the British Treasury, to be a soulless entity, so that I trust the tendency to individual farmers being mopped up by companies will be as long delayed as possible. The opposite tendency is what is required in this country.

Regarding the establishment of industries, I am in agreement. I think we have all come now to the conclusion that that is a question which must be dealt with, and it is necessary for the development of the country. But, when we come to the question of tourist traffic, I do stiggest that we must be a little bit cautious in the figures we are talking about.

I-think we all agree that the tourist traffic is a tremendous asset to the country, and all agree that expenditure to help on that traffic is well spent money. But do not let us lose our sense of proportion and think that the welfare of the country is going to depend on increased tourist traffic. We are told that 30 millions is found in England to-day from tourist traffic. Well, the total revenue of Great Britain two years ago was 800 million pounds, so it is not such a very big proportion as it might seem.

Of course, we have not got the attractions here for tourists which they have in Great Britain. We have got attractions, and we must make the best of them. By far and away the greatest attraction is the game, and I agree it is time that the question of game parks was settled and that we had a definite policy in regard to game, as to where game should be encouraged and where decreased, and have game parks accessible to visitors. I entirely agree with that.

When it comes to the question of antiquities again, I quite agree we have a modified asset in some antiquities which have been discovered in this country, and I think we ought to try and preserve and develop that asset to be an attraction to a certain type of tourist. I quite agree with that, and I think, when we go into Standing Finance Committee, if we are able to make economies in other directions and if there is any money available, we should consider whether we could afford more money for this purpose in this budget.

When we come to the difficult question my hon, friend put forward, that we should have a 10 million loan for various purposes, I feel that in a way he was rather exaggerating the position for the purpose of drawing attention to what he wanted us to pay attention to. That is, that there is a definite need of a constructive policy for development which would have resultant benefits to this country. As far as that goes, I entirely agree. I should like to see the day when we had money surplus so that we could finance most of these things from current revenue and not have to go to the country and borrow money, but it is quite obvious that for some time to come, anyhow, that cannot be the case. Therefore I think we will have to go to the market for a loan of sorts.

But the way I look on a loan is this. One must very clearly know for what objects you want to borrow money, and each object should be most carefully scrutinized as to whether it is either absolutely necessary from the ordinary progressive point of view of the country, or whether it would be of such a form that it will help the development of the country and, so bring in increased revenue.

Under the first head I am thinking of such things as hospitals, schools, and even perhaps central offices for Government, and so on. They may be necessary, and we may have to borrow money to build them. Under the second head come suggestions for improving the tourist traffic, and especially for increasing settlement in this country. I do feel that it is absolutely essential that we must get more European inhabitants into this country, if the country is to go ahead in

[Lord Francis Scott]

the way it should. I do feel that in any scheme which is to be put forward with that object in view Government have got to be bold and take the broad view.

There is one point I should like to mention, and that is the question of locusts. We know they have already done considerable damage in the Trans Nzoia and Uasin Gishu Plateau, I also know that they are at this moment very busy laving eggs on my own farm and neighbouring farms. I also know, which perhaps some members of Council do not know, that Government have voted a considerable sum of money to see that the action taken against locusts shall not be delayed for lack of finance. I think it almost inevitable that whatever is done, however efficient the means are to cope with the present situation, more money will be required during the course of 1939 than has been so far anticipated.

It will be a disaster for this country if once more we have these swarms of locusts doing irreparable damage to farms all over the country.

One small point raised by the hon. Member for Trans Nzoia was the question of rinderpest. I do trust that the policy of Government will be in favour of vaccination rather than double inoculation, because that is the way to eradicate it, while double inoculation must keep it alive. It may be necessary in the early stages to use a vaccine virus which may, to a certain extent, keep it alive, but that is a problem to be faced when the department undertakes to clear it up.

It is unfortunate that the hon. Director of Veterinary Services is laid up in hospital and unable to be present to-day, and I am sure that all members hope he is going on well and will soon be restored to, complete health.

I do not know whether I have put my case as clearly as I wanted, but if I may just sum it up it is this.

Do not let us forget the lessons of the past, and we must confine ourselves to services which are absolutely essential, and cut out other services which may be desirable. Let us try and build up surplus funds for the twofold object of (1) for reduce taxation to as low a level as

possible so as to leave money in private hands for development, and (2) to have sufficient funds in Government's hands which will also be available for development, and by these co-ordinated means to so improve and build up the wealth of the Colony.

Estimates 186

MR. KASIM: Your Excellency, I think we are in a very happy position this year in that we have not to discuss any measure of taxation issue.

On page 12 of the Draft-Estimates Government is budgeting for a revenue of £20,000 on grain and flour. It is regrettable that, in spite of the 100 per cent protection afforded to the wheat grower, the Colony is importing thousands of tons of grain and flour from overseas. Best Australian superfine wheat flour is quoted at £5.8-0 f.o.b. Australian port, or £8 c.i.f. Mombasa, as compared to £22 for Kenya Paramount wheat flour or £20-7-0 for Kenya Paramount wheat flour or £20-8-0 for £20-

Protection afforded to the local wheat grower is about 100 per cent, which works out as follows: protective duty per ton, £6-12-0; clearing charges per ton, Sh. 11; difference of railway freight between local and imported flour from Mombasa to Nairobi, £3-2-7; total, £10-5-7. The protective figures are based on Nairobi price. Thus it can be seen that wheat growers have 100 per cent protectives.

According to the agricultural report, the Colony produces about 15,000 tons of wheat annually. If protection at a rate of £10 is calculated, it becomes about £150,000 or three millions of shillings. All this burden is borne by the consumers. If it is still necessary to subsidise the industry, Government should subsidise it from the general revenue, so that the taxpayers may know the exact burden the wheat industry is to the Colony.

Wheat flour is the staple food for the Indian community, and Government should consider reducing the price of wheat flour or reduce the protective duty on wheat or wheat flour.

On page 15, Government is budgeting £5,700 from Kisumu water supply. The water and meter charges are unduly high in Kisumu compared with Nairobi and Mombasa. The water supply should not be a revenue producing machine.

Estimates 190

IMr. Kasiml Regarding the Post Office, in view of the great development and increase in the

population at Kisumu, the department should employ a postman to make door to door delivery of letters. The postal staff at Kisumu have to work longer hours, therefore the department should increase the staff.

On page 117 there is a sum of £1,762 for a training school at Dar es Salaam for postal clerks and telegraphists, I hope the training of Indian boys will also be included therein,

On page 15, Government is budgeting £14,000 from prison industries. The existing ration scale for Indian prisoners was fixed over 20 years ago, and there is urgent necessity to revise the scale of ration.

On page 50 a sum of £835 has been allocated to the Forest Department for a limber export development grant, I hope some part of this sum will be utilized for the boriti timber export trade at Lamu.

Coming to the Medical vote, I should like to bring to Government's notice that there is an urgent need for having Indian wards, one at Kitale and the other at Kisii, and an Indian nursing sister for Kisumu Indian ward. The present European nurse at Kisumu has to look after hundreds of African patients, and it is obvious that she cannot look after every one of them properly. Hence it is very necessary to have an Indian nurse, in order that all Indian patients can be properly looked after. Government spends huge sums of money on the upkeep of European hospitals, and it is

With reference to the road grants to district councils, we find in these Estimates that £1,963 is provided for this next year. There is one point in connexion with district councils, that there is no Indian representative on them. There is an overwhelming majority of European settlers, and there seems to be no reason why they should object to Indian representation which, in the very nature of things, is bound to be in a very small minority. There is an Indian member on the Nyanza District Council, who has been very helpful to it, and this point

should again be considered by Govern-

As to education, for quite a long time the Indian community have been clamouring for more and more money to be applied to the education of their children, and I submit that we can no longer rest satisfied with the present efficiency and that we must take into consideration the increased number of pupils and the increased need of education for Indians. It should not be forgotten that the Indian community have contributed very large sums towards the education of their children by running private schools, etc., and Government gives a small grantin-aid.

A few years ago it was the Government policy to take over private Indian schools as and when funds permitted. During the time of depression, naturally, it was not possible for Government to do so, but I think the time has now come when Government should resume the policy and one or two schools be taken over each year.

In this connexion, I do not find any provision made in the Estimates for taking over Kitale school, but I hope the policy of taking over private schools will be followed up promptly in future years.

With regard to school buildings, I beg. to remind Government that their assurances since 1927 for building their own school at Kisumu have not yet been fulfilled. The existing rented building is fast being overcrowded, and the hon. Director of Education should provide the money in next year's Estimates.

I should also like to draw attention to very deplorable that Indians are neglected , the present amount of the grant-in-aid, £10,000, which I consider is quite insufficient. The scale of the grant-in-aid of 13 per pupil should be increased, and special block grants made for those rural aided schools where the number of pupils is few.

> Coming to the Asian Local Civil Service, it is very necessary that the terms and conditions of the Service be amended, I need not stress that the European Local Civil Service is very highly remunerated as compared with the Asian for the same kind and amount of work done. I am not out here to complain against Government for their generosity

(Mr. Kasim.)

towards the Europeans, but I strongly appeal that the Asians be treated in a fair wav.

Now, coming to the Agricultural vote, more agricultural officers should be provided for the native reserves. There is only one agricultural officer in the South Kavirondo District, in which dwells onetenth of the whole population of Kenya.

On the revenue side, I see that Government is budgeting for £6,000 from the cotton tax. This tax must be utilized for bettering the industry itself, similar to the coffee and sisal industries.

With regard to the Police vote, I welcome the increased estimates for 1939. Your Excellency is aware that there have been several housebreakings all over the Nyanza Province, particularly in the Lumbwa District, where traders have lost a considerable amount of property to the value of about Sh. 8,000. In these circumstances, I suggest to Government the necessity of increasing the police patrol in this area and, when circumstances warrant, of granting compensation when the accused are found guilty and no property is recovered, as is being done in the case of stock thefts.

I should also emphasise in the strongest terms possible the necessity of granting licences to Indians in isolated places to keep firearms.

On the matter of roads in the Indian settlement, millions of pounds have been spent on the road programme in the European settled areas. There is only a small Indian settlement at Kibos, where Government allotted farms to Indians in 1904. Thirty-four years have passed, and still no roads have been provided. although their requirement is only about £1,000.

This negligence is very much to be deplored. In the absence of roads some Indian farmers have lost their lives during the wet weather, because doctors' help could not be obtained in time, I do hope that Government will provide the required sum in next year's Estimates.

Coming to Government's policy of bringing uneconomic pressure to bear on the Indian traders in the native reserves,. Indians have developed trade in the- the question in framing the budget is not

native reserves for the last 40 years at the risk of their lives when the African was in a primitive stage. Marketing legislation has been introduced, and Africans are allowed to build huts and trade within a few hundred yards of the existing trade centres where Indians have invested large sums on buildings and are paying very heavy licences.

I am not by any means against trading by Africans, but it should be Government's policy to ensure that trading centres are protected by having a radius of a certain number of miles beyond which only the Africans can trade, or the Africans should be encouraged to erect proper buildings at the trading centres. Moreover, in recent years local native councils have passed several resolutions which directly affect the Indian commercial community. Government should allow representation to the Indian community on the local native councils.

In conclusion, I quite agree with the hon. Member for Mombasa, that the past history of this Colony has been marred by political controversy. Let us run this Colony on commercial lines and achieve the prosperity we all desire.

Council adjourned for the usual interval

On resuming:

COL. MODERA: Your Excellency, hon, members will be able to judge from the fact that I arose a few minutes before the interval that I shall not detain the Council very long. I do not suppose any Chancellor of the Exchequer or any Financial Secretary has ever introduced a budget which has pleased everybody, and I have got to confess to being slightly disappointed myself.

As I understand it, the hon, mover said towards the end of his speech that he trusted hon, members would agree that the money available had been spent in the most suitable way.

MR. LOCKHART: Your Excellency. on a point of explanation, what I said was: As to whether the money was being spent in the best way is for this Council to consider.

COL. MODERA: As I understand it,

•

[Col. Modera] so much the cutting of your coat according to your cloth as it is in fitting your coat to the body either by the addition of the necessary material or by the drawing in of the earment concerned.

I was disposed to think that the first thing to do was to accrtain the minimum requirements and then see how that money could be raised. It seems to me that on this occasion it has rather been the other way about. It has been to ascertain how much money is available and then the consideration has been as to how it should be expended.

The 1938 Estimates showed a balance of £17,707. In 1939 the balance estimated is £509. In 1938 the estimate for income lax was £43,500. In other words, as 1 read it, it required—to balance the 1938 budget and to give a credit balance of £17,000—the sum of £43,000; it required to balance the budget at that time the imposition of income tax to the amount of £26,000. In 1939 it requires to balance the budget the sum of £134,000 in income lax; in other words more than another £100,000.

Now, Sir, I do ask myself this question; is some miscalculation (which might be quite understandable) had been made in the amount of income tax that could be collected, or even supposing that calculation had been correct, what would have happened if this £100,000 had not been available?

I do suggest to the Standing Finance Committee that the answer to that question is that we could not have looked for and could not have had the advantage of the figures appearing in the budget, for the increase of the expenditure visualized.

If it had not been for what the hon. Member for Tran Nzoia referred to as windfall, I suggest that the increases could not have appeared in the budget. The hon, mover has informed us that there are increases (excluding normal increases which are for £14,200) in personal emoluments of £21,200 and in other charges of £41,600. I suggest that it would have been necessary to reduce these figures, had there not been this sum available, and therefore it is still possible

to reduce the increases. But if the money is to be spent I would rather see it spent as the noble Earl the hon. Member for Kiambu stated yesterday, and the noble Lord the hon. Member for the Rift Valley said to-day, if possible in some reduction in taxation.

Admittedly it is not such a very large amount as to admit of much reduction in taxation, but we have looked for a reduction in taxation in other spheres if this income tax is to remain on the statute book. Alternatively I for one would have liked to have seen it employed possibly in the reduction of hospital charges.

At the last session I deplored before this Council the fact that there was still no report from the Settlement Committee. and I should like to reiterate my remarks if I may. You, Sir, from the chair, in opening this Council, stated that projects had to be very carefully thought out and that it was no good embarking on schemes unless we were certain they were going to be useful and not such as would have to be cancelled afterwards. If I may, Sir, I respectfully agree, but I do suggest that there has been an intolerable delay; and I do think that it is most unfortunate that the hon. Financial Secretary had not before him at the time he drafted the budget some information from the Settlement Committee.

As it was, it was quite impossible for him to take into consideration whether any money could be expended out of this budget on settlement (and I visualized that probably it would not be possible) but, at the same time, had the Financial Secretary had some ideas before him, we might have had some assistance on those lines. I visualize that the Settlement Committee will probably advance some recommendations which will involve the expenditure of money and it is quite possible that that money will have to come from sources other than yearly revenue. I cannot quite go to the length my hon, friend the Member for Mombasa suggested as to the amount of loan which he thought we should obtain. But I do consider that ultimately some loan will have to be raised for the furtherance of such things as settlement and for the improvement and the maintenance of the roads.

193 Estimates

[Col. Modera]

I regret very much that it is considered in some quarters that roads are not very necessary. I suggest to this Council that, from the days of the Romans, roads have been a primary consideration and I do support the hon. Member for the Coast and the noble Lord the hon. Member for the Rift Valley when they say that the tourist possibilities of this country must not be lost sight of. As far as the road traffic is concerned, I do think that this Council should not lose sight of the nossibility of a road going from the north to the south of Africa (which has been referred to as a dorsal route); of the possibility of that becoming an accomplished fact; and of this country being stinted of tourist traffic because of its inability to provide adequate roads.

It is difficult when so many have been criticising the Estimates to pick further bones, if I may use a vulgarism. But I would like just to refer to two matters.

On page 19, at the top, under Land Sales, it is shown that there is an anticipated decrease of £15,000 from stand premia on town plots. I would ask that Government in their reply would explain that item and why that decrease is so large.

Finally—other speakers have referred to it—but I would like to draw attention again to page 52, dealing with the Inland Revenue, and to the fact that in 1936 the expenditure under the personal emoluments column was £6,505 whereas to-day in the estimates it is £15.884.

DR. WILSON: Your Excellency, in one of the speeches made vesterday there was reference to the various adjectives that might be applied to a budget, but when a really superior person wishes to criticise or disparage a budget he describes it as unimaginative. I do not pretend to resemble in any way a superior person but, even one so humble as I, cannot fail to detect a lack of imagination. of inspiration, in these Estimates. And having said that, I suppose I shall be told that you cannot produce an inspired budget without sufficient revenue. I venture to doubt that. Poverty is not incompatible with imagination and necessity is proverbially the mother of invention; so I suggest that insufficient revenue

is not a sufficient reason for a lack of imagination in framing these Estimates.

Estimates 194

May I suggest that when this budget was in the course of preparation imagination might have been stimulated by the study of two other of the Colony's financial statements?

The first would be the financial statement of the K.U.R. and H either for this year or last year or any of the past years. I cannot say as yet what the Estimates will be for the coming year. From those annual statements it would appear that there is at least one colonial institution which finds it possible, even in these hard times, to collect from the pockets of the people of Kenya and Uganda a large sum of money, and use that sum of money not only for the running expenses of a system of transportation but for a generous programme of building and other constructional work.

I suppose I shall be told—as we always are told—that anything so irregular as tampering with railway profits or reserves is not to be contemplated. Probably it will be considered quite an adequate answer to tell us, as the hon. General Manager told us last year, that you cannot divert railway profits to general revenue without amending the Railway Ordinance. And, so what? Did not we yesterday pass the first reading of an amending Ordinance?

Apparently when it is a question of giving the railway more power there is no particular difficulty in amending the Railway Ordinance; the trouble comes when it is a question of leaving the railway with less profits.

I should like to see as one of the items of revenue in these Estimates "Appropriated from excess Railway Profits X-hundred-thousand pounds." And "X" might be any figure from one to ten.

Whatever Government's reactions may be to this perfectly reasonable suggestion, I only hope that it will not reveal an attitude of unctuous rectifude at the shocking suggestion of stealing railway reserves, because Government is not above robbing hen-roosts when it can get away with it. May I quote from Sessional Paper No. 3 of 1938, The Central Roads

IDr. Wilsonl

and Traffic Board Report on Programme of Road Improvement, Part I, paragraph

"We find that expenditure on roads excluding all Capital expenditure, exceeded the revenue produced from vehicle taxation by £17,685 during the period 1928-1932. But that from 1933-1936 revenue exceeded maintenance expenditure by £234,506."

Nearly a quarter of a million calmly appropriated from the proceeds of taxation of another form of transport! I think the hon, the Financial Secretary must have a guilty conscience in this matter, because in his opening speech he felt himself compelled to try and explain it away, It would seem, I succest, that robbing hen-roosts is only immoral when there is somebody strong enough to look after the chickens!

The other financial statement to which I should like to draw attention is the summary of the Receipts and Expenditure of the Local Native Councils for 1937. But this time I am not suggesting the appropriation of the funds disclosed.

This statement for 1937 shows a revenue by all the Local Native Councils of over £100,000, expenditure of nearly £100,000, and a surplus balance at the end of the year of well over £100,000, Now, these are rather surprising figures, and certainly should stimulate the imagination. One wants to know when we are going to hear about the correlation of this budget with the Colony's budget.

We have been told in Sessional Paper No. 2 of 1938, paragraph 118 that-

"the time has come to consider the principles of the financial relationship between the Government and the Local Native Councils".

and that-

"a Provincial Commissioner has been appointed to make an inquiry."

It certainly seems to call for an inquiry when we find these Local Native Councils collecting such large sums of money for social services because they believe expansion of these services is necessary, while at the same time we find Government delaying the improvement of those services which call for improvement, for example the hospital services, on the

grounds of the lack of money. One wante to know where this is going to end, and

To turn now in a less imaginative way to some of the commonplace details of the Estimates.

Under Revenue, Head II, Item I. Native Hut and Poll Tax. This is practically the same as last year's estimate, £533,000, but short of the 1937 collection, and £17,000 short of the £550,000 suggested as a fair figure in the 1936 Report on Native Taxation. The difference presumably represents the relief afforded by increasing the taxable ace to 18.

The only reference that I have seen or heard lately to Sir Alan Pim's second recommendation about plural huts, is in the same paragraph of Sessional Paper No. 2 of 1938, from which I have just quoted. From that we learn that "a Committee was appointed to examine the problem", but later "it adjourned its deliberations". So I am left in some doubt as to whether the question is to be considered sub judice, or whether it is definitely shelved. In any case I do not intend to arrive about that at the moment,

What I do want to argue about is the assumption that but and poll tax, more or less in its present form, is the only practicable form of native taxation. It stands to reason that a flat rate of tax, regardless of the individual's capacity to pay (except in so far as exemption as an act of charity and in cases of extreme poverty), that such a system of taxation can stand for all time as a just form of taxation. I think some better system has got to be found, however difficult it may be to find it. The only argument brought forward against any change is that the present amount of money collected by the hut and poll tax has got to be found somehow, and as there is a possibility that any change might result in a less amount being collected therefore no change can be considered. But I do not think that that argument will hold good for ever.

I had hoped at one time that perhaps the introduction of European revenue officers into the native taxation system may have been helpful in suggesting a practicable improvement on present

IDr. Wilson? methods. But the number of these posts is only increasing very slowly towards the ten which Sir Alan Pim proposed, and I do not think we shall get any tangible results from these officers just yet. I submit that the case for the revision of the present system of native taxation is strengthened by the recent application to non-natives of the principle of taxation in proportion to capacity to pay, with surprisingly successful financial results.

In further rather remote relation to this question of native taxation I see with satisfaction that the remuneration of the chiefs and native headmen has been increased, though my satisfaction is somewhat lessened when I see the footnote that this includes normal increments.

There are two other items in Revenue on which I want to touch:

Head IX: Forest Department, It is cratifying to find that a Government department is producing a revenue estimate of nearly £40,000. The ban Conservator of Forests is to be congratulated on that. On the other hand, it must be remembered that the forest reserves cover a very large area of the Colony. That area is not available for other agricultural development-it has been definitely excludedand I suggest that £40,000 is not such a large figure when set off against so large an area of land reserved. In other words, we might look for an increase in revenue from the Forest Department, and I am sure that the hon. Conservator will agree with me that he could get that increase in revenue if he could get more money to develop the reserves.

I know all the arguments about the indirect value of forests. But I am now saving that there is an obligation to develop our forests on a paying basis, and for that reason the department must not be starved. As an economic proposition the requirements of the department should have full consideration. I know I am risking the wrath of the Arbor Society in hinting that, without some such assurance, we might be inclined to question the justification of reserving so large an area. of the Colony as forest reserves.

Head V, Item 2, Prison Industries. Here thee of them. The latest figures then again it is a satisfactory thing to see that available were the figures for 1936 and

our prisons are producing a revenue, My point in referring to this here, however, is to call attention to the very good work which is being done in our prisons in the way of teaching useful trades. It is not easy to assess the actual social value of that work; it should be very great, and if only a proportion of the natives on their telease from prison continue to practice tailoring and carpentering or whatever they have been taught while in prison, then the work is well worth while,

Estimates 198

It is one line of approach-perhaps an unexpected one-to establish village industries or other industries which have been mentioned once or twice in this debate and by Your Excellency as being a development which has got to come in the social life of our natives. Here, again, the work must not be starved for the lack of funds, I understand that the present facilities for carrying on these prison industries are rather cramped, and I ask that reasonable requirements of the Prison Department should be met.

Turning to expenditure, I am glad to see that we have found it possible to increase the African education vote, and I of course welcome also the increase in the medical vote. In connexion with the Medical Department, I was disappointed to hear the hon. Financial Secretary saving in his speech that with regard to the centralization of medical research in Nairobi the details themselves had not been agreed to. I had hoped that this very important proposal had not beyond the stage of discussion. I may have misunderstood him.

Still, in connexion with the Medical Department, I am pleased that at last there is some start in the actual work of construction on some part of the new Nairobi group hospital, so that at last there is some prospect of relief from the terrible conditions of overcrowding in the present Nairobi native hospital. That brings me to the question of other native hospitals in this Colony, where overcrowding is just as bad or even worse.

Six months ago I asked a question in this Council as to what steps were being taken to relieve the overcrowding in The other item I want to mention is - native hospitals. I quoted the figures of

of race.

[Dr. Wilson] these figures, if I may repeat them now, were: In Nakuru hospital these were 72 beds and the average daily number of patients was 122; in Kakamega hospital, 100 beds with an average daily number of patients of 120; and in Keruguya, 41 beds with an average daily number of patients of 58.

The figures for 1937 have since been published and these are: Nakuru 132. 72 beds; Kakamega, 146 for 100 beds; and Keruguya, 81 for 41 beds. And I am afraid that the figures for the present year will be found to be even worse. As an even more frightful instance of overcrowding I give one final figure, and I quote from the Blue Book, which I presome is correct. In one ward containing 23 beds, the greatest number of patients on any one day was 86, and if there had been another 6 patients it would have been exactly four patients for each bed. I do not know which is the more deplorable: the impossibility of proper treatment in the hospital under these conditions, or the inhumanity of having to turn away the large number of natives, who must be turned away, from lack of accommodation. I suggest that this is a state of affairs which cannot be allowed to continue. Yet, where in these Estimates is there any indication of any real attempt to end that?

Finally, I come to an omission in the budget which I mentioned last year and which I shall continue to mention until it is put right. Where is there any provision in these Estimates for a pension or provident fund for African servants of Government? I cannot understand why so reasonable and equitable a provision cannot be made and is still refused. A long while ago we were told that the matter was receiving serious consideration which, for all practical purposes, seems to mean precisely nothing. I ask again for an assurance from Government that serious consideration is to be followed by actual realization,

MR. PATEL (Eastern Indian): Your Excellency, I join in the expression of opinion by previous speakers in regard to the grave position disclosed by the financial statement presented to us. The small balance which has been shown not

only reflects the grave position of the Colony's financial status but, I submit, if we take into consideration the high revenue derived from income tax it shows we would have been on the verge of bankruptcy but for income tax.

If I remember rightly, last year Government dreamt of building up a reserve of one million pounds, and it appears from the small balance estimated for in 1939 that that must remain for a long time a dream.

Expenditure has been increasing and, as previous speakers have rightly stressed, it requires control. At the same time, I must confess that when I consider how to achieve reductions of expenditure, I feel that I am at a loss. One proposal which had often been plit forward is that there should be control over increases in salaries and that salaries of highly paid officials should be reduced, but we all know of several committees and commissions which have sat in the past and recommended this, with no effect. Therefore I do not think that that object is going to be achieved.

A second proposal put forward several times from this side of Council was that increasing use of the Asian Civil Service should be made for clerical work, but it has not found favour in more than one quarter. A third thing put forward is that there should be a reduction in staff. I do not think that Government will accept that proposal.

If we consider the matter and face practical facts, I think the expenditure is going to increase from year to year. There will be normal increments, there will be more demands from the unofficial side for increased economic and social services, and that is bound to be reflected in increased expenditure from year to year, in spite of efforts at large reductions of expenditure as in the past. Therefore, I feel that it will be useless to hope for success in achieving reductions in expenditure for this Colony.

We have then to consider what will be the position unless the revenue increases in the future. It is true, I think, that on the unofficial side no member will agree to any additional form of taxation or any increase in taxation in its present form in which it is levied to-day. With those facts before us, I think the only alternative before the Colony is to see if our revenue will increase in future by the present form of taxation and at the present rates, and that can only be achieved. I submit, if Government follow the policy of increasing the development of the Colony, so that all communities may prosper and

take part in that development irrespective

Unfortunately, in this country, all the communities are not given the due opportunities of progress they deserve, and artificial obstructions are often put in the way of several communities. I submit that that is the reason why we do not develop the country at the rate we ought to and thus increase our sources of revenue.

I would like to join with previous speakers in wishing to have a reduction in taxation, but if we examine carefully the ways by which we can achieve it I think it is an empty term.

While on that question of development, I wholeheartedly support, on broad lines, the suggestions put forward by the hon. Member for Mombasa, particularly for the development of the coast and roads.

Referring to the coast, I must join him in voicing the grievances of the coast which, as the hon, member said, has so often been neglected in the past. To-day, if you examine the resources of the coast, it will be found that a few years back there was an exportable surplus, but to-day there is a constant threat of famine in the native reserves on the coast. At the same time, I take this opportunity to submit to Government that there is a great possibility of encouraging Indian settlement at the coast, if Government would take a real interest in the matter as they are doing in respect of European settlement.

With those few general remarks, I propose to touch on a few minor points in the revenue side of the budget.

On pages 13 and 14, the question of tuition fees at Indian schools and the poll tax. It is a very minor point, but when the education fees were increased from Sh. 24 to Sh. 45 per term there was remendous Indian opposition. It was, however, imposed, and to-day we find that

the Indian children in the secondary schools pay Sh. 45 per term. At the present moment, many of these children are above the age of 18 years, so that they are also called on to pay poll tax. I consider that for parents of moderate means it is a hardship that their children should be called on to pay poll tax as well as the tuition fees, and I request Your Excellency to use the power given you under the Ordinance and exempt those school children from the payment of the poll tax.

Estimates 202

The second point on page 13 is in regard to the entertainment tax. I think that last year it was suggested from the unofficial side that this tax should be abolished but, considering the present financial position, I do not think Government will consider the removal of the tax from next year's budget. At the same time, I desire to point out that in a growing country like this there are several institutions which may not strictly fall under the heading of charitable objects who derive a certain income from entertainments. The scope of the tax should be so widened that these several institutions receive exemption from the navment of the tax. It was suggested during the discussions of the Standing Finance Committee last year that amendments should be made to the Ordinance to give effect to these exemptions.

On page 14 there is one very smallpoint, survey fees,

I do not think that hon, members are aware that at the coast there are several title deeds issued to Arab and Swahill land owners, on which there is a first charge of Government survey and certificate fees. These certificates were issued in 1922 or 1923, but in many cases the owners have been unable to pay the survey and certificate fees and get their certificates free of charge, and I know that to-day in a number of instances the fees payable are equal to or more than the value of the land.

I myself approached the Registrar of Titles in Mombasa and pointed out the great difficulty of these land owners, and I know that in some cases a part remission was made. But that is not the solution to this problem, and I think land owners outside Mombasa should have the fees

[Mr. Patel] waived by Government as already 16 years have passed without payment of these fees

The other point which I wish to refer to is on page 16, under the heading of "Rents of lands." I am putting the case of one small township on the coast, Marakani, All the plots in other small townships on the coast are charged at the rate of Sh. 6 per month, except in Marakani, where it is Sh. 16 per plot per month. It may be that at the time these plots were allotted to the several tenants Marakani was a more prosperous place, but to-day it is a real hardship on the people occupying the land on temporary occupation licences to have to pay Sh: 16 a month. They made terresentations to the District Commissioner but without success, and I request Government will take into consideration the hardship on that township.

Coming to the expenditure, it is difficult to advocate increased expenditure at a time, when only £509 is shown as the estimated balance but, as it is customary in this Council at the budget session to point out the needs and difficulties of the several communities, I take the opportunity of also submitting a complaint Which I feel justified.

The hon, member Mr. Kasim referred to the question of the educational needs of the Indian community but, as far as I am concerned, I desire to refer to one or two things in regard to the needs of Mombasa.

We have been promised for the last several, years, the construction of an elementary school. To-day, this school is in a building which is not at all designed to be used as a school. The classes are overcrowded, there are more than 50 children in a class, and it is the same in the Indian Government girls school at Mombasa. I am quite sure that if the hon. Director of Education visited any private school and found classes of 50 children in a building of small size, he would exercise his power and close the school. But because this is a Government school he allows it to go on.

I am aware that the position of the hoa. Director is that of a housewife whose children are increasing and whose husband is unwilling or unable to provide more funds for necessary expansion of accommodation. At the same time, I must point out that the education of the children is a first charge on Government, and the primary duty accepted by all civilised countries in the world, and unless the rising generation of this Colony is properly educated, I am afraid that all our efforts at the development of the Colony will not achieve the results we may desire.

At least primary education should be carefully looked after by Government. In this country, we know that many people are prepared to give education to their children voluntarily, and I submit that Government should encourage that snirit among the people. The hon-Director of Education and the Education Department, in issuing their annual reports, remind the Indian community of the lack of interest they take in the education of the girls, and year after year remind the Indian community that it is essential to take an interest in them. But when we start sending our girls to school, many of them are refused admission because of lack of space.

If I remember rightly, last year we were told we would have to take an increasing finerest in the education of our girls. If anybody visits the girls school at Mombasa they will find in a small room 50 children made to sit, and there is no room available for new pupils.

The second point I desire to touch on is under Head XIX, page 59, Item 7, contributions by Government for main roads.

When there is an increase of £500 under this item, it might seem ungrateful to criticise Government for not granting more money but, if the facts are examined, Gouncil will agree with me that Government has not done justice to the Mombasa Municipal Board.

Under the Local Government Ordinance it is the duty of Government to provide half of the funds for the development of the main road. Anybody who has visited Mombasa will find that the Salim. Road is becoming an important centre for business, and that the area has been fully developed by the investment of thousands of pounds in the construction

of buildings. Ordinarily, roads should precede development, but in this case the roads did not follow even the development which has taken place. At one time, Mombasa was promised the roads would be constructed as soon as the buildings.

(Mr. Patel)

Mombasa was promised the roads would be constructed as soon as the buildings were there, but to-day we find that the Municipal Board is unable to construct this very important road because Government are unable to provide their quota.

As I understand it, the Board have already voted money for the construction of this important road, but because Government have turned down the request to them for their quota, the Board has had to reduce the amount which they will have to spend this year.

While on this question, I would also like to take the opportunity of drawing attention to the Indian elections to Mombasa Municipal Board, For the past two years we have been told that there would be elections in time, and for some reason or other the department of Local Government has not seen fit to go forward with this matter. Formerly, informal elections were held for Indian names to be subnatted for the Board, but that practice was discontinued because we were told that formal elections would very soon be instituted. Members were nominated last year and this year, with the undertaking by them that they would resign as soon as there were elections. The voters roll was prepared. I think it was prepared along with the European voters roll. Twice an unsuccessful attempt was made to hold European elections, but the Indian elections are not-held for some reason or other; I do not know why.

I suspect there is some motive behind it, probably because the Department of Local Government does not desire to go ahead with the elections until they are given time to revise their views as demanded by a section which is unwilling to have the elective system applied on the Board. I submit that, after your Government had carefully considered the whole case and ordered that the elective system should be applied to all Indian seats, to delay the elections is to decrease confidence in the minds of people about decisions taken by Government.

On this page I must also refer to Indian representation on district councils, to

which the hon, member Mr. Kasim alluded. The matter has been referred to by us year after year, and I think that to keep our claim alive we have to renew it from time to time.

Frimates 206

As hon, members are aware, the Feetham Commission recommended very strongly that Indian members should be appointed to these district councils, and in 1928, when the Local Government Ordinance was passed in this Council, the Governor was authorized to appoint one or two Indian members to each district council of this Colony. When the Ordinance was passed the Indian members of this Council were not present as they were then non-participating. But still, that Ordinance was approved, and I take it that when it was approved in the absence of the Indian members, the European members then present considered it right and just that Indians should be appointed to district councils as authorized by that Ordinance.

At one time the Governor invited the East African Indian National Congress to submit names for nomination to these councils, and they were duly forwarded to Government, but for some reason or other Government dropped the idea of nominating Indian members. The reason is obvious: Government yielded to the influence of another community, and therefore did not proceed with the proposal of appointing Indian members, think it is very unjust that a proposal like that should be abandoned-because there was pressure from a more influential community.

I understand from a Government spokesman that some time ago Government held that the Indian case on this point was very sound, and when we examine the Feetham Commission report and the Local Government Ordinance it must be admitted that it was considered just that the Indians had the right to have representation on these district councils. What we find is that Government is unable to proceed with the nomination on account of pressure from the unofficial European community.

While on this point, I am reminded of the point raised by the hon. Member for Mombasa, that Colonial Office should not interfere and that questions of

9TH NOVEMBER, 1938

207 Estimates

IMr. Patell

principle should be decided on the spot. I think the hon, member will not reasonably expect the Indian community of this country to accept that point of view, if we consider how, on the spot, it is possible for a more influential community to suppress the just claims of a less influential community. Therefore the less influential community naturally looks to Colonial Office to at least act as a court of appeal in any case where their prievances are not redressed locally.

On the question of medical facilities, to which the hon, member Mr. Kasim referred. I agree that the Indian community have very little medical facilities provided by Government. As a member from Mombasa I am aware there are little facilities in that line in Mombasa. This is not the time to put forward any case for increased expenditure considering the financial position. At the same time. I must refer to one point, that since 1925 we have in Mombasa been discussing a scheme for a grouped hospital.

I remember the first meeting in 1925 called at the instigation of Government officials at which they got the approval of all communities in Mombasa for a group hospital. I was present at the meeting, and all communities gave it their blessing unanimously in the hope that they would very soon have such a hospital. It is now 13 years ago, and we do not find the position improved in any way. But, when we consider that even the Nairobi scheme is not going to be fulfilled in toto, it is little for Mombasa to expect anything in the near future.

The hon, member Mr. Isher Dass referred to the point about the association of the Indian community in any defence scheme. I certainly, on behalf of the Indian community, submit to Government that it is fair and just that my com? munity should be associated in the defence schemes of their adopted mother land. I hank the hon. Member for Mombasa for supporting the claim of the Indian community on the coast for inclusion in defence schemes.

As far as the coast is concerned, Your Excellency, there is a widespread feeling that the Indian community should be resociated in the coast defence scheme,

Even among the European community there is a widespread feeling that the Indian community on the coast should be given the opportunity of taking their share in these schemes. If I may be permitted, I will read a few lines of the expression of opinion by a leading European paper on the coast in regard to this question. This, I think, reflects the general oninion of the European community in Mombasa. This was written after the crisis, on 3rd October, and the editorial says:--

"The Indian community has its interests in Mombasa, Indians have asked for their own Volunteer Corps as a K.D.F. section, for long enough, Had war occurred they would have been left to play the ignoble part of onlookers, even though they were willing to do their own share of whatever might have been required. Is this Province to wait forever for some paltry decision, which means much to Mombasa whatever it may mean upcountry? It is almost an insult to the community to treat their offer of service with such scant courtesy; last week there was a glaring defect in the hasty defence scheme by which Mombasa was to be protected."

The same paper, on the 18th October, referring to the same point under the heading of "The question of Indian volunteers," said, among other things:-

"The retention of a policy of exclusion against our own citizens where they are, as is the case in Mombasa. so very much a part of the permanent life and organization of the place, is an injustice which can not be adequately defended; nor do we believe the majority of Europeans at the coast would wish to defend it at all. The question of affording protection to the Indian community in a time of emergency would be at least eased were there in existence a body of instructed men, speaking the dialects of India, and able to make themselves thoroughly well understood to the men and women of their own communities."

I have no desire to add anything further, but I think Government will not ignore such a strong case which is supported by all communities on the coast. 229 Estimates [Mr. Patell

The hon. Member for Mombasa has referred to the understaffing of the police force, to which the Chamber of Commerce of Mombasa referred in no uncertain manner, and the feeling is shared by all communities residing at Mombasa. There have been several waves of thefts. and the whole position arises on account of the lack of adequate police protection. I think a town like Mombasa, which is growing every year and having more buildings constructed every year, should receive adequate protection from Government in police.

With these few remarks I support the motion before Council.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I have already had the opportunity of scrutinising very superficially Government's proposals and therefore I am not going to criticise them in detail. On the contrary I am going to support them, I think, considering how difficult the task has been, that they are very reasonable Estimates of revenue and very reasonable proposals for expenditure. I admit they may not have been tabulated on strictly commercial lines and they might not be very cleverly conceived. But they are the best that can be put forward in a very difficult year.

We have got to remember that we were just emerging from a depression rather successfully when we met with a sudden and rather catastrophic fall in prices, and we were compelled to incur a great deal of military expenditure. I am not going. I hope, to repeat very much of what has been said by other hon, members-this debate every year does rather suffer from repetition and I am not going to deal with details:

I will, however, stress that it has been very difficult to balance this budget and we have only done it by a balance of £509, and that is at the cost of £134,000 for income tax, and £14,000 which should have been put into Water Supplies Renewals Fund. That I admit, is a repetition, but I think I ought to emphasise that.

As regards the £134,000, it was agreed I think as part of the condition on which income tax was introduced that the sum of £43,500 should be what was to be

aimed at. What has happened is that we are now actually estimating for three times that amount. I would plead, as was pleaded earlier in the year, that we should have an ad hoc inquiry into the whole incidence of income tax after two years' experience, (Hear, hear,)

There are obvious disadvantages in this form of taxation. One is that, in a country of three races, it is difficult to make it equitable, and another is that it puts producers in this country on a disadvantage with the producers in the neighbouring territories. For these reasons alone we have the right still to press for an all hoc committee to inquire into the matter at an early date.

I should like to support what the noble Lord the hon. Member for the Rift Valley has said. It is all very well to hear that the proper way to cast a budget is with a view to decreasing taxation so that we may have a certain amount of more money in circulation. But in this country, which is a very vocal country, a great many of the difficulties in casting a budget on these lines come from the people we represent. We have innumerable demands for more services, and atthe same time we are taken to task because we cannot reduce expenditure. I hope people will remember that in a year like the present one.

I should like to congratulate the hon. mover on one thing that he has introduced which I think is new, and that is the percentage analysis of expenditure which he made in his speech. Some of us have always advocated that the budget should be regarded on those lines. He informed us of the available moneys-33.8 per cent on administration; 17.6 per cent on our social services; 14.2 per cent on economic and development services: 20.5 per cent on public debt and noneffective expanditure: 4.5 per cent on defence requirements; 7:5 per cent on the self-balancing departments; and 2.2 per cent in revenue collection. Now, obviously the heads to keep down in future are the administration head and the non-effective heads, if we can, these pensions and so

I would like to say straight away that the analysis clearly shows one thing, at any rate: Administration is far too high 311 Estimates

[Major-Cavendish-Bentinck]

and the social services expenditure is higher than the economic expenditure. I higher than the economic expenditure. I would stress that, although it is not easy to turn people away from hospitals and children from schools and so on and so forth, when you get down to bed-rock you must admit that the country has got to pay for it and the country can only pay for social services by developing its resources. Even in England people still, in 1918, sometimes have found it difficult to get into a hospital.

I started by saying that I have already had a superficial look at this budget. It was superficial, and I would plead that in future. Your Excellency should allow your Executive Council, before the Estimates are submitted by the heads of departments, to make suggestions as to the proportion which can be allotted from the available revenue to those heads of expenditure. In other words, to frame a policy on which the budget is going to be east. Because what happens now is that every head of department puts in what he feels is essential and that goes before the Blue Pencil Committee at the Secretariat. All we see is the result of that Blue Pencil Committee's work, I suggest that that is not the way to frame a budget. There is no attempt to define a policy in a haphazard method of merely trying to cut down expenditure regardless of what heads of departments

The hon, mover has made an alteration as regards the nutting aside of surplus balances. In future surplus balances are to be kent'liquid. I think that is a very great improvement, and I feel sure that everybody on this side of Council will regard this innovation as being advantageous. He also mentioned a change as regards unallocated stores and hoped that this new principle would also be approved. I think that it is long overdue, The new system is a great improvement on the old, because at one period we had large sums standing to our credit in surplus balances when in fact we practically had a deficit in eash.

I am going to touch on one or two departments, not in any detail, but in each case as I have said, on principle. One is civil aviation, Head VI. At the same time I am going to talk about Head XL, which is Posts and Telegraphs.

We spend on civil aviation £27,526 if you add on extraordinary expenditure. And under Head XLV, sub-head 97, there is an item of £12,000 which is for the conveyance of mails by air. I raise these two points because I want to bring up this subject—one which I have already brought up in this Council—which is the question of the conveyance of mails, whether it would not be to the advantage of the public if mails could not also be carried by the South African Airways

A few years ago, two or three, representatives came up from the Union of South Africa and had a meeting, I believe, at Government House, and they suggested that they were prepared to carry our mails to the Union for Sh. 1 per pound. The reply was, I understand. "What is to be gained at a rate of Sh. 1 per pound when, under the new Imperial. Empire Mail service scheme mails will he carried at nothing per pound." However, I believe South African Airways retaliated by saying that they also were quite prepared to carry mails for nothing if they were provided with the facilities, which were alforded the local company and Imperial Airways. Now, these facilities are, of course, a remission of customs duties on petrol and oil.

I would like to make it quite clear that nothing I am going to say is in any way derogatory to Wilson Airways or Imperial Airways, Imperial Airways has started a most magnificent three-day service of which we are very proud, and Wilson Airways is the pioneer organization in this country which has been very successful and for which the greatest credit should be given to all concerned. But what I do say, however, is that it is very regretable-to me at any rate-that in this continent we cannot try and help other British folk living beside us, or at any rate, we do not welcome undertakings which they initiate.

I think this is rather a short-sighted policy and I think we shall regret it one day. Furthermore, I think it is a great pity, when conditions in the world are changing so fast, if we do not take adhance of the improved methods of transportation and navigation as they

[Major Cavendish-Bentinck]

213 Estimates

offer. South African Airways have some fine Junker machines which have even modern device, direction finding apparatus and blind flying and homing equipment and so on. They did enter into a partnership agreement with Wilson Airways but I do not think, quite frankly, that they have had a very fair deal from this Government or the encouragement they should have had from the local company.

I do support the hon. Member for Mombasa in what he says, and I think the time is shortly coming when we shall have to make it clear, I submit, that we cannot allow machines to take many passengers on board without these modern devices. We have spent a considerable amount of money on D.F. Stations and on landing grounds, and I think it is only reasonable to expect machines carrying a number of passengers to carry modern equipment. Therefore, when this question is considered by Standing Finance Committee as to whether or not there is to be any increase next year. I think we ought to see whether some amicable and reasonable and better arrangements cannot be made whereby we can get the mails carried the shortest and quickest way, which I do think is sometimes not done now.

I will give two instances of what I mean. Not long ago some passengers got out of an Imperial Airways machine at Kisumu where the local machine was waiting for them. Something was not right and it taxied about on the ground at Kisumu and after trying several times failed to take off, and they eventually had to get out as the pilot said he was not trying any more. In came a South African machine and landed. This aircraft was perfectly agreeable to take these people back to Nairobi in comfort and the passengers said "Right, we will go up to Nairobi in this machine." But they were not allowed to do that, and as a result that-machine came back empty, and the passengers were subjected to great inconvenience.

Another example was when one of the Imperial Airways machines left Kisumu full of mail for the Union when something went wrong. It had to turn back to

Kisumu with the mail on board. Yet at the lime, a South African Airways machine flew south with nothing on board and the air mail as a result was nearly four days late. I submit, Sir, is that reasonable?

While talking on the same subject I would like to speak on Head VIA with regard to the extension to Nairobi acrodrome. I am only making a suggestion, but I think some arrangement might be made to retain, if possible, one of the big R.A.F. hangars. At the present moment the aerodrome is not suitable for large modern machines, and I think we ought to get proper housing accommodation for these modern machines. I believe, in the event of the Union starting duplicate airways services, one coming up here and going round by the West Coast, with another machine coming across from the West Coast back this way, the cross-over could be made at Nairobi. This would be very advantageous to Nairobi and we should look ahead to the time when such services develop. But unless we get a big hangar we shall never get big machines stopping here, they will stop at Kisumu.

In Head XII, sub-head 16, I do hope provision will be made under the existing moneys available for the proper control of game round certain settled districts. I have heard many complaints that people are not given ammunition or given reasonable assistance in controlling game around developed agricultural areas.

Will regard to the Inland Revenue Department, during the last few years, two or three at any tate, I have raised this question at each budget session. We have here a figure of £20,642 and, in connexion with income tax, we were told that the cost of collection was extremely small. I am not sure but I think the figure of £3,000 was mentioned.

Last year I pointed out that in 1934 this department was started for the collection of the non-native poll tax, which is the tax which income tax has allocated for the purpose. I believe some of the people in the department came from the Treasury but, at the same time, that was the sum for that particular department. Later in the year another £786 was allotted to take as far as possible the

[Major Cavendish-Bentinck]

care of the collection of all non-native taxes, and the total expenditure that year was £6,349. At the time we thought that that was rather high. The next year another £300 was added for the collecting of medical and hospital fees and it got to 16,649. In 1936 another £300 was added and in 1937 it got up as far as £7,753. Again we said we thought it was high. Last year it jumped to £14,729 and this year it has jumped up again by £6,742. I sincerely hope that we can go into this question of cost of tax collection even though the department may be successful in preventing evasions and getting more money. But the fact remains that the cost has jumped from £5,000 to £20,000.

In connexion with land settlement the first thing I should like to do is to say how pleased, and I am sure all hon, members on this side of Council are too, I am to hear that our hon, friend opposite (Mr. Mortimer) has been confirmed in his appointment. (Hear, hear.)

What I want to say in connexion with this is that I do hope that we shall find it possible by some other economy or in some way to have another "computer" of another "staff surveyor." This is essential. A lot of financial transactions and ordinary butiness have been affected by the fact that one cannot get titles because one cannot get the necessary surveys completed. I believe in some cares there has been a lag of over 18 months.

The next point I want to touch on is the military expenditure. I hope we are not getting out of proportion in the alloeations made under this head. We have been promised another White Paper during the course of this session. We had one last session and I drew attention to the fact that, though in 1938 the total required extra expenditure incurred would be £14,000, in 1939 that total was going to be £28,000 on account of extraordinary expenditure. Next year we have got to find £15,900, and it is mounting up. I suppose it cannot be avoided. But why I started off by saying that we should not let these allocations get out of proportion is because on looking into this head (that is Head XLV) as well as Head

XXI, you will find that the total expenditure for the K.D.F. and the Kenya Regiment amounts to £11,571, that is for the Defence Force plus the Kenya Regiment upon the success of which we are relying for a very large number of our officers in the event of war. And the total for two somewhat antiquated guns and the K.R.N.V.R. is £12,901. I think we are getting out of proportion here.

The next item I have a note on is pensions. Ever since the days of the Expenditure Advisory Committee we have to provide a £12,500 increase a year under this head. I would like to know whether we can yet be told when, if ever, we shall reach the peak year. At that time I think we were told that this year deaths from old age would compensate this growing pension list, but apparently we have not reached that yet. This £12,500 is really quite a consideration in the framing of the budget.

Under Head XXV, the hon, mover said that not much could unfortunately be done for the police in the way of increases, although they had a good case. And I am afraid that I agree, Everybody says we want more police, but we can only to on the advice of the Commissioner, and if he can-earry on with what he has got, well, I am afraid we have got to ask him to do so. I hope, however, when his evidence is asked for we will again make sure that no ranks of the existing police force have any real reason for complaint. Because they believe that they are overworked-and I think the police are overworked-I hope they will not be allowed to suffer from any feeling of injustice, although, I am not sure, but I believe that there are certain European ranks as well as Asian for which perhaps there may be something that might be said.

Now, there it Public Debt, Head XXIX, The figure given here is £239,251. In the last Colonial Loan Schedule, which does not seem quite to agree—no doubt there is some reason for it—the figure is given as £240,721. I would, however, point out, because the question of a loan has been raised, the present situation is that £17,580,000 represents the total commitments of the Colony. That is a large sum and although only £4,328,000 lies on

[Major Cavendish-Bentinek] the shoulders of the Colony itself, that is costing us £239,000 a year.

I have had experience on the Expenditure Advisory Committee of facing a situation when one has over-borrowed, and I sincerely hope that I do not have to face that position again. Therefore, I rather deplore—I was going to say too loose a reference, but perhaps that is unkind—too vague a reference to very large loans without any details as to how they are going to be used. At the same time, I do think that there are certain comparatively modest matters for which expenditure is required.

We have discussed this at very great length on Executive Council and on the Standing Board of Economic Development and other places, and we have put up detailed plans for exependiture for which we believed ample justification existed. We have, I believe, or the Government has, written to the Colonial Office and has made proposals whereby a capital sum may be made available, I do not know whether any ceply has yet been received, but I do think this is an opportunity for making the strongest possible profest against the inordinate delay that occurs in the Colonial Office in answering proposals of this kind. We have evolved a type of Government here, in which Your Excellency has been good enough to take us into your confldence. We sit down and prepare plans, and if we were not under Colonial Office control those plans would have been carried into effect months ago. The development of the country is being held up because of this delay, and I submit that we should be under less Colonial Office control than we are at the present time.

As regards loans, I would favour a modest loan once we know exactly what is going to be spent, and there are at least two other ways of getting money. We can encourage private enterprise—I do not think that is followed up enough. That is one way. And I do not think we make quite enough use of the Colonial Development Fund. I suggest for instance that use may be made of the Colonial Development Fund for clearing out the Wakamba fly areas. Then, I suggest, too,

for we have just had a most successful experiment as regards sending bacon to England, possibly we might get money from the Development Fund for that. Yet when we are talking about porkers we were told that it was impossible to export bacon. In one or two ways like that, developmental methods for carrying out these measures, we could use the Colonial Development Fund and such other funds as are available.

Estimates 218

The other head I wanted to mention was the Public Works Department, We have a sub-head under which provision is made for an assistant hydrographic surveyor and clerk, and under item 6 a hydraulic engineer, and hydrographic surveyor. I would plead that the whole question of the provision of water supplies, water boring, dams, and so on and work connected with the Water Board be placed in one group. I do not think we realize half enough the importance of water to this country. I would suggest that if there are any economies made in other directions, it would be money well spent to vote a little more money to that branch of the Public Works Department.

Dealing with that, one also has to deal with roads.

We are actually spending £163,000 on roads, and as has been pointed out by the hon. Financial Secretary that is 6.2 per cent of the available revenue. Admittedly it does not allow much for capital expenditure on further roads, but I would again point out that a committee sat and made modest recommendations for capital expenditure on roads, and we considered how the money could be provided for those recommendations, and the only reason we have not started on that work is because we are held up by the British Treasury and Colonial Office.

At the same time, I would also sound a note of warning, that I personally do not think we want to rush into colossal expenditure on roads, because it does not provide revenue quite as quickly as some people seem to think. I would favour a modest loan programme over and above the best possible expenditure of this £163,000.

1Major Cavendish-Bentinck?

How can you spend it best? There is at the moment in this territory a gentleman who has spent his life making roads on contract in other parts of the world, in Australia, Italy, South Africa, and other places. He has worked for the biggest road making firms in the world, and I am not at all sure it would not be wise to try and use such gentleman's knowledge, either by letting him form some contracting company if he would or do the work by contract if it could be managed, because I think the biggest loss in this country with regard to roads was when, against the wishes of the Economy Committee, the services of Mr. Moore were dispensed with in 1932.

Under Head XXXIV, the Memorial Hall was referred to. I do not know whether it would be possible, but it would be very desirable if something could be done on the lines recommended by the Noble Lord, the hon. Member for Rift Valley.

That brings me to Head XXXVII. Veterinary Services, All I have to say there is that I support the suggestion that possibly in connexion with the destocking programme, the problem might be considered by a wider angle perhaps by some committee. Destocking does not only affect native reserves or the Wakamba. There are at the present moment countless thousands of head on the Plateau, I believe there are upwards of a quarter of a million native-cattle. I have asked several times when that problem was going to be dealt with. I am told it "is so difficult, what can we do, it is a most difficult problem." If it is impossible to do anything to-day, what will it be like in five years time? I do hope Government will take active steps to deal with that problem, just as much as I hope Government will take active steps to deal with the problem on the larger basis and not merely as one in the Ukamba Reserve.

Now I come to the Colonial Development Fund, Head XXXIX, page 95. Next year we are going to spend £44,707 from this fund. I am not at all happy with this fund. I think we ought to have much more meticulous and much more detailed information of what is going on with the moneys provided by that fund. Last session, or the session before, I asked a question as to what sums had been obtained from the fund for various purposes. It took, I think I am right in saying, two months to get a reply, because apparently calculations have to be made in different departments under different heads.

At any rate, the total amount of the grant authorized to-day for Kenya from the fund is £329,921, of which £198,305 had been received up to the 31st December, 1937. That is a very large sum of money, and a very large expenditure, and I think we have the right to know or to be shown in some way clearly exactly what that money has been allocated 16, what interest we are paying on it, and the programme with regard to it, and that is not shown clearly under this method of accountancy.

One of my colleagues had a good deal to say about settlement. There are allocations in this budget for the payment of a representative in England and also for contributions towards inter-territorial publicity. I grant, quite frankly, that it is perhaps a matter for regret that there has been a very long delay in the publication of the Settlement Committee Report. At the same time, I was, as much as anybody else in this Council, responsible for the formation of the committee and so on and so forth.

Settlement, if it is going to be successful, has got to be fitted into its proper place in the various activities of this Colony. Before you can get successful settlement, you have got to find ways and means of financing it, which entails a tremendous number of inquiries; ways and means of helping people out here, which means a lot of inquiries overseas; ways and means of approaching people all over the world, that entails a certain amount of publicity and a good deal of organization. These things are not done in a minute.

We are getting on with the work. We have got a publicity side going, we have very nearly now got our report with all its indexes and figures ready; we have, or I hope we shall have, some suggestions to make as to ways and means of financing it. I submit that, although the report has taken a long time to come out.

[Major Cavendish-Bentinck]
it is better in the end to produce a re-

port that we can go ahead with than to produce a report which will be the means of so many more inquiries to see whether it can be put into effect.

Lastly, I would only add that I hope the hon, mover will reconsider the form in which he has cast his memorandum on the Estimates. The matter has already been alluded to II may be because one is not used to it, and nobody likes some thine new, but I do think there is a great

deal to be said for the old form.

Finally, I rather regret the slogan that has been used several times, that we want no politics, and that we want this budget cast on commercial lines. I have never yet discovered what is meant by that, I am a representative of a commercial community, I attend meetings of the Chamber of Commerce and Association of Chambers of Commerce, and I must say they pass the most political resolu-

tions I have ever heard in my life.

At the same time, it is a fact that in the past we have attacked Government vehremently on proposals, simply because we thought they were spending more money than they had got, and we are told it was violent politics, so I do not quite see what is meant by eschewing politics and sticking to commerce. But I hope there will be no difference between the commercial and the upcountry communities and that they will pull together the best they can under what are to-day difficult circumstances.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 10th November, 1938.

Thursday, 10th November, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 10th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened Council with orayer.

MINUTES

The minutes of the meeting of the 9th November, were confirmed.

PAPERS LAID

The following papers were laid on the table.

BY MR. HARRAGIN:

Select Committee Report on the Pyrethrum Bill.

BY MR. WILLAN:

Select Committee Report on the McMillan Memorial Library Bill.

TANGANYIKA TERRITORY

Motion Re

MAJOR CAVENDISH-BENTINCK:

"That this Council views with concern the harmful repercussions on Kenya and its neighbouring East African dependencies which have been occasioned by uncertainty regarding the future of, Tanganyika Territory, and calls upon His Majesty's Government for an early unequivocal and open reassurance."

Those of us who have been out here for some years would, until quite recently, have considered the possibility of such a motion as this being introduced into this Council as being quite untiinkable. In fact, I almost expect these days to see Lord Delamere come down from that picture and take his old seat in this Council again!

In the motion we mentioned that there is "uncertainty regarding the future" of a territory which lies to the south of us, and we ask for a reassurance. Therefore, I must establish, first of all, that there is uncertainty; secondly, that we have never had any grounds for anticipating that

[Major Cayendish-Bentinck]

such uncertainty could ever arise; and, thirdly, that we have the right to ask for a reassurance.

In view of the obvious misunderstanding which there seems to be to-day with regard to the history of the development of these territories since the war, I must allude as shortly as possible to the history of the territory which lies to the south of us and to certain assurances which have been given and, moreover, given in this very territory and to members of this Council by Ministers of State in the past.

In the first place, we cannot help remembering, as there are many of us here who took part in it, that there was a war, and that part of the actions of that war took place in Tanganyika, and there are now in the Council at the present time people who fought through that campaign. Your Excellency, Tanganyika was taken by East Africans, South Africans, Indians, and British troops, at cost of no less than \$7,300 dead.

The war ended, and we are going to celebrate the occasion tomorrow, on the 11th November, 1918, and thereafter and at the beginning of the following year, there was a peace conference, held in Versailles. On January 19th, 1919, during the discussions at the peace conference, Ceneral Smuts, who, it may be remembered, was the originator of the idea of a mandate, said this—this was a resolution which General Smuts carried on January 19th, 1919, and I am only going to read the last part of it because the first part is now unnecessary:—

"The allied and associated powers are agreed that in no circumstances should any German colonies be restored to Germany."

Now, Sir, on June 28th of the same year the treaty of peace was signed, and Article 119 of the Treaty of Versailles reads:—

"Under Article 119 of the Treaty of Peace signed at Versailles on June 28, 1919, the former German colonies were surrendered to the principal allied and associated powers by whom they were allocated to some of their number, mainly to those countries who had spent blood and treasure in conquering them." The point I wish to make by quoting from General Smuts' resolution and from the Treaty of Versailles, is that the mandate was given, not by the League of Nations, but by the allied and associated powers, and that seems to be sometimes forgotten.

Further: -

"It is important to point out that the mandates were conferred, not by the League of Nations, but by the allied and associated powers, and the League of Nations has no sovereignty over the territories concerned."

To make that still clearer, in 1920—that is, before the mandatory system which I am coming to in a minute was established—it was stated by Mr. Amery and was reiterated by Lord Milner, that this was the pledge given, that—

"Tanganyika Territory has now been permanently incorporated in the British Empire. It is an entire delusion that it is less British than any other colony, It is essentially a part of the British Empire, and though we have laid ourselves under an obligation to the League of Nations, it is not one whit less British, nor does it make our tenure there one whit less permanent."

It mentions there an obligation to the League of Nations. What the allied and associated powers did with regard to these conquered colonies was, in order that all who formed part of the League of Nations should have equal opportunities in those territories, to place them under a mandate system. There were a number of territories involved, and there were three classes of mandates, in which were the possessions of the Turkish Empire and those under Germany.

In the Class A Mandates there are Palestine, Trans-Jordan, Syria and Lebanon; in Class B mandates, Tanganyika, Ruanda Urundi, Togoland, and Cameroons; in Class C mandates, South-West Africa, Samoa, New Guinea, Nauru, and North Pacific Islands.

We have only to deal to-day with the Class B mandates, and I would like to draw attention to what are the special conditions affecting the Class B mandates. The special conditions were that the mandatory obviously-

[Major Cavendish-Bentinck]
Should have full powers of legisla-

Should have full powers of legislation and administration;

should not establish military or naval bases or organize any native military force except for police and defence of the territory;

should provide for the eventual emancipation of all slaves;

should give the nationals of all States members of the League of Nations the same rights in every respect as those enjoyed by its own nationals;

should ensure freedom of conscience and worship."

"The League of Nations has no sovereign; over the mandated territories,"

but it

"acts as a supervisor to see that the terms of the mandates are fulfilled. It has no power to punish a mandatory which does not carry out the terms, or to transfer a mandate to any other country. There is no provision (either in the peace treaty or the Covenant of the League of Nations), for renunciation by a mandatory of a B or C mandatory which it has accepted as part of a treaty.

Each mandatory has always administered its respective mandate as if it were an ordinary possession or colony, subject only to the terms of the mandate generally, and the submission of an annual report to the Mandates Commission at Geneva."

I am sorry to have stressed that at any great length, if I have bored members of this Council, but there is no doubt that in the minds of many people it is believed that we have been holding this territory in trust for another power, and for that there is no foundation whatever. It is an assumption which is mentioned here, "an assumption entirely without foundation either historical, political, legal or equitable."

I think I have said enough to show that we in Kenya and our friends in Tangarika had ample reason to believe that they could make good the disasters which occurred during the late war, that they could make and develop these countries with a definite assurance that they would

forever and for all time remain British. And for that reason we have collaborated to an ever increasing degree with the territories which are our neighbours.

That was the spirit in which, in 1925, delegates from Uganda, Kenya, Tanganyika, Nyasaland, and from the Rhodesias met at the invitation and under the chairmanship of Lord Delamere at Tukuyu in Southern Tanganyika. There is present here certainly one of those who took part in that conference. The object of the conference was to see to what extent those territories could collaborate in the development of these large areas.

The first thing they did when they met was to send a telegram expressing the loyal devotion of the peoples of these territories to His Majesty the King. An immediate reply was received, dated October 19th) 1925, from Buckingham Palace and addressed to Lord Delamere:

"Am commanded to express to members of conference of representatives from East African Territories kind sincere thanks for their message of loyal devotion and His Majesty's satisfaction at knowing they have for the first time travelled to meeting place by modern methods of transport and without leaving British territory."

That was the reply Lord Delamero

"The Tukuyu conference is a landmark in the history of Eastern Africa, and His Majesty's gracious messago aptly recognises its importance in the annals of Empire development."

So, again, some years after the war, we had every reason to put everything we possessed into these territories with the assurance that never would any anxiety as to their future be raised.

After that, there was no reason for anxiety until 1934. There was no real reason then except that certain foreignations were discussing the question of colonies. At that time, Sir Philip Cunliffelister, as he then was, was Secretary of State for the Colonies, and in a speech at a luncheon of the Overseas League in 1934 said as follows:—

"It is quite unnecessary for me here to-day to repeat what I said in the House of Commons before I went to · [Major Cavendish-Bentinck]

East Africa about the present and the future-the permanent future-of Tanganyika. Britain does not lightly not a trust in bond, and we have no intention of surrendering that trust which we accepted 14 years ago and which has been discharged with a great sense of responsibility and with great benefit to the peoples of that territory. I venture no political prophecies which are dangerous to make, but I do make one prophecy, namely, that just as no Government, whatever its complexion in this country, has ever changed its views in the past 14 years. no Government in the future will ever change."

He referred in that message to a visit to East Africa. That visit took place in January, 1934, and I and many others who are here to-day took part in an interview with the Secretary of State at Government House. That interview is on record, as is the statement I am going to read, in the archives of the Secretariat. He stated, and he was speaking as Secretary of State: -

"It is quiet unnecessary for me here to say anything about the Tanganyika * position, I stated in the House of Commons before I left England, that His Majesty's Government had never considered, were not considering, never would consider, any surrender of the body knows and realizes that to the full."

He also spoke at the East African dinner to people who happened to be in London at the time from these territories, and at the end of his speech he said:--

"Residents of Tanganyika, both official and unofficial might count upon this as a fixed certainty.

Shortly after that there were very grave world disturbances. There was war to the north of us in which Italy conquered Abyssinia, and the German Reich leaders and the German Reichtroops walked into the demilitarized zone of the Rhineland, Again, certain Press organs in England gave us cause for some anxiety. We could scarcely credit the position in view of the evidence and in view of the assurances to which I have

just made allusion. The fact remains that there was a certain amount of correspondence in the Press which rather frightened us. Therefore, questions were asked in the House of Commons and the House of Lords and, although the assurances were not definite and some change of tone manifested itself, to some extent assurances were given.

They were, however, not very satisfactory, and therefore a deputation from the Conservative Imperial Affairs Committee-which included many people who take an interest in this part of the world -attended upon the then Prime Minister. On behalf of the European elected members of this Council I sent to Sir Edward Grigg, who was one of the deputation. the following telegram:--

"European elected members request deputation to Prime Minister tomorrow will stress intense anxiety British nationals with homes these territories established on faith previous definite declarations at complete change to recent utterances responsible Ministers with consequent uncertainty as to future Tanganyika Territory."

As your Excellency is well aware, Sir Edward Grigg took a great interest in this part of the world and was one of your predecessors.

We did not get, perhaps, quite the assurance we hoped for, but we undermandate of the territory. I think every- stood that probably it would inconvenience the Imperial Government to make a statement at that period, and we certainly gathered there was going to be no question of the future of Tanganyika, and we understood that probably when the question was raised by some claimant, by some foreign power, an answer would be given. Therefore we have remained quiet, believing that we were safe.

Now, what is the position to-day?

I have stated in this motion that there was uncertainty. Some people say that the uncertainty is only uncertainty in our own minds. But I am afraid that is not the case. Take, as an example, the people who have invested large sums in these territories, and have asked for a rate of insurance against possible loss caused by the return of one of these territorics to a foreign power, thinking they would get a quotation of 3 or 4 per cent. I am

[Major Cavendish-Bentinck]

229 Tanganyika

afraid the lowest quotation they could get six months ago was £36.15 per cent. Can anybody believe that there is no uncertainty when a big firm like Lloyds makes quotations of that type?

His Excellency the Governor of Tempanyika himself recently, in the budget dehate in that territory, had to admit that there was uncertainty, and-

"Until anxiety and uncertainty is dispelled we must expect development to be retarded."

That does not only apply to Tanganyika, but to a very large extent indeed to this country which has so many commercial and other relationships with Tanganyika. Again, the other day at a meeting of a big company in London, which has interests in this country as well as in Tanganvika and many interests outside East Africa altogether, the chairman, a well known public man, with great regret had to say in his annual speech, that although the uncertainty of Tanganvika was very worrying, it would not affect the company's future to any very great extent because luckily (as he put it). they had only invested a comparatively small amount in Tanganyika Territory.

I think I have said enough to prove that we have every reason, firstly, to feel that it is unbelievable that a state of anxiety should exist over Tanganyika or over East Africa, and next, unfortunately today that uncertainty does exist. Would it be a terrific blow to this country, would it really injure this country very severely if Tanganyika was handed back? I venture to say-1 suppose this is only a personal opinion-that it would be a disaster of the biggest magnitude. (Hear,

I go further, and I say I believe it would be a disaster to British Africa as a whole.

We are here not to dictate Imperial policies, but we have a right to say and to put forward the views of those who have made their homes in Africa.

I would like to say that in putting forward this motion there is no questionindeed, we should be very foolish-of trying to criticise Imperial policy or those in whose hands Imperial affairs now rest. I realize this as fully as anybody the teriffic

responsibility that has been laid on the. shoulders of our Prime Minister during the last few months. He has probably prevented a major war, and no doubt he has many terrific difficulties to overcome vct.

At the same time, as a member of the Legislative Council of this country, I feel that I represent those who have made their homes here. And I go further and say, that all of us sitting here to-day whether on this side or the other side, should first and foremost put forward the views and study the interests of those whom we represent in this country today, and we have a perfect right with all our strength to put forward those views and urge what we believe is in the interests of British Africa, without in any way criticising what is being done in

I do not think I have very much more to say.

I sincerely trust that this motion-I am certain it will be-will be supported by every single member in Council to-day. (Applause.)

LORD FRANCIS SCOTT: Sir, I beg to second.

MR. PATEL: Your Excellency. I rise to support the motion before Council.

I fully agree with the hon, and gallant Member for Nairobi North that the residents in East Africa have been assured time after time in the past by responsible Ministers of His Majesty's Government that Tanganvika will be as much an integral part of the British Empire as any other Colony here. And I have no doubt that His Maiesty's Indian subjects residing in Tanganyika acquired financial interests and have taken their part in the development of that country under those assurances.

I also fully agree with the hon, and gallant Member for Nairobi North that it would be a real disaster for these East African territories if Tanganyika were handed over to a foreign power. .

I have no doubt in my own mind that the Indian community in East Africa is unanimous about the retention of Tanganyika in the British Empire. (Hear, hear.)

Though they may have differences of opinion about the form of administration the community.

Germany.

The Fast African Indian National Congress has decided to give its support to the retention of Tanganyika within the British Empire, and I am sure that there will be no Indian in East Africa who will raise his voice against the opinion of the East African Indian National Congress which has correctly voiced the feelings of

munity of East Africa views with every concern the news received in the English Press recently, as does every other community residing here, the statements of responsible Ministers of His Majesty's Government and of the Secretary of State for the Colonies, and the report in the East African Standard this morning about the mind of the British Cabinet in regard to the future of Tanganvika.

under which Tanganyika is being ad-

ministered, on the issue of the retention.

of Tanganyika, however, I am fully con-

vinced that there is no difference of

oninion whatever. It is the unanimous

desire of the Indian community that in

no event should Tancanvika be trans-

ferred to any foreign power, much less to

I should like the indulgence of this Council to refer to one point which may be slightly outside the scope of this motion. It was mentioned to me by someone that in the East African possessions of the British Empire there is a colour bar as far as the Indians are concerned in some respects, and why should Indians take any interest in this affair when particularly German Jews are teceiving more favoured positions.

My answer to that is very simple: I have come here and live here as a British subject and I have always fought for my rights as a British subject, and I have even fought against the European unofficial community where my rights as a British subject were concerned if necessary. If I claim rights as a British subject, I consider it is my duty as a British subject to stand in favour of the retention of Tanganyika under the British flag.

A still more important answer is that Indians have made their home in East Africa and have acquired financial interests in Eastern Africa, and to my mind it is fully evident that the Indian community have greater opportunities to protect and improve their interests and status and greater freedom of action and speech to fight against their disabilities. under the British flag than under any other flag. I am quite sure that they will not have any opportunity to do this under the swastika.

May I, therefore, request Your Excel-Your Excellency, the Indian com- lency, to convey to His Majesty's Government the strong feeling of the Indian community that His Majesty's Government should under no circumstances. barter away the fate of the European and Indian residents in Tanganyika and the millions of Africans there; and that they should not thereby jeopardise the interests of any loyal British citizens residing in Kenya and Uganda whether European. Indian or African

> May I also request Your Excellency to convey to His Majesty's Government that whatever the internal differences of opinion may be among us, on this question we are unanimous that Tanganyika must remain within the British

Before I sit down may I say one thing

Britain has always prided itself as being. one of the great democracies of the world. And I think it would not be right for Britain to treat us as chattels and attempt to bargain with the transference of our liberties. I hope His Majesty's Government will apply those traditional principles of democracy in Britain and consult us before undertaking any negotiations in this respect, and I hope that our unanimous wishes will be respected if they believe in democracy.

With these remarks I support the motion, and I hope also that it will 'receive the unanimous support of Council.

DR. WILSON: Your Excellency, in the interests of the natives of Kenya I wish wholeheartedly to support this. motion.

I feel that it is not necessary for me to add anything in the way of argument to what has been said by the hon, mover and by the last speaker, and I think it will be wiser for me not to say any more.

233 Taneanyika IDr. Wilson]

I feel that this is an occasion that calls for the greatest restraint; when every word must be carefully weighed. That is why I think it would be better that I should not speak at any length because. with my experience of events in East Africa during the years 1914 to 1918 and with my remembrance of what those years meant to the natives of this Colony and of the neighbouring territory. I cannot trust myself to speak dispassionately on the question of the possible return of Tanganyika to its former rulers.

I support the motion.

COL. MODERA: Your Excellency, I too rise to support this motion. In doing so I would like to take this opportunity of sounding a note of warning lest our zeal in the mother country in the matter might be misconstrued or our loyalty doubted.

There is I am confident, not a single member of this Council, and not a single British subject in the Colony who would be a party to handing back Tanganyika to Germany. The motion refers to "uncertainty", and I suggest, for my part, and I hope, that the uncertainty is to some extent exaggerated in our minds. What has happened since this Council last met to increase that uncertainty? Is it the recent crisis and the visits paid by Mr. Chamberlain to Germany? We know very little of anything of what happened in those eventful days, but we do know that the peace of Europe and probably of the greater part of the world was preserved by negotiation. There are some who seek to blame the Prime Minister and his Ministers for the action which they took. But there are. I suggest, many thousands if not millions more who stand by the Prime Minister and the Government in the action taken.

Are we, because of these visits to Germany, justified in assuming that His Majesty's Government is on the point of going back on the assurances given by responsible Ministers in the past? I suggest certainly not. There is, however, uncertainty, and the motion merely calls for reassurance. It would, I think, be particularly unfortunate were hysterical statements by individuals and lurid headlines in the Press to give rise to the feeling

either that we distrust His Maiesty's Government or that we are lacking in loyalty or that there is an immediate demand for the annexation of Tanganvika to the sovereignty of Great Britain.

At this time, perhaps more than at any other in the history of the Empire, we need unity. Statements and headlines such as those to which I referred will not achieve that unity, and I trust that the progress of this controversy may be marked throughout by cool-headed determination and by dignity of action.

I support the motion.

MR. NICOL: Your Execulency, I rise to support wholeheartedly the motion before this Council.

I cannot stress too emphatically the importance of this question to Mombasa. the port town of Kenya and of Uganda as well. Nor can I be too emphatic on the importance of it from the point of view of trade or from the point of view of security. You can imagine the impossible position we should be in at the coast if there was any change in the rulership in the territory to our south.

The hon, and learned member, Mr. Patel, has referred to the solidarity of Indian opinion on this question; and we have ample evidence of that solidarity in Mombasa from a recent meeting held there. All sections of the community at Mombasa are convinced of the necessity that Tanganyika should remain for ever

It is not the time, I agree, to use extravagant phrases or indulge in swashbuckling, and I do not presume to dictate Imperial policy. But I do suggest that the time has come to reply to dictators in the same language as they use themselves, for they must obviously understand that kind of language.

But, as it has been said, on the repeated assurances of responsible Ministers of His Majesty's Government we, and our fellow countrymen, have come out to these territories of Kenya and Tanganyika, settled here and made our homes here and have invested large sums of money. I repeat-this, on the assurances given by English gentlemen. The word of an English gentleman is inviolable and, since such is a fact, I cannot conceive that we are going to be let down.

10th NOVEMBER, 1938

235 Tanganyika

[Mr. Nicol]

It is essential for the future of this territory that Tanganyika, in my view,

should for ever remain under the British

I support the motion.

LORD FRANCIS SCOTT: Sir. I do not propose to go over again the un-. answerable arguments which were put up by the hon, mover of this motion. Nor do I propose to elaborate very obvious arguments with regard to strategy and communications. They are too obvious to anybody who has studied the question at all to require any elaboration, And I think I am correctly quoting the late Governor of Tanganyika, Sir Harold MacMichael, who said in a speech that nobody but a lunatic would consider giving Tanganyika back out of the British Empire,

But it has been asked why we think that there is uncertainty, and I should like to answer that.

The uncertainty arises first of all from the fact that, as was reported publicly in the results of the meeting at Munich, Herr Hitler stated that there was an outstanding question still to be solved between Germany and Great Britain, and that was the question of colonies. The practical result-the showing of uncertainty-isthat to my knowledge very large sums of money which were to be invested in Tanganyika have been withdrawn since that time, I frappen to be one who at. the instigation of the then Governor of Tanganyika took up land and invested a certain amount of money and, therefore, I am in a position to know what effect this uncertainty is having there.

As the hon, mover stated, I was present at the Conference of Tukuyu when His Majesty King George V declared it as British territory. And I do suggest that we have every right to ask that His Majesty's Government in the United Kingdom, which is the Government responsible for all the Colonies and other dependencies under the British flag, apart from the Dominions, should give a categorical statement, I do not for one moment assume that they are going back on the pledges they have given and, as I do not assume that, I can see no reason why they should not give a direct statement. As already has been said, Germany under-

stands direct statements, and I do think it is extremely unfortunate that when the Government was asked to give a direct assurance in 1935 that they did not do so. Up till then there had been agitation for the return of colonies by private associations in Germany but not by the Government.

In the bible of the present Government that famous book Mein Kampf by Herr Hitler, he definitely stated that he did not want colonies and that they would only be an embarrassment to Germany. But, at the same time, owing to the indefinite statements by British statesmen. pressure was brought to bear on Herr Hitler and he was forced to include the colonial question in the rest of his pro-

Sir, I do claim that any British inhabitants of whatever race who are in these overseas possessions of our Empire have the right to ask, and to ask yery definitely, that His Majesty's Government in the United Kingdom, which is the government responsible for us, should give just as definite a declaration on this subject as have the governments of foreign countries who are concerned in this matter, and also the other governments of His Majesty in the other Dominions,

I support this motion wholeheartedly. (Applause.)

SIR ALI BIN SALIM: Your Excellency, I have been listening very earnestly and to my mind I agree with everything that has been said. Therefore, there is nothing for me to say except one thing and that is: I do support the motion on behalf of the Arabs of the Colony.

HIS EXCELLENCY: Hon, members, I am taking the somewhat unusual step of intervening in this debate because from it arises a question on which I alone can give a decision.

I believe that all members on the Government side of this Council have strong views on the subject of Tanganyika. So have I, and there are regular channels available for a Governor to use in order to convey the opinions held in this Colony or his own convictions to the authorities in England. But I consider it would be improper for members of the

[H.E. the Governor]

237 Tanganyika

Government in this Council to vote for a motion calling upon His Majesty's Government in the United Kingdom to take certain action. This being so, I have no alternative should the motion be put to the vote but to instruct Government members to vote against it.

But whatever should be its fate it is my intention to transmit the motion together with such reports of the speeches as will be available within the next two or three days, to the Secretary of State.

MR. SHAMSUD-DEEN: On a point of order, Your Excellency, under those circumstances could not Your Excellency exercise your powers and instruct the hon, members of Government not to vote at all?

HIS EXCELLENCY: No. because it would amount to the same thing as if I had instructed them to vote for it, and I am not prepared to do that.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I am very gratified . . .

MR. ISHER DASS: Your Excellency, I have not spoken yet.

I must confess that I shall be failing in my duty if I did not express my views. and whether they meet with the approval of hon, members of this Council is immaterial to me. If I hold certain principles then I maintain that it is for me to be always honest with myself, and be honest to others in giving expression to them.

To begin with, the motion as it is worded does not meet with my approval. The first thing is that it really should be divided into three parts. Then the first part is likely to be read like this:

"That this Council views with concern the harmful repercussions on Kenya and its neighbouring East African dependencies which have been occasioned by uncertainty regarding the future of Tanganyika Territory."

That means that something has already happened as the result of that uncertain attitude on the part of the Imperial Government, so far as the future of Tanganyika is concerned.

The hon, mover has failed to give any convincing argument whether this uncertain attitude on the part of the Im-

perial Government has had any repercussion, commercially, politically, socially or judicially, in the minds of the inhabitants of Kenya, I am of the opinion that he has not given us any reason for that. The only reason which he has tried to place before us is that there is mental worry. Mental worry is not a repercussion when you come to think of the original position and the facts. The hon, mover should have gone a little further and proved his case-that there has definitely been some harmful repercussions. As it is, I am entirely of the opinion that he has failed to put a very strong case before this Council.

Secondly, my hon, colleague on this side of Council, the hon, Indian member for Mombasa, asserts that the Indian community is absolutely unanimous in their support of this suggestion-1 am referring to the Tanganyika League-and for the retention of Tanganyika in the British Empire. His statement, while being true, has made it absolutely clearand I am very grateful to him for that when he said that-that there are people in this Colony who have very strong differences of opinion also as to the methods and the attitude of the European community in Kenya.

Here I should like to make it absolutely clear that I am not asking for the indulgence of this Council on any point I wish to raise. I do not want to dictate but I have fears in my own mind as to what is really the position. The first thing is that, on the one hand the hon, mover of this motion and all the hon, members on this side of Council, come forward and support wholeheartedly the attitude of the present Prime Minister and say that they have sound belief in his integrity and his honesty of purpose. With that you cannot question your own loyalty and you must absolutely bind yourself to whatever decision the Imperial Government is likely to take in the interests of European peace. That is one position. But, on the other hand, if members are giving their own opinion about this question of Tanganyika and are having none of the opinion of His Majesty's Government, then it is absolutely up to them to be absolutely definite and open on this subject.

IMr. Isher Data!

This recolution does not meet with my approval because it is absolutely vague and it con ains nothing but vague expressions. If you are absolutely convinced that there is an attitude on the part of the Imperial Government to hand back Tanganyika to Germany then you should say: "In that case you should give us definite assurance on the different points which up to this time have been giving worry to the peoples concerned." That is -what would be the attitude of the fintish people here in the event of the Imperial Government deciding to go against the wishes of this Colony and of the people of Tanganyika themselves; and again-if the Imperial Government in the interests of European peace decide to hand back Tanganyika to Germany, then what is the attitude of the local inhabitants of the three East African territories. That is what I want to know before I give my support.

If we are part and parcel of the British Empire then I say, in all sincerity, that if you give a definite lead and if you show us leadership then we will definitely support you. And when we say we will support you we will not lay behind you in anything. We will give you financial support and our blood even if necessary. But there should be a definite policy laid down in this connexion. You cannot have it both ways: give your own expression of opinion and then say that you will concur with the Imperial Government's

In the unfortunate event of their being shared and coming under some form of dictatorship or in the event of the Imperial Government handing Tanganyika back to Germany, then the position of the Indian community in that Colony is likely to be much more precarious and they will simply be in a more hopeless condition than they are at the present moment because, after all, white races will be white races and with their own interests, and the other people will be left in the lurch

If you, Sir, will give us an assurance of your attitude I myself will not only go as far as any other man but I will sacrifice anything-I will support you financially and even shed my blood; I will definitely stand by you in all things without any qualification at all.

Then again, I come to my third point The Government may have very strong reasons in expressing their views in this way and not giving their wholehearted support to the Tanganyika League, I also have my own definite fears.

One is that if by chance there is redistribution of the colonies or there is no question of handing back, in the interests of European peace, then Taneanvika will still be in the British Empire. As I see it there is one school of thought. one section of the people, who are afraid that the Tanganyika League will not play the game as they should and will not support anything in the form of the unification of the three territories.

Another fear is that the people in this country may ask for an attachment with the Union of South Africa . . .

LORD FRANCIS SCOTT: This has nothing to do with the motion.

MR. ISHER DASS: It has, It has already been mentioned by the hon. mover himself-and that is what I am referring to. The people out here may ask for union with South Africa whose attitude towards the Indian community there is too well known to be mentioned

In conclusion, I say one thing. If I do support this motion then I support it on one condition alone. I do not want to bemisconstrued inside this Council or outside it for I have no love or desire to remain a British subject, but in my life I want to be a member of an independent state and I desire independence for my own country. I have no love for British Imperialism or Indian Imperialism, or any other Imperialism in fact, but I support it for one principle alone and that is this: If it comes to fighting Nazism and Fascism then I shall be the one man in the world to do anything in my power in the world, to sacrifice everything and fight myself, in order to keep and retain democracy against Fascism and Nazism, I want to see Nazism and Fascism destroyed by every means and methods constitutional or otherwise by foul acts if necessary.

I support the motion, because I steadfastly feel that democracy is the best [Mr. Isher Dass] form of constitutional government and is better than Nazism and Fascism.

241 Tanganyika

I want to make this quite clear because I know that there are people in this Council who outside went so far as to say that they were supporters of Fascism and Nazism and sincerely hoped that Franco would win in Spain . . .

HIS EXCELLENCY: I must ask the hon, member to keep to the terms of the motion. We are not discussing Fascism or Nazism or the Spanish war.

MR. ISHER DASS: It has everything to do with it. I have already explained that.

LORD FRANCIS SCOTT: Order, order.

MR. ISHER DASS: I have only touched on this for one reason and that is in the giving of my support to this motion. I do not want to be misconstrucd, that is all.

MR. SHAMSUD-DEEN: Your Excellency, in reply to the hon, member who has just spoken. I would tell him that the uncertainty is not merely imaginary, but I think almost everyone in this Colony knows the property in Tanganyika has gone down in value since the recent crisis so much that it is almost unsaleable. It is not imaginary uncertainty as the hon. mover pointed out, but the whole country, at any rate the British residents in that Colony, are not to-day very happy. -

I do not want to go further into details. but I think all of us know that in Tanganyika there is already an atmosphere which is entirely un-British. People already think they are under the Germans. Therefore it is only fair, and our duty, to inform the Imperial Government of a state of affairs which actually exists, there is no question, and is not imaginary. It is a real menace to the whole community in Tanganyika as well as this Colony, (Hear, hear.)

MAJOR CAVENDISH-BENTINCK: Your Excellency, when the last speaker but one intervened I was about to express my gratification at the unanimous support which this resolution has received. I think I can still claim that it has been unanimously supported, although I believe by some complicated reservations by the hon, member who spoke last but

Tanganyika 242

There have been two suggestions that the uncertainty either does not quite exist or is not doing very much harm. However, that I think has been answered by the noble Lord the han. Member for Rift Valley, and by the hon, member Mr. Shamsud-Deen, But I can give you my most definite assurance that the anxiety is doing untold harm, both commercially and in other ways, and if you are not willing to take my word, at any rate the word of the Governor of Tanganyika should be sufficient, and I read out what His Excellency said in his speech on the budget.

Of course, in view of what Your Excellency has said. I have no alternative but to withdraw the motion.

I should like, however, to say how much we appreciate the fact that you have allowed us to bring this motion on as a matter of urgency in the middle of the budget debate which. I think shows that you yourself feel very strongly on this subject. I should also like to express my gratification that you, if I may put it this way, on behalf of the official members have expressed what you believe their opinions to be and what, indeed, I know is their own opinions.

At the same time. I cannot help feeling and rather deploring this as a real example of the futility of this kind of government. Here we have a subject which every member of Council knows is of vital importance, a matter of life and death, to the people whose future is in our charge. We all feel we should make the strongest possible representations to the Imperial Government on this subject. and because the official members in some roundabout way apparently have always to nut the idea foremost that they are in fact servants of the Imperial Government and not really representatives of those whose interests are in their charge, ... we find ourselves in this ridiculous position, that in proposing a motion on a matter of vital urgency we have to use a subterfuge.

But I thank you for the courage you. if I may be allowed to say so, have shown in conveying our feelings to the Secretary of State, I hope, Sir, you will not think that these are feelings of criticism of yourself, because I thank you from the bottom of my heart for your courage in allowing us to put this motion.

I bee leave to withdraw the motion.

With the leave of Council the motion was withdrawn...

Council adjourned for the usual interval. On resuming:

DRAFT ESTIMATES OF EXPENDI-TURE AND REVENUE, 1939

The debate was continued.

LADY SIDNEY FARRAR: Your Excellency, I feel a certain amount of diffidence in speaking on the Draft Estimates in view of the fact that my views and the majority of the criticisms have been very fully covered, especially by the Noble Lord, the hon. Member for Rift Valley, with whose views I almost entirely agree. However, I have one or two points I should like to make, so possibly hon, members will forgive me if I am slightly redundant.

"We have had a budget laid before us described on every hand as a very excellent book-keeping effort. I feel sure those best qualified to judge are correct in making that statement. Speaking, however, as a farmer, as a working farmer, and speaking for the farming community, that does not entirely satisfy me. To be perfectly frank, I have never found that book-keeping grew my crops for me, and because I could balance my budget on my farm according to my books that was of very little assistance. Book-keeping is a means to an end, not a means in itself, and when my books show me a deficit I am not satisfied with merely balancing; I endeavour to find ways and means to balance those books in the following year.

We ordinary working farmers, and this, probably, also meets the views of most of the commercial community, have a certain method whereby we endeavour to improve our position when it is not particularly good, and there are certain sides that have to be minimised if we are going to continue to balance our budget. One of the first things that the average work-

ing farmer would do would be to say. "There will be no more leave for mehome for some time to come," and whether you are on your own farm or in your own business or working for the country that comes first. At the same time, the managers' salaries have to be reduced; at times we perhaps have to get rid of our managers and do the work ourselves.

These would be the two things I should take first on my farm, and I sometimes wonder, in reading this budget-and I have read it through and through until I nearly know it by heart-whether the departments concerned have visualized balancing their budget from the point of view of the whole Colony, if they have ever thought of it from that point of view? I realize that the question of health will come into the question of passages. I realize that the question of a Deputy Director affects, perhaps, you think, the efficiency of the department concerned when you have to go on leave.

This, if I may say so, is where I beg to differ. I would ask that the Standing Finance Committee, in future budgets, consider carefully whether in every department it is necessary to have a highly paid-£1,200, £900, or £1,000 n yeardeputy director, whose principal duty as deputy director is to learn his job for when his No. I goes on leave, I suggest, with all due deference to my hon, friend the Member for Mombasa-that the use of efficient, I will not call them stenographers, but will give them a better sounding name which they all like, private secretary, that private secretaries at ordinary salaries would carry out the duties of deputy directors in the office as efficiently as a man at £1,200 a year.

I have looked through this budget, and in no case have I found there are not senior officers in each department with a considerable length of service and knowledge behind them who could surely be trained to step into the director's shoes when he himself goes on leave.

On a farm or in a business, where we would endeavour to squeeze out the last penny for our budget would be development with a view to getting revenue in the 745 Draft Estimates Hady Sidney Farrarl

following year. I trust that there is not a farm or business in this country where the astonishing difference in the proportion of money expended is so startling as that laid before us, between the administration and the money spent on development.

We have heard the budget also described as a defence budget and if the sins of omission and commission of the expenditure are put down to the money included in this budget for the purposes of defence. I am not entirely satisfied that that covers all the sins. Defence has certainly taken a very appreciable amount of money but, as I read-and I am open to correction-it is very little more than a third of the increased expenditure I should like to know whether the hon. Financial Secretary is entirely satisfied that the remaining two thirds of the increased expenditure were equally necessary and equally justified in the present budget.

One other criticism that I have to make again, is that all through this budget we see increases of salary obtained by changing the designations of the officers concerned. A rose by any other name! and the lesser name will do us very well.

To come down to certain individual points of criticism, the very large increase in revenue from income tax has been referred to frequently during the course of the debate. May I once again recall the very definite undertaking given, and ask that that, undertaking shall be remembered, namely, that the additional money that might be received from income tax as a new form of taxation will particularly be devoted to lessening the multitude of small forms of indirect taxation? I cannot see that in this budget very much attention has been given the matter. and I would ask the hon. Financial Secretary to give me specifically the incidence of taxation which has been reduced or removed in this budget. I know the education tax has been removed, and that is the only one I remember.

Under the various heads also, I have tried to see how far interest in development has gone hand in hand with the increase in emoluments, sometimes in increase in personnel.

To give one or two very feeble, perhaps, examples, as others have been quoted. In the expenditure for the Agricultural Department I see increases in emoluments and personnel, and I see no provision made for a decrease in the interest charged by the Land Bank, which is so closely connected with the Agricultural Department. Again, to give a homely simile of one's own farm, if you have tenant farmers and times are bad. they may possibly have to go to the banks for their money to help them through. I submit they could raise money at a lower rate of interest than is asked by the Land Bank, which is supposed to be a form of Government assistance: Also, at the same time, you will find there is very little allowance made for reduction of land rents. One of the first things a landlord will do is to reduce, or remit for the time being, the rents for land held by tenants in depressed areas.

In this connexion I should like to say that in the constituency I represent considerable representation has been made and requests for the postponement-that is the incorrect word-for waiving the land rents in certain very distressed areas. as a whole, instead of having to go through the very unpleasant performance of individual applications for reduced or completely waived rents, and very little sympathy seems to have been shown to the requests for wholesale remitting of rents in the Songhor-Koru areas.

Turning to the Judicial Department. they have been able to sit back with a certain satisfied feeling that they show a reduction, a very slight decrease, in their denartment. I do not think that it is a question of increase or decrease, but of an attempt at comparative reduction of administration expenses. I submit that little is done by the Judicial Department towards that very urgent matter which was referred to by the hon. Member for the Coast, the simplification of our laws, particularly where the native is concerned, and assistance being given to those men who have to administer the law, not only European magistrates but native assessors, so that the laws are simplified and can be administered to the understanding of all concerned. £10,000 approximately is the amount the country is having to bear as the cost of the judges in emoluments, travelling, and all the rest

Draft Estimates 248

Hady Sidney Farrarl

As regards the Prison Department, I want to ask whether, in view of the increase in the amount of money expended on food for prisoners and detainees, and the increased emoluments once again given to those administering the prisons. this will lead to increased efficiency in administration on the part of those in charge and, considering their health and canabilities, on the part of the prisoners and detainees it should be reflected in improved output, particularly in the outbut of foodstuffs for the prisoners themseives. I should like some assurance that this output will be improved in the next twelve months, and some attempt made so that the prisons will be self supporting to a much greater extent than they are at the present time.

In the Public Works Department, again, we have increased personnel and increased emoluments. I refer to items 27 to 36, there are minor increases, sleady increases, in quite small empluments, I should like to ask once again, whether these increased emoluments will tend to give us improved toads? do they spell increased efficiency on the part of those receiving them? Will the country see the results of that increased efficiency and these increased emoluments in any way whatsoever?

The only point on which I am afraid I do not agree with the hon. Member for Rift Valley is on the subject of roads. To my mind, roads are part of the essential development of the Colony, and although I do not advocate vast sums being spent on them I do suggest that the report that was published some time ago and which was laid on the table, of the committee of the Central Roads and Traffic Board-in which the need for £150,000 to be spent. in the near future on the important main roads was urged-that we should press for that money to become available before the roads have completely disintegrated. The fact that we can still get over them is not sufficient.

I contend that the roads have gone hack in the last 3 or 4 years; in other words, that they are slowly but definitely disintegrating, and that rout must be stopped. We are getting increased money from certain sources directly concerned with road transport. I appreciate the fact that it cannot be individually allocated but as road transport is steadily increasing I submit that there is need for giving additional assistance to the roads that are being used.

In this respect, I would ask that favourable consideration should be given to the suggestion of the hon, Member for Nairobi North that the avenue of contracts should be more carefully explored. I should like to know whether, in the past twelve months, the hon. Director of Public Works has explored the avenue of private contractors for making a suggested bitumen surfaced main road and to what extent this avenue has been explored. I do not think we use sufficient trained and qualified commercial firms or commercial contractors in the upkeep and making of roads in this Colony, and I should appreciate some information on this subject.

Those are all the points I wish to make, Your Excellency. I would like, however, once again to ask that we should think of the budget not from the point of view of balancing it so that there is nothing left, so to speak, on either side, but to think of it from the point of view of development of this Colony as one that has very real agricultural and industrial promise.

MR. SHAMSUD-DEEN: Your Excellency, speaking at the end of the debate on the budget as I am, there is very little.left for me to say, but in case my constituents might think that they have returned a dumb representative to Council I will make a few observations. (Laughter.)

I must at the outset say that it has been very gratifying this year to see the moderation with which the budget has been discussed. The feature of the debate, I consider, is the eloquent speech delivered by the hon. Member for Mombasa which was completely free from any racial references which have been so much to the fore in the past. I myself have been sick and tired of the continued references to Asiatic. European and other

I wish to associate myself with the remarks made by the Noble Lord the (Mr. Shamsud-Deen)

hon. Member for the Rift Valley when he sounded a warning as regards the tendency to increase expenditure. I have seen, Your Excellency, in the past seventeen years two cycles of five years when this country has not only been on the verce of bankruptcy but actually bankrupt. Then again, two cycles of wholesale retrenchment and economies. Your predecessor inherited a legacy of bankruntey as a result of the unbridled expenditure of the preceding five years. He had a very uncomfortable time and took the greatest pains to bring the country back to a state of solvency.

This budget I think shows a paper surplus of £509. I submit that this is very poor camouflage, and that this is really no budget at all. It is a deficit budget and that small surplus would at once disappear if only one of the suggestions of the hon. Member for Mombasa put forward were adopted-that money be given to the Provincial Commissioner, Monibasa, for a typist. In the supplementary estimates we know that there is not going to be a budget showing any surplus at all.

It has been quite rightly remarked that unofficial members should offer constructive suggestions to improve the finances of this country. Undoubtedly we want more services, but we do not want to increase taxation. What is to be done? I submit that unless we do something on the lines suggested by the hon. Member for Mombasa in the way of raising a large loan there cannot be any solution to this problem at all.

What do you do, for instance, if you have an extensive farm with no means of developing it? You can certainly build a grass hut and develop it piecemeal, but that is no good at all, and it will not solve the difficulty. The only thing to do is to develop it fully, and you can only do that by borrowing the money.

The budget shows a lack-of vision and I am surprised to hear that there is some opposition by hon, members to raise a loan. But there has been no alternative suggested by those gentlemen who have opposed this idea.

This is God's own country, and I submit that if we were to fully develop it

there is room for its being developed to an extent compared with any of the large states in the world. But what is being done? What has been done for the coast? For instance, if you travel from Mombasa to Malindi there are so many dilapidated ferries that some of them look like live death trans. At Shimo-la-Tewa, when I go over that ferry I wonder whether I will get across alive. That is not good enough.

Draft Estimates 250

On the coast you want roads which will enable the producers to bring their produce to the market at the coast and from even up-country at economic rates of transport. It is impossible to do that at present. Take the case of Lamu. There are periods in the year when the road to Lamu is impassable and for a couple of months at a time you have to go up by steamer, otherwise Lamu is absolutely cut off from the coast, and this has been the case ever since it has been under British administration in this Colony,

On the one hand all attention has been centred up-country. We have given the up-country settlers not only roads but railways for which we have now to pay large sums by way of guarantee. On the other hand nothing has been done for the

You take the coast road from here to Mombasa, I submit that the inhabitants, of Kenya Colony have no business at all to use the roads in Tanganvika, Supposethey close down those roads for some reason, as District Councils do sometimes! Well, nobody would be able to get to Mombasa. I have stated before that the railway is a very frail means of communication, and I have seen that railway in the last war blown to pieces every day. And now, I think, about half a dozen bombs dropped on the Makupa Causeway and essential bridges would simply dislocate the whole system. Unless we have an elaborate system of roads we shall be in a terrible fix if we have any trouble. I submit that there is absolutely no reason why an all-weather road following the old route should not be made in a manner that people could go from here or come from Mombasa in eight hours' time during a week-end and then go back to business for the next week.

[Mr. Shamsud-Deen]

I must say that the form of government in the colonies is becoming so obsolete that, whatever we may say about the totalisarian Governments, they certainly have accomplished something. Their methods of road-making and settlement and colonial organization are decidedly better than ours. The Italians have made 1,500 miles of roadway in Abyssinia in a year or two, and there is no reason at all why we should not make one road from here to Mombasa worthy of the name of a road.

I do not know if Your Excellency remembers that at Thika mention was made that it would be a very desirable thing to have a bitumen road to Thika, but that it was decided and considered a very fantastic suggestion. Why, at Zanzibar, they have bitumen roads extending over hundreds of miles. If they can have them why cannot we?

That brings me to the form of Government concerning their methods of settlement. I submit that if the Government here was to do a fraction of the work that the Italian Government has done in Abyssinia or Libya by importing 15,000 settlers—if the Government only did a fraction of all that— untold wealth at the coast would be available for Government.

The hon. Member for Mombasa referred to the prosperity of the coast at one time when it had a great export trade: I do not know whether hish, members have read a book by the late Sir Frederick Jackson, who came to this Colony in 1880 or 1885. In that book he says, as an eye-witness, that Lamu and the coast were the granary of Arabia and the Persian Gulf and of all Eastern Africa.

What is the reason for their going back to this present state of desolation? We know the British nation did one of the greatest and most meritorious deeds in history by the abolition of slavery. But having abolished slavery they only did half the thing. They did nothing for the people afterwards, and they left the slaves and their masters to die.

To-day that country has reverted into a wilderness, but I submit that that area on the coast could again be turned into

a very fertile and prosperous province if Government gave it just a little attention. I do not say that there should be the same amount of attention given to it asthe Italian Government have given to their possessions. But you could have a loan spread over ten years and spent on a ten years' scheme it would change the whole region there. And I myself will undertake to bring to this Colony within a year not less than 15,000 Indian settlers to develop that coastal area, if Government will only do something to remove that infested area of mosquitoes and excavate for water and make roads. I am not suggesting that the Government should do the same sort of thing as they are doing in Libya when fires, for instance, were put in the homes ready for the settlers on their arrival. But if Government did something to improve the conditions I can supply the settlers.

Draft Estimates 252

In connexion with the title deeds and certificates issued to Arabs, referred to by the hon, member Mr. Patel yesterday, I am enteirely in agreement with him, I submit that Government has a duty to these decadent tribes of the coast and especially to those who were the rulers of the coast before the British came. They must do something for them. I really shudder to think of the state of affairs which will develop in the Arab community after that grand old man, Sir Ali, has gone. I submit that Government is legally and morally bound to do something for these people at the coast. If necessary, I think the survey fees for the land held by Arabs and natives should be paid by Government, for at the present moment they are living more or less under the same system as the Kikuyu people, the githaka system.

I would like to make some reference to hospitals. I think it is now nearly seventeen years since we were shown the plans of the group hospital in Nairobi, and we have had assurances from the Governors of this Colony—I think at least three Governors gave assurances—that it would be built without delay. But nothing has been done so far, though I understand that the foundations are now being dug for the native ward.

I submit that if these things are done at the speed of a tortoise, as they appear [Mr. Shamsud-Deen]

to be progressing at the moment, we run a very grave risk every day. I was on the Education Committee the other day, and we were discussing the prospects of an elementary school being built. The hon. Director of Education placed before us a very nice and very elaborate plan of the school, and this was six or seven months ago. And what I said then is equally true to-day, that unless we get on with the actual building I am very doubtful whether we shall ever be able to see the school come into existence in the event of war breaking out. Everyone laughed, but we all know how near war we have been recently. I have seen in similar circumstances the foundations and even the walls of the Central Police Station started behind the old Law Courts. Then war broke out and everybody left it. And it is just possible that a similar circumstance would occur now which would result in the whole thing being scrapped.

I submit that while we have got the money the things that are really essential like hospitals and schools must be proceeded with. I was surprised to hear that the speeding up of the group hospital was held up because we had no draughtsmen in the Public Works Department, submit that it is the duty of Government to speed up the building of the hospital and the schools, and get the necessary staff of draughtsmen.

While on the subject of hospitals. I must say that I have had in very unfortunate circumstances occasions to visit the Indian ward for about three weeks. I must say, and it is my duty to stress and pay a tribute, that the staff of the hospital, especially the European staff, are, I consider, angels on earth for the way they treat the Indian and native patients there. But the hospital itself and especially the Indian wards are deplorable. On one occasion, as far back as 1922, someone described it in Legislative Council as an ideal hospital, but even then I said that I thought it was an ideal stable.

The doctors have no accommodation nor have the staff in that wretched building. Then, again, the staff is cruelly overworked. I have seen that with my own e.e. Doctors have come out of the

operating theatre almost staggering, and they had to go on performing more operations, operation after operation, without any relief. The same applies to the nursing sisters because they have to look after so many wards. It is really wonderful that they can work at all. Therefore I am one of those in favour of there being extra money put in the Medical vote. I think the social services departments, the schools and the medical department, ought not to be starved for the want of money.

Talking of education. I see on one of these pages of these Estimates the item of £900 shown as expected revenue from the Sir Ali bin Salim School endowment at Malindi. I have been to Malindi recently and I have been inside the school, and I have quite a good notion of that institution. This endowment was created in 1921, and has been in existence for the last eighteen years. I should like to have some information as to the results that have been achieved in that school. Something from £18,000 to £20,000 has been spent on it, and to my information not a single boy has passed his Senior Cambridge examination. This does not compare favourably with some of the third class private Indian schools which have produced quite a number who have passed successfully the Senior Cambridge or London Matriculation examinations, I say that under these circumstances money should not be wasted on that school in that direction and something should be done to put it on proper lines.

The item granted by the Imperial Government for Abyssinian refugees-£30,000. Although we are going to get that amount of money back from the Imperial Government, I submit that it is a source of growing concern as to what is to be done to these refugees and for how long they are going to be our guests. Now that our relationship with Italy has greatly improved, I think Government should explore the ground for the return of these visitors, our distinguished guests, to their own country or find land where they might settle, because these people are becoming degenerate through having everything they want and no work to do.

I must say that I was full of admiration for all the useful work that the

tMr. Shamaud Deenl people who are responsible for looking after the refugees are doing. I have seen something there that I have never seen before-a delousing tank, I think they call it-and other conveniences and contrivances totally unknown to many of us. They have doctors and they have clean clothes to wear and every possible consideration is given them. That is all very well, but how long are we going to do that? I should like to know something on this subject because it is quite a big problem, and it was about time it was, tackled.

I should like to make a reference to the Police Force. I have made representations in this Council before on the question of the emoluments of the Indian aub-inspectors and assistant sub-inspectors, and as a matter of fact the whole staff, for I refer also to the European inspectors and the European assistant inspectors. They are very underpaid, but I am glad to hear, although I do not find it in the Estimates, that the European assistant inspectors' salaries have been increased to quite a reasonable extent this

But the question of the Indian subinspectors still remains to be attended to. When I have remonstrated that their salaries and emoluments were not above those of clerks, Government have told me and tried to show me that they were almost on an equal footing with clerks. I submit that a policeman is a member of -- same trouble again before long. His Majesty's Police Forces and he is supposed to be on duty twenty-four hours. of the day, and in case of trouble, either internal or because of war, he would be the first to be called on for active service. He endangers his life therefore, but the various clerks sit down in an office and do nothing of the kind. Not only that, but I submit that these assistant subinspectors have very vast powers and great temptations placed in their way. and if they are underpaid they become at once a public menace, for they are tempted to take bribes in order to maintain their wives and children, I submit that it is a very wrong policy to underpay your staff.

I think the Police and Prisons are the only two departments not represented

by their heads of departments on this Council, and perhaps that is why they have to suffer in this way as they do. The present police station in the Indian Bazaar is a great disgrace. It was built 38 years ago and it is there still, and F am sure that it does not inspire the askaris with any great confidence that they should have to have such a police station or add dignity to the metropolis of the Colony.

We have been talking about how to make both ends meet and, referring to the Education Department, an hon. member spoke of it as a wife with too many children. In fact the whole budget is the same. A wife often asks for an electric cooker or a refrigerator, a necessity of life and by no means an article of luxury but the husband says he cannot afford it and that she will have to wait until he can get more money. It should be the same with the Government. If we have a department which has a tendency to ask for increased expenditure of money one simply has got to tell it that unless the country improves it simply cannot be afforded.

I have seen on two occasions, once in 1923 and at the end of 1934, when the budget was before Council and a great effort had to be made to pull the country out of the state of bankruptcy we had got into. And I clearly see the same tendencies again to-day. Unless we look out I am afraid that we shall be in the

With regard to pensions, there is a matter which I should like to take up. I have already referred it to this Council in the past and impressed the importance of it on the Standing Finance Committee. I have pointed out that Indian pensioners residing in India are deprived-I will not say defrauded-by the Government of a percentage of the actual amount due to them. There is a very strange arrangement whereby any Indian pensioner who lives in this country gets Sh. 2 for every rupee to which he is entitled. But if he goes to Indian he only gets Sh. 1/4d. I know that all sorts of arguments have been put up concerning this, but you cannot alter the fact that these people in India are being deprived of 8d, on every Sh. 2 to which they are entitled, I should

IMr. Shamsud-Deenl like to hear an explanation or some reason given why this matter has not

257 Deaft Estimates

been attended to. There has only been one reference to races I think in this debate, and that was made by the Noble Lord the hon, Member for the Rift Valley, when he again talked about European settlement. We must be very careful, I submit, before we talk further about increased European settlement, for if this talk goes on Herr Hitler and Mussolini will be sending out about half a million Europeans to Kenya. We here cannot stop them, and you can just realize the predicament you will be in, even if there were only a small influx. I submit that we should cease talking about European settlers and instead talk about British subjects and British interests

and develop settlement on those lines. I simply wish to inform this Council drug has been brought out to this country that on my last visit to India there were people there longing to invest capital in this Colony for agriculturists and farmers who can be settled at the coast. That is the proper thing to do, and we want publicity to encourage this. A considerable amount of money has been spent on publicity in London for European settlers and, of course, the greatest publicity of all that has been given to this Colony has been that given by the Royal Family. The King has been here, the Duke and

Duchess of Gloucester, and several other members of the Royal Family, and they have brought greater publicity to the Colony than anything else. But I submit that it was about time that appropriate publicity to the Colony was given in India.

I have studied this budget very carefully, but I am not going to quote any bewildering figures, because past experience has shown me that when I took the trouble to get graphs, charts, comparative statements and so on it makes not one iota of difference to this Council. Government put up a prepared budget, and no amount of speaking will alter it. Some of us on this side think we are saying brave things in this Council, but I can imagine hon, members on the official side chuckling up their sleeve and saying "What fools these people are, wasting their time and ours!" (Laughter,) I do not think I have anything to add.

MR. MONTGOMERY (Native Interests): Your Excellency, I have only a very few comments to make.

The first is on the revenue item, cotton tax. The estimate of £6,000 is bsaed, I understand, on a 2 cents tax. As the Government of Uganda have reduced their tax to I cent. I hope we shall, although there will be a certain amount of difficulty with the budget. I have always thought it a poor sort of tax, and I hope that Uganda will shortly do away with theirs and that we shall follow suit. It was only introduced in Kenya because Uganda did it on the other side of the border.

I am sorry to see that the hon. Director of Medical Services is away, but I see his deputy in the gallery so that he may make a note of what I have to say,

During the last few weeks a wonderful to cure pneumonia. I have had a go of pneumonia myself, and so I know what wonderful stuff this drug is, But, going through the native hospital the other day, I was given figures to show that during the months of January to September the number of deaths from pneumonia amounted to one third of the deaths in that hospital. In the month of September there were 10 deaths from pneumonia, but that was before this drug was available. In October there were 18 cases and no deaths whatever, probably as the direct result of this drug.

I understand that the drug is expensive. but I wanted the assurance of the hon. Director of Medical Services that adequate supplies will be available in every hospital.

In your address from the chair at the opening of the session, Your Excellency told us of the active search being made for a parasite of the mealy bug, which is such a menace to coffee. It is also a menace to other plants, and I want the hon. Director of Agriculture to do all he can to investigate the position which has arisen in Chuka, and may arise in Meru. I was told yesterday that the bug is advancing and has gone through Embu and destroyed a tremendous lot of yams, that it is getting into Chuka, and inevitably it will get to Meru. If it does that, it will destroy the yams, the staple food of the people living in the higher altitude.

Mr. Montgomery I

Lastly, I should like some information, possibly from the hon. Provincial Commissioner, Coast Province, as regards the settlement scheme be has initiated but which I have not yet been able to see. As he is going on leave, I should like to know what the position is.

MR. GHERSIE (Uasin Gishu): Your. Execliency, I should first like to congratulate the hofe. Financial Secretary on the manner in which he introduced this budget. The Estimates are a mass of detail, and to a great extent are self explanatory. In speaking to the motion, he clarified the position still further. It does not necessarily follow that I can congratulate him on the budget listelf, although perhaps I should compliment him on his heroic effort in balancing the budget.

If we turn to the Memorandum, I do suggest that there is a lot of detailed information that could have been given here that does not exist. Such hald statements as "Revised salary to meet increased responsibilities," "New posts considered necessary in interests of departmental organization," "Enhanced salary scale in view of length of service." "Interdepartmental adjustment," "Previous provision inadequate," and so on. I submit it might be a good explanation if explantations could be nut alongside the Draft Estimates on the opposite page. It. would save a lot of trouble in making references

It is quite impossible to attempt to criticise the budget in detail, as it would take up far too much of the valuable time of the Council, and I consider in any case that that rests on the shoulders of the Standing Finance Committee. One can, of course, take such glaring items as increased expenditure on passages which, despite the fact that longer tours have been adopted, has in some instances increased by 100 per cent.

I know that some hon members have referred to this matter but, with your permission, Sir, I should like to refer to in again, as I have another point I should like to make, I am' referring parkeularly to the Administration, page 3, item 13, an increase of £1,344; to Education, page 10, item 29, an increase of £1,000; to Education again, on pages 47 and 49.

items 62 and 102, £426 and £483 respectively; to the Police, page 71; item 51, £1,650; to the Agricultural Department, £5,054; and to the Veterinary Department, £505.

I have no doubt that the answer will be that it is most unfortunate so many officers are proceeding on leave in 1930, but what I should like to know is, does it mean that the services will be depleted and that we shall have inadequate services next year?

On page 88 we have that new invention, "Subventions," and item 27 has already been referred to by the Noble Lord the hon. Member for Rift Valley, I want to take it a little further, because quite apart from he fact that we know there has been no occasion to make me of this island in the last 4 or 5 yearsin fact, it is more in the nature of a honeymoon resort-we should obtain some reduction in this amount or use the island for a more economic nurpose Turning back to page 63, we find that this is shown as a reduction in the Medical Department vote. This strictly speaking is correct, but it is rather comouflaned in the sense that it is rather misleading, because it means an excess recurrent expenditure on the Medical Department which, instead of being £8,879, is in fact £10,000.

On the same page, 63, items 66 and 67, we have two large amounts of £850 and f1,275, and they refer to "medical and nursing attendance on Government officials and others by private practitioners and nurses." I have no doubt the necessary explanation will be available, but I hope the hon. Director of Medical Services will explain it, because it seems a large enough staff to attend on these officials.

On page 28, item 74, we have "Interpreters (African), Nyanza Province, 6602." This appears out of all pre-portion to the same item in other districts. It may be, of course, that Government servants are being continually transferred from one station to another and, although they take Swahill examinations, they have no opportunity of learning a tribal language. But it is rather a large amount in comparison with other districts.

The only item that I wish to deal with on the Revenue side is item 27, "Widows [Mr. Ghersie]
and Orphans Pensions Contributions,
255.500." Can this item honestly be considered as revenue? Surely it is a liability,
and should be placed to a trust account.
We also see in the statement of assets and
liabilities three items of these various
provident funds shown on the asset side,
and also the question of the Post Office
Savings Bank. I have no doubt there is a
very simple explanation, that it is prob-

ably due to the system employed by

Government, but I cannot reconcile the

251 Draft Estimates

I refer to the Asiatic widows and orphans pensions fund, £80,712; provident fund, Asian Local Civil Service, £20,503; and provident fund, European Local Civil Service, £50,545. On the other side we have the same headings, but I have been unable to reconcile them. The same thing applies to the Post Office Savings Bank.

I shall criticise the budget in general. I agree that, from a book-keeping point of view, it is probably most accurate, but I am afraid it has very few virtues in regard to accountancy or progressive business policy. It is merely a statement of revenue and expenditure, with very little regard to what is legitimate annual expenditure as compared with capital expenditure. I maintain it is wrong and incorrect, it is unfair and incorrect that the later items should be charged in the Colony in any one particular budget.

I have extracted quite a number of items which I do not propose to bore hon. members with now, which amount to something in the neighbourhood of £38,000 which, I suggest, are capital expenditure and should be spread over a period of years. It appears that the object is to balance the budget, and due regard is not paid to the manner in which the tesources at our disposal are expended.

With all due respect, I visualize the Secretariat surrounded by the heads of various departments. They are asked to submit schedules of their financial requirements. Knowing full well or realizing the possibility of having their wings clipped, they are inclined probably to over-estimate, and this is rather human nature. To illustrate my point, I propose to give a very small simile, and in this

instance I intend to cite the Public Works
Department. I would like to assure the
hon. Director of Pdblic Works that I
have no ulterior motive, and I only select
his department as a simple illustration.

A district engineer is allocated certain money for a programme of expenditure in his particular district. Being a conscientious officer and having had some past experience, he treads very warily during a certain portion of the year, because he visualizes the possibility of a breakdown or excessive maintenance due to heavy raing. His misgivings are probably unfounded, and he finds himself with a pleasant nest egg to spend. I suggest that he must spend it, simply because the system employed by Government does not encourage economy in any shape or forth.

That individual realizes that if he returns that money it does not go back to his department but to the Treasury. What is the result? Instead of getting any kudos for having sayed that money, probably the reverse position arises, and he will be accused of over-estimating or, at any rate, he will have his estimates cut down the following year as he will be told that the money is unnecessary.

That is where I criticise the accountancy employed by this Government, People should be allowed and encouraged not to spend but to economise, and one way of doing it would be if each department knew that any funds in hand at the end of the year would be carried forward to the following year, so that the incentive would be there for them to save. I am not suggesting that any Government official is so immoral as to throw money down the drain, but I visualize that if a man has money in hand at the end of the year he will spend it possibly in an uneconomic fashion merely to spend that money.

I am sure that the hon. Financial Secretary quite honestly would agree with that in principle, but his answer will be that it is Colonial Office practice. Well, the Colonial Office has served a very useful purpose, but I suggest that in a question of this nature we must move with the times, we must not stagnate. The Railway appreciate the principles of commercial practice—why not Government?

Draft Estimates 264

IMr. Chernic)

On the subject of defence I did not intend to say much, except that I feel the amount spent on defence, although possibly spent to every possible advantage, appears rather a drop in the ocean. I do submit that it is an Imperial question, and the money should be advanced by the Imperial Government, and we should pay our quota over an extended period of years. We know that the Imperial Government cannot probably give us the necessary arms we require from a defence noint of view, but they have the money. as has been proved by the amount they have handed out to other people in recent

On the question of education, I notice in the Estimates that the Indians and Africans are treated fairly generously, I am in entire agreement and realize that they should be, but, by the same token, I consider that Europeans have been neglected. The hon, Director of Education is well aware that most of our schools are full, that there are children-admittedly very few-but there are children receiving no education whatever. I also know quite a number of children starting school much too old and others, I think, leave far too early, I suggest that Government must seriously consider the question of compulsory education. I am not suggesting free education, but compulsory education. Otherwise I can assure hon. members that the time will arrive when we shall be confronted with an uneducated white problem in this country.

We also have these farm schools which have served a very useful purpose, but it was time they were scrapped and education became centralized.

I would like to associate myself with the hon, Member for Mombasa, the hon, Member for Nairobi South and a number of other hon, members on the subject of roads. I also, like the hon, members Mr. Isher Dass and Mr. Shamsind-Deen, have visualized a road from Mombasa to Nairobi, Frankly I visualize a road from Mombasa through Nairobi to Uganda, I consider that good roads would mean a great saving to the motoring public and I consider that roads are one of the main arteries in a young developing Colony. I am certain that the

people in the Highlands if they had half a dozen good roads would take advantage of the facilities at the coast more than they have done up to the present. They would take their annual holiday which at the moment they are unable to do, and that is holding up the efficiency of the country. Also, a good road would be invaluable in the question of defence, more so than a single track railway, for if a number of bridges were blown up the Highlands would be completely cut off.

With your permission, Sir, I will quote an extract from the report of the Subcommittee of the Central Roads and Traffic Board under the heading "Traffic Requiring Capital Cost":-

"The estimated cost of improving the Nairobi-Thika and Nairobi-Mau Summit roads, as suggested, is £128,935, or £777 per mile. If such improvement were financed from a fifteen year loan at 31 per cent the annual cost would amount to £67.46 and on the basis of 0.62 pence per mile saving in wear and tear an average traffic density of 71.5 vehicles per day would be necessary in order that the saving in operating costs to the community would equal the annual loan charges.

The sub-grade can be regarded largely as a permanent asset. The cost of renewal at the expiration of the 15 year period would be principally that of the wearing surface.

A traffic census taken in 1936 gave the following results:---

The same of the sa	
$oldsymbol{ u}_{i}$	hicles
Nairobi-Thika road-at Nairobi	
Municipality boundary	415
at Thika	214
Nairobi-Nakuru - at Banana	77.0
Hill, Limuru road	221
at Limuru station	133
at Kijabe cross-road	78
Gilgil-Nakuru-Mau - informa-	11.77
tion from Nakuru District	
Council	100
As regards maintenance cos	
these two roads we find that in	1076
the average and to the time that the	1730

the average rate granted was £29.7 per mile which, for all practical purposes, is equivalent to the rate estimated to be required for maintaining a bitumen carpet road."

Mr. Ghersiel

265 Draft Estimates

I suggest that that speaks for itself on the subject of capital expenditure on a reasonable road.

I should also like to associate myself with the hon. Member for Mombasa on the subject of the preservation of ancient monuments. I do think it is wrong when discussing a budget of something over £2,000,000 that the matter of £1,000 cannot be allocated to preserve our very valuable and ancient assets.

On the subject of tourist traffic, comparisons have been made between Eurone and this Colony which is of course absurd. But the fact remains that it is a very large revenue producing industry on the continent and also in Africa, I think I am correct in saying that in South Africa it brings in about £700,000 per annum. I am not suggesting that we shall get even £7,000 but I might point out the potentiality of that method of obtaining

Now I must get back to the question of a loan which I raised at the last session.

Practically, without exception, during this debate unofficial members have discussed some particular thing or other which they consider requires money. There was one notable exception, the Noble Earl the hon, Member for Kiambu. But I would suggest that if coffee had a set-back even the Noble Earl would be clamouring to the Treasury for some assistance. We have been asked for a more progressive policy, closer settlement, increased facilities for education and hospitals and a road programme. Where is the money coming from? We know very well that for the next two or three years we shall find it very difficult to balance our budget. We know that our expenditure will go on; therefore, let us face this and realize that we do require a loan.

I repeat my suggestion made at the last session, namely that a committee should be formed, or preferably that it should be left to the Standing Board of Economic Development, to go into every aspect of this Colony and find out the necessary financial requirements, and this having been ascertained, we should proceed to do what we can with regard to obtaining a lean.

When one considers the millions of pounds invested by the British public in various parts of the world and the colossal losses they must have met with in Europe (for instance I think I am correct in saying that in the Argentine alone something like £260,000,000 worth of British capital is invested). I am sure the British public will soon realize that the safest and most obvious place to invest money is in British colonies.

While on this subject there is one item -the rents of offices and houses and house allowances- which amounts to £27,000. Now, that is an amount presumably that we must pay out per annum as that property does not belong to Government, I suggest that if you capitalize that at 5 per cent you have over half a million, added to my figure of £38,000 which I maintain is a capital figure; if you capitalize that at 4 per cent you have already over a million and a half. And so I maintain that a loan is justified on this figure alone.

I am not going to suggest for a moment that one should waste too much time on committees, but I do suggest that Government should take notice of the recommendations in this Council and also of the various committees. I am going to state a particular case, and that is the trouble that has been taken by the subcommittee of the Road Board in producing their report on the development of the road system in this Colony. They recommended a large road construction programme to cost something over £200,000, but that figure was cut down to something over £150,000. That was six months ago, and still we see no hope of that programme taking any concrete shape.

I do not think one should be parochial in discussing the budget but there is one instance I should like to give, and that is in connexion with feeder roads. Ten years ago application was made for a road in a certain area to cost £1,400. This recommendation was put in and strongly recommended and for ten years that was turned down. Six months ago, at a meeting of the Central Roads and Traffic Board, I think I am correct in saying that the various district councils concerned made special applications for additional

IMr. Ghersiel erants amounting to something in the nature of £20.0.0. The hard-hearted Road Board turned them all down with one exception, and this was the one road I am referring to. They were unanimous that the time was much overdue when this road should be constructed. That is also ux months ago and again nothing has happened, and the point is that farmers alone the road which coes to the station have to transport everything to

On the subject of locusts I know that Government is doing everything they possibly can to combat the menace upcountry. I do hope Government will continue to watch the position and keep in close touch with Uganda because although we may be able to tackle the problem in this country at the moment next year the trouble may still arise with a new visitation.

another station by ox waggon.

I would like to thank you, Sir, for the trouble and the great interest you yourself have taken in this particular matter in your recent visit up-country.

In conclusion, I would just like to address one remark to the hon, member Mr. Joher Dass on his attack on the housing conditions in the mining areas. I can assure him that with regard to the housing question up there, the premises occupied by Europeans are far better than on most farms in many instances. As far as the Asiatic quarters are concerned, I have seen far worse in the bazaar and, in any case, I am perfectly certain that they never have as large a number in any particular room on a mine as they have in some quarters in the bazaar. As far as the native quarters are concerned, they are exceptionally better than any native huts which can be seen in the reserves in which the mines are situated. I think he must have been misinformed and, in any case, it is rather amusing that Mr. Isher Dass should at one moment pose as the angel of peace and seeks the co-operation of the Euroreans and at the next attack them for a lot of scallywars!

Your Excellency, I support the motion. The debate was adjourned.

ADJOURNMENT Council adjourned till 10 a.m. on Monday, 14th November, 1938.

Monday, 14th November, 1938

Council assembled at the Memorial Hall. Nairobi, at 10 a.m. on Monday. 14th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham. G.C.V.O., K.C.B., C.M.G., D.S.O. A.F.C.), presiding.

His Excellency opened the Council with praver.

MINITES

The minutes of the meeting of the 10th November, were confirmed.

ORAL ANSWERS TO QUESTIONS No. 42-KENYA-UGANDA TELEPHONE MR. KASIM asked: -

Will Government please state how far telephonic communication between Kenya and Uganda has been completed, as (a) the Hon: Postmaster-General, in reply to a question by the Hon. Shamsud-Deen in 1936, definitely gave an undertaking that this connexion and linking would be ready by 1938, and (b) it is imperative that this facility be expedited.

MR. LOCKHART: It is presumed that the question referred to by the hon. member is question No. 67 of 1936. The reply to this question, however, did not give any specific promise that the work would be completed in 1938, but stated that the provision of the necessary trunk telephone from Eldoret to the Uganda border could only be undertaken when the reconstruction of the wooden pole route along the railway had been completed.

It was expected at that time that this reconstruction would be finished during 1938, but owing to delays in deliveries of essential material caused by the rearmament programme this has proved impossible. The reconstruction will, however, be completed during the coming year and, subject to the necessary financial provision being approved by Council, it is proposed to extend the line from Eldoret to the border in 1940.

No. 44-DEFENCE LADY SIDNEY FARRAR astel:

Will Government give an assurance (i) that a defence scheme for the Colony in the event of war is well in 259 Questions

(Lady Sidney Farrar) (ii) that all measures of defence will be co-ordinated and will continue to be energetically pressed forward?

(iii) that the ultimate aim of Government is that every individual should thow his allotted task in the event of war?

SIR ARMIGEL WADE: The answer is in the affirmative to all three parts of the question.

In regard to the first part, it should be understood that a defence scheme has been in existence for many years and that it is continually being brought up to date to meet changing conditions.

No. 46-Kenya Defence Force COL MODERA asked:-

At the time of the recent crisis was if the intention of the Government to call up Classes I and II of the Defence Force in the event of Great Britain going to war? If so, were the Government in the position adequately to arm and equip these classes?

SIR ARMIGEL WADE: During the recent crisis it was not the intention to call up the whole of Classes I and II of the Kenya Defence Force in the event of war, but only those members who were required to perform specific duties.

Government was in a position adequately to arm and equip such members.

ESTIMATES OF REVENUE AND **EXPENDITURE. 1939**

The debate was continued.

COMMISSIONER FOR LANDS AND SETTLEMENT (MR. MORTIMER): Your Excellency, first of all I wish to thank my hon, friend the Member for Nairobi North for the kind expression of goodwill on behalf of himself and the other elected members on my appoint-

A few subjects have been raised in the course of the debate to which I shall have to refer.

Two or three speakers have expressed regret that only one additional staff surveyor has been provided in the Estimates, and have urged the necessity for further. provision. Needless to say. I welcome

such expressions of opinion from the unofficial side of Council

Estimates 270

Land survey is an essential preliminary and accompaniment of all land settlement. No one deplotes more than I the fact that the survey division of my department is unable on its present establishment to fulfil its obligations to the public and to Government, I should like briefly to explain what the process is in connexion with land transfer.

No survey which is to be the basis of a land transfer can be used for the production of a deed plan until it has been checked and passed by the survey division as to its mathematical accuracy. That involves a great deal of careful work, and a very rigorous standard is applied. It would be a great mistake to lower that standard of rigorous accuracy, as Government gives an indefeasible title, and if mistakes occurred Government might belanded for a very heavy bill of damages.

Without the passing of the plan, no deed can be prepared, and without a deed plan no subdivisional transfer can take place, so that it is quite obvious that any holding up of the passing of survey plans must necessitate the holding up of land transfers. With regret, but without contrition. I must confess that the examination of deed plans is eighteen months in arrear at the present time. I am fully aware of the inconvenience and loss which that is causing members of the public, and the financial loss to Government itself, in that until we are able to deliver the goods we cannot require any part of the purchase price.

The term "computer" as applied to certain officers in the survey division has been abandoned, as in practice it was synonymous with that of staff surveyor. The work of the two posts was practically interchangeable, and there was no point in maintaining a distinction which did not, in fact, exist. To-day, the staff in that division available for that kind of work is thirteen, including juniors locally trained, who are not able yet to pull their full weight in the work of the department.

In 1931 there were twenty-seven comparable posts. I estimate that the department will be adequately staffed for present needs with eighteen on the establishment. In submitting my departmental .

(Ab. Madlimer) Committee to Coverament I provided for these are stud auxeyors and one forest was you as an instalment towards bringmy the decomment up to full strength. the town surevoi is not required to Note took a pich translated of qualificaconstruction with representant he consegrowing go a lower scale of salary. His we to a lo so yet the octer boundaries of wind lowers, and coverdinate those a hand with the want of the trans-*AV or the wedge of the Colony. The was a de la latera de veros in an enconthe Newsburg view De internal forest uitwere to become by a constant, which again * See and the that the carlottation et it was received of the Colony and war on the men and burned mem-No secretary palling property. S.

The discharge the product tested years and many the general many and many the general many in the general many in the product of the construction of between the survey and the construction of between the survey and the construction of between the survey and the construction and the construction and the great to decide an account of the production of the survey of

I think, satisfactorily, a series of the control of

Same and the second of the

The second of th

proposals for the further development of the Colony.

Its recommendations will, it is true, require for their carrying out Government finance in one form or another. In reply to certain hon, members, I would add that the report will, I think, contain proposals framed with the object of encouraging—I think that is the right word—owners of land in excess of their reasonable requirements to part with that land at figures based upon the economic productive capacity of the land and not upon optimistic dreams.

The hon, Member for Trans Nzoia inquired when the Orders in Council defining the native lands and the Highlands might be expected. I regret that I am unable to give any date for the production of those documents. All I can say is that a telegram was sent to the Secretary of State over a week ago emphasizing the great importance of the very earliest possible completion of this matter.

The hon. Member for Nairobi South asked for an explanation of the heavy drop in the Revenue Estimates for the sale of township piots. This I min explain, I think, satisfactorily.

Just before the Estimans for 1935 were submitted to Government, evidence was forthcoming of a genuine demand for certain highly valued piets at the end of Hardinge Street and Ourm's Way, So definite did the demand appear to be that an auction sale was arranged for cath in 1938, and at least three or four beliers appeared to be and waining for that auction to get boild of these plots and desploy them Cateramania, before the date of the author take a temporary greet at immore meaning to their 12 over the awards, and when the sale משיבו שם נשבישת ע שולת אול elected and and a single plat was N. 1881. 3

Or with a the collection that might be collected that the process from the

273 Estimates
[Mr. Mortimer]

Queen's Way has now been constructed on a water-bound macadam specification, and it is possible that a demand might arise during 1939 for the sale of those plots, in which event the Revenue Estimates will go up proportionately. But as there is at present no evidence of a demand, I did not feel justified in including any figure for the problematical sale of those plots in the estimates submitted.

The hon, member Mr. Patel has raised a few questions to which I will now reply.

He seemed to imply that Government had been lax in some way in its failure to encourage Indian settlement in the coast areas, I would remind hon, members that there has been before the Colony for a large number of years a scheme for the development of the coast lands whereunder land may be allotted free of purchase price, subject only to the nayment of rent and to strict development conditions, and that this land is open for applications from Europeans and Indians. Very few Indians have applied for land under that scheme, but there is still plenty of land available and suitable for occupation.

The hon, member Mr. Shamsud-Deen spoke about large numbers of Indians waiting in India ready to come over here and develop the coast lands. I would assure hon, members that if any concrete proposals are forthcoming, they will be considered with the utmost sympathy and helpfulness, as we are anxious to get the coast lands placed under conscientious and systematic development.

The hon, member also referred to outstanding charges for survey and other fees in connexion with the production of titles under the Coast Lands Ordinance. The point he was making was that a large number of titles have been issued before the necessary fees for survey and the cost of the titles had been paid and making those fees a first charge on the property. He considered that that was in some measure a hardship on the poor people who were holding those titles.

I would point out to hon, members that, under the law as it now stands, these fees are not payable until some transaction has taken place in connexion with the land. If the land is being sold, then

presumably the vendors will be in a position to pay the fees, and no transaction can be registered against the title until those fees have been paid. I would also point out that there is in the law the power of remission of fees in cases of hardship, and that power has been delegated to district commissioners in the coast belt, who are prepared at any time sympathetically to consider any application put before them for remission on the ground of real hardship. I could not on the ground of public policy advocate any general remission of those outstanding fees.

Estimates 274

For the information of hon, members I should like to give the figures as they stand to-day: the outstanding certificate fees amount to £3,600; outstanding survey fees, £5,300, and the amount that has been remitted to date is \$3,700.

It will be within the recollection of hon, members that some four years ago advantage was taken of the presence in Zanzibar of Sir Ernest Dowson, who is considered to be a first rank authority on the subject of titles of this kind. He visited the coast to report upon the action that should be taken in order to clear up the somewhat chaotic condition that prevails at present. We have been waiting for that report, I will not say waiting patiently, for four years, and it has not yet made its appearance.

The hon, member spoke of the sense of hardship and grievance that certain Indian plot holders at Mariakani were suffering under because of what they thought were excessive rentals. I will inquire into that matter, and if there does appear on investigation to be a real grievance I will take the matter up with the authorities concerned.

Local government matters do not now come within my sphere, but there was one point mentioned by the hon, member Mr. Patel to which I will refer, and that was the Mombasa municipal elections for Indian councillors.

The hon, member is, of course, aware that the roll of Indian electors was completed only about a month ago, and that no objections have been lodged. Consequently, the way is now open for a date to be proclaimed when the Indian elections shall take place. There is no reason

.

[Mr. Mortimer] for delay except for one matter. Your Excellency has appointed me to conduct an inquiry into the failure of the recent election of European members of Mombasa Municipal Board and to report whether any change in the present composition of the board is desirable. I propose to receive evidence at Mombasa on this subject from the 22nd to the 24th November, and will report as soon as mittee for Local Government and to Your Excellency, Of course, I cannot indicate in advance what the purport of the report will be, but I do assure the hon, member, and through him the Indian community at the coast, that this is not a sinister move on the part of Government or anyone else to deprive the Indian community of their right to elect their own representatives.

The hon. Member for Nyanza referred to one matter connected with my department, and requested that all land rents payable by farmers in the Songhor and Koru areas should be waived en bloc. I have not yet seen any evidence that would justify any such general waiving of rent. Many applications have been put in from that district for remission of rent in cases. of hardship, and the Advisory Land Board have spent many hours considering these applications and others of a like nature from other districts and have made recommendations to Government which, in no case, have been rejected. If there are still cases of hardship the way remains open for consideration on sympathetic grounds, but neither I nor the Advisory Land Board could, I am convinced, recommend any general waiver of rents in that area.

MR. 1ZARD (Commissioner of Mines): Your Excellency, Government is not aware that any irregularities which the Hon. Mr. Isher Dass suggests exist in certain mines on the goldfields, do, in fact, exist.

Indeed, employers of labour are well aware that it is to their own advantage to treat their employers scrupulously fairly.

If the hon, member will supply written details of the suggested irregularities Government will be pleased to have them investigated. MR. WATERS: Your Excellency, several matters connected with agriculture have been mentioned in the course of this debate.

The hon. Member for Trans Nzoia and the noble lord the hon. Member for the Rift Valley have asked questions concerning the locust position, and I will deal with that first.

November, and will report as soon as possible thereafter to the Standing Committee for Local Government and to Your Excellency, Of course, I cannot indicate in advance what the purport of all parts of the territory.

In the Trans Nzoia and in the Uasin Gishu, where the worst infestations and the worst laying have occurred, there is in charge a settler as the locust control officer. He gets information from group leaders and leaders covering every part of that area. In the Rongai, Elburgon, Solai and Thomson's Falls area there is a similar organization. The agricultural officer at Njoro is at present in charge, and he will not hesitate to appoint another locust officer if he feels that one is required. In addition, we have received a very great deal of information from district commissioners, forest officers, police officers and agricultural officers all over the country.

So far as the situation in Kenya is concerned at the present moment, it appears that nowhere is the locust yet out of hand. The locust control officer in the worst area, the Uasin Gishu area, Kitale and Trans Nzoia, is satisfied that we have the materials and the organization with which to deal with the campaign in that area. The area with which we are most concerned at the moment is the Lake Baringo-Kamasia areas. I saw a telegram this morning from the district commissioner at Tambach to say that there had been egg-laying in that area, but that he could cope with their destruction. But we are not so certain about the areas further distant. The Provincial Commissioner of the Rift Valley Province has made special arrangements to get information from that area. There was a small laying in the Kitosh area in the North Kavirondo District, but I am informed that the area has been dug over and that the hoppers are being destroyed,

(Mr. Waters)

So far as the materials for this campaign are concerned, we are quite well prepared. We were prepared before the invasion came and we have adequate supplies of arsenite of soda, spraying equirment and so on, and the making of posson bait in Nairobi is proceeding satisfactorily. For the storage of this poison bait we are indebted to individual farmers who have loaned us stores, and also to the hon. General Manager of the K.U.R. & H., who has let us use the railway stores and, in some cases, railway trucks.

The great question at the moment is whether we are going to get an invasion from outside. We know that in the Sudan, in the southern areas, there are swamps and deserts, and forests in which it is impossible to have suitable control measures, and we know that swarms have been there, but we do not know to what extent they have laid and whether we are likely to get swarms from that direction.

In the northern part of the Sudan, control measures have been instituted and a successful hopper campaign was concluded last October except in some of the western areas. I am sure that with regard to anything that has been done in the past, so far as the desert locust is concerned, there is no country which has done more in dealing with the locust problem than the Sudan.

Two incipient outbreaks of the desert locust have been stiffed at source; that is, they have been allowed to swarm, and had it not been for these control measures in the Sudan it is probable that there would have been invasions of the desert locust in this country before the present infestation of the migratory locust.

The entomologist is making a very close study of the general situation, in collaboration with entomologists in other territories, in order to ascertain what are the prospects of an invasion:

The theory on which he is working at the moment is that, judging from previous infestations and the habits of the locust, and taking into consideration the climates in outer territories, it is probable that if the locust, the migratory locust, does not come down before February next, then we shall be safe, and it is not likely to

come down again until the following August or September. But that is only a theory, and naturally we have to be careful and be prepared.

Estimates 278

In Uganda there are one or two swarms. We have recent information from the Government of Uganda to say that all possible steps are being taken to control the hoppers.

I was asked to say what particular crops were attacked by locusts and what crops would not be attacked. The ento-mologists are very reticent on this matter because this particular locust will, when it is thirsty, cat practically anything and any kind of leaf.

On the whole it prefers grasses, cereals and any graminaceous crops. With other crops one has a better chance that they will not be attacked. A report from Endebess says that one farmer stated that all his ripe oats were taken, but those still green were left alone. But k think that was a mere chance, because we have other cases in which green oats have been taken, in the Plateau the ripe wheat was left alone and the green wheat taken. It is merely because when thee locusts are thirsty they will always cat green stuff.

I have no information about flax, but I think one can safely say that flax is not likely to be affected in the same way as any of the cereals. The crops attacked, according to my list, are maize, wheat, barley, sugar cane, wimbi, natama and grasses, and the following will be eaten in the absence of the foregoing: pigeon pea, bananas, njahi, beans and buck-wheat. The crops that are only occasionally damaged are sisal, potatoes, Madagascar beans, Mauritius beans, flax and palm trees.

That subject is still under active investigation, and I may say that in the case of the native reserves the administration have already given orders that all possible steps should be taken to plant root crops, such as sweet potatoes, ordinary potatoes and cassava. That was done in August last, and it may be necessary to have a rule to enforce it in certain areas.

The Noble Earl the hon, Member for Kiambu, and other members of Council, have asked what is being done in the reconditioning of Machakos. My friend [Mr. Waters]

the hon. Chief Native Commissioner is dealing. I understand, with the question of destocking, so that my remarks apply solely to the reconditioning of land, terracing and so on, which is going on there-

There are three officers in the Machakos area who are working under the soil congineer who is the officer in charge of this department. I will deal first with the central area and the southern area.

In these two, the European supervisors are assisted by some twenty native headmen, twenty-six scouts and sixteen levelfers (we call those who have been taught the use of the quick-set level, "levellers"). and they are in general control of measures over nearly 2,000,000 acres. The measures which have been adopted include the closing and the policing of grazing areas for recovery, and the removing of cultivation back from the watercourses. I am' told that this work of planting grasses by the streams is most important and that it involves a tremendous amount of work. The control of fires and the preparation of bench terraces on special areas is also being done.

In addition to bench terraces they make contour lines for planting live wash stops. In the hilly areas, trash lines in the fields are placed at 3-ft; vertical intervals and they are planted with native grasses, and in the course of time they will become bench terraces. In the flatter areas, trash lines alone are being made at present and in the grassland areas the general policy is to close the farms for recovery. In some areas where cultivation is done, terracing has been conducted with oxdrawn gear and, in other places, by hand, In the case of the ox-drawn ploughs, the owners have supplied the oxen and, in that way, an area in twenty different farms of some 150 acres have been properly terraced.

In addition to the terracing, in fact it is more important is the preparation of outlets to take off the surflus water. These outlets have to be provided so as to slow down the rate at which the water somes off and, if necessary, to supply a dam lower down.

In addition to this work, the staff have assisted in the planting of tree nurseries, and they also engaged in the supply arrangements for the planting of fodder crops, especially napier-grass, and for hedge materials with the object of enclosing their holdings.

Estimates 280

In the northern area, the Matungulu area, the problem is completely different, In addition to the measures that I have mentioned for the southern area, there is a large area of cultivated land in very large blocks. You will find a whole block. say of 150 acres or 400 acres, owned by a large number of natives. In one block, for example, of 150 acres, there are 165 owners. It would be almost an impossible task to get this area properly reconditioned were it not for the use of a tractor. I should mention that if you go and see these areas you will notice that on each side of the land are very deep terraces, 40 or 50 ft. deep and, in addition to that, the soil on the farms is being badly washed by sheet erosion.

Many people do not realize the very difficult problem that protection involves in the Matungulu area, and the tractor is the only feasible way of tackling it. To do the work by hand would need thousands of labourers, and there is not sufficient manual labour to cope with it. Work with the tractor was only started a short time ago, and a total of 165 acres has been terraced by the tractor. In addition to this, the owners of the block have put in 1,200 working days of hand work there as still a considerable amount of hand work to be completed.

The officer in charge of this work used to be a farmer in the Trans Nzoja areaand he is still farming and he went there with an open mind. He thought that possibly we ought to try a tractor, as we should do everything possible in order to assist the natives to recondition this land. And, after seeing the difficulties, he has become convinced that it is absolutely necessary to use a tractor of this type on the land. I am told that there are 6,000 acres with which it will be necessary to deal in this manner, and he has asked me to say that if anybody has any doubts as to the policy being adopted there, so far as protection is concerned, would they please go to Machakos and see the area for themselves.

Hon members will have noticed from the list of duties that the officers in [Mr. Waters]
Machakos do—the soil conservation officers—that, in point of fact, they are really doing the work of agricultural officers. One starts out with the idea of terracing and so on, but one comes back to the conclusion that the real answer to this problem is better farming. The natives get to know the officers, who are actually in the reserves, in close contact

with the natives, and they are not satisfied

just to get this information about terrac-

ing and so on, they want information on

the whole subject of agriculture,

What does the agricultural officer in the native resérves do? His first concern is to look after the soil and to bring about the best possible methods of farming. Soil conservation and fertility are his first duties. In addition to that he is continually working to the same end of course by means of mixed farming. In certain areas a great degree of success has been achieved in this direction.

One of the most important duties of the agricultural officer is to give out improved seed; and that involves first of all the breeding and testing of new varieties and the discovery of more suitable varieties. Once that has been done, it is then necessary to take steps to see that these varieties get into the reserves. Ground nuts, sesame, various kinds of beans, muratha, maize, millets, sorghums, and so on, all have their uses in different areas, and different strains of them in different areas.

Then, in addition, any particular crop that the native has may require the attention of the agricultural officer. In one area it may be tobacco, in another cotton, and in another wattle, cashew nuts and so on. To get the best results from all these crops it is necessary to adopt the best methods, and the agricultural officer spends part of his time encouraging them and showing them how to do it. All work which has been done in the Machakoa area, all that type of work, soil conservation work, the planting of hedges, the supply of materials for hedges and so on, is all part of the agricultural officer's work.

In addition to that he must keep his eyes open as to the disease position of the various crops in his area, so that steps can be taken against them if possible. In some areas the agricultural officers have instructors who carry out the destruction of animals such as porcupine and the hunting of pigs.

The point I wish to make is that the agricultural officer must range in his activities over a large number of problems, and if the agricultural officer is taken away from an area then all the activities under these heads cease. The result is that the area goes back instead of getting better. A better farm is what we want, and better farming means that as an indirect result one gets greater production. If an officer is taken away out of an area it will certainly not be maintained and most likely it will go back. So I am faced with the difficulty that, in the native areas, I have not got enough agricultural officers to go round if every area is to be properly looked

The Noble Lord the hon, Member for the Rift Valley, suggested that the staff should be arranged so as to cover all these areas, but my difficulty would be that it would be necessary to take an officer from one area if one wanted to start him in other, and the area from which the officer is taken would definitely suffer by being retarded. It must be remembered that in a district such as Meru, although it is not very big in comparison with some other districts-I suppose there must be some 50,000 agricultural families there-this is a large number for one agricultural officer to cope with.

The whole thing is really a farm, a large farm, run by the agricultural officer as the manager of the farm, who has to improve it in every possible way. He looks after the planting to see that they get good seed and he looks after the marketing and inspects the produce and tries to improve their produce. And all that work would not go ahead if the agricultural officer were taken away.

The Teita Hills have been mentioned as a place where there should be an agricultural officer. It is a much smaller area, of course, I believe that the population is less than 50,000, but there must be some 10,000 to 20,000 farmers, and one would have thought that that was a sufficient number to keep an agricultural officer

114: Waters]

" by employed. It seems to me that it is better for the work of these officers not to be distinated over a large area but centred in certain smaller areas, as by that method we shall get the best results.

I quite seree that in the case of working out an agricultural policy that the best way to do that is to send agricultural officers to these areas to report. That has been done in the case of Teita and recently, we have had reports from West Suk and Turkana. But when it comes actually to the carrying out of the policy. I have found from experience that it is necessary to have an agricultural officer the whole time, for a number of years, on the snot.

That brings me to the point raised by the hon. Member for Trans Nzoia relating to the colonial agricultural scholarship scheme. On page 88 of the Draft Estimates, at item 2 on that page, is an item of £1,200 for the colonial agricultural scholarship scheme. The Colony's contribution actually is not £1,200. It is £800, because £400 is paid as a free grant from the Colonial Development Fund. This scheme is now regarded as providing the normal and permanent machinery for the recruitment of the colonial agricultural service at a high level of efficiency. During the course of this scheme, the Department of Agriculture in Kenya has received fifteen trained officers of whom thirteen, I think, were agricultural officers, one was a pathologist and one an entomologist.

In previous contributions to the scheme, Kenya paid less than the neighbouring territories, and even this sum of 1800 that we are asked to pay now is less than what Uganda is paying or Tanganyika. It seems to me that in the past we have got good value from this scheme and that we have not been treated ungenerously in the contribution that we are now asked to pay. I should mention that it is reported that the Government of the Sudan and the Indian Tea Association contemplate the adoption of similar schemes of scholarships for scientific officers required in their services. That is, I think, a sufficiently striking testimonial to the need for the continued maintenance of this scheme.

The hon. Mr. Kasim raised the question of wheat

I have not carefully examined his figures, but the question of altering the Government's policy in relation to wheat has not been under consideration and, so far as I am aware. Government has no intention of altering that policy at the moment. Kenya has still some way to go before it can say that its wheat industry is properly established. We have been doing quite well but recently, as you know, in addition to the four forms of rust that we are aware of, we have auddenly come across a fifth form, and wheat that we thought was resistant to all kinds of rust went down to this fifth form of rust. And it is necessary, if we want to have in this country a thriving wheat industry that we should finally and completely solve this question of wheat rust. The position has been so difficult owing to the rust, and also to the drought, that it has been necessary to import some wheat this year.

The hon, member representing native interests, Mr. Montgomery, raised the question of the mealy bug on yams, and I should explain that that has always been in our thoughts when we have been considering this expenditure on the introduction of parasites of the mealy bug, and that, if these parasites are successful against the mealy bugs which attack the coffee, they may also serve as a measure against the mealy bugs which attack yams and so on. When we start the liberation of the parasites, they will be liberated not only in the coffee plantations but also in the native shambas, such as those at Meru and Embu, where we know that the mealy bug has got worse and worse.

I think that the question of the amount of development in the European areas was mentioned again during the course of the debate, and it was stated than only 11 per cent was developed. Well, by that, of course, is meant that only 11 per cent is cultivated, and I should like just to call attention to the note which appeared in the Press the other day on the agricultural census, because it does show that, although progress is not so fast as we should like, the trend of progress is in the right direction. You

[Mr. Waters]

will notice, for example, that in the Furnmean areas the numbers of cattle have increased by 15 per cent, pure-bred theen by 16 per cent, and forage crops for stock feeding have increased by 15 per cent, and the areas sown and planted as permanent pastures have gone un 65 or 66 per cent. In addition there have been appreciable increases in the total area occupied, which have gone up by 10 per cent, and the amount of cultivation of other crops has gone up by 9 per

I mention these figures just to show that the trend is proved by these figures that we are going in what we think is the right direction.

That completes all that I have to say

On resumine:

DR. PATERSON (Director of Medical Services): Your Excellency, Isregret very greatly that I could not be present at all the meetings during this Session of Council, but I have, I think, been informed with regard to most of the points that have been raised, and if I make any mistake about them I trust hon, members will forgive me, and possibly correct me.

I think the first point with regard to the debates so far as it has gone on the Estimates, is that there has been no suggestion anywhere that we are spending more money on medical services than we would like to spend; any criticism there has been, has been, I think, in the opposite direction. It may have been suggested that the amount we are spending on medical services is perhaps not in the correct proportion to what is being spent on other developmental services. That is a point for which, probably, something could be said, but we are in a cleft stick, and I do not think we can to-day manage to spend less.

The major criticism has been raised by the hon. Member for Native Interests, Dr. Wilson, that the Estimates do not show that we are doing very much to relieve or to deal with overcrowding in

African hospitals, I think that what we are doing is extremely inadequate, but it appears to be all that can be afforded in certain directions at the present time. and also, the medical estimates as presented have been built up with the object of dealing with the problem which is presented so far as is possible. Part of that is the proposals which have been made for improved organization and management, by the appointment of certain additional senior staff, a point to which the Noble Lord the hon, Member for Rift Valley referred, and said, very correctly, and properly, mind you, that unless a very strong case could be put forward for these appointments he will not support them.

Estimates 286

I will endeavour to put the case for them, and I will later, in the place where it comes properly, in connexion with the Council adjourned for the usual interval general principles on which these estimates were framed.

> Before coming to these two major points, the major point of organization and management and the major point of what the position is with regard to overcrowding, and what we are actually doing and the very important point of the possibility of our relieving those conditions to some extent, before coming to them I will deal with the other points raised by hon, members,

The hon, member Mr. Isher Dass asked when the new Indian and European blocks at the group hospital in Nairobi were likely to be completed. An answer to that will be given by the Hon. Chief Secretary. The hon, member asked that there might be some interim improvements. I have thought over that need carefully, with regard to the accommodation of Asiatics in Nairobi, and personally I do not think it worth while attempting any interim improvements.

He then referred to my annual report, and asked that specific information might be given with regard to the number of Asians treated in hospitals and as outpatients at dispensaries. At present, Asians and Africans are grouped together. I would like to give him that information. I cannot at the end of this year, but I will endeavour to make

287 Estimates

[Dr. Paterson] arrangements by which these figures can be separated out, and he will get them for 1939.

He then raised the question of tubercutosis. I think he asked, what were we doing, and suggested we wanted much more sanatorium accommodation. We do want sanatorium accommodation, but I think there are matters which are more urgent and must be dealt with first. Furthermore, to deal with tuberculosis as a public health problem is not merely a matter of sanatoria. Sanatoria come into it, but the real value of a sanatorium is to train a patient how not to be dangerous afterwards.

There is tuberculosis in this country-I cannot say whether it is increasing or not, but a very long line of investigation. was carried out over a set number of years in Tanganyika and the conclusion arrived at was that it was increasing there. I should think the same obtains here. The real answer to that, of course, will be very much better food supplies all over the country. The introduction of mixed farming in the native reserves, so that ample foods of all kinds are available is a very important point. Another important point is improved housing. These are long stories, and cannot be tackled directly except with a larger increase of staff than there is at the present time.

Nevertheless, an attempt is being made or is going to be made in a given area in the Kinmbu native reserve to follow up cases of tuberculosis among Africans, to keep in touch with them after they go back to their huts, and to see whether we cannot do something to teach them to be at least not dangerous to their neighbours.

The hon, member Mr, Isher Dass also referred to the question of malaria in Nairobi and asked what was being done about Nairobi swamp. I have not been able in the interval since he spoke to hind out what is being done in regard to Nairobi swamp, regarding malaria measurest, but the position in Nairobi some time ago, was that there was no ad hoc staff for dealing with malaria. Such staff was appointed towards the end of 1937. It has therefore now been in operation for about a year, and at the

end of this year we will know to what extent the staff has been sufficient to deal with the conditions that exist at the swamp. It is possible that they may have been able to deal with a great deal of it with success, but I cannot say what the success has been, and I shall have no reports until the medical officer of health of Nairobi has reported at the end of the year. But it is not a point I shall forcet.

He then raised the question of the medical inspection of school children. and referred to an offer which had been tentatively made on the part of certain Asian practitioners to undertake the school medical inspections in Nairobi, I personally have given some thought to the matter, but I do not think that is certainly the correct way to carry it out and I do not think it will be a very comparable way. One wants a good deal more continuity. If, however, the medical practitioners of Nairobi desire to take the work on, there is no reason why they should not, but it is a matter which should be taken up with the Municipality, because it is perfectly right that school medical inspections in Nairobi should be the function of the Municipality.

The hon, member asked a question about vaccination. I think the question was that I would advise the health authorities in Bombay to accept our certificates. The position is that the authorities in Bombay do accept them.

He then referred to the training of African hospital assistants, and asked if I would undertake the training of Indian hospital assistants. The answer to the question is in the negative. The African hospital assistants are male nurses, and I train African males as nurses for one reason, and one reason only; that is, I cannot yet get enough African women to train. As and when I can train African women as nurses, I will give up training African males, and I therefore do not propose to train Indians for this type of post. But I shall have the greatest pleasure indeed when the Indian part of the group hospital is completed, in doing all I can to institute the training of Indian girls as nurses there.

The hon, member Mr. Montgomery referred to a certain new drug which is

289 Estimates
[Dr. Paterson]

said to be remarkably good for pneumonia, and he hoped that that drug would be made available throughout the native hospitals in this country. The position with regard to that drug is this. It is very new—I think at the time the hon. member had the good fortune to be treated with it it was not yet on the market, and he really was the beginning of the experiment. (Laughter.) We then got, through the courtesy of the manufacturers, some 500 worth of the drug, and we have been carrying out a controlled experiment in the treatment of pneumonia among African natives in Nairobi.

One has to do these things, because new drugs may be very dangerous and, furthermore, pneumonia in this country is not exactly the same as it is elsewhere, and one could not begin to issue very large quantities of a new and expensive drug until it has been tried out. That experiment has been completed, and I am very glad to say that the African natives who were treated appear to have recuperated as satisfactorily as the late Chief Native Commissioner!

I shall certainly take steps to see that we have an adequate amount of the drug available for the treatment of all African cases of pneumonia in this country. That will cost about £800. There will be an offset, or there may be one, because patients will not have to stay so long in hospital, but anyone who has spoken to the late Chief Native Commissioner will discover that his opinion of western medicine since he was treated by this drug has gone up by about 100 per cent. And I expect that is what will happen among the native population as well, so that the net result of the introduction of the drug is, of course, going to be overcrowding in our hospitals worse than it was before!

With regard to getting the £800, that is a matter to which I shall now give thought. Whether I can do it by a rearrangement of the present indent for medical stores or not, I do not know, and that is a matter I may have to discuss with the Standing Finance Committee.

The hon. Member for Uasin Gishu, I think, raised the question of Items 66

and 67, maintenance of Government officials and others in private hospitals and medical and nursing attention for Government officials and others. He asked what the votes were for and why the very large increases. If he will look at the Estimates, he will really see that what we have estimated for is what was actually spent last year. In the past the two votes were always over-spent. I think it is more correct accounting to put them in as we have this year.

The purposes for which they are used are explained in the titles. In both cases they refer to indigents, and quite a lot of the votes goes to pay for indigent Europeans, the engagement of special nurses to deal with outbreaks of measles in schools, and so on. I have full details here which I shall be delighted to show the hon, member if he desires.

I think he also raised the question of the sanitary station at Zanzibar, and asked whether we could now do without it or if we could not make some arrangement by which we paid something less. Personally, I have always grudged that money very greatly indeed. One's object is to get rid of quarantine altogether, and as a result of the more strict measures we have taken with regard to the vaccination of passengers from India and as a result of the co-operation of the Government of India (for which I am very grateful) there has been no occasion to use that station for some years past.

It is not a question which concerns this country alone, but Uganda and Tanganyika, and at the next meeting of Directors of Medical Service I shall bring the question up and see what can be done.

The hon. Indian member Mr. Kasim, who is not present at the moment, raised the question of improved nursing facilities for Indians at Kisumu. I have never had any request before, but I will go into the question with the Senior Medical Officer at Kisumu, and if anything can be done, or there is any suggestion to put in next year's estimates, I shall do so.

The hon. Member for Nairobi North referred to the question of social services, and said, I think, that no more money would be forthcoming, we must put up [Dr. Paterson].

with existing conditions. Certainly if no more money is forthcoming, we must put up with conditions, but I think to leave it at that would be a very poor effort to those settlers, not particularly in the Nakuru district but all districts, who take so much trouble to bring their sick natives and sick natives wives and children such long distances into hospital.

I think something more has got to be done in the settled areas, and I think something has got to be done. Certainty the matter shall be investigated, and I shall deal with that in a moment.

I now come to this major question of overcrowding in native hospitals. It is, in my view, undoubtedly a fact that the Government of this Colony, and therefore this Council, need fear no comparison at all between what is done in the way of providing medical services for Africans in this country and what is done in any other Crown Colony in tropical Africa. There is no question that we need not fear comparison. Nevertheless, the condition with regard to overcrowding is deplorable in a number of hospitals.

It is not merely that there are a lot more people in these hospitals than there are beds—that has been the case for a long time—but steadily more serious cases are coming in: the pneumonias come, the cerebral-spinal fever cases in the reserves come in, and these very good-hearted settlers make things worse by bringing in so many people such long distances in their cars that we cannot send them away at once. It is the heaviness of the cases and also the fact that people are willing to submit to treatment and inmany cases we do something for them that creates our difficulty.

We laid down the establishment of staff for our hospitals very definitely in 1932. We went over it then very carefully on account of the depression. We went over the question of the staff very carefully, the African staff, and reduced it as low as we possibly could, and made a fairly adequate staff for the number of beds provided, if you take Fort Hall, there were 52 beds, Nakuru 72. To-day, Fort Hall runs 92 patients and Nakuru somewhere about 160: I have forgotten the precise figures, but I have hardly been

able to increase the staff. I have increased the quality but not the numbers. As a result, in Nakuru you have hopelessly overcrowded conditions which makes it extremely difficult to work, but it has got to be done, and the night staff is entirely inadequate, especially when we are earrying out major operations as we have to do.

I have made certain proposals for an increase in the native staff vote of about £1,000. That is partly because the number of higher trained African assistants is going up, and partly in order to increase the number of dobis and sweepers and less highly trained dressers, etc. These estimates were prepared in my absence on leave. The Acting Director had not been able to travel extensively because we have had a large number of casualties and had not filled the staff at headquarters. If he had been able to travel more I think he would have asked for £2,000, £1,000 will only allow about two extra people at each hospital all over the place, and it is quite inadequate.

But I am not going to ask for another £1,000 for that purpose, for the reason that at all these hospitals the boys' quarters are overcrowded, and there is no place to put an increase of staff. We want another £10,000 for staff and another £10,000 to house the staff, and I have to consider that position in relation to overcrowding because it is an extremely important matter. The hospitals have become so overcrowded that the African staff, as well as the European, are suffering from the severe strain of working longer hours than they ought to be asked to.

The first thing one has to do is to ensure that the European staff did not break down, and two medical officers for relief purposes have been put into the Estimates, and I am very glad they have been; it was an essential matter.

Now, I would like people to realize what exactly has been happening during the course of the past seven or eight years.

In 1931, the proportion of qualified medical staff to patients treated was one to 12,000; the proportion of medical staff to patients treated in 1936 was one to [Dr. Paterson]

30,000; the number of operations performed in native hospitals in 1929, was 2,000; in 1934, 5,000; in 1935, 10,000; in 1936, 15,000. It is perfectly true that that 15,000 included a number of extractions for teeth, but in 1936 out of these 15,000 operations in native hospitals the number performed under a general anaesthetic was 8,000.

That brings me to another point. Those

8 000 general anaesthetics were given without a single death being attributable to a hadly given anaesthetic. There were eight deaths in connexion with those x 000 administrations of an anaesthetic. but were not due to a badly given anaesthetic. Now, how was that done? Giving an anaesthetic is a difficult matter and a serious matter, and you could easily have a great many deaths. In order to do it. we had to train Africans, and the bulk of those 8,000 anaesthetics were given by Africans who had been trained. To train them, we had to pay someone to train them. Medicine to-day is not a matter of merely the general practitioner. it is a matter of team work. You have to have a surgeon, and the surgeon if he is doing a great deal of work has to have an anaesthetist. We have had an anaesthetist for the past six years. An officer has been engaged in doing practically nothing-else in Nairobi for the past six years but giving anaesthetics and training Africans in the giving of anaesthetics. He is now very skilled and he is probably the first person in the Colonial Service to take the diploma of anaesthetics.

I have now suggested that there should be a post for an anaesthetist specialist and that this officer should fill it on his present salary. It is the correct thing that there should be an anaesthetist specialist in any service dealing with surgery on the scale with which we are dealing with it, for the assistance of the surgeons and for the training of Africans in anaesthetics throughout the country. It is a very unpleasant job and a very unhealthy job, and I think the officer who does it is certainly entitled to be called a specialist and I think it is only right and proper that we should have a specialist. The position may doubtless occur later, whenthis officer becomes more senior, that we shall have to make provision, and raise

the amount of pay, for a senior anaesthetist specialist. That, however, is for the future.

Estimates 294

What we endeavoured to do in those years when patients were coming in increasing numbers during the depression, was to give as much and as efficient a medical service as we could at the cheapest possible rate, and I am still endeavouring to do so,

During the years of depression we brought down our medical staff from seventy-two to forty-eight and we cut down our number of senior posts. I did that, and cut out medical officers year after year very deliberately, because it was no use having medical officers if we could not have medical stores. These people have worked extremely hard and extremely efficiently, and the result is the overcrowded hospitals that we have got to-day. I have asked the officers to get on with their work as well as they possibly could, but one has at last to provide relief. I was able to get them to go on because we gave them facilities to do good work, but to-day those facilities are disappearing. To-day it is extremely difficult to do good work at all, and I think it is extremely disheartening to have to try to do good work under the overcrowded conditions which obtain in our hospitals to-day, And, therefore, that is one reason why we should like some opportunities for promotion for these officers and, further, I cannot make any suggestions that we should cut down the number of senior posts any further.

I come now to the most senior of all, namely that there should be an Assistant Director of Medical Services, 1 am perfeetly well aware that a Commissioner reporting in Nyasaland recently suggested that there were too many deputies there. I am perfectly well aware that in a department of a certain size and in a colony of a certain size one can run a department with a director and a clerk or a lady secretary. But it cannot be done here. Sir Alan Pim knew that that could be done in some places. But he was a very wise man and all that he said with regard to the headquarters of my department was that on a short acquaintance with the Colony he was not prepared to make any recommendation.

Estimates 296

[Dr. Paterson]

In 1920 we had a director and two deputy directors. Later on, in 1928 I think, we abolished one of these deputy directors, and I am very glad we did because the organization was wrong in principle. Also we were in a depression, I think it was I who insisted that we should have one assistant director. I mentioned the matter then and I raised it again some years afterwards, but Government was unable to see eye to eye with me on the matter. But I am very glad to see that they do now.

Now, the point is this. Officers in headquarters are not merely engaged on some sort of routine or clerical work. That work is given to the proper officersstorekeepers, accountants and so on. We are really a department at headquarters carrying out staff work for a very large service operating over a very large area, and we have to deal with all sorts of matters. We have no particular labour officer, we have no particular school officer, and no particular tuberculosis officer. We are, as a matter of fact, trying to deal in this Colony with very complicated conditions with a fantastically small staff which does not give and allow adequate time for working out the many problems which ought to be worked out and done. Furthermore, that staff ought to travel; they ought to go round all the medical institutions in the country, But you cannot send a junior officer to inspect institutions and deal with the conditions where the officer in the field is senior to himself. And for that reason and also because it is most important that theree should be continuity in the headquarters staff and because that staff ought all to be skilled and experienced, I think it right and proper that there should be an assistant director who is senior to all medical officers in the field.

It is of interest to note what the conditions are in Tanganyika and Uganda, I do not say that the conditions there are. right. They may be right, they may be wrong, but I would like you to note the difference, In Kenya we are having more work done with a total of nine senior medical officers of all kinds to forty-two medical officers. In Uganda there are eleven senior officers to thirty-four medical officers and in Tanganyika there are fifteen to thirty-four.

Tanganyika and Uganda may be right or they may be wrong but there is a striking discrepancy between what is happening there and what is happening here.

Now we come to the question of what can be done to relieve overcrowding. It is perfectly clear, I think, at the present time we cannot afford to pay more than £224,000, I think it is, towards medical services. But this is the state of affairs. dealing only with beds. We had originally suggested that one bed to a thousand people was probably workable. Well, in Eldoret, proportionately (I am dealing with Uasin Gishu), the proportion is 2.5 beds per thousand of African population -and that hospital is overcrowded. Kitale has one bed per thousand and that, as the hon. Member for Trans Nzoia knows, is overcrowded. Nakuru has got 1.6 beds per thousand and that, as the hon. Member for Native Interests, Dr. Wilson, knows, is overcrowded. Kericho has only .41 bed per thousand, Kakamega has only got .26. Now, what can we do about it?

The first point is this. I do know that the farmers are extremely anxious to do something about it. I have had questions from all places as to whether we could not do something about an insurance scheme. The farmers in Thomson's Falls area are willing to put up a certain capital expenditure if Government could put up say £150 per annum.

The hon, Member for Ukamba has sent me a memorial asking me if we could teopen, with hon. General Manager's permission, the hospital at Makindu, and he informed me that three estates in the neighbourhood would probably be willing to put up £30 a month between them. And I do know that the hon. General Manager is extremely anxious that we should take over his hospital at Voi. So. there is an offer on the part of some people to do something about it.

This £224,000 which we are spending on medical services works out, I think, at Sh. 1/40 per head of the population per annum, or 12 cents per head of population per annum per month. That is not very much. The fees which are paid by employers of labour in respect of African

IDr. Paterson] patients treated in African hospitals amounts to a sum of £3,500 per annum. And there are, I believe, on an average about 160,000 African labourers employed throughout the year.

Now, European employers are wanting additional facilities for Africans in certain areas. It is perfectly right and it is becoming more worth while for them every day. They want it partly because it pays them. but very largely also, and I am very glad to say so, because they are not going to leave Africans lying about ill on their estates if something can be done about it, Now, what can be done about it?

If 20 cents were to be paid each month -I am not suggesting this should be the method, but merely taking figures-if this sum were to be paid by each employer in respect of each employed labourer, and that were paid in respect of all of the 160,000 employed labourers, that would bring in £19,000 per annum. And the fashion in which it would work out is as follows: a private individual like myself who employs a household staff of five. would pay Sh. 12 a year; a coffee farmer who employs 100 labourers would pay £12 a year; and on a sisal estate where 1,000 labourers are employed the amount would be about £120.

Now, that seems fairly cheap and fairly reasonable, even when one considers that the services which are provided at the present time are alrady paid for to a certain extent by taxation. I think it is a method which we ought to try. It would, of course, mean that until it is done nothing much more can be done at all. The unfortunate people at Thika where there is a native population of 30,000 have no hospital at all.

It would mean, of course, that if this were done the people in Trans Nzoia would have to pay something more in respect of the facilities which they get at present, but we might be able to increase them, while people who at present get nothing would get something, and I propose to do something about this as soon as the Bill to amend the Municipalities Ordinance is through. In Clause 5 of this Bill the Standing Committee for Municipal Government and the Standing Committee for Central Areas are to be amalgamated; as soon as that Bill is through and that new body, that is the Central Advisory Committee of Local Government, is established, I propose to ask the chairman to deal with this question as to what can be done in the way of making some more systematic arrangements for increasing the financial provision for medical services for Africans in settled areas. I shall ask him to put it on one of the earliest agendas that he can.

Estimates 298

Government in these Estimates is providing relief in the way of additional qualified medical staff and it is providing some relief in the way of additional African staff to help me and my officers to deal with these conditions of overcrowding. But this does not really touch the question at all. I think that what we have really got to remember is this. It has been somewhat unkindly said during the course of this debate that matters such as the social services must stand over until we are more prosperous. That of course is perfectly true in a sense, but I think one ought to look at it this way. The business of Government is to promote the welfare of its people, who carry on business and who live here, to do everything it can to raise the standard of living in order that they might get more out of life in every way and in order that they might render more service to the people of the world at large.

It is perfectly true that forty years ago there were no hospitals in the native reserves of Kenya. That was quite true of forty years ago. Even ten years ago it would have been extremely difficult to recruit a dresser who could read or write. Now we are able to spend nearly a quarter of a million pounds per annum on medical services. That is a tremendous advance which I think you would have thought entirely unthinkable forty years ago. If that has been done in forty years. ought it not now be possible to not this population into a position whereby, within a few years' time, it can afford to spend something more than 12 cents per head per annum on medical services?

MR. STRONACH: Your Excellency, the few remarks I have to offer will not detain Council very long.

It is pleasing to note that references to my department by hon, members have (Mr. Stronach)

generally been of a helpful and constructive nature. I will first deal with the references to roads. The consensus of opinion favours a moderate expenditure from loan funds for the improvement of roads in the Colony as recommended by the Central Roads and Traffic Board. I would like to warn hon, members that further instalments of improvements must be kept in view and that a progressive programme must be worked out when funds are available so that the work can be undertaken without delay.

References were made by hon, members to the large expenditure of funds in Abyssinia. Well, it is my idea in this connexion that this large expenditure of funds has definitely been incurred to construct roads of a high standard taking the place of railways, which would probably be a very much greater expense. I am sute that is what is being done.

Tuning to the remarks made by various hon, members the Hon, Shamsudbeen advocated a bitumen surface road from Nairobi to Thika, Well, if Mr., Shamsud-Deen had studied the Report of the Central Roads and Traffic Hoard, he would have found, that such a road is afready flowided for.

The hon, Members for Mombasa, Uasin Gishu and the hon. Mr. Shamsud-Deen pressed the desirability of constructing a road from Nairobi to Mombasa. Well, I must agree with hon, members on this, and I hope to get the track next year opened up at very small expense. Hon, members should know that " an officer of the Public Works Department travelled over this track last month with practically no damage to his carapart from a few scratches, and the mile-. age on his speedometer was 330 miles. But to provide this road with a bitumen surface will cost in the neighbourhood of £150,000 to £160,000, and I hardly think that that expenditure is justified at the moment. Possibly with £20,000 you could considerably improve the road but this is definitely not included in the Report of the Central Roads and Traffic Board.

I was interested to hear the hon. Member for Nairobi North mention that there was a person in the Colony who was a road expert. I hope that we will be able to consider ways and means of employing this gentleman possibly as a contractor or consultant engineer.

The hon. Member for Nyanza hoped that more use would be made of contractors. This is a hardy annual, Actually our roads all over the country from the maintenance point of view are definitely not suitable for contracts. Owing to the weather conditions and the soil and so on, it would be very difficult to obtain a reasonable contract. Either the contracter would be broken or he would make a pile of money out of it! Actually, contracts are let to district councils for maintaining the roads but such councils, as far as 1 know, do all the work themselves by direct labour.

The hon. Member for Trans Nzoia advocates more co-operation between the Railway and the Public Works Department in the matter of transporting ballast where it is difficult to obtain. I can assure the hon. member that this method has already been considered, and I hope to put it into operation if and when a favourable opportunity presents itself.

I cannot agree with his suggestion that when the new railway alignment is adopted on the Uplands section that the main road should run parallel to that alignment, in view of the fact that the carthworks and the additional bridging would be very expensive indeed. The recommendation of the Central Roads and Traffic Committee is that the existing alignment should remain, and there we have the materials available and it will be definitely the most economical method.

. The hon. Member for Mombasa suggested the necessity of carrying out investigations in connexion with the water supplies in the Coastal area. These investigations are charged to the Colonial Development Fund grant, The staff has been terribly busy on these investigations, and this has been accentuated by the providing of a considerable number of water supplies in the Masai Reserve in connexion with Messrs. Liebig's operations, and also generally in the Masai country, and I hope in the fairly near future that an officer will be available for sending to the Coast, Actually, we have commenced operations with a small boring plant in the Kilifi area.

[Mr. Stronach]

The hon. Member for Nairobi North has agreed to the importance of the workwhich is being carried out by the hydraulic section of the Public Works Department, and suggested that that item should be shown separately in the Estimates. Actually this section is a separate entity, and it is only because it is a matter of convenience it is shown to be mixed up with the rest of the staff of the Public Works Department. This point can be, if necessary, settled by the Standing Finance Committee.

The hon, member Mr. Shamsud-Deen expressed doubts that the Indian elementary school would ever be built. But if Mr. Shamsud-Deen had read his newspapers this week and examined the advertisement columns I feel perfectly sure that he will see advertisements in connexion with this school. It definitely will be started in the near future. I can assure him also that work will be pushed forward with the working drawings of the Indian section of the group hospital, and there will be no further delay in connexion with the completion of the African section of the group hospital. The steelwork is on the water now.

I have only one more point with which I want to deal, and that was raised by the hon. member Mr. Kassim who asked for a reduction of charges for water and meters in the Kisumu water supply. Well, the charges for the Kisumu water supply are actually less than those for Mombasa, and 1 cannot see any prospect of there, being any further reduction or any justification for a further reduction at present. The question of the charges on meters has been the subject of consideration and a reduction has not been approved.

That is all I desire to say.

MR. WISDOM (Acting Director of Education): Your Excellency, in rising to reply to matters concerning education, I find that I have not a very great deal to say, and for several reasons.

By the nature of its functions, the Education Department lives all the year round very much on coram populo. Parents rightly take a keen interest in what goes on in the schools and, of course, most people are parents. Then I always

think that we are very fortunate indeed here in not having any serious trouble about education. The Education Department at the moment is carrying on business as usual pending alterations, and it is scarcely a propilious time to consider a long range programme when we are awaiting a new Director, Lastly, there are a few questions which have been asked to which I am expected to reply.

Estimates 302

In discussing education in this Colony, it is necessary to east one's remarks somewhat in the form of a cavalcade. The estimates for education provide for no fewer than five distinct racial groups. The children of the different races have different schools, and so separate financial provision has to be made. This feature complicates considerably the work of the department, but I do not consider that at the present stage it greatly increases the cost, because nearly all the schools are at the elementary stage and they are full. But when it comes to higher educationpolytechnies, higher vocational centres of various sorts—the cost of maintaining education on its racial basis will become, I think, a very serious matter.

Before I touch briefly on certain matters raised concerning educational arrangements for the different races, I should like to emphasize a point mentioned by Your Excellency in your opening address, namely, the assistance afforded to public education in this Colony by private enterprise and by private initiative.

In the European community ninetwentieths of the children are in private schools, which neither ask nor receive any assistance from public funds. The Indian community continues to make considerable sacrifices to secure education for their children, not only in the form of subscriptions and contributions to keep private schools going but also, in many cases, by the provision of modern and suitable school buildings for aided institutions. In African education the missions furnish the man power and funds, and the local native councils will supplement these education estimates for Africans to the extent of some £15,000 out of their own resources. But for this assistance the education estimates now before Council would have to be increased by many [Mr. Wisdom]

thousands of pounds a year or the standard and provision of education would be vastly inferior to what we see to-day.

The education estimates provide for an increase of nearly £10,000 in expenditure on schools, which is entirely justified, in my opinion, by the increased numbers of pupils and riving standards of education. This increase is compensated by a decrease of £1,400 in the cost of the administration.

Our various Education Advisory Councils continue to be very active, and we all know exactly what improvements are necessary, but I can assure the Noble Earl, the hon. Member for Kiambu, that far from getting away with an enormous increase, I have not been able to provide for anything at all in the way of marked improvements. There is only enough to meet the increase in the number of pupils which has already occurred this year.

The same hon, member thought that the European share of £1,678 in this increase was too small, but numbers also come into the picture, and this increase represents a per caput increase of £1/13 in Government anded schools for Europeans, while the £3,600 increase in similar schools for Africans works out at about one shilling per head, if my arithmetic is correct.

In European education we have reached a, standard of reasonable efficiency. I would not call it a champagne standard, but a good sound education. It is true that in the recent school certificate examinations when thirty-six candidates were entered and thirty-five passed, is among the best in the British Empire, but there are many improvements which we will have to defer, such as agricultural and other post primary vocational training the closing of the two remaining farmschools on the Plateau, and also compulsory education.

Here I must apply to the criticism at the absence of an additional master at the Kitale school, and the alleged broken promise, made by the hon. Member for Trans Paoia.

I find on reference to Hansard that this matter was discussed at the budget session of Council last year, and that the main argument put forward for an additional master was that there had been so many casualties in matrimony among the female staff, due to the sterling qualities of the male population of Kitale, that it was thought that a master would be more permanent. I do not doubt the force of the argument, but the fact remains that the post of an additional master was not approved in the 1938 Estimates, and I have not been able to fill a post which was not created.

All I can say is, that at Kitale we have four teachers for eighty children, and all I can undertake to do is to arrange, instead of having one master and three mistresses as at present, to have two masters and two assistant mistresses.

I agree with the hon, member when he said that, to meet the natural increase in the pupils in the schools, it was necessary to provide for a considerable increase in funds if we are to maintain the present standard of European education, and that leaves out of account the increased demands through closer settlement by people who rely on Government schools for the education of their children. The Indian schools continue to be swamped by numbers, and I must regretfully decline to be the housewife responsible for this vast progeny. But we are doing our best to keep pace with the increase and to improve the type of education given.

In 1929. Government was spending Sh. 75 per head in Government and aided Indian schools. These estimates provide for Sh. 125 per head, and in service this is reflected in better accommodation, better equipment, more and better trained Indian teachers. I regret that it has not been possible to include in these estimates. any further improvements now desired, such as provision for additional Government schools, more staff in Government schools to reduce the size of the classes, and for the vocational courses recommended by the Advisory Council after a very thorough review of the situation by a special sub-committee. The sum of £36,800 is in the Estimates for a new Nairobi elementary school, but other new buildings will have to wait until further funds are available.

In all the circumstances, all we have been able to do is to strengthen the hands of those who are prepared to help themselves, and provide a small increase [Mr. Wisdom] in the item for the grant in aid to Indian schools. This increase will enable the admission of more children to the present aided schools, and the addition of a few more schools to the aided list, so that we hope that all the children will be able to get into some school or other. I do most sincerely hope, therefore, that the grant in aid to Indian schools will be allowed to stand in its present form.

I can assure the hon, member Mr. Isher Dass that the control of the Indian sided schools is strict, and is becoming stricter but, of course, there is some limit to the amount of pressure one can bring to bear on aided schools when one pays only part of the total cost.

I understood the same hon, member to synthat he had £23,000 up his sleeve, or somebody's sleeve, which might be handed over for Indian education. I donot know anything about the details of this apparently good offer, and I can only give the assurance that, if it materializes, the money will be very welcome and well spent.

Before I leave Indian education, I will say a word about Indian teachers in reply to a remark made by the hon, member Mr. Isher Dass, It is true that we still have to employ in Indian schools a number of untrained teachers, but this number is gradually decreasing. Up to a few years ago it was practically impossible to obtain a trained Indian teacher in this country, and it would be very unfair to dismiss those older teachers who have borne the burden and heat of the day just because the supply of trained Indian teachers has now improved very much.

In Arab education we have one new venture, and that is the Government Arab girls school in Mombasa which has recently been opened with 100 girls, Arab and Swahili, and is making progress.

There was one question asked by the hom. member Mr. Shamsud-Deen as to why no single boy from the Sir Ali bin Salim school at Malindi had passed the London Matriculation examination. The trust deed stipulates that the education provided at the school must be that of a rood English elementary school, so that there is no question of passing this

examination. But I would like to say this, that this generous endowment provides a full range elementary school with a European principal for some eighty boys, and beyond that stage they can go to the coast secondary school and, in future, from there they will be able to go on to Makerere. But for this generous endowment I am afraid that all that could have been provided at Malindi would be a small village school under a Swahili teacher as at Takaungu and other places on the coast.

Estimates 306

In African education we are limited by the poverty of the African. An expansion of social services is more urgently needed than ever, and the desire for education grows ever stronger. The African has not the means to pay for this expansion. The way out of this impasse is to train the African to play a more responsible part in the future of their own social services, and we look towards the higher college at Makerere to provide the necessary professional training. The apex of the educational pyramid for Africans here is so small that it is hardly possible to show it to scale at all on a page of our annual report.

There are fewer than two hundred African students, of whom only two are women, who are taking the first two years of the secondary course in Kenya, and fifty-five students are going further at Makerere at present. This two years' course is given in two schools only, and they are both in the Central Province. We now wish to add-two similar courses in the Nyanza Province, so that at a later date the best students may take the third and fourth year of the secondary course at one of the centres in Kenya, and then again the best of these will be selected to enter the higher college in Makerere for training in due course.

This is a very modest request, and it is provided for in the increase in the grantin-aid item. We have had to forgo this year any expansion of primary education, or the long needed advance in education and training of the women and girls. African schools now have to live on a beer income, although some of my missionary friends would hardly agree with this description, but I do most earnestly hope that this increase in the grant in aid to African schools will be approved.

Mr. Wisdoml

There is one other point raised by the hon. Member for Mombasa about A.R.P. training in schools. At the present moment school staffs are attending classes that have been arranged, and we shall, of course, be prepared to have class instruction in schools in conjunction with the authorities responsible for air raid pre-

Before I sit down I should like to add a word of appreciation of a group of people of whom one hears very little except at school speech days. I refer to the head masters and head mistresses, Education as a last resort is a matter of personal contacts, and this country is fortunate indeed in having a number of outstanding and devoted principals of schools.

The debate was adjourned.

PAPERS LAID

BY SIR GODFREY RHODES:

Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours for 1939, First Supplementary Estimates, Kenya and Uganda Railways and Harbours, for

ADJOURNMENT

Council adjourned to 10 a.m. on Tuesday, 15th November, 1938.

Tuesday, 15th November, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 15th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham. G.C.V.O., K.C.B., C.M.G., D.S.O. A.F.C.) presiding.

His Excellency opened the Council with

MINUTES

The minutes of the meeting of the 14th November, 1938, were confirmed.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE 1939

The debate was resumed.

MR. LA FONTAINE: Your Excellency, the hon. Member for the Coast referred to the annual report on native affairs for 1937 and commented on the large number of criminal cases tried by native tribunals. It is a fact that since the enactment of the Native Tribunals Ordinance, 1930, the jurisdiction of these tribunals has, by gradual steps, been extended so as to enable them to try offences under the Penal Code and under the Local Ordinance. It is also a fact that a careful and regular examination of the returns of these cases by district officers has shown that these powers are not abused but, on the contrary, are being exercised with moderation and discretion. The use of these powers is by no means an innovation because native tribunals have exercised them from early times.

With regard to the Central Province, the increase in these cases is due, in some measure, to the number of cases against tax defaulters which were tried during the

I cannot share the misgiving of the hon, member in regard to this extension of powers. It is to my mind the logical and proper development of the system of indirect rule, and it is more than justified by the respect these tribunals inspire and by the popular acceptance of their authority.

Speaking for the Central Province which I know well, the leaders of these tribunals are specially selected after nomination by the people by the assembly in open baraza. They are men of good standing, command general respect, and

Mr. La Fontainel they do not include within their ranks. except in a very few cases, chiefs and native authorities as believed apparently

by the hon, member,

ma Estimates .

The hon. Member for the Coast appears to be under a misapprehension in regard to the fines levied by these tribunals. They are paid in all cases into central revenue. The native tribunals collect the fees in the civil cases and also the fees in the cases against tax defaulters. These cases against tax defaulters are virtually in the nature of actions for the recovery of debt. There is not the slightest ground for thinking that the elders of these native tribunals deliberately take as many cases as they possibly can in order to swell the local Native Council revenues. It is nothing of the sort, Anyone)who is acquainted with these native pribunals. while admiring their general efficiency. will never accuse them of being gluttons for overtime! .

. The hon, member expresses anxiety in regard to the steps taken to make these tribunals aware of their powers. Circulars have been sent round to most, if not all, of the native tribunals in the more progressive districts giving them the list of the offences which they may try and the ordinances or sections of the Penal Code under which they may try them. In certain cases verbal instructions have been issued and repeated from time to time by district officers on inspection duty. There cannot be the slightest doubt that they are fully aware of their powers and of their functions.

The hon, member also referred to a request made by chiefs of the Central Province at a course at the Jeanes School, at which they asked that they should be given translations of the Native Authority Ordinance under which their powers and duties are detailed. This proposal was discussed at a meeting of the district officers and it was agreed that Mr. Barlow, who is an eminent authority on the Kikuyu language, should be asked to make a paraphrased translation for circulation to the chiefs and native authorities and native tribunals so that they should be fully aware of their powers. As soon as this translation is ready it will be given the widest publicity, so

that the maximum number of people are made aware of the provisions of the ordinance. In addition, 420 copies of the Native Authority Ordinance have been circulated in the Central and Nyanza Provinces. The translation part of this proposal is a mere experiment, but it will be watched with very great interest.

The hon. Member Mr. Isher Dass referred to the request by the Indian Elected Members organization that the Indian community should be given representation on the Manpower Committee. At the present moment I am chairman of that committee, and I can assure the hon. member that this offer of help is greatly appreciated. The Manpower Committee is considering at the present time how best co-operation with the Indian community can best be effected, so that Indian resources in mannower can be made use of to the widest possible extent in the event of any emergency, I can also assure the hon, member that there is no question whatsoever of racial discrimination in this very important matter.

The hon, member also mentioned the question of native representation on Legislative Council, 1 listened carefully for any convincing argument to show that this request was voiced by the vast majority of the native population. But I found none. The fact is, that the request has sprung from a minority of educated intelligentsia and not from the mass of the population who are not concerned with politics.

Government is satisfied for the present that the best field for native aspirations is that of local government through the medium of local native councils on which African members exercise a rapidly increasing influence.

The hon, Member Mr. Kasim made certain statements in regard to the presence of native shops in the vicinity of Indian trade centres, and their harmful effect upon Indian trade.

The practice which now prevails in the majority of districts is the concentration of all the native shops in the native markets. It is obvious that such concentration to avoid inflicting hardship, can only be a gradual process. But if the hon, member will mention specific cases in which Indian interests have been harmed I shall

Estimates 314

IMr. La Fontainel

be glad to see that they are given full and careful consideration.

In regard to Indian representation on local native councils the hon, member does not appear to be aware that the Native Authority Ordinance, under which these Councils are appointed, makes no provision whatsoever for Indian representation. The District Commissioner is the chairman of the local native council. and the district officer is chairman in his absence, but the membership is entirely African. Departmental officers and others are invited to take part in the discussions. but they have no statutory right to do so. I am afraid, therefore, that the suggestion of the hon, member is both impracticable and also, in my opinion, undesirable.

The hon. Member for Uasin Gishu referred to Head III, item 74, of the Estimates, Interpreters, and suggested that this item was excessive. He also regretted that district officers were not able to interpret everything clearly themselves so as to be able to dispense with interpreters. In comparing this with other estimates. and estimates of other provinces, I do not think that the figure is excessive when you consider that the African population of the Nyanza Province is 1,200,000 and the administration staff is not a very large one. I cannot see how these figures can be reduced without loss of efficiency,

The hon. Member for Nairobi North referred to the large number of Nandi or other squatters upon the farms in the Uasin Gishu district. Measures to reduce the cattle of all these squatters means, of . course, a wide application of the Resident Native Labourers Ordinance, 1937, and the enforcement of the power of local option. But Government is fully alive to the urgency of the matter and will take whatever steps possible as soon as the legal position is clear.

I now come to the question of destocking, upon which hon, members have expressed some anxiety. As Your Excellency stated in your opening speech at the beginning of this session, there is not the slightest change in the determination of Government to reduce the stock in the eroded areas of the Colony, where reduction is of vital necessity, whatever are the difficulties which may arise. I think no more binding assurance can be given.

For the last three months, in accordance with the pledge which Your Excellency gave to the Akamba in August, the selling of stock by private sales in the markets has been given full and patient trial. It was also encouraged at the request of the people themselves.

Estimates 312

This method has not been successful. and unless there is a change of heart and intention between now and the end of this month Government will have no option but to revert to those direct methods of culling which were instituted in the early part of this year and which resulted in the removal from the reserve of some 20,000 head of cattle.

But there will be one fundamental difference.

Hitherto, it was thought that in order to put culling on the best possible basis it was better to leave the choice of animals to be killed to the stock owners themselves, the native owners, in conjunction with the native authorities. There are grounds for thinking that this method has proved a hardship and an anomaly to the individual. Scrub stock, that is to say old bullocks and quean cows, have not been produced in all cases. In many cases it has been young bulls and young heifers, the removal or slaughter of which is obviously against the interests of the Akamba stock industry. It has therefore been decided that the choice of animal to be culled shall be made by European officers assisted by officers of the technical departments, the Veterinary and Agricultural departments, in conjunction with the native stock owners, so as to ensure that only the most suitable animals are removed from the reserve.

I am aware that this proposal was made by hon, members on the opposite side of Council in a previous debate, and this suggestion goes to their credit. This is also in accordance with the wishes of the people and will ensure better cooperation and better husbandry. In addition, it has been decided to co-ordinate more closely the process of reconditioning and destocking which have tended hitherto to develop on separate lines, so as to ensure that both activities are given the fullest possible emphasis in the campaign. With this object in view, the functions of the destocking officer and

Mr. La Fontainel

the functions of the reconditioning officer will be interchangeable so that each preaches the same gospel and speaks with one voice.

While, therefore, the Director of Agriculture and his staff will be responsible for the duty of soil conservation, the duty of destocking, and co-ordinating these particular activities, will be a function of the Provincial Commissioner and his administrative staff, assisted by the technical officers. To implement this policy it is proposed to station Mr. Leckie, the senior agricultural officer in the province. at Machakos. He will be responsible for the soil conservation work and, in addition, will advise the district commissioner with regard to the measures of destocking, while the district commissioner will be the co-ordinating officer and maintain executive and financial control.

Further, Mr. Leckie will have the duty of organizing a scheme for the settlement of the portion of the fly area in the Machakos Reserve known as Makueni prior to the inauguration of a comprehensive scheme for the whole area. For the maintenance of this comprehensive scheme, if the experiment is a success, applications to the Colonial Development Fund will be a necessity.

I now turn to the vexed question of

Government has given very serious consideration to the problem of goats. There are many methods of reducing the number of goats, all of which have arguments for and against. It will be premature at this stage to say that Government favours the adoption of one or other method. But as soon as the provincial commissioner, after consultation with the district commissioners and the technical staff has had time to submit his proposals, the problem will be tackled with vigour and determination to see that reduction is effected in the fairest possible manner.

At the same time, no scheme of reduction would be justified which did not involve, that a portion at least of the money so derived should be spent on the improvement of the eroded areas.

The noble earl the hon. Member for Kiambu and the hon. Member for Nairobi North both suggested the institution of a committee to advise, on which unofficial members would be largely represented, on the question of destocking. I presume that both hon members had the Machakos Reserve in mind, and I would inform them that a reconditioning committee on which local farmers already sit is already in existence. It has not sat for some time, but it is proposed to revive it immediately in a strengthened form and to add the question of destocking to its advisory functions,

To meet, however, the vital need for destocking the croded areas in the Colony, a centralized direction is absolutely necessary: Your Excellency has instructed that for this purpose the executive and administrative control shall be in the hands of the officer holding the post of Chief Native Commissioner, The Chief Native Commissioner will also act as the co-ordinating authority in respect of the activities of soil conservation and destocking.

The hon, Member for the Trans Nzoia expressed doubt as to the value of reconditioning by mechanical means and pinned his faith to destocking alone. Well, I agree that the whole of the Machakos Reserve, for instance, could not be reconditioned by a mechanical process only, but I think that the work already accomplished has been of immense value. In the Kamba Reserve quite a number are already following the lesson which has been taught them, and in addition to planting wash-stops, the fencing and ploughing along the contours which the Wakamba can carry out is of immense value, as an example. Destocking alone would not be sufficient, we must obtain co-operation, and reconditioning and destocking must march together.

In the matter of destocking we are faced with vital issues which need our patience, energy, and our constructive criticism. We are in the midst of a campaign of culling which no other African government has ventured as yet to undertake. We dislike what we are doing, but we are determined to carry it through. We are receiving to a great extent the co-operation of all communities in the task of restoring the land. We gratefully acknowledge it, and can now advance in

[Mr. La Fontaine] the confident belief that we shall ultimately achieve success.

There is one omission I made just now in regard to native tribunals which I should like to remedy, and that is that I omitted to read out certain details in regard to criminal and civil cases. I will do so now. I am taking the two provinces, Central and Nyanza, which are the most populous in the whole country.

In the Central Province, the number of original criminal cases tried in 1917 was 15,257, original civil cases 13,165, a total of 28,422; appeals, civil and criminal, to district officers, 288, to provincial commissioners 30, a total of 318. Thus 1.1 per cent of original cases went on appeal. In the Nyanza Province, original criminal cases were 5,744; criminal revision by district officers 347, by provincial commissioner I. by Attorney General 15; a total of 363; criminal appeals to district officers 33. Thus 6.3 per cent of the cases were revised and 0.6 per cent of cases went on appeal. The civil original cases were 20,258; civil appeals to tribunals. 1,394; civil appeals to district officers 243, and civil appeals to provincial commissioner 23.

I would like to read some short extracts from the reports of the Provincial Commissioners of the Central and Coast Provinces in regard to the working of these tribunals, and then I have finished.

The former reports:

"I am satisfied that substantial progress has been achieved in making tribunals efficient in the administration of justice. In some districts cases, particularly those relating to land, are often of great complexity and difficulty, but the tribunals, judging by the many cases which have come before me on appeal, have performed their work with great care and judged with marked acumen. The system of panels, which has been introduced in some of the districts and will be extended everywhere in due course, has been successful in obviating bribery and ensuring impartiality. Our native tribunal system, though not flawless is, I think, a real success."

The Provincial Commissioner, Coast Province, reports:

"Reports show that the tribunals are progressing in a satisfactory manner and are steadily forming part of the administrative structure. Headmen are excluded from sitting on the tribunals so that they cannot exercise undue influence. The elders form the legal body. the headmen and their assistants the executive. The natives are showing increased confidence in their tribunals and the number of cases is growing and appeals are rare. At the present time, the elders unfortunately receive little remuneration in proportion to the amount of time they spend in hearing cases, but in some districts panels have been formed and with fewer clders there is more money to distribute, also it mitigates the possibility of bribery as the ciders are changed each session. The compilation of returns by the tribunal clerks calls for a good deal of improvement, but this is being attended to. A great advance-has been made in handing over hut and poll tax cases to the tribimals. It has placed an added responsibility on the elders who are in a better position than the administrative officers to judge ability to pay."

MR. DAUBNEY (Director of Veterinary Services): Your Excellency, I should like to attempt to answer the questions that have been raised which affect my department. As I was not here, perhaps I shall be forgiven if I do not always get the point raised. It would be better, perhaps, for me to attempt to work my answers into a brief statement of policy on the issues that have been dealt with during this debate.

Again, there was a full dress debate in this Council on agricultural policy while I was away, and though I believe the policy of my department was very ably explained and questions were well answered by the Acting Director of Veterinary Services, I should like to start to-day by restating roughly what that policy is in a sentence. It is to endeavour to put the stock industry of the Colony in a position where it can play its natural and necessary part in making possible a sound and conservative agricultural policy which will result in the farmers, both native and European, being able to wrest

(Mr. Daubneyl

from the land a steadily improving livelihood without impoverishing or depleting that land in any way of its fertility.

In order that we may have such a conservative agricultural policy, it is necessary in most parts of the country to work stock into the system of farming. That is the easiest, and perhaps the soundest, way in which that end can be reached, and I do not propose to go into details as to how that policy is to be applied and developed in different areas, but I want to consider certain steps that must be taken before that balance in our farming operations can be reached.

You. Sir, in your opening address referred to the export of meat. As far as the export of meat from this country is concerned. I have long been convinced of its necessity as part of our agricultural practice, and that view has also been taken by the Meat and Live Stock Inquiry Committee. As far as the settled areas are concerned, the export of beef must take place largely in the form of chilled beef to give an adequate return to the producer and, after exploring various afternative markets, Palestine and others, we are driven back to the view that the only possible market for it is the London market, and that we must produce chilled beef of the highest quality.

The cattle to produce that beef are not in existence in the Colony at the present moment. They have to be produced, and we must take some steps to stimulate that production and encourage breeders to go in for this class of cattle. The Meat and Live Stock Inquiry Committee recommended that this encouragement should be given under the control of a Meat and Live Stock Improvement Act, which would give assistance to the farmers who wished to obtain breeding stock, whether imported or locally bred, and so build up their herds to the necessary level of quality.

I hope in the next few weeks to put before Government a draft Live Stock Improvement Act on the lines favoured by the committee.

Having stimulated your production, having encouraged your farmers to go in for cattle for beef, it becomes necessary to protect them against a possible slump that may arise when a small surplus of cattle appears on the local market before we have reached the stage of an established export. Here, again, the committee thought that protection should be given at that stage, and at a later stage when the export indusry was still in its infancy, through the agency of some system of meat control.

Estimates 318

A Meat Control Bill was discussed at length, and a draft was prepared some months ago, but that draft was held up because I and others felt that we might learn something from the first few months of the destocking operations in the native reserves which would lead us to modify the measures proposed in that bill. That has been the case, and I think that the Meat Control Bill will take a somewhat different form when it is published for criturism in the near future.

Two of the chief causes of dissatisfaction with the operations of destocking have been the disparity in value between the animals sold for export and those sold on the local market, the export in this case, being Liebigs, which is the natural export for native cattle. That is one cause. The second cause has been the tendency of the large surplus of animals released upon the local market to depress local prices. It is possible that both of these difficulties may be smoothed over under a system of universal meat control, with payment for animals by pool prices based upon grade.

When I say universal meat control, I mean a system applied to all native and European stock fold on the local slaughter markets or exported in one form or another. For that reason it becomes necessary to consider whether the Meat Control Bill as originally drafted should not be amended. If some system of meat control should appear on examination necessary to protect the interests of natives after a few months of the destocking campaign, that in itself, I think, is an argument that a similar necessity will arise immediately we attempt to develop the beef industry for Europeans.

Before I leave the subject of destocking, there is one point I should like to make and that is, again, that there should not be any confusion about the object of a destocking programme. The destocking

levet

[Mr. Daubney]
programme is not directed merely to the
destruction of worthless stock which are
damaging the land. That is a phase which
may be a necessary one to-day in order
that particularly badly eroded areas may
be given time to recover and time in
which to receive treatment which will
accelerate their recovery. But the main
object is the creation of a native cattle
industry and there again, to work stock
into the general agricultural policy of the
country and make it possible for a farm-

er to win a living from the soil without

his fertility going down the drain.

I should be very sorry indeed if I thought the officers of my department were spending their time in inoculating cattle, for example against rinderpest. only to save them from dving, in order that they might destroy the land upon which the people have to live. And that is where my interest is primarily engaged in destocking. I was very glad to hear the hon. Acting Chief Native Commissioner refer to the changes proposed in the method of destocking, to the effect that culling is going to be done properly and is not to be left to the choice of the natives themselves, and it is refreshing to know that, side by side with these destocking operations, constructive measures of restoration in the reserves are going to be put in hand, which will do'a great deal. I think, to convince the natives of the sincerity of our motives in undertaking this work.

Your Excellency also referred specifically to the efforts to arrange an export of pork and bacon, which is so necessary as a complementary side of our dairy industry. While I was at home, I was very impressed by the change that had taken place in the bacon market as a result of very efficient schemes of control and rationalization put into effect there. Bacon as an article is very much stabilized in price at a remunerative level to the producer, and it is quite a different proposition from our point of view to what it was in 1936 when this subject was examined by the Meat and Live Stock Inquiry Commince.

We owe a very considerable debt to the proprietors of Uplands Bacon Factory who, seeing a surplus of bacon looming in the near future, took steps to make experimental shipments of green bacon to the London market. The result of this shipment, as you have seen in the daily Press, was that in the case of the first shipment prices were realized which we may regard as distinctly encouraging, and it puts us within sight of equalling the price on the local market through improving and developing the export trade. Next month we shall have a trial ship-

ment of frozen pork organized by the Kenya Co-operative Creamery, and I look forward with considerable inherest to receiving the reports of that shipment. The Uplands shipment of bacon was made possible through the enthusiasm of the factory owners and the willingness of their clients to accept for a portion of their supplies the export price. The shipment of frozen pork, again, is made possible by the willingness of the Kenya Co-operative Creamery to bear the cost of shipment.

There, again, we have an argument for meat control. It is hardly fair that one section of the producing community and that possibly comprising the most go-ahead and possibly the producers of better quality stuff, should be called on a bear the cost of exporting, and I think that through the agency of meat control things have got to be evened up and the returns spread equally over the whole of the animals produced.

With regard to fat lambs, as you, Sir, very justly pointed out, to develop the industry will necessitate very careful breeding if we are to make a place for ourselves on the London market. I have little to say on this subject, except that we have encountered a difficulty which arises from the delicacy of the imported sheep of the mutton breeds vis-a-vis changes in climatic conditions, for certain breeding difficulties arise when these animals are moved from their normal habitat to places under strange tropical seasons, and so on. We are investigating these phenomena as far as possible and as far as we are able to obtain supplies of animals for such investigations.

The next step we have to consider in establishing this export of meat is that of veterinary regulations and restrictions.

Before any export is made possible, it is necessary to satisfy the home authorities that the export can be made without

[Mr. Daubney] any undue risk to the population, human and animal, of the United Kingdom There is nothing unreasonable about such a provision. With regard to sheep and limbs, we have already reached an arrangement as to the basis of future exports. The arrangement is dependent mon the inspection of animals on the farm and upon ante- and post-mortem examinations of slaughtered animals. With regard to pigs, we were fortunate in being able to make arrangements at short notice for the admission of pies to the United Kingdom but, as they stand, the regulations are not quite so simple. and certain of them are liable to prove a little onerous on the manufacturers. Their concern is chiefly with the control of three diseases: rinderpest, foot-andmouth disease, and East African swine

As far as rinderpest and foot-andmouth disease are concerned, the home authorities are satisfied with, in the case of pigs, inspection on the farm and the knowledge that the animals will not be moved from a farm that is in quarantine with those two diseases; and ante-mortem and post-mortem inspection at the factory.

With regard to the third disease, swine fever, the precautions that have to be taken are more elaborate. Samples of the blood have to be taken and retained in cold store, from every animal slaughtered, for a period of twenty-one days; should any outbreak of swine fever occur during that period of twenty-one days in a district in the area from which the animals are drawn, the blood samples have to be taken from the ice chest and tested to prove that they do not earry the virus.

We have made airrangements to earry out that system of inspection, and we can do it quite well. There is a further proviso added since I have seen the draft. This is, that the animals slaughtered shall be trained for twenty-one days before export. That adds considerably to the cost of preparation, particularly in the case of forcen pork, and it brings the margin of time available in the case of bacon very close to the period at which bacon begins to deteriorate very noticeably, with depreciation in value. It is pos-

sible that we may be able to obtain some amelioration of the conditions that have to be observed.

Turning to beef, the negotiations have been protracted, and we found the authorities at home very refluctant to take the slightest risk of introducing rinder pest into their herds. Our approach on the ground that we had in this country already cleaned one area from rinderpest by the use of the vaccination method which was developed in 1926 and 1927, and that we could select an area considerably larger than the one in question and export from that area.

In the course of negotiations that area has eventually become the whole of the Colony, excluding the Northern Frontier district, which should be used ay a buffer zone between this country and Ethiopia and Italian Somaliland.

Before I discuss the details I should like to read a letter which I received last week which will give you an idea of the reaction of the Ministry of Agriculture to these last proposals. In a letter dated the 3rd November, Mr. Cabot, the Chief Veterinary Officer of the Ministry of Agriculture, says:—

I have your letter of the 23rd October, in which you refer to tentative plans for a campaign to eradicate rinderpest from Kenya. I note that the aim is to secure the whole colony as a clean area, with the exception of the Northern Frontier District, which will be retained as a buffer zone against Ethiopia and Italian Somaliland, and also that the other boundaries of the colony would be safeguarded by cooperative eradication work in Uganda and Tanganyika.

This plan, if successful, would provide a very satisfactory situation for negotiations on the question of the importation of beef to Great Britain so far as disease considerations are concerned and it would afford a better safeguard than the more limited proposals contained in your previous letter of the 9th August last. The footnand-mouth disease risk would still remain to be safeguarded, but that could probably be met by adequate control at the source of supply and at

[Mr Daubney]

the abattoir, as in the present case of exports of pork and bacon.

I need not remind you that this letter concerns the disease aspect only and does not touch on the question of regulation of imports, which is outside my sphere.

Your proposal to institute a campaign to eradicate rinderpest and secure a clean colony is a very excellent-one and I wish you every success."

That, I submit, is about as far as one can expect a responsible official to commit himself as to what he will do supposing you do something which will take you four or five years to accomplish, but I have every reason to believe that if we do obtain a clean colony we shall be successful in obtaining an export of beef to Great Britain.

How do we propose to do that? Rinderpest is a Pan-African problem to-day, as well as an Eastern African problem. There are great territories to the south of the East African group which are very interested and very directly concerned in the problem of rinderpest, because they fear that one day the disease may sweep Africa again as it did at the end of last century.

We had a rinderpest conference, including representatives of these other countries, in Nairobi this year, and we were forced to take certain steps to prevent the spread of rinderpest from Tanganyika into those territories to the south. Apparently those steps have been successful, in spite of the risk which we knew existed that game might carry infection beyond the barrier of vaccinated cattle. The conference is to meet again early in the new year to consider the whole question of rinderpest in East Africa, I may say that the general opinion as to the best method of defence is offence, and it is proposed that we should attack rinderpest in East Africa.

An attack on a very different sort of scale to what would have been possible a few years ago is now made feasible by the development of newer and less expensive methods of immunisation. Methods of inoculation would in all probability be based upon employment of attenuated virus, either alone or in

conjunction with vaccine or serum. In point of fact one could hardly have contemplated complete eradication at all were it not for the improvements in methods of inoculation that had recently been effected.

The programme in hand, without going into any details of the proposals, it to immunize the cattle population by wholesale inoculation in a sweeping movement, which will be followed by vaccination control of any outbreaks that occur behind the line of the advancing inoculation front. The point of treating these "backfires" or "escape" outbreaks in the already inoculated area with inactivated vaccine—is that this method does not set up foci of infection when it is used in clean territory.

At the present moment we are engaged in drawing up a detailed programme of work as far as we can. There will be from 31 to 4 million cattle to be dealt with, and the cost will be something like £20,000 a year for five years. It does not seem unreasonable to suppose that this is the kind of project which might meet with support from the Colonial Office and be regarded I think, as a suitable scheme upon which might be expended Colonial Development Fund money. We can, I feel sure, in view of the developments that have taken place, rely also upon the co-operation of the neighbouring territories of Tanganyika and Uganda, and we may even be able to secure an adequate measure of co-operation from the Italian territories to the

There have been suggestions put forward that Government should accept the advice of this or that section of the community, and should commit itself in advance to take one particular line of action with regard to rinderpest; on the one hand it is proposed that we should agree to a programme of compulsory double-inoculation throughout the country; alternatively we find another section advocating that we should agree to a programme of compulsory vaccination in all districts.

.. Government cannot agree, I am sure, to surrender its freedom of choice in the matter in this way. It may be that double-inoculation will be required in certain

[Mr. Daubney]

areas, and it may be that vaccination will be required in other areas during the course of this eradication campaign; but Government must remain the arbiter of its own fate in this matter, and retain the right to decide what methods should be applied in any given case.

In the past it has been our endeavour to allow-each district its own choice of method but we have always taken good care to educate the district as to the proper method to choose before we gave them the freedom of choice and, so far, they have have not let us down.

Before leaving this question of disease control and the way in which it is bound up with our hopes of obtaining an export trade, I should like to emphasize the absolute dependence of all these export arrangements upon efficient veterinary control of disease in this Colony. These people to whom our meat is to be sent represent the customer and we must remember that the customer is always right! They must have confidence in our ability to control the spread of diseases, in the intelligence system we have at work, and in the general efficiency of our staff, and they will not support us unless we can win that confidence. We have won it, but we must retain it through those periods of difficulty that we are bound to encounter at the beginning of a new venture such as this.

That brings me to the question of staff. During the years of the great financial slump the Colonial Veterinary Service was formed, and the conditions which were attached to service in that corps were no doubt affected adversely as far as the individual was concerned by the generally jaundiced financial outlook then prevailing. However that may be, the fact is that during the past two or three years young recruits have not come forward in adequate numbers to fill the vacancies that have arisen in the Colonial Veterinary Service. At the same time opportunities for employment outside the Service have increased and opportunities offered by private practice have appreciated very considerably for these young men and they can earn a better living than before. Generally, we have experienced extreme difficulty in recruiting the necessary graduates to fill

the vacancies that have arisen in the Service. One might say that in this particular instance the Colonial Office in their search to provide bigger and better jobs for their surplus population at home have singularly failed.

Estimates 3%

Some adjustments have already been made, particularly with reference to initial salaries. But it is quite evident that further changes are needed, and that further changes are needed, and that further improvements must be effected before the flow of recruits can again be started. I do not think that it is any use relying upon the cycle of changes and hoping for a depression in the prospects of the profession in the near future; I do not see any possibility of a change in that way within a period of say five years at least.

We have spent a great deal of time endeavouring to get people to fill these vacancies. We have approached the authorities in the Dominions, and we have examined a great many possible candidates from those countries such as Austria and Germany where Jews are emigrating in large numbers, but we still find difficulty in filing our vacancies. With regard to the purely professional aspect the attitude of the trade union of the profession-the National Veterinary Medical Association-has throughout the negotiations in my opinion been very restrained. They have endeavoured to cooperate with the Colonial Office in adjusting the differences that have arisen between the members of the Service and the Colonial Office. Until September of this year it was true to say that they had not been responsible in any way for damming up the flow of recruits but recently they have published a leading article in one of the professional journals which stated that young men who entered the Colonial Service are liable to experience keen disappointment in the course of their careers. There is no question of a sit-down strike or of any attempt to black-list the Service, it is merely that these young graduates are being profitably employed elsewhere than in the Colonial Service.

I hope it will be possible to effect the adjustments necessary to make the Service more attractive to these young men. It is a little disappointing—to myself at any rate who had hoped to select officers with greatest care in order to have the

[Mr. Daubney]

most efficient people available at one's hand-to find that one is reduced to imploring people to come to the Colonies and perhaps, because we refuse to pay the market value for the best we may find ourselves having to pay more than the market value for the second best

The question of veterinary staff at Kitale has been raised. I have very great sympathy with the demands of the Kitale settlers and I should like to station someone there, but the present establishment does not include any provision either for a stock inspector or a veterinary officer. Kitale lost its stock inspector during the period of retrenchment and that post has never been restored to the Service, Some reference has been made to the removal of Mr. Harris, stock inspector, and to the fact that he has not been replaced. Mr. Harris's was a temporary appointment which he resigned on account of ill health and there is, I regret to say, no provision in the 1939 Estimates for his replace-

My last point is this-just to consider briefly where we are going in this department. As you know the limiting factors to the development of the stock industry in this country were in the past the major. transmissible and infectious diseases, in some cases diseases peculiar to East Africa or the tropics and in others discases of countries which are backward in development. Of these rinderpest, East Coast fever and pleuro-pneumonia are the major diseases of cattle. There are numerous sheep diseases peculiar to these territories, while East African swine fever is the only major disease of pigs. It would be premature to say that we have got these diseases completely under control, but we have made a great deal of progress with rinderpest and we can contemplate with a degree of certainty the prospect of its eradication. With East Coast fever we have done a great deal of research and we have at last roused public interest in the problem to the extent that you see in the applications made by the districts to be included under the provisions of the Cattle Cleansing Ordinance.

Picuro-pneumonia we have been more successful with than the others. It has been eradicated from the settled areas and from most of the native reserves. and we are now attempting to devise methods to root it out of its last strongholds in the more remote pastoral reserves. I will not bore you with a recital of research work done with regard to the diseases of pigs, and the very interesting diseases of sheep in this country.

But with the clearing away of major diseases we find other obstacles to progress coming forward to take their place in the shape of minor diseases, diseases that are not transmissible, nutritional diseases, defects in reproduction and in general a whole group of diseases attributable to the failure of imported and grade animals to acclimatize themselves to these tropical conditions. This means that we must study the health of the animal population for evidence of faulty nutrition or bad-breeding history, and for any evidence that there may be failure to acclimatize and so on before we can decide just where the stock population has deviated from the normal and how the corrective is to be applied.

The stock in the possession of the Europeans is in process of improvement, and I hope as a result of work in hand to improve the stock in certain of the native reserves. But improvements in stock unfortunately imply that the improved animal will suffer from diseases that are caused by its being out of harmony with the environment, diseases from which its own ancestors did not suffer from. It must be realized that whenever we attain a high level of production from an animal new disease problems are introduced.

I want to refer briefly to one piece of work that is going on now. About eight years ago we spotted in this country some condition which was giving rise to sterility in grade herds. Our experience during the course of several years indicated that this was a contagious disease and after some thought, while keeping careful watch on the spread of the disease, we embarked on a study of artificial insemination methods with a view to providing a means of prophylaxis.

That study began four years ago and to-day we probably know more about artificial insemination and have achieved more practical results in this Colony than 329 Estimates [Mr. Daubney]

in any other part of the British Empire. About eighteen months or two years ago the method was given to the public as a means of combating this disease, and yet it is only during this year that we have been able to effect transmission of this disease in the laboratory. In the course of the investigation it has been necessary to examine clinically a great many cows and bulls and to inspect breeding records of herds and we found that it was essential in the first place to arrive at what was the normal behaviour of the graded animal and the native animal with respect to breeding conditions in this country. We had to fix our normal and we had to investigate the breeding records that were available all over the country. And, incidentally, we learnt a great deal about other conditions as well as about this particular disease.

In the course of our work on artificial insemination directed against this particular disease we have developed a method which economises greatly in the use of sires. The question of providing pure-bred sires, most of which have to be imported, is always an enormous problem in a young and developing country and this method makes the best use of them and increases production probably one-hundredfold. We are undertaking a similar investigation with regard to the normal reproductive history of sheep. This work is being done at Naivasha station which is financed by the Colonial Development Fund which gave us a grant in the first place to encourage the study of nutrition. Later we were able to attach to this also the study of reproduction and our work now is almost entirely confined to reproduction, although we have arranged to do certain experiments on nutrition in connexion with this. We are trying to do our best in this large field with very limited resources at our disposal, but we really require an additional officer to carry out the nutritional side of the research.

Just before I leave this question of the study of the normal animal I should like to my that during my leave I talked with men distinguished in agricultural and veterinary science in England, France, Germany and other countries, and to representatives of the United States, and

they all sought to emphasize the need of the study of animal health rather than animal disease

It is very natural in this country, faced as we were by this diversity of major diseases, may of them constituting almost insuperable obstacles to stock farming, that our minds should in the past have been concentrated on the subject of disease to the exclusion of animal health, but we must now reorientate our thought to embrace the whole question of animal health and not confine our activities merely to that part of the problem which is represented by animal disease.

At present there is no officer on the staff of the Agricultural or Veterinary Departments charged with the duty of studying the normal animal; we have no research officer who can be turned to the problems that arise in this field. The honthe Director of Agriculture put in a request for such a post this year, and I also included one which was unfortunately deleted before the draft estimates were prepared, but I do stress the urgency of our need for the appointment of a man who can devote the whole of his time to the study of the normal animal in this strange environment.

In addition to the need for correlation of environment with the grade animal, with all its attendant problems, we may soon be called upon to tackle the problem of the improved native animal living in a not so much improved environment,

I think. Sir. that I have answered all the questions that hon, members have raised, and I apologize if I have been unduly long.

Council adjourned for the usual interval.

On resuming:

MR. WILLOUGHBY (Acting Postmaster-General): Your Excellency, the hon. Member for Mombasa paid considerable attention to the Post Office, but there were only four points which he made to which I need reply.

He asked for a postal delivery within a radius of a mile. In making this request, it would appear that the hon. member has overlooked a service in Mombasa which has been in existence (Mr. Willoughby)

since pre-war days. There are six postmen on delivery duty: two for European letters, two for Asian letters, one for Arab and native letters, and the sixth for letters in Kilindini and Magengo. They deliver all letters throughout the island not specifically addressed to private boxes or poste restante. The area covered is considerably in excess of the mile radius for which the hon, member asks.

In Nairobi there are deliveries by three postmen; one for delivery to Europeans in the commercial and railway quarters area, the second for delivery to Asiatics in the commercial area, Eastleigh. Park and Fort Hall Road areas. and the third to Africans in Eastleigh and Rucecourse Roads area, To undertake general delivery throughout the colony would involve unjustified expense, and all that can be justified economically is already done by the department. The hon, member Mr. Kassim made a request for delivery of letters in Kisumu: I am unable to accede to that request. Recent statistics in Kisumu have shown that the volume of mail passing through the poste restante there is far too small to warrant the inception of a delivery duty.

Referring to the remarks of the hon-Member for Mombasa, I come to his complaint about the withdrawal of the second weekly service between Mombasa and Bukoba. I regret to have to point out to the hon, member the inaccuracy upon which his complaint is based. The second service was withdrawn, but over a month ago it was reinstituted and the Association of Chambers of Commerce of Lastern Africa was duly advised of that service.

I understand the fear has been expressed that the service will be discontinued again immediately upon the reinstitution of the summer service by Imperial Airways. All I can say is that every effort will be made to prevent the discontinuance of the service.

The next point upon which the honmember commented is perhaps the most serious: the errors in telegrams. I have already indicated in my remarks about the two preeding points that inaccuracies are not confined to the department. and I do hope that in future the honmember will be a little more sympathetic in this respect. I admit that errors do occur. Perfection is difficult to attain; especially is this so with Africans in their present state of development, and it is upon Africans that we have to rely in the department for the majority of our telegraphic work.

The hon, member stated that he was not impressed by certain figures which the department recently gave the Associated Chambers of Commerce, but I must repeat some of them. The inaccuracies at present are one-filtieth of one percent. About half of these occur either before we receive the telegram in our administration, or after we send them beyond the boundaries. That leaves in accuracies of about one-hundredth of one per cent which the department is responsible for and that, I contend, is not a bad result.

Nevertheless, I still fully sympathize with the hon. member or any member of the public who receives a telegram containing one of these errors, more especially if such an error is not disclosed by the context. That sympathy is translated into actual fact by unstinted effort on the part of the department to remove these annoyances. In every proved case punishment follows error, but the department feels and believes that it is far better to eradicate than to punish. It is for that reason that the new school at Dar es Salaam is about to be opened.

Here again I would refer to the request of the hon, member Mr. Kassim, that the policy of the school be modified in order to cater for the training of Asians. That training is done elsewhere in the department. Nevertheless, due note will be taken of his request should it be found possible at a later date to enlarge the scope of the school.

The hon. Member for Mombasa also referred to the question of free telegrams from pilots leaving aerodromes. It is true that this is done in Kenya and Tanganyika, and I feel that, contingent upon investigations which I have set on foot already, we shall be able to meet the hon, member's wish that barriers of land will not prove barriers to this service.

[Mr. Willoughby]

111 Estimates

The hon, Member for Nairobi North wished that more use was made of the South African Airways. The desirability of amicable relations with these airways is fully appreciated. It is departmental policy to use the South African Airways whenever that use would result in a speeding up of correspondence and whenever there are available payments for subsidiary mails to meet the charges involved.

This is a small point in proportion to the larger issue on which my hands are tied by finance. These territories are relatively subordinate in the main scheme of Imperial service, and we pay a subsidy for full participation to the Imperial post office. If we, therefore, divert any mails from normal channels to South African Airways, such procedure would involve increased expenditure for the conveyance of mails to the full extent of any payments made to South African Airways.

The question is, however, under consideration at the moment in London, where an officer of the Secretariat, familiar with the case, is participating in negotiations, and it may prove possible for the hon. member's wishes to be met, at least in part.

SIR ARMIGEL WADE: Your Excellency, the purely financial questions which have arisen in the course of debate 1 propose to leave to the hon-Financial Secretary to deal with. But there have been a number of questions of general interest on which I should like to say something.

The first is the alleged neglect of the coast voiced by the hon. Member for Mombasa. Of course, I have heard that very often before. I hear it whenever I go to Mombasa, and I expect to hear it again shortly when I go down. But I think the repetition of this phrase is due not so much to conviction based on ascertained facts, or even to a reasoned belief, as to a hope that in the course of time it will become an accepted axiom and no one will inquire into its validity!

I have made some attempts to inquire into its validity.

The population of the Coast Province is just over a quarter of a million, the

population of Nyanza is just over a million. I have taken Nyanza because it is nearly four times the size in population of the Coast Province. The coast hut and poll tax amounts to £44,000, in Nyanza £207,000, nearly five times as much, so that at first sight it would seem that if the inhabitants of the Coast Province got somewhere round about a quarter of the social services—which Nyanza gets they would not have much to complain about, at least they could not complain of comparative neglect."

Heads of departments have given me some rough figures, I do not propose to claim that they are final, but for comparative purposes they are entirely adequate.

The agricultural services of the coast cost £4,800, of Nyanza £8,500; that is to say, the coast gets about half. Education at the coast £26,000, Nyanza £22,000, The coast gets a great deal more than Nyanza, but it is only fair to say that out of this £26,000 a great deal is spent on Asian education which, of course, costs a lot in Mombasa, and a fairer figure is £11,000 for coast Arab and African education, whereas in Nyanza it is £19,000; again the coast gets more than half. Medical services, coast, £21,000; Nyanza £25,000. This does not include medical stores, but if we put that at £5,000 for Nyanza and £2,000 for the coast the coast is about four-fifths of what it costs in Nyanza. The cost of Administration at the coast is £14,000, in Nyanza £21,000, about two-thirds. The Public Works Department at the coast cosis £9,000, in Nyanza £25,000. Further, in the proposed road programme over £20,000 is put down for the coast, and £2,000 for Nyanza; £6,000 is earmarked for the coast out of funds for water supplies provided by the Colonial Development Fund. On top of that, in the Nyanza Province are fourteen administrative officers and in the Coast Province 13; that is to say, the Nyanza Province gets one officer to about 70,000 people and the coast one to 20,000.

I do not want to claim too much from the figures. Anyone can argue, against them and say they are not conclusive because they do not take into accounlocal conditions and density of population and so on. But, what I do say, is _____

[Sir A. Wade] that they do present a general picture which seems to show that the people of the coast, so far from suffering from neglect, might be said to be suffering from an excess of grandmotherly solicitude! (Laughter.)

It may be argued that: "That is all very well, but you are only talking of things as they are and not as they ought to be. We ought to consider the potentiulities of the coast." A tremendous effort has been made to develop the potentialihis of the coast. The great firm which the hon, member himself represents has displayed amazing enterprise and energy which is written large in the early pages of Kenya history. For that I have nothing but praise. That kind of thing not only makes history but colonies. But, what I do say, is that if the great resources of that company, applied with industry and energy and under a scheme of finance which, I understand, is far superior to anything my hon, friend the Financial Secretary can command, if all that has failed to achieve the object which we all have in view-the development of the coast I do suggest that the cause is something other than neglect,

As a matter of fact, all of us know a good deal about the causes. The hon. member has already mentioned two. The emancipation of the slaves was a tremendous economic blow which left the masters quite unable to work, because they had never known how to work and had never done any, and it left the freed slaves quite unable to work because they had not the foggiest idea of working for themselves; their only idea was to work for someone who would tell them what to do. From that the coast has never yet recovered. I am afraid that it is unfortunately true that the people are lethargic, and I understand from the hon. Director of Medical Services, very debilitated.

The second cause was the complete collapse of the rubber market. Others were the eccentricities of the copra trade, and the depredations of insect and animal pests.

Having been stationed on the coast I, in common with other administrative officers, retain a tremendous affection for

the coast and its people. I am perfectly confident that there is a future before the coast, and that we shall get what we want in time; that is to say, a lot of agricultural results from the coast. But I cannot agree that Government has been guitty of neglect, and private enterprise, as I said before, has been quite beyond all praise.

There was a more serious charge in connexion with the coast, and that was that we people who live up here take no interest in what goes on. Coast matters are discussed in the various boards and committees: the hon, member mentioned three-the Standing Finance Committee, the Standing Board of Economic Development, and the Central Roads and Traffic Board. I do not believe that we on these boards are in any way guilty of a parochial outlook. I will say quite definitely that my colleagues on the other side of Council are completely and absolutely impartial so far as I can make out, and I do not believe that we Government members are less impartial.

I have made a good deal of this, because I think it is a matter of the greatest importance. You, Sir, yourself have emphasized on many occasions the absolute necessity of regarding Kenya as one indivisible whole if we are to do any good, and I co think it a mistake that the idea should get about that we are divided into sections—the coast versus the highlands—suspicious of each other's notives, distrustful of each other's actions.

The next point is the question of antiquities. Here I am in complete agreement with the hon. Member for Mombasa, that these antiquities are assets and ought to be preserved. Year after year the question of the establishment of a Department of Antiquities has come up for discussion, and year after year we have had regretfully to say that we have not got the money for it.

The position is not quite so bad as some think. There is a certain amount of money in the Estimates every year for the preservation of ancient monuments. If the district commissioner wants money for, say, work in connexion with the ruins of Gedi he has only got to ask for

[Sir A. Wade] it and he gets it. Moreover, we have done something. The beautiful ruins of Diani are preserved and are safe at the present time, and something has been done about Gedi.

On one point I think the hon, member was in error. I do not think he has familiarized himself with the provisions of the Preservation of Archaeological and Palaeontological Objects of Interest Ordinance. Under that Ordinance, not only may one not export from Kenya any finds, but one may not even dig them up unless a permit has been obtained first, so that unless this Ordinance is being absolutely disregarded then I cannot believe that Kenya is being despoiled of its treasures.

The next charge of the hon, member was that Government has no agricultural policy. Well, of course, I have heard that before very often. In fact, it is very much more like an utterance of the Greek Chorus than is the part which the Noble Eall assumed for himself. At any meeting on any subject in Kenya the leader of the chorus ejaculates at auitable intervals: "Government hasn't got a policy", and the remainder of the chorus quite duifully and properly responds: "Hear, hear." (Laughter.)

But there is this distinction. The observations of the Greek Chorus were apt to be obvious, so obvious as to verge on the platitudinous. But this one particularly defeats me: I have not the foggiest idea of what it means!

If the hon, member had asked for Government's policy in regard to any aspect of agriculture, say pyrethrum, or providing land for agriculturists, or what is the policy for providing financial assistance, it would have been perfectly easy to refer either to an Ordinance or to 'agricultural advances, direct grants of land, or anything of the kind. But when he asks for one comprehensive definition of an agricultural policy, the only thing I can think of saying is that the policy of the Colony of Kenya is to use the land as well as it can be used or use the land to the best advantage. That seems to me so vague and general that it is worth nothing at all.

If anybody else wants to ask Government for a definition of its agricultural policy, I hope he may find it possible to be a little more definite, he then may get a more satisfactory answer than I have been able to give the hon. Member for Mombasa.

Estimates 318

His next point was a game sanctuary. Here Government have complete sympathy with the hon, member. It is part of Government's policy to have one, but there are difficulties in the way of finding a suitable area. The first essential is that there should be game in it, the next one that it should be accessible, the third one is that it ought to be an attractive sort of country, and the fourth is that it cannot be in an area embracing a whole lot of European farms or native reserve.

There is one area that is fairly promising, a big area possibly on both sides of the Taga River between Kitui and the river and on towards Malindi. It is just possible that we may come to the conclusion that that is worth turning into a game sanctuary. I wish the Game Warden were here to explain personally, but all I can say is that it is under consideration and may eventuate.

I now come to a few specific ques-

The hon. Member Mr. Isher Dass asked if special instructions had been issued to the Kenya Defence Force for European women and children to have preference, that European men should come next and, last of all, Asian women and children. I have made all possible inquiries since that remarkable statement was made, and I can find no evidence that any sort of order was given that could even be misinterpreted into that.

If the hon member would care to give me particulars of his information and the name of his informant, I will make still further inquiries.

The same hon member raised what I consider to be an important issue. He objected to financial assistance being given to the Aero Club merely because it is a European Club. That is a proposition Government cannot accept for one moment. It is quite obvious that any club or body of persons that is doing Government work, or good work for Government is, well, I will not actually say entitled to, but is quite justfied in receiving, a Government grant.

[Sir A. Wade]

I could not let this go by, although it is a small point, because we should establish an unfortunate precedent if once we accepted the position that no Government money can be spent on any racial institution. There is no more financial objection to giving a grant to the Aero Club than there is to giving a grant to the Arya Samaj School or a grant for Indian or European scholarships.

The hon. Member for Trans Nzoia asked why there were armed forces in the Northern Frontier District. I am afraid that I can only say that the military dispositions are such as are approved, by Your Excellency on the advice of your military advisers, and have the approval, I believe, of the people at home and the Inspector General, There is nothing I can add to that.

The hon. Member for Nyanza spoke about discharging managers in times of stress. We call that retrenchment. There have been two occasions in fairly recent history when we had to have recourse to a policy of retrenchment, but it is a very drastic measure and one we are most reluctant to take.

In the first place, it is uneconomic to get rid of a man and pay him a pension for doing nothing. It is far more uneconomic than to pay him for full work, and worse, because better times come along and you have to engage someone else and, you have to pay two men—one a pension and one a salary. Furthermore, in the long rin Government invariably suffess. We have heard in the course of the debate that the survey work is eighteen months behind, and I understand that that is attributable to the retrenchments some time ago.

I also understood that the hon, member does not like deputies. I think there is a little misunderstanding. A deputy is not a person who hibernates for two or three years and only comes to life when he takes the place of his superior officer. He is an ordinary, common—(laughter)—senior officer doing a senior officer's work, with the addition that he has to take responsibility on occasions for acting for his No. I. And that is why he is

called a deputy. He has to take a certain responsibility and be in a position to give orders.

We do not have many deputies, there are nine altogether, and all are people who have to accept responsibility. For instance, I do not think the Commissioner of Police would like his policemen being ordered about by a private secretary. He would prefer that they should be ordered about by his deputy when he cannot order them about him-

The same hon member asked about the prisoners' food, and whether the increased food supply is going to be reflected in increased output of work, it is only an increase over last year's estimate, it is less than 1937, and the figures are due to no alteration of the scale of rations but are simply calculated on the cost of the food.

The hon, member Dr. Wilson raised a very important point indeed; the question of native taxation, and he said he could not understand why Government assumed that the hut and poll tax was the only possible tax. I should like to assure him that such assumption has not been entertained for one minute during the last affeen years. The plain fact is, if he cares to come to the Secretariat, we can show him file upon file containing line upon line, precept upon precept, all directed to finding out a better tax than the hut and poll tax.

As an illustration, I may be permitted to read one sentence from a circular which I sent round myself in 1932 as Chief Native Commissioner, and it reads:

"For reasons which have been elaborated elsewhere, I think we should consider the advisability of abandoning the hut and poll tax (not at once, but after an adequate period of preparation), and the introduction of a tax based on income, the amounts payable by families being assessed by local authorities."

That was only a suggestion.

The matter went to the Governors Conference shortly after that. While noting that the tax was not entirely satisfactory, they were unable to recommend [Sir A. Wade] anything better. My successor in office, the hon, member, Mr. Montgomery, will allow me to recall that he came to me and said: "I have come to the conclusion that the huit as the basis of inxation has fulfilled its purpose and must go." I replied: "Good, I entirely agree, and hope you will find a way of doing away with it."

us Estimates

He and the former Treasurer, Mr. Walsh, published a report which was land on the table of Council, and their recommendation No. 13 is:

"We recommend the retention of the present system of native direct taxation by means of a hut and poll tax."

So it has still gone on However, no effort has been spared. The matter has come up at Provincial Commissioners' meetings one after another, we have had all sorts of departmental committees and investigations to find a way of taxing based on income, but we have failed, and this failure is not because of any false assumption, but possibly because of that lack of imagination which the hon member so deplores as being manifest in this budget now under discussion.

If he will turn on to the subject his own more fertile imagination and find far us a solution which has hitherto baffled us, I know perfectly well that the Chief Native Commissioner will hand the whole subject over to him on a plate, with the greatest possible gratitude for disposing of it.

The hon, member Mr. Shamsud-Deen asked how long our refugees are going to remain our guests, the Abyssinian refugees. I am afraid that I am unable to give him any sort of answer or indication. It is not a matter for local decision at all, but a matter for international agreement. We do not know what is going to happen but, in the meantime, the Imperial Government pays.

Finally, Sir, I come with some diffidence to certain criticisms of the Secretary of State and the Colonial Office. The Secretary of State is not here to speak for himself, nor any member of the Colonial Office, and I am reluctant to let these criticisms go by default.

The criticisms divide themselves into three categories; one, the Secretary of

State interferes too much, does not trust the man on the spot. Well, it is very difficult indeed to argue whether he does interfere too much or does not, and I cannot possibly be expected to say that he does. I think every one should remember this, that the Government of Kenya is Crown Colony Government. That has been defined by some learned person as government by the Crown through one of His Majesty's Principal Secretaries of State who is responsible to Parliament.

Estimates :342

So the Secretary of State cannot get away from his responsibility to Parliament. He must be prepared to answer any silly question any silly member of the House of Commons likes to ask. Apart from that technical responsibility, he has the most colossal responsibility in looking after the government of all these Crown colonies all over our Empire, a difficult business, which is getting more difficult. If hon, members nut themselves in his place and asked themselves in all sincerity what they would do, I think they would say at any rate that there would be very great temptation, to take the most intimate and meticulous interest in everything that goes on in those colonies, and they would be itching to put right anything that wanted righting.

The next charge is, inordinate delays. It is quite impossible to deny that there are delays, and sometimes we do not understand why it happens but, after all, we ourselves are not entirely guiltless. All sorts of things take a great deal longer than we expect. For instance, the Squatters Bill has taken about five years to consider, and we have not got it yet. There are a good many conditions prevailing in the Colonial Office to make it impossible for the Secretary of State to act as quickly as we would hope. The hon. Member for Nairobi North gave eloquent and to my mind convincing reasons for the delay in the report of the Settlement Committee. May not some of those reasons apply to the Secretary of State? He has to consult all sorts of people, he has to consult the legal advisers to Colonial Office on occasions, and everybody knows how long they take. (Laughter.) Sometimes he has to consult the medical authorities, and then, ISir A. Wadel

of course, there are the Lords Commissioners of the Treasury.

If these Lords Commissioners of the Treasury are, as they are represented, sort of ogres shut up in their eastles and fastnesses blocking every road to progress, should not the Secretary of State rather have our sympathy and our gratifude for fighting our battles for us, as indeed he does, rather than criticism for not winning our battles quite quickly enough?

The last charge, as well as perhaps the most serious, is that the Colonial Office regards us as an area to be administered and not an estate to be developed. Well, I suppose that everybody here will agree that administration is the first necesity, in this sense, that the establishment of law and order must be a necessary precedent to any progress. Even a native is not going out to work leaving his cattle behind unless he is confident that there is some prospect of their remaining there safely.

But I do honestly think that the mere existence of the Colonial Development Fund is in itself an answer to that question. After all, the Colonial Development Fund could not have been established if the authorities at home had not some idea of developing these colonies. I know perfectly well that, at the start, it was hoped that the English manufacturers would gain considerably by supplying manufactured articles which we should want, but I think it is quite frue to say that they have treated us very generously, for they have never insisted on that as a condition, only it helps a little extra if we buy something which we are not making ourselves but which the people at home sell.

I am in full sympathy with the request of the hon. Member for Nairobi North that every member of the Council should know exactly what is being done with the money from this Colonial Development Fund, and my hon. friend the Financial Secretary, will no doubt place at the disposal of the Council all the information in his possession.

There have been a great many points raised in this debate, and I feel confident that some of them will have been left

out even when the hon. Financial Secretary has finished his reply. I can only hope that if any hon. member feels he has been neglected, we may be able to repair the omission in the Standing Finance Committee.

MR. WRIGHT: Your Excellency. speaking as an ordinary common or garden settler, it takes a good deal of hardihood to get up as I am now doing and be the last on the unofficial side of Council to speak. Actually, I was much concerned with the trend of the debate last week, because one after another of our big guns got up and fired off their shots, and then the lesser guns fired off their shots, and it was I who was left as the lone damp squib against which one by one of the official big guns would start their work. But I would like to add some mental pabulum to a debate which may yet go on for another day or two with: a pious hope that what I might say will have some beneficial effect.

I would like to say how very glad I am to see the hon. Director of Veterinary Services back in his place again to-day. He alone in my estimation outlined a constructive and forward policy, whereas like rest of the hon. members on the other side of Council seemed to me to be on the defensive and were apologetic for their departments almost all the time.

When I heard the hon. Director of Agriculture talk about the need for more agricultural officers, I referred to the budget, wherein I saw that in the native areas a matter of twelve of these gentlemen are costing the country £11,000 a year. I reflect back to the day when Sir Daniel Hall published one of the most honest reports which has been issued before or since that date, and I find the following note in the report on that department:

Paragraph 158 states, inter alia:-

"It is thought that the agricultural officer would travel through his district, studying the improvement of its methods and crops, but advising the District Commissioners thereon and entrusting the execution to them."

Paragraph 160 states:-

"In recommending that the administrative officer should be regarded as 345 Estimates [Mr. Wright]

Mr. Wright in effecting the improvement of the native in his agricultural work, the Commission considers that further steps should be taken to ensure that all administrative officers should obtain some acquaintance with agriculture of a native type. It recommends that all administrative officers on their first tour should spend three months at the Scott Laboratories, and that some regular course of study should be prescribed for them."

That is sound advice, and had it been acted upon it would have saved this Colony a lot of trouble and a lot of money. It seems to me to be quite ludicrous to seek to engage still more agricultural officers with qualifications and degrees to manage native estates in this country. It seems remarkable that in 1929 Sir Daniel Hall in his Agricultural Report should have laid down wise advice like that and similarly good advice with regard to destocking, and yet, only at this late date, are we finding any indications of the fulfilment of it.

That brings me to my hon, friend the Chief Native Commissioner. He stated quite frankly and honestly that destocking had not been successful. He described the native as not doing his part unless he showed a change of heart. The most helpful thing of all in his speech was that he stated that as a result of this Government would inaugurate more direct methods of culling. I only want to know why they did not do that long ago.

MR. LA FONTAINE: Your Excellency, on a point of explanation I did not state at all that I thought the camraign had not been successful. In my opinion so far it has been quite a success.

MR. WRIGHT: Thank you, Sir.

Now, the committee to which the Noble Earl the hon. Member for Kiambu referred in his speech outlined a scheme whereby destocking and soil conservation proposals should be dealt with by an unofficial committee, in the main, all over the country. This morning we have heard both the Director of Agriculture and the hon. Chief Native Commissioner speak about the reconditioning, of the soil. It is, to my mind, most logical that

destocking must precede reconditioning, and it would be truly ludicrous for agricultural officers to be set aside for a reconditioning programme before the first and chief evil has been dealt with, namely destocking.

Estimates 345

I am sorry that the hon. Director of Forests has not taken part in this debate, perhaps if I do not talk too long perchance he may yet speak.

The hon: member Dr. Wilson commented on the fact that the Forest Department was making a profit, which he commended. For my part, however, I was appalled at the suggestion that this department should be looked upon as a scrious revenue-making concern. The budget discloses that patently, and it is clear that the more money collected the more will be budgeted for in expenditure.

Here is a department singularly placed in this count(), with a spending capacity of £30,000 odd-proposing to make a profit of £9,000—that is a far better business proposition than most of those I know in this country.

The analysis in last year's Forestry Report shows that approximately 8 per cent only of the total vote is spent on re-afforestation. Yet we can travel round this Colony and see the world's worst trees grown in the world's best land. The only visibly successful example of afforestation is that being conducted on the site of an experimental station, later appropriately converted into the local lunatic asylum. Yet it is still an afforestation scheme. Similarly we see that the Nairobi Arboretum costs considerably more, I think, than is allocated to afforestation. Finally, there are the personal emoluments which amount to two-thirds of the total vote.

The obvious course of action for them is to reduce their royalties, which I ameredibly informed are the highest in the world, and realize wood such as cedar in terms of posts for fencing. This would redound much more greatly to the benefit of the country as a whole than those royalties which are bringing forth 19,000 revenue. All this merely goes to show that it is becoming a kuni department.

The Medical Department, as a result of the versatility of the gentleman at its

(Mr. Wright)

IM: Wrightly head (who again has given us a remarkable illustration, as to how the medical mind works in a curious way its wonders to perform), has asked for more money still in what is already a very big vote, and the hon. Director, to achieve his purpose, postulates a table and asks us to foot the bill for beautiful model native villages for all the natives to live in, all equipped with latrines, in order not to allow the spread of measles and such things.

I would like the hon. Director, instead of asking for more money to be spent in this direction to allow the settlers to make more use of carbo-tetro-chloride and give us an indemnity against any charge of manslaughter in the event of the treatment causing death.

Now, one of the points I particularly want to come to is this: to support the hon. Member for Mombasa when he referred to the formation of a Department of Antiquities. I am not going to discuss the principle now because he has outlined it very well. Here is an obvious expenditure item which, at a time like this, would hardly help us balance the budget, and perhaps it would be considered improper to make a suggestion on the subject. But I am going to make a simple suggestion, and what I suggest is that, in view of the research work done by Dr. Leakey and his wife, it would be absurdly chean at the terms he proposes to have a Department of Antiquities in the interests of science. The fact is that it is cheap and that the controversy that has been waged against him has been completely vindicated scientifically by Professor Boswell. That alone, I think, would warrant the institution of a department which costs so little. That department would, in fact, be an investment rather than a liability.

There has been a great deal of talk about settlement and the hon. Commissioner for Lands and Settlement gave us a very good speech on the subject. But it is time that we began to realize that there is a real need to put our Kenya house in order.

It is perhaps a grave reflection that between the 1934 census and that of 1937 it is shown that there is some 560,000 acres of land less under European occupation-now than then, and that a considerable number of settlers have now left the country. Yet, coincident with all these eruptions and activities to increase new settlement, it is disheartening to have to come up against such aggravating items as direct taxation, items such as income tax.

I have probably talked ad nauseam-I hope you will not think it so-on this subject. In this morning's East African Standard there is one of the best leading articles on the subject of taxation that I have seen for a very long time, I will not amplify it because I agree with every word it says. Unless this issue is treated interterritorially, in view of the pledges given by Secretary of State after Secretary of State, then it is an affront to our intelligence if the Government give consent to such a grossly illogical proposition as treating income tax as a Kenya liability alone. If this is so, then I think there is something radically wrong somewhere.

It has been laid down by the Secretary of State, and assurances have been given us by two other Secretaries of State, that the imposition of income tax is an imperial policy. In that case I should like to ask whether they propose to apply it to Palestine?

Further to that subject, I will tell you of a very interesting conversation I had with an intelligent native in Uganda. He is a very rich man and is well educated with a university training at home, and is altogether rather an impressive personality. And in discussing income tax-I am always seeking fresh impressions and information- I said "What is your view in Uganda about this issue?" And he replied "We have no fears of it being imposed in Uganda." He went on to say that in the nineteenth century Queen Victoria signed the Uganda Treaty wherein a solemn pledge was given that no direct taxation shall be imposed in their kingdom without the consent and approval first sought and obtained from the Kabaka and his parliament. I have tried to verify this, but so far as I know there is no one in this country who can confirm it for me, but I shall try again when next I am in Entebbe.

(Mr. Wright)

Anyhow, the immediate reflection that came to my mind was that if this was a definite pledge and is to be honoured as all definite pledges are or should be, then, since Uganda of that day extended to Lake Naivasha, according to the Treaty those living west of Lake Naivasha are immune from income tax!

The Noble Earl the hon, Member for Kiambu introduced a new form of quotation which shattered my fortitude. I was surprised on looking round after he had spoken those few words of Greek to see that, judging from the pleasant smiles, mirthful erins and immoderate taughter. I was the only one in this Council who did not understand a word of what he was speaking and that I missed the whole point of what he was saving! I was shaken I must admit, and I think the time has come when, in order to repair my reputation for quoting from authorities. I should try and produce a Roland for an Oliver, though perhaps the proper course of action is to give a quotation in Hebrew, as being a language of great distinction in the past and obviously the language of the future.

A friend of mine was agreeable enough to advise me of a quotation, which I will read out in the King's English, though I will not vouch for the accuracy of the translation because I do not understand the Greek characters and I cannot verify it. But it seems to me rather like the budget; it certainly has a big signification for it starts with what seems to me to be an OI and finishes with an OU, which is singularly like an IO.U—and it is just probable that the budget means the same, anyhow, it seems to have a close relation to income tax in the budget.

The Greek phrase which I dare to quote runs as follows:—

Orthro phoito sukophanto diko talai poroi tropoi.

The Noble Earl will perhaps correct my efforts at translation but as far as I can gather it means:—

"Early rising, base informing, vast litigious plaguey ways."

And that, I think, is the most perfect description of income tax that I have heard so far. (Laughter.)

In that regard, and at the risk of being boring, I will turn to a subject which interests me a great deal, I disagree profoundly with the system whereby the Standing Finance Committee pre-judges an issue of such vital importance to this country such as income tax. At least they run the risk of pre-judging it whea, in the ordinary course of events, these good people have to make a balanced budget and their primary concern is to find revenue rather than criticize the means of finding it.

Estimates 350

I also resent the tendency to call in experts and, while I am second to none in paying a high tribute to the Commissioner of Income Tax, whom I have always found to be a very courteous gentleman in every regard, it is wrong that he should sit by and interrogate witnesses who give evidence pro and conto that committee. It would be just as logical as to ask Mr. Shapley or myself to interrogate witnesses. But if they persist in this method the obvious course would be to invite that gentleman from the Colonial Office, Mr. Calder, who represented the Colonial Office at the . League of Nations and who there in no uncertain voice expressed his emphatic disagreement with the principle of income tax as applied to these territories of

Sir, as I have said, we have got to put our house in order. There are grave issues in front of this country and one is the question of settlement. This has got to be tackled and we are not doing it in the right way—the way Government has tried to deal with it. I have great faith in the future welfare of Kenya, but it is alarming to see the tendency of settlers to leave the land and to know that settlement as an issue has become one of such great gravity that it is only now we are beginning to deal with it.

MR. HARRAGIN: Your Excellency, in view of the time, hon, members will be relieved to know that I am not going to give a résumé of the work of my department during the past year, chiefly because most of you are well aware of it already. But there have been one or two points made in the course of the debate

to make reference.

IMr. Harragial which reflect to a certain extent on my department and to which I should like

For instance, the hon, Member for Nyanza pleaded for a simplification of the laws. Naturally, there is no warmer supporter of that remark than myself but, unfortunately, since the time of Adam and Eve (when I believe the laws were extremely simple!) they have been getting more and more complicated as civilization advances until to-day I hone we have reached the limit in attemptingto prevent honest citizens trying to drive a house and eart through any law. I need only refer to the law mentioned by the last speaker, the Income Tax Ordinance in which, particularly in England, I think it is quite frue to say that amendments are constantly being made to try and block up some of the holes which unfortunately the draftsman had allowed to remain open.

The hon, member also referred to the cost of the Judicial Department, and I think she mentioned it was £10,000. Actually, if you consider what it costs to administer the law to 31 millions of people, I should imagine that it would be as cheap as you would get anywhere in the world . . .

LADY SIDNEY FARRAR: On a point of personal explanation, Your Excellency, I referred to the cost of the puisne judges and the Chief Justice only, including travelling allowance and local transport.

MR. HARRAGIN: It is, I submit, still as cheap as anywhere else in the world, and I regret to say that I must sound this note of warning: that in future estimates I suspect there will be an attempt to increase that cost, I am not referring only to the attitude of the Chief Justice himself, because he has been most moderate in his demands, but whenever we have a commission or committee or anything else sitting they have all advised further increases in the Judicial Department, and showing the flag by means of judges in the remuter corners of the Colony, which necessarily will mean an increase in the number of judges.

The hon, member Mr. Shamsud-Deen made one small point which I should like to clear up. I am not quite sure what he meant when he said that certificates of title at the coast were worth nothing, I do not know to what he was referring. but I can assure Council that, if you have a certificate of title which entitles you to hold land, it is just as good as if you called it by any other name such as a conveyance or deed.

The hon, member Mr. Kassim also puzzled me rather in the reference he made to burglaries in Nyanza. Admittedly there are a good many there, but I doubt whether there are more than have occurred in Muthaiga. But what worried me is the suggestion that we should adopt a form of compensation in those cases such as exists with regard to stock thefts, I hastily went back to the office and tried to look up what compensation could be given in stock theft cases as opposed to other cases of theft, and regret that I was unable to find anything. Compensation can in any case be given if the Court thinks it a right and proper thing to do." but as it is not often that these burglars hold properties or stock of any sort on which to distrain, it would really be a waste of time to assess so many hundred pounds compensation against a burglar when it is intended to put him in prison, we hope, for something like ten years and he leaves nothing behind him, I suggest that there is no practical use in referring to compensation in burglaries, because as a matter of practice it would amount to nothing.

What the hon, member means by special compensation in stock cases I do not know, unless he is referring to collective punishment, where in certain cases of stock theft, where the stolen stock is traced to any particular tribe or village and has then disappeared, under certain circumstances and after due inquiry the natives residing in that tribe or village can be made to pay a collective fine out of which compensation is given the owner of the stolen stock. But again, I do not think the hon, member would suggest that that would be practical politics in Kisumu.

The hon. Member for Aberdare made a very good speech, and in that I submit that he put up the strongest case for (Mr. Harragio) Government that could possibly have

353 Estimates

heen advanced. He told us that he was summing up for the prosecution, and I have never known a better erample of using any stick to beat the unfortunate Government than that which the hon. member was guilty of.

Let us take one small example. Dealing with agriculture, he twitted the hon. Director of Agriculture that district officers did not go through some agricultural course at Oxford of two or three months and come out here in order to teach natives to grow whatever it was they wanted to grow. What is sauce for the goose is sauce for the gander, and I wonder if the hon, member himself would be happy, if he wanted some advice with regard to the growing of whatever crops he is interested in, if Government were to send along a district officer who happened to have done a course of three months at Oxford?

MR. WRIGHT: On a point of explanation. I was not giving my advice, but was quoting no less an authority than Sir Daniel Hall, who definitely thought that, for native services, as I emphasized, agricultural officers were a waste of money and stated why.

MR. HARRAGIN: I fully realize the hon, member was adapting a quotation from someone whom he would have us believe knows more about agriculture than himself but, even assuming that to be true, the point I was making is, that what is sauce for the goose is sauce for the gander. We are going to say to the native: "If you want to grow maize there is the district officer, who has learnt in three months how to grow maize at Oxford, that is good enough for you", but when the hon, member wants to grow maize he should have a fully qualified agricultural officer.

I submit that that would be a very difficult position for us to justify in this Council or anywhere else.

The hon, member Mr. Isher Dass (I am sorry he is not here) made one or two statements particularly affecting my de-Partment.

He started off by making the extraordinary statement that he had been visiting the mining area and there he discovered a complete system run by the mining companies themselves of police-he had not much objection to that, provided they were called watchmen-courts, and detention camps. Naturally, I had inquiries made at once, and I find there is not a bit of truth in that statement except, of course, every mine has its own officials: whether they call them watchmen or police matters little.

But I was particularly interested in trying to trace how such a remark came to be made, because it is an astounding statement for a responsible member to make, and there are no doubt some members present who imagine there can be no smoke without fire. I can only suggest that what led to the hon, member honestly believing that these things were happening in Nyanza, was the fact that . some months ago a certain case occurred there, and to clear the matter up I will tell han, members about it.

A certain miner in his private capacity employed a personal boy, and when that boy left he found that a great many of his clothes were missing. He got hold of this boy and asked him about the clothes, and did not get a satisfactory answer. It is true that the boy was assaulted and put into a grain store and told that he would have to speak up and say where the clothes had gone or he would be sent to imprisonment.

The boy immediately admitted that he had stolen the clothes and had hidden them under a certain rock. He took a party to the rock, but no clothes were there at all, and he was brought back again and put in the grain store. It had nothing to do with the mines, and was a private action by this gentleman employed on a mine in some capacity or other. It will interest Council to know that for this action he has been prosecuted and fined on both counts. It may also be interesting to know that we have found the clothes. It is established now in fact that the boy had stolen the clothes, but a toto had seen them being hidden under the rock and had stolen them again from the original thief, (Laughter.) The toto was also punished.

There was one other point the hon. member made, and that was with regard

Isher Dass.

Estimates 358

[Mr. Harragin].

to a case—we will call it a case, it was really a form of inquiry—in which he rather flattered himself by suggesting that the Crown sets great value on the fact that the person tried had paid a visit to the hon, member's office. The facts are, of course, that when an application was made for the arrest of this person, the statement had to be set out in the form of an affidavit why a warrant was being applied for and, as a part of the history of the movements of that par-

ticular man, it was said that on a certain

date at a certain hour, having left the

reserve, he visited the office of Mr.

Except for that statement, the name of the hon, member did not occur in the whole of the proceedings, which lasted a whole week, and no reference was made to that visit either by the judge or the prosecuting counsel, and to suggest that this unfortunate man had in any way been damnified because he happened to pay a visit to the hon, member's office is, of course, absolute rubbish.

The hon, member finished up by challenging me to set the law la motion and lawe him arrested. All I can tell him is this: if and when I have as strong evidence against him as I had against the particular gentleman he has been talking about, I will take exactly the same course as I did in the case of the native.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 16th November, 1938. Wednesday, 16th November, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 16th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, GC.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened Council with prayer.

MINUTES

The minutes of the meeting of the 15th November, were confirmed.

ORAL ANSWERS TO QUESTIONS No. 45—NATIVE DRINKING

COL. MODERA asked:-

Has the attention of Government been drawn to the remarks of Mr. Justice Thacker in a recent case when he stated that ninety per cent of the cases of murder and manslaughter brought before the Courts were attributable to the drinking of tembo? Is the Government satisfied that the police supervision of tembo consumption in the reserves is adequate? Will the Government consider the increase of police supervision? Will Government also consider the possibility of the imposition of fines upon the old men of the tribe in which such crimes are found to be attributable to tembo drinking?

MR. LA FONTAINE: The attention of Government has not been drawn to the remarks of Mr. Justice Thacker quoted in the Question.

Supervision of the consumption of native intoxicating liquor in the reserves lies with the native authorities rather than the police. In addition to the provisions of the Native Liquor Ordinance, 1930, and the Sugar Ordinance, Chapter 134, headmen and Local Native Councils are empowered under the Native Authority Ordinance, 1937, to prohibit or restrict the holding of driking bouis, the manufacture, consumption or possession of native intoxicating liquors and the supply of such liquors to young persons, In most reserves orders have been issued or resolutions passed, particularly with regard to the supply of liquor to young persons. If, after consultation with the officers concerned. Government is satisfied that there [Mr. La Fontaine]

is substantial increase in drunkenness in the reserves, steps will be taken to have these orders and resolutions more strictly enforced.

No legal provision exists for the imposition of fines in the manner suggested in the final part of the Question,

COL. KIRKWOOD: Further to that answer, Your Excellency, may I ask whether Government is prepared to give an undertaking to investigate the incidence of drinking?

MR. LA FONTAINE: There is no instance specifically referred to, it is just a general statement.

COL. KIRKWOOD: Referring to the consumption of tembo, will Government make an investigation of the incidence of consumption?

MR. LA FONTAINE: I have said in my reply, that if "Government is satisfied that there is substantial increase in drunkenness in the reserves, steps will be taken to have these orders and resolutions more strictly enforced." That means that the matter will be investigated by Government.

ESTIMATES OF REVENUE AND EXPENDITURE, 1939

The debate was resumed.

MR. GARDNER (Conservator of Forests): Your Excellency, there did not seem very much need for me to speak, but the hon. Member for Aberdare thought he would like to hear mel Actually. I am very glad to have the opportunity to express my agreement with the remarks of the hon. member Dr. Wilson.

The forests of the Colony are of a considerable area, and they are, of course, a valuable safeguard for climatic conditions and water conservation. Also, they are an extremely valuable economic asset, As far as climate and water conservation are concerned, they may not be quite so large as we would like them, but they are sufficiently large to produce a large annual surplus when they have been brought into proper order. At present, of course, the amount of revenue depends entirely on the size of the local market.

There is no means of increasing it, it will increase slowly with increased settlement.

But as we have a large surplus of timber in the forests, it is obviously desirable to develop an export market. Having such an asset, it is up to us to utilize it. That is why Government inserted in the Estimates a sum to encourage the development of the export trade, and also for a research officer.

There is in that connexion another expenditure which is certainly very necessary, and that is for a surveyor, but provision has not yet been made, although it has been mentioned several itmes in this debate. We hope it will be possible to get one provided for in due course. We certainly cannot plan development without survey.

As regards the speech of the hon. Member for Abordare, I must say that I found it rather difficult to understand what he was driving at. He seemed to think, as far as I could make out, that it was necessary to beat Government and any stick was good enough. The hon. Attorney General has pointed out that his sticks did not seem very well selected. Those used on the Forest Department were, on the whole, I think, pretty rotten (laughter), and he has not done it much damage.

I understand the hon member to say that we were making a profit of £9,000 on a £30,000 expenditure. Actually, the Estimates show that it will be £6,000 profit and £33,000 expenditure. That particular stick is therefore crooked to the extent of 50 per cent off the straight.

MR. WRIGHT: On a point of information, I referred to the Forest Department report for 1937.

MR. GARDNER: I thought we were debating the Estimates for 19391 (Laughter.)

The hon, member repeated that hoary jest we have heard several times before, that the Forest Department's policy consisted of planting the worst trees on the best land. A reference to the annual report which he has studied will show that that is quite untrue. Our planting policy is most carefully considered.

What we have to consider is the needs of the community now and as far as we

IMr. Gardnerl can estimate for the future, Those needs consist of hard wood timbers to a limited extent, soft wood timbers to a large extent, and firewood. Of course, we have to cause as carefully as we can the proportions in which they are required. I imagine the hon, member to be one of those unaccountable persons who insist that we shall plant nothing but native species although he himself, of course, in his farming operations plants nothing but exotic crops.

It is surely up to us to utilize the best species that can be found in the world to fit our purposes. We certainly do not despise the native species, and a reference to our annual report will show that we are planting 30 per cent native species in our programme, which are of value for special nurposes, and though it will take at least 120 to 150 years for them to mature they are valuable for certain purposes. In the case of pencil cedar, which take a long time to mature, we replace that species as we cut them out.

Perhaps our main requirements are for white soft wood timber. Our local timber is podo, which is an excellent timber in many ways, especially for special purposes, but it has great drawbacks as a general utility timber. There, again, it will take anything from 120 to 150 years to grow. However, we are planting small quantities with cedar, because for silvicultural reasons the mixture makes better plantations and we hope to be able to utilize those small quantities. Fortunately, we have in cypress a species which is not native to the Colony but which does excellently, and certainly produces a far better timber than podo in a third of the time.

I have inquired into it in every country I can about the value of evpress timber, and everywhere-South Africa, Australia, New Zealand, England and so on-I am told that if they could grow it they would, and would prefer it to the pines which they grow in such vast quantities in South Africa, Australia, and even England, This cypress timber is already so highly esteemed in Kenya that we are able to sell small thinnings from young plantations at a price that more than covers the whole cost of the plantations to date. In other

words, we are making a good profit on those plantations, and at the same time we have the plantations intact, and even greatly improved by the thinning.

It is a fact that in Kenya our plantstions are produced more cheaply and more efficiently than in any other country in the world that I know of, and I am quite convinced that we shall be able to produce everess timber so cheaply and of such high quality that we shall be able to export every cubic foot that we can produce over and above local requirements. and at a very good profit, so that I do not think there is any question there. This is one of the main trees which we are planting, and I do not think there is any question of it being one of the worst trees to which the hon, member referred.

No doubt the hon, member is probably thinking of gum trees. I have heard him accuse me recently, in spite of the statement in the annual report, that I am still planting nothing but gum trees. The community does need, and must have, cheap fuel, and gums and wattles produce it better than any other tree. We should not be doing our duty to the public if we planted only the olive tree, which is the common native fuel of the country. If we planted them, although they will produce excellent fuel, it takes ten times as long to do so and costs ten times as much.

The hon, member made a complaint about the high proportion of personal emoluments, but in all our forestry operations the whole of the work is done by human beings and not by machines. The whole of our expenditure is on personal emoluments, except for passages and small items like telephones and the purchase of tools, so that I do not see that there is any substance in his complaint.

He mentioned the case of Nairobi Arboretum appearing to take an unduc proportion of the expenditure. The actual cost is £150, while reafforestation costs amount, taking the cost of the staff and the nurseries and purchases of seeds and so on, to at least £12,000, so that the hon. member's figures of proportion can be shown to be wrong. At any rate, I can assure him that he will not find anywhere in the world a public garden of the size and standard of our Arboretum maintained for anything like that little money. IMr. Gardnerl

The hon, member says that he is credibly informed that our royalties are the highest in the world. I can inform him that his credible informant is incredibly ill-informed. (Laughter.) It was decided many years ago, fifteen or eighteen years ago, that the Forest Department or forest reserves should be managed on semi-commercial lines. That does not mean that Government insists that we must make a profit out of the forests, and it does not preclude us from looking after and maintaining the forests, which can never be a commercial success.

As a matter of fact, one of our main duties is to preserve the forests for climate and water conservation. At the same time, it does not mean that we have to keep careful costs of all we do, and we do realize in the end that we must show a profit: where there are such excellent growing conditions, extraordinarily good soil and climate, as in this Colony-it would be extraordinarily bad management if we failed to make a profit.

We realize that should be our aim in the end, not only to preserve the forests. but to make them a real commercial asset, which they are even now, and will be still more in the future.

We have complaints that everybody has to pay for what they get from the forests, and that all the various sections of the community are entitled to free produce from the forests, That would be one policy. But the policy adopted of managing the forests on semi-commercial lines does, I am convinced from long experience, lead to economy and efficiency and a great reduction of waste.

The Forest Department is the manager of the forests for the owners, who are the whole community of Kenya, and I can assure hon, members that the department is out to manage these forests for the owners to the very best advantage. Our interests are the interests of the owners, and not the interests of the managers, (Applause.)

MR. WILLAN: Your Excellency, 1 beg to move an amendment to the substantive motion now before Council, as follows: -

"That the following words be added to the substantive Motion: "which shall consist of the following mem-

Estimates 362

Hon, Chief Secretary (Chairman).

Hon, Financial Secretary,

Hon. Chief Native Commissioner.

Hon. Elected Member for Rift Valley.

Hon, Elected Member for Mombasa.

Hon Fleeted Member for Kiambu. Hon. Elected Member for the East-

ern Area (A. B. Patel, Esq.). Dr. the Hon, C. J. Wilson (represent-

ing Native Interests)."

The sole reason for this amendment. is that the Hon. Member for Nairobi North will be unable to sit on the Standing Finance Committee, and it is proposed that the Noble Earl, the Hon. Member for Kiambu, shall take his place.

The Acting Commissioners of Customs (Mr. Northrop) seconded.

LORD FRANCIS SCOTT: Sir. it is with great regret that the Hon. Member for Nairobi North is afraid that he has so much other work to do at the moment that he may not be able to give his whole time to the work of the Standing Finance Committee. He therefore asked if he could be relieved of his duties in that connexion for the remainder of the session, and the European elected members unanimously agreed to ask Government to nominate the Noble Earl to act in his place. I support the amendment.

MR. SHAMSUD-DEEN: Your Excellency, on a point of order, does this mean any alteration in the constitution of the Standing Finance Committee, or is it merely a temporary arrangement? I was going to suggest that the hon, member Mr. Patel is at Mombasa, and as we have seen, is not often present this session. and it might not be possible for him to attend the meetings of the committee.

MR. HARRAGIN: The position as far as Government is concerned is, as the Noble Lord mentioned, that the Hon. Member for Nairobi North, unfortunately, for the next week or two, is unable to attend Standing Finance Committee [Mr. Harragin]

as he would like to. It is merely substituting one name for another in the interests of the committee, and no doubt in due course we shall find the hon, membertaking his place again.

The question of the amendment was put and carried.

The debate on the substantive motion as amended was resumed.

MR. LOCKHART: Your Excellency, before dealing with the points raised in debate, which I find are frighteningly numerous, I should like to pay tribute to the very reasonable and constructive tone all through the debate, I do not think any proposal has been made which could fairly be described as unreasonable in itself, and there have been very few criticisms, despite the last speech which we heard, which I think could safely be said to have no substance at all.

First, with regard to the speech of the Hon. Member for Mombasa, he made a number of ninor points which have been gone into and which I do not think it is necessary to deal with now. But: I can assure the hon, member that they will all be gone into in Standing Finance Committee.

I should like to deal with his suggestion, because he guarded himself against the reply, that there was no money to provide for some of these commitments, by suggesting that it should be done by treating certain Items as capital expenditure and charged to loans. All I can say is that the items he referred to may, in certain circumstances, be legitimate loan expenditure, but I do not concieve, either in public finance or commercial finance, that II is improper to charge them to income.

In point of fact, the strongest commercial companies make a practice of charging capital expenditure against income. I believe this is known as "ploughing in the profits", and all capital has to come from income. It may be saving income in advance and spending it, or meeting capital expenditure from income, or borrowing money and paying it back from the income of the future, or borrowing it without making provision for pay-

ing it back at all. The first three are used in public finance very often together, and I think in any sound estimates there should be some provision from income in the form of capital expenditure, because we must remember that we make no provision for the depreciation of assets, and for that reason alone we must provide some proportion of income for capital expenditure. No one examining the budget can say that the proportion is high.

The next point of the hon, member is that of hospital fees. Well, I am grateful for the opportunity to explain the general position.

As hon, members may know, a committee was appointed some time ago consisting of the Hon. Member for Nairobi South, the Deputy Director of Medical Services and Mr. Gwinnett Bompas, with myself as chairman, to devise means to enable some reduction in hospital fees to be made in Government hospitals. Our terms of reference were also extended to other hospitals.

The scheme which on preliminary investigation was favoured by the other members of the committee was one which the Americans would call a "nation-wide scheme", one in which a contributory tax would be paid by the whole of the European community of the Colony. Working that out involved a very great deal of correspondence and investigation, because it involved the finances not only of Government hospitals (which is simple) but local hospitals at Nakuru, Eldoret, and Kitale, and also private nursing homes.

We have now got results, and it will befossible to come to grips with the proposal. In the meanwhile, Nairobi Municipality have revived their idea, which they mooted some time ago, of making local provision, and a deputation is seeking a suitable time to wait on Your Excellency to discuss it.

The position is really one of very great difficulty and, complexity, because one complication is that if a contributory, or insurance, scheme is to be introduced into the European community, there is really nothing illogical or unjust, though there may be great practical

[Mr. Lockhart]

difficulties, in applying the same principle to other sections of the community also. I can only say that the matter is under active investigation and that we will produce a scheme very soon.

In the meanwhile, as the Hon. Member for Mombasa generously said, cases are sympathetically dealt with. It happens to be my job to go through them, and although it is true that it does involve individuals who find the fees they are presented with a real embarrassment making application for reductions, those cases are sympathetically dealt with, and are settled on an equitable, indeed I think I can safely say, generous basis.

Another point raised by the hon member was that of making provision for direction finding apparatus to be compulsory for all commercial machines carrying more than one pilot and three passengers. That also has not been lost sight of. Your Excellency has power under the Air Navigation Order to make such an order, but in the United Kingdom that power is not exercised except in cases of aircraft carrying ten or more passengers. But it is a matter that Your Excellency has considered.

Another point which the hon, member raised we have heard a good deal about since, was the appointment of another staff surveyor, and he also suggested a forest surveyor. We are quite alive to the arrears there are in surveys and know it is causing delay in land transactions, but we have provided one extra man to devote himself to the arrears or be able to make some impression on them. With regard to the forest surveyor referred to by two of my colleagues on this side of Council, I would remind the last of them that it was put up to him whether he would rather have a forest surveyor or a conservator. (Laughter.) He now wishes to have it both ways.

The hon, Member for Mombasa deplored the abolition of the Statistical Department. So do I. But, after all, valuable as the work is, it is not really a productive service, and I do not think the time has come to reconsider restoring it.

He also deplored-whether he obtained his information from the same source I do not know-the slight expenditure, or inadequate provision, made for the Meteorological Service, Well, Sir, I am very pleased that my attention has been drawn to this point, because I find. on going into it, that in fact we have put our contribution up in 1939, and this service, which is financially self-contained, estimates a surplus balance at the end of this year of £3.4831 I can find no evidence in the files that the department is starved of money-the evidence seems to be in the opposite direction.

Estimates 366

The hon, member also raised the question of the Mombasa Police Force, in which he asked for an increase. The position in this regard is, as in the caso of some other departments, that "they were quite generausly treated in 1937, when an increase in establishment was made, both for the port police and for the township. I will not go into details, but I fear that that increase made only a year ago will have to suffice for another year yet.

Now we come to what one might regard as the meat of the hon, member's proposals, and that is a loan. So far as the terms he set out are concerned, there would be no difficulty under our ordinary procedure in arranging for a loan to be raised by instalments. The terms he suggested included a sinking fund at 1 per cent (which is less than the statutory I per cent on Colonial loans) and which on a 34 per cent basis would extend over sixty years. This is a period which would be very difficult to arrange and also it is not the policy of His Majesty's Government to provide Treasury guarantees for Colonial loans except under very exceptional circumstances.

It is not a question of the terms or the amount of the loan. One does not fix an amount of 71 millions or 10 millions and then look round for a way of spending it, and of course the hon. member did not suggest that. He did suggest that there should be a committee to go into the matter containing persons from home and a business executive from Kenya and, I think he said, an agricultural representative.

[Mr. Lockhart]

He also outlined very briefly what he thought these sums should be voted to. One of the objects was roads. Well, Government's position on this matter has been put very clearly. A committee, which is not so impressive perhaps as the hon, inember suggested is at any rate dealing with the subject. The Central Road's and Traffic Board has drawn up a scheme for expenditure on roads and this is as far as the Government is prepared to go at present.

The second point he dealt with was agricultural development. If you are going to have a very rapid development, in agriculture I think that it will only come through large-scale plantation farming which, in this Colony, applies to sugar, tea, sisal and coffee. Sugar and tea are under restriction schemes, and no one would suggest that there would be a very great deal in sisal at present, and in regard to coffee the hon, thember made an interesting suggestion.

Most of us who have studied at all the economics of the coffee industry must have had the idea that this is what would occur, and I have been wondering, rather, when it was to be commented upon. Now this has been done and, as we know, in the course of this debate it did not receive a very favourable reception. I think, however, I am right in saying that as far as Government is concerned this is a matter which can be left to the industry itself. If there is to be any integration in the coffee industry, I think it is a matter which this Government should not endeavour to foster or not endeavour to hinder if it comes about naturally.

In the development of mixed farming we are told by the chairman of the Settlement Committee that their report will contain financial proposals, and I think we must wait and see what they are. I do think that it is a mistake to develop the idea that the production of meat and cereals for export is a thing in which large fortunes are to be made and that it is only a matter of laying out large sums of money. I suggest that a farm of that type will not prove so very successful. The greatest asset to the country is the farm on which the farmer builds up

his stock and sees to the development of his land slowly and with economy and has not burdened himself with a large long-term debt.

The hon. Member for the Coast suggested that it was a sound financial policy to raise loans and to go in for loan expenditure during times of depression. I think if one has a public works programme in hand that may be accepted as being a sound financial policy, but I do not think that we are placed at the moment in a depression which would justify the raising of loan money and pushing forward works exclusively for that reason.

The Noble Earl the hon. Member for Kiambu registered some objection which I think has been voiced in this Council before, with regard to appending adjectives to the Budget. In point of fact, I have not heard any adjectives used on this side of Council, and I think I am quite safe in relying on hon, members opposite to supply adjectives for themselves!

The hon, member also took some exception to the form in which the memorandum on the Estimates was arranged this year. And in that he was also supported by the hon, and gallant Member for Nairobi North who proceeded, curiously enough, and almost in the same breath, to say that the Estimates were drawn up in a haphazard manner and had been considered head by head and not as a whole. The hon, and gallant member is not here this morning, or I had some observations to make on that statement, which was made in the form of a statement of fact, whereas actually it was nothing but a surmise. One can put up an explanatory memorandum in that way or give alternatively an explanation of the Estimates as a whole which is what this Memorandum does, After all, in voting £77,000 increased expenditure, one wants to know how that has arisen and where the money is to go. and this Memorandum sets it out, but I suggest that it would require very careful investigation and work by hon, members which is only likely to be supplied by the Noble Earl the Hon, Member for Kiambu-who has a taste for financial detail which is not usually associated [Mr. Lockhart]

with a classical scholarship—to disintegrate the details and find out precisely on what that £77,000 is to be spent.

I should have thought too, that those hon, members who take objection to small increases in posts would have welcomed attention being focused on them by having them assembled in one place so that they may be considered in relation to each other and not be lost throughout the voluminous details of the Budget.

Similarly hon, members are asked to provide £139,000 for extraordinary works which, in the Estimates, are scattered throughout and are generally found at the bottom of a page. I think having them in this manner they can form an effective judgment on them set out as they are one after another and arranged in logical order. However, our only object is to provide information on the Estimates in a form that will best enable an intelligent appreciation to be made of them, but if the hon, members prefer a simpler form of course we will provide it.

There is one point made by the Noble Lord which I must say has some force. It was also mentioned by the hon. Member for Uasin Gishu. I do agree that the explanations provided against some of the items are disposed towards the faconic.

A point which the Noble Earl made which he must have been at very great pains to elucidate, was the expenditure on passages, which he pointed out showed an increase of £7,500 in the 1939 Estimates.

The expenditure on passages does tend to vary from year to year, and it can only be really considered if one takes it in groups. In fact, if you take the years 1934-1935 and compare them with the two years 1938-1939, you will see that the expenditure is almost exactly the same. The 1936-1937 group together showed a considerable reduction. These things, to some extent, run in waves, and the proportionate variation is not very large, so that taken as a whole one can say that the passage expenditure is only going up slightly although, of course, the staff to be provided for has also increased.

The Noble Earl also referred to the change of title of the Accountant General, and suggested that the same man was doing the same work. That is not so. He has a very definite increase in responsibility and is paid £100 a year less than in Uganda and £150 less than in Tanganyika, although 1 do not think his responsibilities here are any lower.

Estimates 370

The Noble Earl also called attention to the undertaking given in Standing Finance Committee with regard to the establishment of senior medical officers. In fact, the specialist appointed in anesthetics is not on the senior medical officer grade, and I do not think, therefore, that there is any conflict with the undertaking previously given. But it is true that it does provide an additional promotion post, and I think that this is a matter which in the Standing Finance Committee might be elucidated further.

The Noble Earl asked why the land bank interest is 61 per cent and the answer of course is to be found in the Ordinance passed by this Council under which the bank works. In section 32 of the Ordinance it says:

"Provided that the rate of interest charged in respect of any advance shall not be less than is sufficient to cover the average rate payable by the bank on the following funds."

It then sets out the sources from which the funds are derived and goes on-

"Together with the costs of the administration of the bank including provision for losses."

That is the instruction to the board from this Council, and, if complied with, the board cannot at present reduce the rate of interest. It would, of course, be possible to amend the Ordinance, though it seems to me that further financial responsibility would be taken up by the taxpayers. I would remind hon members that there is already a charge to taxpayers of 1 per cent on all loans by the bank, which, after all, is something.

The hon, member said that he would be quite content with a vote of £750 required for the Farmers Assistance Ordinance if he thought it was going to do any good. Well I think that is a little unfair, particularly so at the moment.

[Mr. Lockhart]

We spent the whole of vesterday afternoon-a Judge of the High Court, a superintendent of a banking institution. two leading business men of Nairobi. whose time is worth a very great deal. and a leading farmer who came several hundred miles to the meeting-and we spent the whole of one afternoon with one farmer in order to go through his affairs, discussing the matter between ourselves beforehand and having him in afterwards to go into his financial position and the prospects of his farming operations and so on. I do not think any one of us begrudged the time if in that one sitting we set one man on his feet which, yesterday, I think we did. I admit that that amount of time is not taken for many people.

Once more I should like to express an opinion on the desirability of the growth of this idea that every farmer's affairs can be better managed by the board of the Land Bank than by himself. That may be true, but if you had a very large number of cases it would mean that we shall have to set up a farming department and the costs are going-to go up and in the long run they will have to be borne by the people themselves.

The hon, member Mr. Isher Dass, in a comparison of the 1939 Estimates, with those of 1937, arrived at rather a remarkable conclusion as to why the revenue estimates had been radically reduced. I did not fully understand the argument of the hon, member, but one point he raised was with regard to the appointment of special grade clerks. He asked for an assurance that they would be appointed in order of seniority. I can assure the hon, member that that is exactly how they will not be appointed. The salary of special grade clerks is £360 a year and the clerks appointed to fill these positions will be men who, although seniority will be taken into account, will be selected for their ability, and mere length of service will accordingly not be accepted as a reason for claiming the positions

The hon, member referred to a sum of £23,000 which it is possible apparently to be allotted to us, and recommends that we take further action about it, but so

far we have not received any information about it.

The hon. Member for Trans Nzoia asked that the expenditure set out in paragraph 274 of the Standing Finance Committee Report for 1938 should again be given priority in consideration by the Standing Finance Committee, and I would say that this is being done

The hon, member also asked what ourcommitments are in respect of the Higher College at Makerere. No commitment has as yet been entered into by this Government, and none will be entered into except as authorized and passed by this Council. The figure suggested for the endowment fund is £50,000 or something equivalent.

The hon, member asked what reduction in taxation has been made and that question. I think, also was raised by the hon. Member for Nyanza. It is one I amvery happy to answer and to have the opportunity of doing so. Of course no reductions are proposed in connexion with the Estimates for 1939. The reductions which were made in 1937 and 1938 have of course had an effect upon these estimates which I should like to detail to this Council.

The education tax has been abolished and if that had been in force it would have realized in 1939 a sum of £28,000. The graduated poll tax has been abolished and replaced by a non-native poll tax, and if the former had been included in the 1939 Estimates then it would have realized £83,000. The nonnative poll tax estimate is £45,500, and the difference in them is £37,500. Tradersand professional licences have been reduced to the lower scales previously in force, and had the 1937 scales been retained the estimate would have been £34,000 instead of £20,500 in these estimates—that is a decrease of £13,500.

The petrol consumption tax has been reduced from 35 to 27 cents and, making an allowance of 1½ per cent for reduced consumption—and that is a big and generous allowance because the reduction itself in the price is only a penny a gallon and 1 think the actual figure is ½ per cent—the petrol consumption tax would have been up in the 1939

[Mr. Lockhart] Estimates by £16,000. These figures make a total of £95,000.

Although I do not suggest that there is necessarily a connexion between this figure and income tax, residents in Kenva would be paying more under these taxes than under income tax since the postal rates are also reduced, and these postal rates are taxation in effect for services carried out. The postal revenue is merged with other revenue which is really indistinguishable from taxation and this has reduced the estimate by £6,000. A concession, I admit that it is only temporary, but it is an amazingly generous one, has been made to the mining industry and has reduced the revenue by £23,000. Finally, the raising of the taxable age of natives is estimated to cost the native but and poll tax £17,000. The total of these figures is something in the nature of £140,000, and I suggest that these are figures of very great interest.

Another point raised by the hon, member was that of water boring machines. Well, that has been gone into very recently. The position is that we have in the Colony private firms who carry out water boring and we consider that it would not, in the long run be in the general interest to use Government machines in such a way as to cause unfair competition. I went, with the Director of Public Works and the chief hydrographic engineer, into the question of charges, and I am satisfied that the present charges for Government machines are reasonable and to reduce them would be unfair.

Proceeding, I will deal now with the temarks made by the Noble Lord the hon. Member for Rift Valley.

The Noble Lord referred to the increase as between the Draft Estimates for the current year, 1938, and the Draft Estimates for 1939. Owing to a rearrangement to the form of the estimates, the Estimates for 1939 do not give an exact comparison. You see from page seven that we have re-arranged the Sanctioned Estimates for 1938 in the form in which it is to give an exact comparison, with the recurrent expenditure

proposed for next year, but, of course, the Draft Estimates are not so arranged.

Estimates 174

However, the position to which I would like to call attention is serious enough.

Additions to the current estimates in 1938 were increased in Standing Finance Committee by a matter of £33,000 and, therefore, if you take the figure in the Sanctioned Estimates for this year. £2,400,000, on the same basis of comparison, the Draft Estimates for 1938 that would have been presented to Council would have been £2,367,000, and the Draft Estimataces presented here today are £110,000 more. Well, that is less alarming than the figure quoted by the Noble Lord. It is quite serious enough. although it does mitigate the point which the Noble Lord raised. He also said that in view of the change and admitted improvement which has taken place in the coffee, situation since these revenue estimates were framed it might be safe to increase the customs duties. Well, that is a matter for the Standing Finance Committee to consider. But I would point out that since then the locust has also come up, and I should hate myself to advise anything but a very modest increase indeed, if at all, in our estimates of customs duties.

The Noble Lord also suggested that of any reductions of taxation were considered that estate duties should be brought up. I think the hon, member only wished to get that viewpoint put on record, and does not wish me to express any view on behalf of Government on that proposal.

It was also suggested that the passing of a proficiency test in shorthand should be made a condition of passing a bar in the case of clerks. Well, this is so. Our clerks are divided into those in the general clerical staff and the rest who are only taking accountancy. But in both grades, male and female, in order to pass the efficiency bar of £210 a year, they have to pass the senior shorthand and typewriting examination or its equivalent recognised test, or the senior accounts examination. So, I think the point raised by the Noble Lord has already been met.

The question of the quarantine station of Zanzibar was dealt with by the hon.

175 Ettimatet

fMr. Lockhartl

Director of Medical Services, but I would say that as against the figure of £1.650 in the estimates we get £412 from Uranda so actually the net expenditure is only £1,200.

The Noble Lord referred to the new item of a beef measles unit under Veterinary and I would say that it is really an experiment and for that reason is treated in the extraordinary expendit-

He also raised rather an interesting question as to whether passages should not be treated as personal emoluments. I find that a very difficult point to answer. and I can only say that, though it has never been considered. I think that it is worth while to consider the propriety of making a change.

With regard to loan expenditure, the Noble Lord wants to charge the cost of Kisumu housing to loan expenditure. But it is not a revenue-earning item and I think it is generally undesirable to do this. In the case of the Nanyuki military lines the provision made there is definitely for temporary buildings in the men's lines which, I think, are being prepared by the troops and are being made to last almost indefinitely. This, too, I consider is not the kind of building properly to be charged to loans.

With regard to the Mombasa exchange, there is certainly nothing in regard to the life of the building which would make it in any way unsuitable as a charge to loan expenditure as it is a revenue-earning work. In point of fact, it is only possible to regard £7,000 as potentially revenue earning. This was an opportunity taken to put in equipment to make the exchange more efficient at a small cost, £19,000 of the expenditure is really to improve the service which is given to the residents of Mombasa, which I trust they will duly appreciate.

The Noble Lord in his peroration made some general observations with a regard to the financial policy of Government, It will be on record in Hansard and so I will not particularize now, but I would say that I do not think Government sees anything at all in the policy which the hon, member outlined to which it could not acree.

The hon, member Mr. Kasim referred to the rations scale for Indians in prisons That actually is being considered by a committee on which the hon. Mr. Pandya is a member and it is putting up recommendations.

He asked if the timber grant would apply to certain coast exports. That grant is made to the Timber Co-operative Society and will not be available for any one who is not a member of that society

He also referred to the cotton tay We have, in fact, had no official intimation of the intentions of the Uganda Government with regard to the cotton tax but it is of course our policy to follow what has been done there

The hon, and gallant Member for Nairobi South inquired how the budget was prepared, and suggested that the proper thing to do was to find out the minimum expenditure required and then arrange for the revenue. That, of course more or less is the procedure which is followed in the United Kingdom where they have a Finance Act annually, But the usual practice in crown colonies is to keen taxation stable as far as possible and work out the best estimate of the revenue which you are going to get and try to keep the expenditure down within that limit; and that is what has been done in connexion with the preparation of this budget.

The hon, member asked if it were not possible to reduce the figures. Of course it is possible. The Memorandum on the Estimates sets out, for instance, the new appointments proposed, and they can all be deleted by a stroke of a pen and the whole question can once more be re-considered-but that is a matter for the Standing Finance Committee.

The hon. Member representing Native Interests. Dr. Wilson, complained of a lack of imagination in the preparation of the estimates. I must say that, as the hon, member's main qualification for sitting in this Council, I should have thought, was his high moral standards, I am surprised that the direction in which his imagination points is to the raiding of the balances of some other funds in order to get ourselves out of our own difficulties! The hon, member suggests the not very imaginative and not entirely

(Mr. Lockhartl novel idea of raiding the funds of the K.U.R. & H. and suggests that the budget should appropriate in 1939 some part of the profits of the K.U.R. & H. The first

practical objection is that the railway will not have profits in 1939 and is budgeting for a deficit!

In the course of his remarks on local native councils, I did in fact gather from the hon, member that we should not appropriate a part of the accumulated halance of the local native councils. I agree with him entirely because our relations with these councils are extremely difficult. That has been investieated and Mr. Fazan has produced a report on the subject. I have only a few copies of the report available, but I can make arrangements for a copy of this report to be supplied to the hon, member, and it will keep him busy for quite a long while!

The hon. Chief Secretary yesterday dealt with the question of native taxation. and I have very little to add. But I would like to say that, while we have failed in Kenya to find any alternative, we are not alone in that respect. I have here a report prepared in another colony early this year. I think it is the latest report on the subject, but I have no anticipation that it will be the last. The report was made by people who went closely into the matter, and were fairly well qualified to do so, and what they say is this:-

"Our general conclusion on this part of our inquiry is that there is no method short of a tax assessed accurately on individual means and collected with certainty from all those within its scope, as is done in the case. of Europeans liable for income tax, which will not be unequal in its incidence and thus create more dissatisfaction than it will remove. It is true that the present tax is unequal in its incidence but it does not profess to be assessed according to means. Accurate assessment of means, and subsequent enforcement of the tax, would entail an expense out of all proportion to the revenue involved. We are, therefore, unable to recommend any fundamental change in the present System.

There is, in our view, a grave objection to introducing any system which purports to assess taxation in accordance with individual canacity to nav and fails to do so to a degree which is bound to be apparent to many of those concerned. If the African is to be educated to appreciate the equity of a tax assessed according to means, it appears to us that the Government must be prepared to satisfy the demand for such a tax, when aroused, on a scale which has some claim to accuracy and completeness." "

And that, Sir, is what we should fail

DR. WILSON: On a point of information, may I ask what report the hon. member is reading from?

MR. LOCKHART: It is a report on native taxation prepared in Northern Rhodesia early this year. I shall be happy to supply the hon, member with a copy, but actually, the quotations I have read are the only ones of much interest.

As I say, every one entirely shares the hon, member's view on this subject. The demerits of a flat rate of native taxation. are obvious to any one, but I can only emphasize what the hon. Chief Secretary said, that no one has yet found any workable alternative.

Another question raised by the hon. member Dr. Wilson was the question of a provident fund for the African Civil Service. Here I must admit there has been serious delay, but the whole question of the terms of this service, like a good many other questions, has been under consideration. It is a very difficult question. A strong committee was appointed, the chairman of which was the Director of Education. He went on leave, and has now gone off to Nigeria or somewhere. I can only say it is being dealt with, and I must concede that there has been a certain delay in the matter.

The hon, member Mr. Patel said that to build up a free balance of one million pounds must remain a dream. It always was a dream, of course! It has become a little nearer, to reality each year, it will next year, but I hope we shall not let it become a nightmare or an obsession (Mr. Lockhart)

which will paralyse action in other direc-

He also said that the expenditure will increase year after year. Of course it will, the expenditure of every Government does, and the expenditure of every husiness. My experience is that the expenditure of nearly every individual increases year after year. I am certainly no better off than I was twenty years and (Laughter.) That is true of a government, and I shall be interested to know if there is any government anywhere in the world that does not produce a bigger budget each year except when a periodic slump comes and we cut down. I can hold out no hope of lessened expenditure in the future,

The hon, member also referred to the exemption of Indian school childen from the payment of the non-native poll tax if they are over the age of eighteen years. Provision is already made for that, and If a child is over the age of eighteen years and can produce a certificate from the heidmaster that he is undergoing full time education, he will be exempt from the tax, and is so exempt,

The hon, member also raised the necessity for expenditure on the Indian Elementary School, Mombasa, I have no doubt that the need is great, but I would point out that we are now in process of spending £36,800 on an Indian elementary school in Nairobi, and that is all we can be pledged to do for the moment.

The hon, member raised an important point, of the contribution towards municipal roads in Mombasa, which has been placed at £500 for 1939. We are perfectly alive to our obligations, and if any promise was made to Mombasa to which he referred it will in due course be carried out. But, as long as we are required to make these 50 per cent contributions lowards municipal expenditure, we must be allowed some freedom of judgment and decision as to when we do it, and the most we can afford for Mombasa next year is £500.

The hon, Member for Nairobi North made the suggestion that in future Your-Excellency in Council should draw up a plan on which the budget should be drawn

up in the form of suggestions. I have no instructions on this point, but am sufficiently acquainted with Your Excellency's view on the general question to be able to say that I am sure that is a proposal that can be accepted. I must say that I am a little sceptical myself as to the outcome, because in fact I did draw up a memorandum this year on the basis on which the estimates should be drawn up. We were unable to keep to it, and that is quite likely to be the experience in the future.

The hon. Member for Nairobi North also rather complained of lack of information about expenditure under Colonial Development Fund heads. Although, of course, information of the actual expenditure is provided in the accounts it is true, as in the case of a departmental annual report, it does not show detailed explanations. But, in fact, from detailed explanations made, we prepare progress reports of every scheme, and I am prepared to lay them on the table for the information of hon, members,

The hon, Member for Nyanza drew a comparison between the budget which is laid before hon, members and the form it would have taken if drawn up by a practical working farmer. I need hardly say that the results of the comparison were somewhat disparaging to the budget before us! I am not sure that the parallel can be pressed very far, and I am not sure that the hon, member's first illustration was a very fortunate one.

She said that if a practical working farmer had difficulty in making his budget balance for next year he would cut out home leave and passages. If he did that, in tespect of a salaried employee with whom he had entered into an agfeement to provide a passage, the practical working farmer would find himself faced with a suit for damages for breach of contract. I think the hon, member would find it difficult to persuade any contracting servant to give up the privileges that his contract entitled him to, unless he was shown that the employer was in such a state of bankruptcy that he was unable to meet his obligations. We have not reached that stage yet,

The hon member took exception to the changes which she detected in titles

[Mr. Lockhart] and salaries of various posts without any increase of duty. As the hon, member said, "a rose by any other name-". It is that sentiment which would cause me to object very strongly to calling our shorthand typists "private secretaries". I know that is what they like to be called, and there is a growing tendency to call them that, but it should be stopped. If any quotation is used, I would suggest "What is sauce for the goose".

The hon member asked whether I could give an assurance that the twothirds extra expenditure on objects other than defence was equally justified as the one-third expenditure on defence. Well. of course I cannot give any such assurance. These expressions of "justified", "necessary", and "essential" are all relative. Some items are more necessary than others, If we had to cut some out, we should cut out acertain number and perhaps succeed in managing without them. All I can say is that all the additional appointments and expenditure in the estimates have been examined and in my opinion are justified on their merits.

The hon, member also said again, in a reference to the Land Bank interest. that the rate of interest was higher than that charged elsewhere. I should doubt that very much, under the same conditions, and we still receive every week a large number of applications from people who wish to borrow money on the terms we offer.

The hon, member Mr. Shamsud-Deen developed a theory that this budget really had a deficit, because if you were to put something else in which cost more than the surplus provided there would be no surplus. I can quite see that that is so! (Laughter.)

The hon, member also contrasted the roads in Zanzibar with the roads here, very much in the former's favour. Of course, they are very much better. They were fortunate in having a surplus which it was decided to lay out on roads. Whether they will be able to put the roads back again when they are worn out I should think is another matter.

He also raised a question which I believe has been raised a good many

times before, that of the pay of the Indian sub-inspectors of police. The hon, member received in January of this year a letter which runs to six closely written pages with an enclosure dealing with this subject. I have been through it all and the previous and subsequent correspondence, and I really do not think there is anything we can do.

Estimates 332

Similarly the hon, member raised the position of pensioners in India drawing rupce pensions dating from presumably prior to July, 1920, when the currency change took place here. That also has been discussed before, and the position is this. These pensioners are continuing to draw exactly the pension they were awarded. The change in currency here made no difference to the value of their pensions, and made no difference to the cost of the pensions to this Government, and we can see no case for making any change.

The hon. Member for Uasin Gishu asked whether the services would suffer as the result of the number of officers going on leave next year. He deduces that from the increase in the passage provision. The position is that, on an application for leave coming in, it is necessary for the head of the department to certify that arrangements will be made to carry on the duties during the officer's absence on leave and while, of course, one cannot say that an inordinate number of officers on leave will not have some effect on efficiency, substitutes are provided when a really clear case is made out.

The hon, member expressed the view that to take the contributions to the widows' and orphans' pension fund to revenue was unsound financial practice, and I think it is generally conceded. It is unsound financial practice. But it is quite commonly done. It is done in very many Government accounts, including those, I believe, of the United Kingdom, and although wrong from a commercial point of view it does not appear to have produced any ill consequences.

The hon, member was unable to reconcile the balance sheet items regarding deposits against investments. The difference is due to uninvested balances which will be made up later.

[Mr. Lockhart]

The hon. Member for Uasin Gishu also suggested that every aspect in the conomic development of the Colony should be investigated by the Standing Board of Economic Development. That, as far as we can, is already being done. We now have someone available for the purpose and, as far as I can see, the problems are being very thoroughly done, and I do think that in future we shall be able to provide very comprehensive information and, I hope, proposals for action.

The hun, member also pointed out that, owing to the transfer to the Subventions head of the contribution to the Zanzibar quarantine station, the true increase in the Medical Department vote was more than is shown in the Estimates. That is one of the things that is a little unfair, because in moving this motion I particularly called attention to the fact that the removal of items from departmental heads in the Estimates did alter the comparison. I said the expenditure on the Medical Department was over £13,000 and that a note was to be found at the foot of the page to which the hon. member was referring, and that it was also mentioned in the Memorandum, so that I fall to see that the use of the word "camouflage" can be justified.

I must apologize to the hon. Member for Aberdare at my inability to reply to most of the points he raised, and I am afraid that, owing to his position in the debate, some may have to go unanswered, but I will refer to one thing. That was the protest or complaint which the honmember made about the presence in the Standing Finance Canimitee of the Commissioner for Income Tax during the time that committee were taking evidence on the subject of income tax.

The position is that the committee invited both the hon. Attorney General and the Commissioner for Income Tax to attend during the meetings at which we were taking evidence. The reason was that we wanted, of course, the best advice we could get on points of law, procedure, and practice. Neither of these officers took part or will take part in the deliberations of the committee. I myself am quite unable to see what exception

can be taken. The part of the Commissioner for Income Tax was merely confined to answering questions addressed to him by members of the committee and asking questions of witnesses when requested to do so by the chairman, and the object of the questions was to clicit the substance that there might be behind the assertions which persons were making.

I may say, for the information of the hon, member, that we had a good deal more assertion than evidence.

It makes one a little distrustful of the case put forward by opponents to the tax that they should object to being cross-examined. The only desire we have on that committee is to get at the truth of the matter. We have, I hope, the members of the committee have, sufficient experience in public affairs and in public business to be able to appreciate and put at its true value any attempt by the Commissioner for Income Tax, which he is unlikely to make, either to confuse witnesses or obscure the issue or to put any unfair question.

I really do suggest that hon members of this Council, and others outside the Council, feel that they have had almost enough of mere abuse of income tax, even though it is made respectable by quotations from the classics, and that what we require is what the Standing Finance Committee are seeking: that is, evidence that the predictions made as to the ill-consequences that would result from the introduction of the tax into the Colony have, in fact, occurred, and the mere reiteration of unproved assertions is no substitute for that evidence.

The question of the motion as amended was put and carried.

Council adjourned for the usual interval-

On resuming:

McMILLAN MEMORIAL LIBRARY
BILL

SELECT COMMITTEE REPORT

MR. WILLAN: Your Excellency, I beg to move the report of the select committee on the McMillan Memorial Library Bill.

(Mr. Willan)

Before I elaborate on that report I wish to inform hon members that, inadvertently, certain words have been omitted from paragraph 2 of the report. It should read:—

"We met at the Attorney General's office on the morning of Friday the 4th November, 1938. We find the allegations in the Preamble are substantiated and recommend that the Bill," etc.

In other words, the words that should be in are "We find the allegations in the Preamble are substantiated and". I regret this omission. These words were inserted in the original report which has been filed with the Clerk of Council.

The allegations in that preamble merely reproduce part of the trust deed under which the McMillan Memerial Library is now working, and the recitals in the preamble correctly portray those portions of the trust deed, and therefore the select committee have found that the allegations in that preamble are substantiated.

Coming to the bill itself, the committee recommend two amendments only. The first is in clause 12

That clause as it is at present merely gives the trustees power to sell with regard to immovable properly of the trust, and the sale envisaged would be a sale by public auction. It may happen that the trustees may wish to sell land by private treaty, or it may happen that they might wish to exchange land with say, a municipal authority, and so, to do this, it is very desirable that these two extra powers should be given to the trustees. Therefore, the committee recommends that these powers of transfer and exchange should be added.

The only other amendment recommended is that in clause 20 (1) (d) (ii). This is necessitated by the fact that the promoters of the bill approached the telect committee and asked that the power of appointment of two trustees should also be vested in Lady McMillan. The select committee agreed to that request and recommends the bill be altered in that clause giving Lady McMillan the power of appointment of

two trustees. The result of that amendment will be that under paragraph (d) the first power of appointment will be vested in the son of the late Lieut-Col. Marcuswell Maxwell, then in Lady Lucie McMillan, then in Mrs. Maxwell and so on as set forth in sub-paragraphs (ii) and (iii) of paragraph (d).

Library Bill 386

LADY SIDNEY FARRAR: Your Excellency, in rising to support the motion, I beg feave to bring to your attention certain points which have been raised and to which considerable interest has been paid throughout the country recently.

Hon members are aware that associated with the McMillan Memorial Library, and apparently incorporated with it, are the rural libraries which I think are also included in the powers of this deed.

I should like to take this opportunity of drawing the attention of Government as to the question of the support they are prepared to give to the rural libraries in addition to the McMillan Memorial Library, there is considerable anxiety in the minds of subscribers to theso libraries throughout the country as to the position of these rural libraries in the near future, in view of the fact that the grant that they have had from the Carnegic Trust Fund is due to finish in 1939. It becomes a question with them as to whether the rural libraries, can now continue.

I would like to draw the attention of the hon, council to the very good work done in Kenya by the rural libraries. At the time of their institution there was a question as to whether they were not going to be merely a social amenity for the provision of novels. I think that the report of the McMillan Memorial Library for 1933 proves that this contention does not hold good and that they have been of very great educative value. The figures suggest that there has been an increase in the issue of books under the head "Fine Arts"; "Sports" are doubled: "Literature" nearly doubled; and "history" and "travel" have been trebled in places. As a whole the books in the fiction section have only been doubled. I think my point is quite clear.

[Lady Sidney Farrar]

Everything possible has been done by the authorities of the library to reduce the expenditure. Everything possible has been suggested by the up-country libraries to assist in curbing the possible financial difficulty which faces them.

I am aware that under the present hudget it is impossible for us to ask Government o give any financial assistance in the near future. But I would ask that they would sympathetically reconsider the portion of the grant of £400 which they have allocated under the Draft Estimatees to the McMillan Memorial Library, I understand that £300 is for the McMillan Memorial Library itself and £100 only for the rural libraries. I would suggest that the McMillan Memorial Library itself, as a separate financial entity, serves the Municipality of Nairobi more that the country as a whole, whereas the rural libraries are all of very great value both to the up-country districts and to the Municipality, and that some reorganization of the allocation of the funds devoted to this purpose would go very far to meet the latter's present difficulties.

I understand that the only other solution will be the using up of the small reserves of the rural libraries in the near future. Should a small further sum be allocated from the £400 to the rural libraries this might possibly be avoided.

MR. WRIGHT: Your Excellency, I confess that I have not read the selectionmittee report on the McMilan Memorial Library Bill. But the few remarks just made by the hon. Member for Nyanza are admirable, and in this issue I would like to endorse what she has said. I am aware that there is a great deal of anxiety in the country districts concerning the continuance of the service of the trust libraries and, if it is humanly possible for the reallocation of funds for the trust libraries, I shall be heartily glad to hear of it.

MR. WILLAN: Your Excellency, if I gather correctly from the hon. Members for Nyanza and the Aberdares neither of them is moving an amendment to the select committee report. Therefore, I have nothing to say in reply as they support it.

I am informed by my hon, friend the Financial Secretary that if they will refer to page 88 of the Draft Estimates for 1939 and refer to item 18 on that page, they will find there is a grant of £400 for the McMillan and rural libraries.

The question was put and carried.

- THIRD READING

His Excellency put the question that in accordance with Standing Rule and Order No. 106 the McMillan Memorial Library Bill as amended be read a third time and passed.

The question was put and carried.

The bill was read a third time and passed,

PYRETHRUM BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move that the select committee report on the Pyrethrum Bill be adopted.

Before I deal with the amendements there are two typing errors in the report which I should like to correct at once. The first occurs on page 2, on the last line but one of clause (d), which is now sub-clause 8, where the word "a" is left out before the word "time". It should read as follows:—

"any pyrethrum grower licensed under the provisions of this Ordinance to act as a member of the Board until suchtime as a member is elected." etc.

Another rather amusing amendment is on page 4 where we see that a typing error has crept in with the result that in raragraph 7 (a) instead of there being transmission of votes by post there is alleged to be a transmission of voters by post. This would cause some difficulty to the Postmaster General if this had to be carried out!

This report is the result of two lengthy meetings that the select committee had after the second reading. As usual, with bills of this description dealing with agricultural matters, whenever 1 am quite satisfied that the whole industry approves of a certain bill and have considered it, I then find, in fact, that many do not approve of it at all, with the result that there are many more

[Mr. Harragin]

amendments than one would expect to find in what I thought was an approved measure. But I do, think that as a result of our meetings we have been fortunate in finding a via media which I think should satisfy both parties.

The first amendment is to be found in paragraph 1 which amends clause 3 of the bill. As the bill reads at present the Board still consists of five members. one to be appointed by Your Excellency, one by the agency and three elected in the manner set out in the bill, by the pyrethrum growers themselves. It was nointed out that as the Board was in fact an ointed to hear appeals from the prethrum growers themselves that it might be infair to have on the Board this member appointed by the agency who would be a judge in his own cause. We have, therefore, amended that clause so that if Your Excellency appoints two members and the other three are elected as originally provided for in this bill that does not preclude Your Excellency, if necessary, in the future from appointing a member of the agency on the Board if the Board recommends it later on. But at any rate, for the moment it does not give the agency the right to be represented on that Board.

There are two other small amendments which are hardly worthy of reference. Namely, we have altered the time limit for the holding of the first election from thirty to sixty days and we have altered the time within which the names of the candidates should be sent in from fifteen to thirty days.

We, have also added a subsection so that arrangements can be made for filling any temporary vacancy which occurred on the Board due to members resigning or leaving the country.

A very necessary amendment has been found in paragraph 2 where the quorum has been made to number three instead of four, as was pointed out by the Noble Lord the hon. Member for the Rift Valley during the second reading. We have amended clause 2 (a) and 2 (b) where we give the Board power to make certain rules and orders of its own, to make these rules subject to any rules

made under the Ordinance, merely as a matter of clarity. We have also given the Director the right to appear at the meetings and speak but not to vote.

We have, in paragraph 3, made provision for an appeal in the case of the refusal of the Director to grant a licence to a pyrethrum grower as, at the moment the only appeal to the Governor in Council lies where the Director and the Board disagree. As pointed out by the hon, and gallant Member for Nairobi North in the debate on the second reading, it seems a little unfair a man who believes himself to have been unjustly treated has no right to appeal at all.

We have also made provision to meet those members who take exception to the large fee which was Sh. 100 and have reduced it to Sh. 50. And I would like to explain at once that we make provision further on, I think in paragraph 6, for the licence fee to be set off against any levy that may be made later on, It is contemplated that a levy will be made on the industry of all pyrethrum exports and, therefore, to meet the plea of the small man we say that the Sh. 50 shall be taken off and credited to him when the levy is put on, So, if, let us assume, he exports a small amount of pyrethrum on which the levy would have been Sh. 50 he will in fact have nothing to pay at all.

There is another small amendment owing to the fact that we have limited the voting at the first election of the Board to those who are registered on the list day of November, 1938. Hon, members will realize the necessity of that. At present, for a fee of Sh. 5, anybody can be registered as a pyrethrum grower, and it is essential that the Board should be appointed by those directly interested financially in the pyrethrum industry. We have, therefore, hit on the 1st November is the date upon which, so to speak, we take the registry of voters.

There is a small amendment in paragraph 4 where we have limited or restricted any one from buying pyrethrum except the agency. At present the words are "for the purpose of export" and the difficulty about that is this: We would never he able to enforce it because one has only to say that it was not for the

[Mr. Harragin]

purpose of export and no one could prove it was until it had been actually exported. Now we make it clear that no one can buy from a pyrethrum grower except the agent himself.

We have, in paragraph 5, clarified clause 14 by inserting the words "The export parity of pyrethrum flowers is based on". This is merely to make it clear on what basis members will be assessed.

Paragraph 6, as I have already explained, makes provision for the setting off of the fee against any levy that may be made in future.

Patagraph 7 which deals with clause 20, which is the rule-making clause, is probably the most important amendment that we have made. We have made provision there for four things. We have made provision for the Governor in Council at the request of the Board—and this is the important point, for it is the Board which initiates the making of those rules and the words are: "After consultation with the Board"—for the Governor to do four things.

He may make rules making provision for voting by post; he may make provision for regulating the manner in which the poll shall be taken in contested elections; he may make rules for nrescribing the procedure for the nomination of candidates; and lastly, and probably the most important of all-I think it is paragraph (1)-provision is made for the qualification and disqualification of candidates for election. That leaves it open to His Excellency in Council, after consultation with the Board, if necessary to make any amendment in future with regard to the election of candidates and voting by post and with regard to those who shall be entitled to vote and if desirable provide for proportional voting. Your Excellency has power to do that after consultation with the Board.

And at the end of that paragraph you will see that the Governor in Council is given the power under the rules to delegate certain duties to the Board such as requiring the Board to pass a differ as a suitable drier or whatever it might be. But, having given that Board this power

the right of appeal to the Governor in Council is given in the next sub-clause should any person feel that he is aggrieved by the decision of the Board.

MR. WILLAN seconded.

COL. KIRKWOOD: Your Excellency, I am very pleased indeed that logic and reason has at last prevailed as shown in the report of the select committee just before us. I have made my point to a great extent in the reduction of the licence from Sh. 100 to Sh. 50 and I have made it in an indirect method by a further reduction by allowing the licence fee to come off the cess, As the report stands I am very pleased to support it.

The question was put and carried.

THIRD READING

MR. HARRAGIN moved that the Pyrethrum Bill be read a third time and passed.

MR. WILLAN seconded.

The question was put and carried.

The bill was read a third time and passed.

KENYA AND UGANDA RAILWAYS AND HARBOURS

2ND SUPPLEMENTARY ESTIMATES, 1937 SIR GODFREY RHODES: Your Excellency, 1 beg to move:

That the Second Supplementary Estimates, Kenya and Uganda Railways and Harbours, for 1937, be adopted.

It is my usual practice to make my main statement on the railway position and policy when moving the last of the three motions that appear in the Order of the Day to-day in my name. I will therefore say as little as possible about the first two motions as they are of a formal nature.

The motion now before Council deals with the results for 1937, which have already been published in full in my annual report for that year, I therefore propose to say nothing more on this particular motion.

MR. HARRAGIN seconded.

The question was put and carried.

FIRST SUPPLEMENTARY ESTIMATES, 1938 SIR GODFREY RHODES: Your Excellency, 1 beg to move:

393 Railway Estimates

That the First Supplementary Estimates, Kenya and Uganda Railways and Harbours, for 1938, be adopted.

I have very little to say on these Estimates. If hon, members turn to page 6 where they will see the Railway revenue account, I would draw their attention to the very small increase in revenue that has been shown for the revised estimates. The sum of £31,700 only is shown as being the increase on what we had originally estimated last year.

On the expenditure side, we find a small increase in the total ordinary) working expenditure amounting AO £3,313. These figures are very small, particularly when we bear in mind that, in fact, the traffic carried this year is by far the heaviest we have ever had, the reason for the comparatively small increase in revenue in these circumstances is, of course, due to the fact that substantial tates reductions were introduced at the beginning of the year.

In the next table, the Harbours revenue account, we find that there has been a decrease in revenue also of £15,583, while on the expenditure side there has been a small increase of £8,100. That increase is due largely to the increased cost of materials which we have had to pay this year.

The only other comment I have to make is a reference to the table on page 9, where we see Railways and Harbours combined net revenue appropriation acount. On the left hand side of that table there are two new items. One is the contributions to rates stabilization and relief account, of £200,000.

Hon members will remember that last year when, discussing the Railway Estimates, it was explained that the question of how to allocate our surplus funds was being considered by a sub-committee of the Railway Advisory Council. This shows the results of the discussions that have taken place during the year, and it was decided, and I think wisely, to allocate £200,000 from our

surplus balance to this particular account, which will enable us to come to the aid of industries when they are in difficulties,

The second item, superannuation neserve, £36,600, is also a new item. I am not quite sure that we are right in calling that reserve, because it is not a reserve in the ordinary sense of the word. It is more in_the nature of a subvention to the superannuation scheme to meet the first cost of extending the back benefit payments to members of the existing staff should they join the new schenge. This sum has been found out of revenue which has been received by the Administration due to the improvement in the value of our securities held in this fund.

This payment will be one only, and will be available during the next few years to be called on if required.

With the addition of those two items, we find the balance unallocated, which can be passed on to next year's account, is £66,969.

I think it will be seen from the figures in these supplementary estimates that our guess at the end of last year was, as it has turned out, a very good one. In fact, there have been very few changes in the Estimates as originally passed.

MR. HARRAGIN seconded.
The question was put and carried,

ESTIMATES OF REVENUE AND EXPENDITURE, 1939

On the order for the next motion being called from the Chair:

LORD FRANCIS SCOTT: Your Excellency, may I rise on a point of order before the hon. General Manager moves the adoption of these Estimates?

I have been asked by all the unofficial members on this side of Council—with the exception of myself, because I am a member of the Railway Advisory Council and therefore have had these Estimates before me—to protect against the short notice which they have had to study these Estimates, less than forty-eight hours. I know that my hon, friend the General Manager feels just as badly about it as I do.

There is no reflection on him but, as a matter of principle, I feel I must raise

Hord Francis Scottl this protest at the very short notice we have had of these Estimates.

HIS EXCELLENCY: I will take notice of the protest.

Perhaps it will meet the protest to some extent if I say that, after the hon-General Manager has moved the Estimates, the debate will be adjourned until tomorrow, so that hon, members will have another approximately twentyfour hours, or somewhat less, in which to. consider them.

SIR GODFREY RHODES: Your Fxcellency. I beg to move:

That the Estimates of Revenue and Expenditure, Kenya and Uganda Railways and Harbours, for 1939, be adopted.

I am personally, as the Noble Lord has said, very sorry indeed that more time has not been available. Just why it has not been possible to place these Estimates before Council a little earlier I do not know, but I understand there was some difficulty in fixing the dates of meetings. of the Railway Advisory Council and the Harlsom Advisory Board owing to the Legislative Council sitting here in Nairobi and the Council of Uganda at Entebbe. I hope in future years to give hon, members more time, because I do like these Estimates to be very thoroughly studied in order that I can have the benefit of any criticism or suggestions on railway policy. I will, however, do my best to make the position as clear as I can in moving the Estimates, and hope that the extra time afforded will give hon, members the opportunity of making such comments as they think necessary tomorrow morning.

I will ask hon, members to turn to page 9 of the Estimates, where they will see the railway revenue account. On the tight hand side of that table is shown the estimated earnings in the coming year, and hon, members will notice that our budget for 1939 shows a decrease on our 1938 budget of £234,800. That, at. first sight, may seem curious in view of the fact that, as I have just stated in connexion with the last motion, our traffic teturns are keeping up in an extraordinarily satisfactory way, but I believe

the reasons for the very conservative estimate for the coming year are sound. Most of them are well known to hon. members.

Railway Estimates 396

The position of the price factor in connexion with primary products to be exported from this country is still far from satisfactory and, in Uganda particularly the value of the cotton crop is going to be very much less than it has been in the nast. This has, of course, a very serious effect on the import traffic of the railway. Furthermore, the rates reductions introduced this year have not yet shown the full effect, and we may have some reduction in revenue next year on that acount. In addition, as hon, members will see, we are budgeting for a further permanent rates reduction of £60,000, so that, taking all these factors into consideration, it is considered wise to budget on very conservative lines.

The eron position, I may say, is reasonably satisfactory. The cotton crop of Uganda will be somewhat less than the record crop this year, but otherwise I believe that weather conditions are sound and suitable, and Uganda does expect a good crop. The total coffee production for the three territories served by the Administration is expected to be more or less the same as it has been this year. The position as regards maize, I understand, has been affected rather seriously by locusts, especially in the Trans Nzoia area, and considerable reductions of the maize crop are anticipated. All other exports except soda are expected to be more or less as during this year. We definitely anticipate a considerable reduction in soda owing to the fact that overseas markets are not now available.

The internal trade of the country as reflected in railway traffic has been maintained in a very satisfactory way indeed. In fact, we have been considerably surprised by the way in which that part of our traffic has kept up during the present year. We anticipated some falling off in that direction. It is probable, and we hope so, that the internal trade will maintain itself also during the coming year. Of course, there is the other factor, overseas political conditions, which may affect very seriously our traffic inward.

ISir G. Rhodesl

On all these grounds, I suggest that the Railway Advisory Council have been very wise in accepting our estimates on these conservative lines.

On the other side of the table we see the total ordinary working expenditure is less by £18.574 than it was this year. That, of course, follows partly from the fact that we are budgeting on conservative lines for reduced traffic, but chiefly because our expenditure on coal for the coming year is very much less than in the past year. The saving under Abstract B, where our coal charges are shown, more than compensates for the increase in the price of materials in other abstracts. However, I think we can take the position as shown in this table as catisfactory.

If we look now to the table just below, the railway net revenue account, on the left hand side the first five items are not new; they are regular items which we include in this table year after year, and I do not think we need say any more about them. But the last item is a new one: rebates on account of railage on export of coffee, £52,000, and on export of cotton, £43,800, making a total of £95,800. This is a new item, and it is included there to assist those two industries in their present difficulties.

Good cases have been made out for assistance at the present time, and the total annual cost is shown in this figure. Of course, this question will come under review from time to time during the coming year and, should conditions improve, it may be possible to avoid some of this expenditure. At any rate, it is promised to these two industries should they require it.

On the other side of the table we have the usual first three items, but the last one-withdrawal from rates stabilization and relief acount, £17.738-follows from the introduction of that new heading about which I spoke a few minutes ago in connexion with the Supplementary Estimates, 1938. I am not at all sure that our accounting procedure is quite correct here. It might have been far more correct to show the full amount of rebates as being withdrawn from the stabilization fund, carrying over the balance into net

revenue appropriation account, but at any rate the question of procedure is a small matter and will be cone into in the coming year.

Radway Estimates 398

If a change is advisable, it will be incorporated in the following year's estimates.

It will be seen that, as it stands, this table shows that no balance at all has been carried over from the railway side into the net revenue appropriation account.

If we now turn over the page, we find similar tables dealing with the harbours. Again on the revenue side, we show a reduction in earnings for the coming year of £22,052. The same conservative principles have been adopted in framing the harbours estimates as we have used in framing the railway estimates.

On the expenditure side there is an increase under the head "Total Ordinary Working Expenditure" of £7,784. This is very largely due to the increased price of materials and increased cost of maintaining the plant at the harbour. We must, of course, maintain such plant absolutely up to first-class condition, and with costs going up as they are we have had to face some additional expenditure there.

In the table below we show the harbour net revenue account and hero again, we show as the fast item on the lest-hand side rebates on account of the export of coffee and cotton, totalling £30,300. That is the harbour share in the assistance that we are giving to these two industries during the coming year, To meet that payment, it will be seen on the other side of the table that we have had to withdraw from the rates stabilization and relief account £22,129 to balance the account, so that no balance is carried forward on the harbours side into the net revenue appropriation account.

I ask hon, members to turn back to page 8, where we see the effect of these two accounts on combined net revenue appropriation account. On the left-hand side we see the usual reserve for depretiation of investments, £5,000, and under the betterment fund heading we have had to reduce our contribution there from the usual annual contribution of

[Sir G. Rhodes]

£100,000 to £50,000. On the other side of the table we find that the only credit we are going to get is the balance brought forward from the present year estimated, as J explained just now, at £66,968.

The final result means that we hope to carry forward at the end of the year the comparatively small sum of £11,968. That is a yery small figure indeed to budget for, but in view of the very conservative nature of these estimates, as I have explained, I think that we can consider that it is a sufficient sum for our purposes at the present time.

I do not propose to go through the expenditure in the abstracts in detail. These, as hon, members are aware, are examined very carefully indeed, not only by our own staff but by the advisory boards that have to consider them before the listimates are produced for this Council's sanction. They have been explained in the Memorandum at the beginning of the Estimates, and marginal notes are also shown. I will therefore pass them over, but if hon, members wish to raise any question regarding any point contained therein during the debate, I will do my best to answer them in my reply. I will, therefore, now take hon. members over to page 81.

On that page we find the table which we call Abstract L, the estimated expenditure on works in progress or proposed in the railway, road, lake and narine services. In this table we see that suitable sums are shown under different columns. The first group of columns deals with total estimates that have been approved and are proposed, and the total shown is no less a sum than [2,126,899. I think the only particular column I need speak about at the present moment is the column we call "Advances Pending Raising of Loant".

We show in that column the sum of £350,156. That is the amount set aside for the proposed diversion of the railway from Uplands to Nakitru, and we propose to finance that out of our own funds until such time as it is convenient to raise a loan. The proposal has been sent home to the Sectetary of State for his approval, and we have within the last

day or two received a telegram agreeing to this proposal. I propose, therefore, writing to the Government of Kenya asking them to include a railway schedule in their loan proposals which, I understand, are now under consideration.

The next group of columns refers to revotes, and you will see there that the sum involved is also quite large, £766,048. The reason for the size of the revote part of this table is due to the fact that we have been experiencing very great delays in obtaining our materials from England. The rolling stock item, second in the Schedule, is the chief offender in this respect, and our orders have been very much delayed.

The next group of columns refers to the new works for the coming year, and total £313.469, a very much smaller figure than any preceding ones. Of course, it is quite likely that our progress in regard to new works will again be held up during the coming year for the same reason that we have been held up in the past year.

I do not think I need say any more on that table, but will pass to the next one on the next page, where we have a corresponding table for the harbours. Here the figures are very much smaller actually, but again I draw attention to the column "Advances Pending Raising of Loan". We have two projects in view at the harbour which we hope eventually to finance out of loan funds. One is for the improvement of Mbaraki Quay or possibly on the mainland to improve the coal-handling facilities, and £60,000 for a new tug, which we shall require owing to the very rapidly increasing size of the vessels using Kilindini Harbour; we find that our present tug is insufficiently powerful to deal with larger vessels.

Apart from these observations, I do not think I can say anything more regarding that table.

Now we come on the next page to a very important table indeed, Appendix 1: "Statement showing the approximate position of renewals and betterment funds and capital and reserve accounts".

Each year I do my best to explain clearly the position of these funds and why they are there Last year, I made a [Sir G. Rhodes] special effort in this respect, in the hope that the position would be fully understood not only by hon, members of the Council but also by the general public outside. I think we have at least achieved a good deal of success in that direction, and the position now is fully appreciated, especially as we have been able to implement our policy in a very practical way by assisting industries when required.

401 Railway Estimates

I would draw attention to the first column under the head "Loan Funds", where hon, members will find the estimated balance at the end of next year will be £35,000. That is a very small balance, and for that reason we have had to contemplate the raising of a new loan for projects which are needed to meet extensions of the services.

Under the "Miscellaneous Credits", we find a very small balance left. Under the next heading, "Betterment", we find the figure of £315,971. That is the balance left in the betterment fund after making provision for such new betterment works as we have included in the tables we have been discussing. That figure is the figure we have all agreed is proper to safeguard our position and maintain proper progress in works should we meet two or three bad years. We discussed this question last year very fully, and the Railway Advisory Council and Harbour Advisory Board and ourselves came to the conclusion that £300,000 is the minimum amount we shall maintain that fund at.

Hon members will have noted that I pointed out that we are only contributing £50,000 to the betterment fund, but for the moment the position is sound.

The renewals fund is, of course, quite satisfactory; we make regular contributions to it each year which more than take care of the withdrawals, although you will notice that for the year in question withdrawals are greater than the amount contributed. You will see at the bottom of the renewals column the figure of £350,156, for advances pending the raising of a loan. That is for the Uplands-Nakuru project. We propose to finance this project temporarily from moneys lying in the renewals fund.

I do not think I need say anything about similar columns under the Harbour heading, my remarks apply equally there. but the next two or three columns under the heading "Reserve Accounts" perhaps want some notice taken. We find that in the depreciation of investments column. the amount of depreciation is growing gradually as planned, and we hope soon to have sufficient money there to take care of any depreciation of investments that may occur in future years. The pensions column, and widows and orphans pensions scheme, are following the usual programme laid down, and nothing new has been introduced under these heads.

Railway Estimates 402

The next item, general reserve, shows a figure of £655,045 which remains stationary during fige coming year; we have not suggested any addition to the general reserve.

The superannuation scheme allotment is one to which I made reference when introducing the Supplementary Estimates for 1938. That is one payment only, to take care of this particular liability, and is in the nature of a subvention to that scheme.

We have a new head, rates stabilization and relief fund or account, where we show £200,000 put in from the 1938 balances and an anticipated withdrawal during the coming year to meet the cost of rebates to which I drew attention when discussing the net revenue account.

The next column gives the figure for the unallocated balance which, I have said already, will be the small sum of £11,968.

I think that deals briefly with the points in that particular table. The net result, I think, of the position is that the financial position of the Railways and Harbours Administration is entirely satisfactory. I think we can claim that without danger of being criticized on that point.

Now, if I may leave the Estimates for a moment and turn to one or two points connected with railway policy and say a few words.

The first question is with regard to this matter of rates reduction, to which I have

(Sir G. Rhodes)

already referred, in dealing with the amount of revenue shown in the Estimates.

Hon, members know that it is now our accented policy-now that our reserves are built up and in a satisfactory condition-to return to railway users all permanent increases in net revenue and your Railway Advisory Council and Harbours Advisory Board sat with its to consider what sums can safely be surrendered. For the year in question, 1939, we have agreed that the sum of £60,000 can be set aside. This follows our record for the past three years of very heavy rates reductions. The last reduction that took place at the beginning of the present year enabled us to do away with the ton three classes in our tariff. We were very glad to see them go. because not only were they high but were a source of difficulty for us when it came to dealing with road transport competition. We were very glad indeed to be able to recommend that they should go.

The full detail of what has been done In the past three years have been published each year in my annual report, and I do not propose to go through them again now, but it may interest hon, memhers to know that had we carried our traffic for the present year 1938 at the rates in force prior to December, 1935. nearly three years ago, we should have carned additional revenue to the extent of £641,000. I think that figure gives you a very fuir picture of what has in fact been surrendered to the users of the railway during the past three years.

I believe it does represent, and I claim that it does terresent, a very substantial relief during a time when relief was very necessary and very much needed. In addition to our permanent rates reduction of £60,000, we have, as I have already explained, agreed to grant temporary rebates during the coming year which will amount altogether to a total of £126,000. These are being devoted to the cotton and coffee industries. These rebates will be financed from surplus moneys that we now have and from the special fund that we have created for that purpose.

We have been accused in certain quarters of running the railway for our own private interests and for selfish railway ends. I hope the figures I have quoted this morning will dispose of that entirely. We are endeavouring to run the railway on lines that will give the utmost return to the public who depend on rail transport for getting their crops out of the country. If there are any doubts outstanding on this point, I am quite sure they will be ventilated during the course of the debate, and I will make another attempt to try and deal with them in my reply. We ourselves feel that we can claim that the success of the policy adopted during the past few years is now being demonstrated very clearly and with no actual hardship.

May I now say a few words on transport generally?

We have had suggestions from certain quarters that now is the time to raid some of the railway funds and subsidize other forms of transport. I suggest that a proposal of that nature involves a complete change in our policy. We are tied down very closely by the Order in Council and the Railway Ordinance, and we are a self-contained financial entity. Our object is to make rail transport as chean as we possibly can. If we are to change that policy, all these questions of assistance to industries in reductions of rates and so on are liable to go over-

I suggest that, for the present at any rate, we should carry on the policy we have been given, and try and make our rail transport more efficient, and even cheaper, than it is at the present time, There is plenty of room, in my view, for improvement in these two directions in the railway transport industry, and I do not feel that any change in our policy would be a wise one at the present time.

During the last year legislation has been introduced to try and regulate other forms of transport, and since my return from leave it has come to my knowledge that the work of the Transport Licensing Board recently created has, in fact, been extremely onerous and that the board has carried out a geat deal of the work in connexion with this legislation. I believe

(Sir G. Rhodes)

the country owes a great debt of gratitude to that board because, in my view, they are doing a work which will do more to repreanize transport generally in this country and facilitate the development of the country than any other form of legislation I have come in contact with recently. I believe it will have the effect of developing the organization of the road transport and other forms of transport, and that in itself will also heln us to give a more co-ordinated service of transport throughout the country.

There are many points in the country where we would like to provide the facility of through booking. Hitherto that has been quite impossible but, already, now suggestions are coming un to me for consideration whereby through booking facilities can be granted to outlying districts and settlements. I suggest that that will be of great benefit and convenience to the public.

Another improvement that will come about from better organized transport is that it will be possible for railway funds, perhaps, to be invested locally in suitable enterprises. As hon, members know, at present all our surplus balances are sent overseas for investment, but I am hoping that I may be able to convince the Railway Advisory Council that, in some cases, some investment in a suitable transport organization will be justified.

I must confess that I have been disappointed in connexion with one or two proposals put up to the Railway Council, and I hope to come back to that question and convince them at a later date that we must keep abreast of the times and do what has been found necessary in other countries where similar conditions arise.

I have mentioned the superannuation scheme. I also referred to that in my budget speech last year. I can now inform this Council that that scheme has reached its final stages, and that a dispatch has gone home to the Secretary of State asking permission to introduce the scheme with effect from the 1st January of next year. We feel that that will be a tremendous improvement on existing conditions, not only from the point of

view of the staff but also of the Adminis-

A great deal of detailed work is involved in preparing such a scheme, and at the beginning of the present year we sent home an officer specially to England to consult with the actuaries of the Colonial Office to clear up all outstanding points. Special thanks are also due to the hon. Financial Secretaries of the Governments of Kenya and Uganda for the assistance we have received from their departments in working out this scheme.

I have already mentioned the question of delays in respect of materials, and I want to elaborate a little further the delay in respect of the third class coaches.

This is a question which has caused us a great deal of difficulty and inconvenience, because our present third class coaches are completely out of date. We had hoped to take them off the road a year ago but, owing to the delays which have taken place in delivery, we cannot make a start on that programme until about March or April of next- year. Therefore, there is no alternative but to ask our third class passengers to exercise a little more patience until we can begin to improve conditions. Our difficulties are intensified by the fact that the reduction in the third class fares has tended to increase the number of third class passengers travelling.

Hon, members will also know that we have on order three rail cars which we hope to use experimentally on the Jinja-Kampala line, and possible elsewhere. These cars are now ordered, but we do not expect them to reach us until some time towards the end of next year. In addition, we have six Garratt locomotives on order. They will be of the most modern type, and will be the largest metre gauge engines of their type in the world, and they ought to give us better service than the present ones, although these are doing remarkably well.

As regards new projects, I have already mentioned the Uplands-Nakuru diversion, and explained that the Secretary of State has agreed to our spending money on that project pending the raising of a loan. We hope, therefore, to make a start

[Sir G. Rhodes] and Longonot, early next year.

Hon, members will know that, as regards the Gilgil-Nakuru section, there is still a considerable amount of discussion with regard to the alignment, and whether we are justified in altering the alignment in that area. As you know, it involves a shortening of the line by roughly ten miles, but to do so may mean an abandonment of the old line on the other side of the take. We have promised those settlers who are interested in that particular matter to give any representations they may out before us the fullest possible consideration.

I hope, therefore, than an equitable solution of that problem will found, because I know that the shortening of the line will produce a reduction of the working costs, which then become available for further rates reductions.

I have already spoken about the new coal berth, and I do not think anything more is required in that connexion.

I would like, if I may be allowed to do so, to draw attention to the work of my staff during the year and to pay my tribute to the loyalty, efficiency, and keenness with which every member of the staff carries out his work. It is a result of their efforts that we are able to produce these operating results, which are recognized not only in Kenya but in other railway centres to be excellent in every respect. I should like to pay tribute to the stall who helped to bring about that

In this connexion, I should like particularly to mention by name those senior officers who have left the Service during the present year. As it happens, we have rather a large list to record: Mr. K. C. Strachan, C.n.e., Chief Mechanical Engineer, who has now retired; Mr. F. Browning, Superintendent of the Line - they were the two most senior officers, Commander J. O.

Buckley, O.B.E., R.D., R.N.R. (retired). on the first part of it, between Uplands. Senior Marine Officer; Mr. C. H. Bloomfield, Administrative Assistant in my office; Mr. H. Vanhegan, O.B.E. Assistant Superintendent of the Line; Mr. J. Clark, Engineer in Charge, Lake Kioga; and Mr. T. H. Stone, M.B.E., Chief Draughtsman. All of these officers have given the best part of their lives to service in East Africa, and I am sure it would be the desire of hon, members to convey to them our best wishes for happiness in their well-earned retirement. (Applause.)

Hon, members will have noticed that the Estimates now before us have been signed by Mr. A. E. Hamp, who has acted for me while I have been away on leave. I should like to pay particular tribute to his work during my absence, The Estimates, I believe, went through the Advisory Councils with the minimum of trouble and difficulty, and that showed the care with which he and his staff prepared them before putting them up for consideration.

Finally, may I also take this opportunity of referring to the work of the Railway Advisory Council and the Harbour Advisory Board? Both of these bodies have given a great deal of time during the year to consideration of railway and harbour matters of policy, and I think you, Sir, as High Commissioner, have been very grateful for the advice they have been able to place at your

In conclusion, I should like to say that these Estimates have been before both bodies and have been recommended to the High Commissioner for approval, and have received your assent.

MR. HARRAGIN seconded. The debate was adjourned,

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 17th November, 1938.

Thursday, 17th November, 1938 Council assembled at the Memorial Hall, Nairobi at 9 a.m. on Thursday. 17th November, 1938, His Excellency the Governor (Sir Robert Brooke-Popham.

G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened the Council with prayer.

CHAIR

COMMUNICATION FROM THE FITTURE OF COLONIES

His Excellency made the following communication from the Chair:-

Hon, members will recollect that on the 14th November certain questions were asked in the House of Commons regarding the future of Tanganyika and other territories formerly ruled by Germany.

Reports appeared in the E. A. Standard vesterday, so it will be unnecessary to refer to them but for the fact that some uncertainty has been expressed regarding the exact reply given by the Prime Minister to one of the questions.

I have received a telegram from the Colonial Office which makes the matter clear.

The question referred to any British territory or any territory under British protection or mandate, and the Prime Minister was asked whether His Majesty's Government are contemplating the transfer of these territories on any terms. To quote from the Colonial Office telegram: "Mr. Chamberlain answered 'No, Sir'". That reply is a perfectly clear statementtwo monosyllables in the reply without any proviso.

Reference was also made in another reply by the Prime Minister to a statement made by his predecessor on 27th April, 1936, I have not got Hansard but it has been looked up in The Times. reports of which can be taken as accurate. The statement made by Mr. Baldwin is fairly long and I will merely read the last part: -

"I hope that what I have said will make it clear to hon, members that the question of the transfer of a mandate is one which, were it to be contemplated, would require the most careful consideration and which would be subjected to a procedure of a very elaborate nature. It is not a matter which could in any circumstances be the subject of a sudden and hasty decision.

As regards the policy of His Majesty's Government, I reneat once more in the most categorical terms that we have not considered and are not considering the transfer of any mandated territories to any other Power. I think that a great deal of the apprehension which hon, members claim exists on this subject must be due to a belief that His Majesty's Government have already been considering such a possibility, notwithstanding the denials which have been given, and that the House might at some stage be faced with a decision on the subject. This apprehension is unfounded. Hon, members may rest assured that His Majesty's Government have no intention whatever of raising the question themselves and that, in the event of any question arising regarding the future status of mandated territories, they would not commit themselves to any settlement of the problems at issue without giving the fullest opportunity for discussion in the House.

That statement was deliberately made by a former Prime Minister over two years ago, but as it was referred to by Mr. Chamberlain only last Monday I think it can be taken that he still agrees with that statement. (Applause.)

MINUTES

The minutes of the meeting of the 16th November, 1938, were confirmed.

OUESTIONS

EARL OF ERROLL: Sir, on a point of information, on the 14th-November asked Government the following 1 question: -

"In view of the statement made by the Commissioner for Lands and Settlement in this Legislature on November 14th, will Government state the date on which the Native Lands Trust Bill and the Crown Lands (Amendment) Bill, as passed by this Legislature, together with the covering despatch were sent to the Colonial Office?"

(Earl of Erroll)

That is quite a simple question to answer, I am only asking the date on which they were sent. I have had no answer, and it is obvious that I cannot get an answer until we reassemble, which I understand will be the 7th of December.

MR. HARRAGIN: Every effort will be made to supply an answer during the adjournment.

EARL OF ERROL: That is not the point: I wanted a verbal answer during this session.

MR. HARRAGIN: 1 mean the usual adjournment to-day.

EARL OF ERROLL: I beg your pardon, I thought you meant at the end of the session.

ESTIMATES OF REVENUE AND EXPENDITURE, 1939, KENYA & AND UGANDA RAILWAYS & HARBOURS.

The debate was resumed.

LORD FRANCIS SCOTT: Sir, I rise to support the motion before Council, and I can hardly do otherwise, in view of the fact that, as a member of the Railway Advisory Council, I have already given my approval to these Estimates.

I think the main feature in the Estimates which must strike everyone, is that after several years of very prosperous conditions in the railway, this year we have definitely budgeted for a deficit on the year's working. The reasons for this are the uncertain conditions existing all over the world to-day, which have contributed to uncertainty in our local affairs in East Africa.

With reference to that, I must say how much I welcomed the statement you, Sir, have made this morning. I only trust that before long we may be told definitely that we can put all our fears away to sleep and not worry any more about the future of this part of East Africa, and that we will go on as in the past with our trade that exists between these territories earnying on in the closest relation to each other as, of course, is essential in the conditions of Eastern Africa.

We do feel that, while all this uncertainty exists, it does have also a depressing effect on the spending power of the communities and various industries. We were also given to understand that there were large stocks of goods will carried by importing houses. It was therefore only right that the Estimates for 1939 should be framed on a conservative basis. I think they are on a conservative basis. They may perhaps be on a pessimistic basis, and I hope during the coming year the accounts may work out better than they are presented to Council. But I think Council will agree that, under present circumstances, it was only right we should budget on very conservative lines.

The next main feature, I think, in these Estimates is one which I hope Council will welcome; that is, for the first time the item appears "Rates stabilization and relief account." For several years there has been a good deal of discussion. controversy and proposals as to what should be done with the surplus profits which have been made by the railway, I think it has been generally agreed that. once the railway had got their reserves up to such a state as to ensure financial stability of the railway itself, that any surplus profits over and above that should be devoted to the benefit firstly, of the users of the railway and, secondly, which is almost the same thing, for the benefit of the countries themselves which are served by the railway.

It has been decided this year to start this rates stabilization and relief account which, personally, I think a very sound thing to have done and which, even in its very first year, is shown in these Estimates to have been of great assistance because, in actual fact, to make our budget balance we are estimating to withdraw over £17,000 from it on the railway's net revenue account and £22,000 on the harbours net revenue account, a total of about £40,000.

It may perhaps be argued that as this next year we are estimating for a deficit on the actual working, we have gone too far in rates reductions. I do not agree with that myself. I think the policy we followed has been the right one and, as the hon. General Manager stated, we have now been able to abolish the three top classes. There were two objectives when we reduced those top classes. One was to put the railway in a position to compete better with road transport on

[Lord Francis Scott] some of the more highly valued articles. Secondly, to benefit the general consumers in the country and the users of the railway.

It is on that second point that I do want to ask-I do not know if anyone can give me an answer-this: How much of these reductions has been passed on to the consumers? or has it nearly all been monned up by middlemen and retailers? It is a very important point, and I do not know quite whose job it is to give an answer. I do not think it is really the railway's job, but somebody can perhaps give an answer. We were told yesterday by the hon, mover that, if the old rates had been in existence in 1938, there would have been additional returns to the railway of over £640,000. That is a very big sum, and if that £640,000 has been properly distributed among the consumers in this country it should have had a very hie effect.

I am afraid that I am not in the business of dealing with cotton piece goods, blankets, and so on, but I should like to know very much whether the natives of the country have got a commensurate benefit from these reductions. The only article in these categories in which I am interested to a certain extent is whisky (laughter), and as far as whisky is concerned I do not think you can buy a bottle any cheaper than you can buy a bottle any cheaper than you could before. I certainly have not found whiskies and sodas cost me any less! I do not know if other hon, members have been luckier.

It is a point to be gone into, and if an answer cannot be given now perhaps Government will go into it and see if the benefits have been properly passed on to people who ought to receive them.

We have been told that there has been permanent reduction this year on the cotton industry of £60,000; that is bringing cotton down permanently to class 10 rates. What has happened is that the price of cotton is very low and that prospects of cotton are not very rosy, in view of the fact that various countries have gone in for greatly increased production of cotton, and the production is greatly exceeding the increased consumption. For these reasons people interested in the

cotton industry are not very optimistic about the future.

Railway Estimates 414

We all know that from the railway point of view, cotton is very important. We also know that from the point of view of Uganda, cotton is absolutely vital; practically the whole of the prosperity of Uganda has been built up on cotton. The prosperity of Uganda is not just a thing by itself, it obviously must affect the prosperity of Kenya. Though we are treated as two completely distinct countries, in fact those two countries use the same railway, the same port, the same customs duties, postal arrangements, and so on, They cannot be dissociated in the general prosperity of the two countries. Therefore, it is very important that the cotton industry of Uganda should be helped as far as is possible, so that the returns to the grower-shall be sufficient to encourage him to keep up his present production and, if possible, increase it, rather than let the land go out of production.

There is one question I would like to ask the hon. Geheral Manager if he could tell us in his reply: in addition to the permanent reduction of £60,000, there are also special rebates on the export cotton; about £43,800 on the railway and £18,550 on the harbours. With reference to the amount from the railway, I should like to know whether that is based on 10 per cent below class 10 or on 20 per cent below class 10?

At the meeting of the Railway Council if the price of cotton went below 6d, they should get a 10 per cent reduction, and If below 5d, they would get a further 10 per cent; which would get a further 10 per cent; which would be 20 per cent below class 10. I know that cotton it somewhere in the neighbourhood of 5d, but I do not know whether it is above or below, and I should like that question answered in the course of the debate.

You will also see there is a special reduction on the export coffee of £52,000. Last year we agreed to give coffee a temporary reduction, and about two months ago it seemed that the coffee industry was in for another bad year this year. I am glad to say that the position has very much improved, prices have been better, and the coffee industry is in a much healthier state. At the same time,

17th NOVEMBER, 1938

ILord Francis Scottl.

we do not think that, at this stage, it would be right to give the coffee industry the burden of having the old permanent rates out back again, and I trust that Council will agree to that line of action.

The hon, General Manager stated that the object of the railway was to make it still cheaper and more efficient. I think those were his words. That is, of course, an object with which we must all be in sympathy, and we trust it will be done. But I should like to ask him whether he can tell this Council what is the present cost per ton mile to the railway? Also, if he could tell us what is the actual haulage cost? They are two important figures and of great interest to the public.

There is one item in these Estimates which I daresay hon, members will contest, it is a hardy annual, the question of the contribution of £50,000 to the Betterment Fund. I know there are many members who consider that is not a proper thing to be done but, as the hon, mover pointed out, it has been decided to have the betterment fund of round about £300,000, which is considered sound, and this year, instead of putting £100,000 to the fund, it has been decided to put £50,000.

With regard to the provident fund which was referred to, a great deal of trouble has been taken over this question. and I think great credit is due to the officers of the railway who devoted their time to working this out. Personally, I am very glad we have now got a decision on that which, I trust, will be a matter of satisfaction to the employees of the railway. It does mean giving a certain amount of money this year to put the fund on a proper basis, and I am very glad that that has been done.

I am also very glad that we are going to have experiments with rail cars. It has been a matter of discussion for a period of years, and opinions vary as to the benefits or otherwise of this mode of conevering passengers. The truffic manager of the railway, who has had experience of the working of rail cars in Tanganyika, is confident they will be a success, and I am very glad that at any rate a trial is going to be made with them. Then we shall see how the results work out.

A point I want to come to is the question of the diversion of the railway between Uplands and Nakuru. I do not think there can be much argument that it is a sound thing to get the grade improved between Uplands and Longonot I have not heard any adverse criticism of that part. But when it comes to the part between Gilgil and Naivasha, by Elmenteita, it can be argued that we could achieve the necessary regrading without moving the line and that would, of course. cost very much less money.

Railway Estimates 416

The object of changing the route of the line is to save 10 miles in distance and that, of course, is of benefit to the railway. The hon, mover pointed out that there would be great savings in working costs which could be devoted to further rates reductions or whatever benefit might be decided upon, for the users of the railway. On the other hand, I think he may find that the users of the railway beyond Nakuru may object a bit to having to nay the same rates for their stuff travelling a 10 miles shorter distance. If the rates had to be reduced on this line, there would not be any saving to the railway itself.

But the part I am particularly interested in is that part between Gilgil and Nakuru which has served a number of farmers in that part of the country for a great many years now and on which they have built up their farming operations. If that part of the railway is taken away, those farmers will be very adversely affected. T · do trust-and I have reason to believe it is possible—that the railway authorities will agree to leave that part of the railway in existence and work it as a loop possibly in conjunction with Thomson's Falls branch line, and so be able to serve the farmers concerned in that part of the country and yet, if it is still considered advisable, to go ahead with the new route and shorten it by 10 miles.

I should like to say, as this part of the country is in my constituency, and I have had a good deal to do with the railway on this subject, that the railway authorities have been extremely courteous and helpful and accessible on this question, and have shown a very definite willingness to mest any justifiable grievance or difficulties which may arise.

(Lord Francis Scott)

I have not much more to say but I should, as a member of the Railway Advisory Council, like to take this opporunity of associating myself with the remarks of the hon. General Manager in his tributes to the staff of the railway. On the Railway Council we do not come in very close contact with the actual people working the railway, but we do get the results of their work, and I think it is a very remarkable thing that I cannot recollect any case coming up to us of complaint as to the discourtesy or inefficiency or anything of the sort on the part of the servants of the railway. I should like to take this opportunity of associating myself very closely with the tributes which have been paid them.

May I further associate myself with the tributes which the hon, member naid those officers of the railway who have retired during this year? They are all people who have done stalwart work for this Colony and for the railway, and they are deserving of our gratitude.

Finally. I should like to associate myself in the tribute to the work done by Mr. Hamp as Acting General Manager. It has fallen to my lot to have many times to go to him on various matters, and his courtesy and help and his general inclination always to try and meet the interests of the public is beyond all praise. (Applause.)

With those few remarks I beg to support the motion.

MR. KASIM: Your Excellency, there are a few points to which I wish to draw the attention of Council.

Kisumu has a real grievance in connexion with the through passenger train service from Nairobi. There should be a through train on Tuesday to arrive at Kisumu on the following morning.

I should like to bring to the attention of the hon. General Manager the question of introducing an intermediate class on the railway. One bogie should be turned into an intermediate class and an experiment should be carried out for a couple of years.

On page 9 of the Estimates the sum of 195,800 is allocated for the rebate for cotton and coffee. The Railway Adminis-

tration should reconsider reducing the export freight on jogree. The jogree producers deserve great assistance in view of the low prices offered for jogree in the overseas market, for their cane cannot be sold even at the price of sand.

The figures of the railway Estimates are about 21 million pounds, more or less the same figures as those of the Government Estimates. The Railway Advisory Council decides the economic rates policy for Kenya and Uganda, and it is to be sincerely regretted that there is no Indian member of that Council which, in my view, is most unfair, and Government should reconsider this.

I hope the hon, General Manager will reconsider the question of the small postal allowances which, up to now, the station masters on the foodside stations used to get from the Posts Department, Recently, these allowances have been credited to the general revenue of the railway which in my view is most unfair.

On page 35 is Abstract D, and under item 18 there are 115 assistant station masters of the Asian Class V, whose wages are from Sh. 165 to Sh. 240. I understand that many of this class have been on their maximum for the last 7 or 8 years, and some of them, I understand are filling responsible posts which were formerly filled by clerks drawing salaries of Sh. 500. I consider that if all these clerks were given a chance for promotion the expense would not be more than £1,000 per annum, and I appeal to the hon, member to take into consideration this question.

The railway staff has a real grievance in connexion with the leave question. I should like to know if the hon. General Manager has read a series of articles which have appeared in the Colonial Times dated the 6th and 13th August on this question?

The hon, member in his speech yesterday paid great tribute to the loyalty of his staff, and I was very pleased to read his last year's speech on the Estimates as reported in column 686 of Volume III of Hansard (new series), in which he said: "I do hope he will take my word for it that we do not treat our Asian staff in any way different from the other staff on the railway." I sincerely hope that all Railway Estimates 420

(Mr. Kassim) legitimate grievances of the Asian staff will be redressed.

With regard to the £60,000 for rates reductions during next year. I would like to draw the attention of the Railway Administration to the fact that there are several imported articles consumed by the Indian community on which the freight is maintained unduly high. I hope consideration be given for a reduction on those items for the benefit of the Indian community.

I should also like to draw the attention of the Railway Administration to the necessity for rebuilding the existing latrines for Asiatics at Nakuru and Nairobi stations. They are in a disgraceful condition. Waiting rooms for first and second class passengers are also needed at Nakuru.

EARL OF ERROLL: Your Excellency. I feel I would like to follow what is becoming almost a tradition in congratulating the hon, and gallant mover for the manner in which he presents his estimates year after year,

It is always a matter of great admiration to me how he is ever able to get away with these estimates so frequently with only a very occasional and gentle kick from this side of Council, which he can, of course, and does in fact, almost entirely disregard. But I think those of us who are not on the Railway Council approach the Railway Estimates in a slightly more critical view. We have during the last few interminable days been examining the estimates of a very great bureaucracy amounting to about £2,618,000, and to-day we are asked. after, as it has already been pointed out, a very short time, to examine the estimates of a very great autocracy, amounting to almost a similar sum of £2,300,000.

Whatever we may say of both these amounts, they are very large sums which are extracted from the pockets of the taxpayers of this Colony, and, in the case of the railway to a lesser degree, from the nockets of the taxpayers of Uganda,

It is I think an admitted fact that the prosperity of the Colony and of the railway is almost entirely dependent upon the prospect of the primary producers of this

Colony. And I think it is a natural corollary that it is essential and highly desirable that as much money as possible should be left in those pockets. We are often told that this railway is as cheap as any railway of its kind in the world and that we ought to be very glad and consider ourselves very fortunate in this Colony. But I can never follow the logic of that because if it is a fact, and I believe it is a fact, taken in conjunction with the further fact that the railway has enormous reserves, then surely the aim of the hon, mover should be to make this railway not as cheap as any other but the cheapest in the world.

I suggest that in view of these reserves and in view of these estimates that it would be possible to make the railway the cheapest of its kind in the world. It always appears to me to be an anomaly that whereas the Colony is always extremely short of funds for very important and extremely urgent works, nevertheless we have what should after all be a government department in an apparently affluent position.

I should like to say how glad I was to hear the hon. General Manager say yesterday that the railway was in a sound position. But I think we might say that it was even more than that. I do suggest that some of the money which is spent on this railway is spent in considerable extravagance and that some of it, instead of being spent in the extravagance which we can see, should be returned to the pockets of the taxpayer. I always have the feeling that the underlying motif of the Railway Administration is: "We have these large reserves, what shall we do with them? Let us beautify our already lovely railway!"

As a result of this policy we see railway stations moved a 100 yards from their original position, and we see a very extravagant amount earmarked for landhis and palatial quarters for employees and so on. But when we object at all, or say that perhaps this is slightly excessive or extravagant, we are rather coldly informed that every item of expenditure over £750 is referred to the Railway Advisory Council and that it is not spent without their advice. I would suggest that the hon, and gallant mover is in a happy [Earl of Erroll]

position in this respect because the Railway Council, after all, is made up of four members from Kenya and four from Uganda, and it is a very simple matter for him to play off one team against the

I do not intend to go into the details of these very complicated Estimates but I would like to stress an important point. I would ask hon, members to turn to Appendix 1 on page 83. I was very glad to hear the explanation from the hon, and gallant mover yesterday as to what is meant by "Advances Pending Raising of Loan", but I must say that until I heard his explanation it looked rather vague to me. We cannot get away from the fact that during the coming year it is the intention of the railway to spend no less a sum than £1,950,510. I would remind tion, members that this is in addition to the yearly working expenditure and to my mind this seems a very, very large amount indeed.

There is one other point which I think I am right in stressing and that is, had it not been for an over-estimate of £61,000 on account of fuel we would find that next year's working expenditure is in fact £50,000 more than this year's estimate in spite of the fact that we find the total working expenditure is 6.4 per cent in excess of the 1938 Estimates.

As the Noble Lord the hon. Member for the Rift Valley has said there may be some criticism in the payment of £50,000 to the Betterment Fund. I had intended to criticise this amount as being taken from revenue for a fund which is amply provided for, but I understand that another hon, member wishes to speak on this question.

I would, however, say that I very much welcome the reductions in the rates for coffee and I am glad to see that the present level is to be kept in being for another few months at least. But I do hope that just because the coffee prices are so much better than we thought that, when this question comes into re-view that these rates will not be raised again. I do think that we should keep these rates as low as possible.

I have always held that primary products carried by the railway for export

should be carried at the very lowest rate possible and if necessary at a loss, I think we may say now that this must also be the Uganda point of view in view of the fact that rate reductions amounting to £60,000 on cotton have been agreed to.

I do not intend to go into any more figures as we are, of course, in a farcical position, vis-à-vis this budget, which is only apparently given to us as a matter of courtesy and whatever we say has of, course very little effect. But I would like to plead for one thing, not for myself because I must admit that I avoid the railway as far as possible in order to preserve my body from being humped, bumped and battered about more than possible in this turbulent world. I would like to call to mind what the hon, General Manager said resterday when he mentioned that he was expecting new third class accommodation. But until that comes about, I would put in a plea that extra third-class compartments would be made available for natives who are only too anxious, I understand, at the present moment, to come out to work in the settled areas.

I think it is highly desirable at this time of the year, especially when the coffee crop is being picked that every available thing should be done to assist them. At the moment I know they either have to come down by railway risking their lives in overcrowded compartments or return to their reserves despondent because they are not able to get here. It is quite obvious that this is a very real deterrent in the production of labour in this part of the world because they cannot get here owing to the lack of railway accommodation; and quite rightly they do not-intend to hang about stations until such accommodation is available.

There is one thing which I should like the hon. General Manager to mention, and that is the question of refrigerating plants on the railway. We have, during the last debate, that on the budget and estimates of the Colony, talked a lot about meat exports and pig exports and those sort of things. Well, of course, it is quite impossible to do that efficiently and well unless such refrigerating plants are provided, and, I think, that before building new stations and all those

Harl of Erroll)

wonderful beautifying things that are in contemplation, we should really ask that refrigerating plants should be provided.

In conclusion I would urge the hon. General Manager to do three things: Firstly to make the railway the cheapest in the world for primary producers: secondly, to return in some form or other other a large proportion of the moneys to the pockets of the taxpavers which at the moment are being used for beautifying the railways; and lastly, to allow the milway to serve the public and not master

LADY SIDNEY FARRAR: Your Excellency. I should like to associate myself with every word that the Noble Earl has just said. In fact he has so ably covered the ground of criticism and comment on the estimates laid before us that it is possibly to be deployed that he did not also cover the point of the Betterment Fund which I should like to refer to very briefly indeed.

I would like to suggest that in view of the very large sums allocated under such headings as Reserves, Renewals Depreciations and other things, and in view of the fact that the Draft Estimates of the Colony as a whole and which we have just been debating, have revealed that the most stringent economy is still having to be exercised in our own finances, I would suggest that possibly this stringent economy has been somewhat lost sight of in the estimates for the railway which now lay before us.

As regards the question which is very much in the mind of the country at the present time, the need for greater development, I suggest that the railway can do more than any other body to assist in this development at the present time, as our own finances, the finances of the country as a whole, cannot allow us to do very much in this direction.

I hope that in his reply the hon, General Manager will make it clear to uswhy it was not possible for the sum of £50,000 placed to the Betterment Fund to have been reduced. We have heard from the Noble Lord the hon. Member for the Rift Valley that it is the intention of the railway to collect the sum of £300,000 for the Betterment Fund and

that this has been deemed advisable. But I would suggest, however, that this could be collected over a longer period of years than at present contemplated. I do contend that it is possible to reduce the sum of £50,000 appreciably and that the sum saved could be placed to increase the £60,000 allocated to rates reduction, in view of the urgent need for every possible avenue to be explored to assist development in this country.

Railway Estimates 414

I would also like to suggest that although we greatly appreciate the very substantial reductions in the first and second and in the higher classes of rates the Railway Advisory Council should consider very sympathetically the need for rate reductions in the lower classes which probably affect the development of agricultural products in this country more than the higher classes. I trust that in his reply the hon. General Manager may be able to give us some assurance that this will be very sympathetically considered in the following twelve months.

MR. COOKE: Your Excellency, I trust that the hon, and gallant mover will not consider me contentious if I refer to a few matters which affect the interests of the travelling public.

First of all I should like to refer to the state of the permanent track between Mombasa and Voi. I am informed-I nearly said credibly informed but after our lecture on accuracy I think I had better avoid that-I am informed that the state of this track is due to corrugations in the line, but whether it is due to that or not it is an undisputable fact that unless one is gifted with the marvellous vocal chords of my friend the hon. Member for Mombasa it is extremely difficult to make oneself heard. (Laughter.)

I would like to deal also with those jerks which we are periodically subjected to on the railway and to which my hon. friend the Noble Lord referred. I do not know what these lerks are due to, but it seems to me that they are probably due to careless driving. But, Sir, I was in the fortunate position the other day to be inthe distinguished company of my friend the hon, the Attorney General when we were subjected to minor earthquakes while in the train and the hon, gentleman lost most of the contents of his cup of collec-(Laughter.) I do feel that it was a good

Lady Sidney Farrarl thing that I had such a distinguished witness present as the learned leader of the bar at that moment to bear me out in what I say.

But to return to a more serious subject. The next thing I would like to draw attention to is the price of the mattresses which have recently been supplied to the railway. I think the price of Sh. 2 is rather high, and if you multiply that Sh. 2 by 100-I think my hon, friend the Financial Secretary will agree-it comes to £10. which is a sum which will probably pay for these mattresses ten times over. May I respectfully suggest to the hon. General Manager that the price of these mattresses should be included in the price of the bedding which is supplied, that is Sh. 3.

There is just one more point, one which was referred to by the Noble Earl the hon, Member for Kiambu, and that is the question of refrigerators on trains. I understand that fish arriving from Mombasa sometimes gets to its destination in rather a poor condition. If I may, I would like to suggest that ice containers should be added to these trains so that the fish could arrive in a more edible condition.

I think that is all I have to say except that I would like to pay a tribute to the courtesy of the railway officials and especially to the ticket collectors who have a very arduous and not a very easy ich to perform. I think there should be something put on record of the courtesy and good humour which they display in dealing with African passengers. I think this is very creditable.

MR. NICOL: Your Excellency, hon. members will no doubt be relieved when I say that I am not going to criticise the railway budget in detail.

It would be boorish not to praise the efficiency of our railway, and the efficiency and the satisfactory financial position in which it is is due undoubtedly to the hard work and the courageous policy which was followed by the hon. General Manager in the past.

During a recent debate the Noble Lord the hon. Member for Rift Valley drew attention to the fact that the tendency, the demand, of the public to-day was for luxuries and social services-I think he

referred to having a champagne appetite on a beer income. But the travelling public to-day are a very exacting crowd of people, and the demands for accommodation in all forms of transport-in aeroplanes, ships, motor buses and railways-is always for something better and

My hon, friend the Member for the Coast has referred to the jerks which one experiences on the train, I must say that I have had some curious experiences with those feeks, and put it down really to the fact that possibly the engine driver had a had attack of hiccurs, or possibly the wheels might be elliptical! But I have no doubt that in course of time we shall have more and more improvements, mattresses will be thrown in free, and probably the railway will follow the example of the London and North Eastern Railway who pamper their passengers to the extent of providing cinemas on the train, and youcan see "Pop-Eye" and other films. That, by the way, would be very nice when we are held up at Tsavo! (Laughter.)

Coming to more serious questions, in Mombasa in the last two or three years there has been a growing tendency for a second season there. Recently, on requests actually received from people up-country, the Chamber of Commerce put forward a request to the railway that possibly second season excursions from mid-December to mid-February might be introduced. Unfortunately, the railway could not agree to that at the moment, but I would ask that they consider it. Admittedly there are excursions about the end of the year until after the new year, but I think the hon. General Manager will agree that even with the excursion rates offered for a man to bring his family down to the coast is expensive, particularly if he can only have a week there. I suggest that if mid-December to mid-February cannot be managed, perhaps mid-December to mid-January. which would give a month to roll in the sand at Malindi or Mombasa and benefit by the change.

Now I come with my hat in my hand and ask for something specific for Mombasa. There are four months of excursions, from June to September, both ways. That is all very well for the people upcountry, for it is the best time of the year [Mr. Nicol] in Mombasa but, as far as the people of Mombasa are concerned, while the climatic conditions at that time of the year are very good indeed the time they want to get out of that part is roundabout March and April, in the hot weather. I wonder whether, perhaps, if excursions up-country to the coast were confined to the cold weather and from the coast to

un-country to the hot weather could be

arranged? Several people have asked me

about it, and I said I would put it up.

Another point I should like to raise is the question of whether the railway could not see their way to introduce reduced rates on motor cars. Motor cars are carried at reduced rates on the railway during the excussion times of the year, and it is much appreciated, but I do suggest that it is not asking a very great call to request the railway to extend these reduced rates all through the year, and also to apply these rates proportionately to single journeys.

I am now going to ask the hon. General Manager a question which has received considerable prominence in the commercial world, and that is the question of what hopes there are of an amalgamation of this railway with the Tanganyika railway? As the hon, member knows, the commercial world are very keen on such an amalgamation.

Monopolistic institutions are very often accused of soullessness, but I am not suggesting that the hon, member is by any means soulless at all.

The hon. Director of Veterinary Services said the other day that the customer is always right. I quite agree with him, and in matters of transport or catering for the travelling public I find the customer has to be dealt with leniently and, although you may have certain rules responsibility cannot be evaded by certain rules, it is not a good thing to irritate the public, particularly those who pay large sums of money in freight and the like, by refusals to meet just claims, To illustrate this I will tell you a little story, as it is a thing that happened to one of my constituents whom I shall not name but who, for convenience sake, I will call Ben.

He was travelling from Nairobi to Mombasa by the hon, member's train, and at Mazeras got out of his compartment and bought the morning paper. On the train starting off, he got into his compartment and started to read his paper. He decided apparently that it would probably be more comfortable to read the paper if he had his false teeth in. He looked for his false teeth which he had left in a glass beside his bed.

To his horror, he found the teeth were not there, so he rang the bell and, on the train attendant coming along, asked him if he had seen the teeth and what he had done with the glass. The attendant said he had tupa'd it out of the window. Ben was rather annoyed, particularly as he had only just got back from leave and had only just got these particular dentures and had become rather attached to them! There was also the pathetic thought that they were lying on the rails snapping at passing goods trains.

Anyhow, he reported the matter on arrival in Mombasa, and I understand that arrangements to search were made. At the same time, he wrote to the Administration, and apparently a board sat on his teeth in Nairobi. The result of their deliberations was that, apart from being very sorry and handing him their kind regards and sympathy, they could do nothing further about it.

I think that is rather a hard way to look at it because, what would happen, supposing in a fit of aberration the train attendant in cleaning up the cabin had flung all the baggage out of the compartment on the rails? It comes to the same thing, and I do feel that in small matters like this less rigidity would be more than appreciated.

DR. WILSON: Your Excellency, I am quite sure that this debate on railway policy is extremely interesting and very valuable, but I find it rather difficult to decide whether the occasion for the debate—the presentation of the Estimales of the Kenya and Uganda Railways and Harbours to this Council for adoption—is an occasion which should be treated as a tragedy or a compely or, if I may say so without offence, as a complete farce!

Of course, the hon. General Manager is perfectly wonderful for the way in

[Dr. Wilson] which he opens the play, and by his frankness and friendliness nearly succeeds in convincing us that there is nothing to worry about, and all that is needed is a little well merited applause. But, after he has finished speaking, the reaction sets in, when we are faced with these figures.

I must say that, for myself, when I am faced with Abstract L and Appendix I, with their astronomic figures of hundreds of thousands and millions of pounds, I feel not like a miember of a Greek Chorus but, with Keats—

"... like some watcher of the skies when a new planet swims into his ken; Or like stout Cortez when with eagle eyes.

He stared at the Pacific, and all his men Looked at each other with a wild surmise."

because these Estimates as printed are completely confusing, and to me almost meaningless. I think it needs a very expert accountant to reduce these colossal figures to their essentials, though it is rather indiculous to talk about reducing them to anything considering the size of the figures, but when I say they are meaningless to me I mean it is so obvious that any item of revenue or expenditure, however big, could so easily be concealed or camouflaged in this maze of figures.

With all due respect to the hon. General Manager and his charming invitation to ask him to explain anything that is not quite clear, of course he is in the happy position of being able to tell us just as much or as little as he thinks good for us to know.

When he was making his opening speech, I could not help thinking of a doctor, and of what a wonderful asset his soothing bedside manner would be to one of my-profession. I can imagine him as a doctor telling a patient, from whom he has just extracted a whacking big fee, that the treatment had been successful and there were great hopes of his recovery—of his health, not the fee! (Laughter.)

Of course, the most astounding feature of these Estimates to me is this proposal for the realignment of the railway between Uplands and Nakuru. This was dismissed with a word, in fact the hon, mem-

ber scarcely referred to it, a sum of £400,000. The General Manager has proposed and the Secretary of State has agreed, so what is the use of talking about it? But, actually, to my mind it is a most astonishing thing, when the Government of Kenya has got a hundred and one things which are really essential and cannot find a penny for them, that this is proposed to be spent on altering the alignment of the railway, which we are told is working extraordinary well, for a few miles, and we are going to pay £400,000.

Railway Estimates 430

I know the answer is that the realignment is going to pay for itself, I do not know enough about that to be able to argue, so perhaps I should not say any more about it.

But, turning from this mere matter of £400,000 to other details, I should like to try and explain the state of mind to which these Estimates have reduced me by comparing Abstract L of this year with the corresponding page in last year's Estimates. There are three items which appear under the same name in each of these abstracts, but the rest of the items have been given different names, which makes it more difficult.

Of the three, one is a jolly little item of £30,000 for "Unforeseen works." That will make heads of Government departments green with envy! But the Item 1 am after is "Staff quarters." In the Estimates of 1938 we see the estimated total cost of works affready sanctioned but not completed and proposed new works, £153,128. The estimated amount required during 1938 in respect of works already sanctioned, £31,426, and the estimated expenditure on new works £98,122, leaving expenditure during subsequent years for staff quarters £2,850.

That seems to me pretty good going, but when we get to the present year we find quite a new set of figures for staff quarters: Estimated cost of works already sanctioned, but not completed and proposed new works, staff quarters, £136,065; estimated amount required during 1939 in respect of works already sanctioned, £56,842; estimated expenditure on new works during 1939, £33,900; leaving £9,500 to be expended during subsequent years on staff quarters.

IDr. Wilson!

These figures leave me gasping. It cannot be taid—or can it?—that the expenditure on staff quarters is revenue-producing or productive. I only want to ask this one question now: How is it the railway can provide for its staff on this scale when, as we were told the other day, Government cannot find a penny for such works as new hospital wards and hospital staff quarters?

This question of staff quarters reminds me of Limuru station, which was mentioned many times on this occasion last year and has been already hinted at this morning. It is incredible to me that this motorious affair is still in the news a year later. Yet there are other apparently reasonable, same people beside myself who prefer to choose any other road than the one leading past Limuru station in order to avoid the feeling of intense exasperation at the sight of the expenditure of public funds which has been going on there for the last 12 months.

I want to ask the hon. General Manager two questions, but I know they will not be answered because, unfortunately, I did not think of them in time to suggest them to the hon, member prior to this meeting. The first is: What has been the total cost to date of the reconstruction of Limuru station? The second question is: What is the total volume of traffic, passengers and goods traffic, handled at Limuru station?

The labour and material that has been squandered at Limuru station would have been a perfect godsend if it could have been used claewhere.

One point of general policy in connexion with the Estimates I must refer to. I do not think there is time this morning for me to discuss it properly, but since I am accused of lack of moral principle in suggesting that railway profits should be diverted to general revenue, I must just refer to it here in self-justification.

The railway is not a Government department, it is financially self-contained, but it is not a private company. Government allows it certain privileges of very great financial value. For instance, exemption from customs duty and income tax, to quote only those. I suggest that these earnings which the railway professes to make are really made at the expense of the Colony's revenue, and I think it is perfectly reasonable and quite a moral suggestion that some of these so-called earnings should be put at the disposal of Kenya Government and not all of them at the disposal of the General Manager of the Railway.

Before I sit down, I must in all fairness thank the hon. General Manager for the reduction in the rate on blankets and cotton goods, because of those things I said last year that I hoped I should be able to thank him in the near future for that reduction, and it has now actually happened.

I must also express the regret which I know my late colleague Archdeacon Burns would most certainly have expressed if he had been here, for the further delay in the provision of decent third class coaches. I appreciate Your Excellency's reference to this matter in your opening address, and I appreciate the reference made to it yesterday, but I must just express an expression of my regret that there has been this further, delay and express the hope that nothing further unforescen will prevent the introduction of this much needed improvement.

MR. SHAMSUD-DEEN: Your Excellency, two or three years ago it made me angry to examine these Estimates: they were so disgustingly prosperous at a time when the whole country was in great financial stress. But I think that during the last two or three years the estimates have been put on a proper basis, that is to say, that when there are any profits they are given somewhat to the benefit of the consumer or, at any rate, to the public, instead of adding larger sums to the reserve funds. I think this year I cannot but help congratulate the Railway Administration on putting on the table a budget which is better planned than the budget of the Colony.

I can quite appreciate that this budget is put before this Council merely for adoption. It is not like the Colony's budget which has just been dealt with by Legislative Council—here to be debated. I think a more appropriate expression would have been for it to have been put before us to be noted.

(Mr. Shamsud-Deen)

As far as the actual benefit in the rehate of rates is concerned, I feel myself in agreement with the astonishment of the Noble Lord the hon. Member for the Rift Valley, who could not see any tangible effect of it being passed on to the actual consumer with the exception of a few commodities used by the natives and sold by the Indian middlemen. That I think is due to cut-throat competition. I am glad to see that the native does get something from the rebated rates but, as far as the other struggling communities are concerned, as the Noble Lord said. I do not see any difference at all. I do not see how Government can interfere in a matter like this, but I do think it is a matter that should be looked into.

A great deal has been said about third class coaches. I hope that when these coaches come they will be an improvement on the present coaches we have got. Unfortunately, the present coaches are so designed that the whole thing is a sort of one-legged stool business. Passengers travelling third class cannot possibly find bedding arrangements even with the consent of other passengers just to recline or lie down for a quarter or half an hour. The third class coaches are usually so overcrowded that the passengers have to sit up all night.

I have already made representations on this matter to the Railway Administration, and they in reply say that on the English and Indian railways people have to sit up because it is impossible to supply this accommodation. Naturally I replied that I was not advocating such accommodation as a matter of right but still, these people are human beings and there should be some possibility of their having just a little bit of rest on a long irksome journey of 10 hours at night. I might add that on most of the English and Indian railways most of the third class passensers do their journeys during the day time.

Again, as far as the comforts of the third class passengers are concerned, we see during the journey from Nairobi to Kampala or Mombasa inadequate arrangements for food and drinks. The stoppages of the trains at stations are very short, and in long trains it is not feasible for passengers to run from the compariments at one end of the train to the other

in order to get some food from a stall. Again, the food sold at these stalls is of a very poor type and is sold at very high prices and I think—I do not go quite so far as to suggest a scheme of extension on the trains—but I do suggest that serious consideration should be given to some kind of eating car being attached to trains for the third class passengers, Indian and native passengers. I do not think they are ready to make use of a dining car on the trains yet.

Railway Estimates 434

I would also like to see the benefits of the reduced rates reflected in the charges for goods traffic and also the third class passenger fares. The first class passenger fares I think are low in this country because these are only 50 per cent more than the second class. But the third class and second class fares are still too high. And I think that with more money possibly it will be to the advantage of the Railway if they would consider a further reduction in the second class fares.

One hon, member referred to the extravagance of the railway, but I wish some of the hon, members present were here fifteen or sixteen years ago, and perhaps thirty years ago, when you could see a marked extravagance among the railway people. The manager and all the heads of the departments had a coach each to themselves, better than the coaches provided for the passengers in most cases. The Chief Engineer in those days always travelled by special train ordered for himself, and even better than the Governor's coach! I think it is a matter of congratulation and gratification to the public to see the hon. General Manager travel now-a-days in an ordinary compartment! I think it is a more democratic way of working than it used to be in the past.

As regards the rails the hon, Member for the Coast mentioned, I do not think anything short of actually removing these rails will render any effective change. I think, in the parlance of the railway they call these rails "roaring rails" and I think they have something to do with the roaring man-caters of Tsavo. I think it will be a long time before they are removed and this inconvenience is abated, but it is impossible to have any conversation at all while travelling on this section.

[Mr. Shainsud-Deen]

The hon, member representing native interests. Dr. Wilson, has commented upon the item of staff quarters. I wonder if he has ever been in the vicinity of the railway landis and seen the staff quarters provided there for the Indians and native artisans. Now the staff quarters of the railway are entirely on a different basis to any other dwellings, First of all, the quarters must be of such a reasonably comfortable nature that the staff can have a complete rest after their long duties especially when on the running staff. Secondly, it must be remembered that they should be in close proximity to the scene of activities of railway employees. and it would be best for the railway in the long run to provide the staff with comfortable quarters.

Recently instances have come to my notice that the railway quarters have been ruthlessly condemned by the medical staff and health officers, and they have given an order of demolition of certain landis where Indian artisans are living, without having the least regard as to alternative accommodation available in the town. The present is a time when all residential areas in Nairobi are badly congested, firstly owing to the fact that a very large number of Indians have had to give up their houses on land which is going to be taken up by the acrodrome at Eastleigh; secondly because the Indian Bazaar is going to be reconstructed, and a lot of people are coming out of the Indian bazaar into the suburbs outside the town; and thirdly, owing to the policy pursued by the health authorities in ordering wholesale demolition of the temporary wood and iron buildings occupied by people in the vicinity of Nairobi. The poor people in this category, on account of the reducing of the stall quarters on the railway, are in great difficulty now and they are prepared to pay double the present rents, but they cannot get any place to live in for the health officers have told them that they have got to get out with their wives and children.

That brings me to the wages' system in vogue on the railway. Some eight years ago the Indian workmen were, by a stroke of the pen, removed from the ordinary system of monthly wages to the system of daily wages. They were told that they

were actually entitled to no quarters because a comparison was made with the conditions in England and India where the artisans worked on a daily or hourly basis, and without quarters, and it was argued that there was no reason why the artisans in this country should not do the same. But it is not an entirely correct thing to compare the conditions in India and England for in those countries everyworking class man has some place where he can shelter. Knowing that it is extremely difficult for these working class. people to find accommodation, I think it is wrong to turn them out of their quarters at the present juncture for there is no accommodation in Nairobi, and the authorities stated the railway was not justified in adopting a policy of spending more money on their staff quarters.

I do not think that I altogether agree with the Noble Earl the hon. Member for Kiambu when he said that the railway was trying to play one side of the Railway Council off against the other, I do not think that that is a correct statement. We do look to having more control of the finances of the railway, but at the present moment there is no doubt that instead of one team being played off against the other both these teams have combined actually to play in with this railway expenditure. I do not think the railway staff is responsible. As far as the company is concerned it is true that we all wish that there should be some cooperation in the budget, but I think also we should take care not to go too far.

I do not think I am flattering the hon. General Manager when I say that he hardly needs a warning. I know he was chosen for his position during a very difficult time when the railway was not only in a bad condition but it was a very dilapidated affair which could not have lasted long but for renewals and so forth. I do not think he needs a warning for he has been long enough in this country and he is not anxious to see the country in that position again, so I hardly think it is necessary for me to remind him of that.

Your Excellency, we have got but very little time at our disposal and I think I shall conclude by associating myself with the Noble Lord the hon. Member for the Rift Valley with regards his remarks as

[Mr. Shamsud-Deen] to the courtesy of the railway staff, the hon the General Manager, and especially as regards his remarks about Mr. Hamp.

Council adjourned for the usual interval.

On resuming:

MR. GHERSIE: Your Excellency, I would first like to associate myself in the protest lodged by the hon. Member for Rift Valley and certain other members, at the short space of time in which these Estimates have been in our hands. I do not know whether it is considered a compliment to hon. members here that their intelligence is such that they can digest this budget in such a short space of time, or merely to remind us that the tabling of the Estimates is a formality.

I do not propose dealing with any figures at all but, as the hon mover pointed out that he would welcome any criticisms or suggestions I have just one or two observations to make.

COL KIRKWOOD: Your Excellency, I rise to support the motion and I would like to take this opportunity of congratuating the hon. General Manager for the

In the first place, there is a little uneasiness due to a certain statement that young men are being recruited from home in connexion with certain posts in this Colony, that they were to receive emoluments while being trained in England, and a premium paid on their behalf. I think we all realize that the railway is the largest organization in this -Colony, both from the Government point of view and the industrial point of view, but one must absorb the Kenya youth.

The railway is the largest organization in this Colony both from the Government point of view and also the industrial point of view, and one of the means of absorbing Kenya youth. I appreciate that absorption has taken place in the past, but I would like the hon, mover to give some assurance to what extent the railway can tackle this problem of absorbing the youth of the Colony in the future. In that connexion I would also like to ask what happens to those young men who are articled as apprentices, whether they are retained in the railway offices if there is sufficient room for them or whether they have to seek employment elsewhere on completing their articles.

There is just one other point I wish to make. During a certain period of the

year the rolling stock that is going upcountry is more or less empty, that is in the very busy season when cotton and maize are being brought down to the coast, and I submit that if it could be arranged it would be most helpful to the people of the farming community, and ultimately the railway would benefit from it themselves, if they could see their way to carrying fertilizers and cattle foods at either reduced rates or free.

Railway Estimates 438

I submit that it may be done during that particular season when the goods that are being carried down are much heavier than what are going up. I do, in saying this, think it would assist the railway policy if fertilizers and cattle foods could be carried up in the way I suggest. It would mean a far greater production in the future and the railway would be compensated by that greater production.

COL KIRKWOOD: Your Excellency, I rise to support the motion and I would like to take this opportunity of congratulating the hon. General Manager for the manner in which he has presented this budget and for the manner in which he has presented it so precisely. We have complained about the short time we have had for considering it, but I think that if one takes half an hour or an hour one can get down to a good understanding of this budget of the railway. I would like to congratulate the hon. General Manager on the way the information is supplied to us in these estimates for they are in an understandable manner.

At the same time I hope in future that a longer time will be allowed after the information has been supplied before the motion is moved.

I would like to congratulate him on one item among others and that is the Stabilization Fund. I think some of us have been advocating it in debate for some considerable time and now at last it is shown in the Railway Estimates. It is not necessary for me to go into detail of the great value that it will be to the railway and the railway users in general in difficult times when they arrive.

I would like to query why the delay has been so long in the delivery of the three rail ears, for I think the hon, mover stated that they would not be delivered until somewhere towards the end of next

[Col. Kirkwood]

year. I would have thought it would have been possible to get them out very much sooner than that and I hope that when they do arrive they will be tried out from Kisumu to Nairobi, and that an opportunity will be also given for them to be given a trial on the Kitale-Eldroet and the Thomson's Falls lines. It is a controversial matter from the road point of view, but if it prevents so many of these heavy lorries travelling from Kisumu to Nairobi and provides more economic rates for the natives by using these rail cars then I think it will be to the greater advantage of the Colony as a whole.

I noticed when on a visit to Mombasa a matter of a week ago a tremendous dump of coal in the railway yard, and I was wondering what was the reason of it. It is stated in this budget before us that it is 2,500 tons of bunker coal-I should think that it looked more like 25,000 tons of coal. Whether we are reserving it for the Navy or not I do not know. Maybe it is a question of economy by getting shiploads when the rates are low. Anyhow I think an explanation might be given of the netual tonnage or approximate tonnage of the coal annually dumped at Moinbasa, I am quite sure it is considerably in excess of the quantity shown in the estimates.

I should also like to appeal to the hon. General Manager to use his personal influence to get co-operation with the Public Works Department I spoke on this matter on our own budget a couple of days ago, and I am perfectly certain that if there is a genuine co-operation between the railway and the Public Works Department a very great saving would result. As for instance, take the Rift Valley road from here to Kisumu: This could be put in order at probably half or quarter the price it is costing if the railway would cooperate with the many dereliet trucks they have got by turning them into tip trucks. and using the railway sidings that are already in existence in Naivasha and other places, to get stones and dump them on the roads which are running parallel to the line in a great many places. What it wants is someone as a co-ordinating officer to bring these two departments and probably others together and get

these operations not talked about but brought into being.

I can visualize going along the line from the Ravine, Maji Mazuri to Timboroa that a great saving would be made to the Colony as a whole if the Public Works Department were cooperating in the manner in which I suggest. There are a great number of points on the railway where stones could almost be put on the road itself and where a ballast train could be stopped and the trucks could be jacked up, the same as tip trucks, and a train load ofstones could be put down. That would take five, or ten, or perhaps fifteen minutes. Then the stones could be moved say five miles the other side of the railway along the road. It is a practical idea which I think should be taken advantage

I suggest and advocate that both these two departments should get together and see if they cannot come to some agreement between themselves in the interests of the Colony as a whole, not only of Kenya but of Uganda as well.

I also note that on page 2, under Revenue, item 3, that the reduction in the rate for cotton for export involves a sum of £60,000. I congratulate the railway on making that reduction, but in my opinion that rate should be used for the development of the territories which it serves. In a crisis like the cotton industry is going through at the present time I think it advisable that the cotton growers, who are 100 per cent native, should be kept going and kept in production through these very serious times.

As a query—probably this is not the right place to ask it, but the suggestion comes to one's mind—I have got to ask myself, what is the Uganda Government doing about it themselves? I do not know. They have an export tax on cotton, are they forgoing it in this particular case in order to help the industry? If they are not I think they are probably wrong in not doing so.

I should also like to support the hon. Member for Uasin Gishu when he advocated the reduction, if not the abolition, of rates on fertilizers and I would go so far as to say on agricultural salt as well [Col. Kirkwood]

that they should be carried free on the railway. They are both very expensive

railway. They are both very expensive items for the farmers. The cattle upcountry have got to have salt and it becomes very expensive when we have no natural salt and have to get supplies.

As regards fertilizers in farming operations it is absolutely essential that this country should use more fertilizers. We have been taking everything out of the soil; during the depression from 1930 to 1936 we have been taking everything out and nothing has gone back. Certainly a little can be attempted with rotation crops and ground improvements but they are not fertilizers in any way and fertilizers are absolutely essential in order to renew the fecundity of the grasslands once a year.

We cannot afford to pay the railway rates at present plus fertilizers to keep our soil in the condition which it should be kept. That in itself is, indirectly, a great loss to the railway for we are not getting what we should get and therefore the amount of money that there should be is not going into circulation and is not going back to the railway in the form of other rates and other things that we require. Without fertilizers the farmers are not getting the full benefit of their farming operations.

That is a point which I hope will be considered, and if possible, I hope the railway will further reduce their rates in order to assist farmers. Whatever can be done by the hon. General Manager and the Railway Council in this way will be greatly appreciated and there is no doubt that it will be in the interests of the Colony as a whole.

SIR GODFREY RHODES: Your Excellency, may I first be permitted to say how very pleased I am indeed to hear the remarks of hon, members on the opposite side of Council with regard to the stall, particularly those who have relited, and also the reference to the work carried out by Mr. Hamp during my absence. I am very glad indeed to hear those remarks, and it will give me the greatest pleasure to pass them on to the individuals concerned.

I will do my best to answer the various points that have been raised during the

debate, and I think, perhaps, I should start by referring to the general questlon of control which this Council exercises over the Railway Estimates. I know that that is a question that is discussed almost every time the Railway Estimates come before this Council, but I suggest to honmembers that there is no other practical way of dealing with a problem of this kind.

It has been proved over and over again, not only in this country but in almost every other country where state railways exist, that you cannot run a railway through the ordinary machinery of Government and subject to legislative control. It cannot be done. The sums involved are very large, and they require detailed investigations contintally throughout the year, not on the one occasion when you have the annual budget for the country.

In view of that it was decided, and I think very wisely decided, that the control of this railway should be exercised through those two Councils—the Railway Advisory Council and the Harbour Advisory Board—whose business it is to give continuous attention to our problems. We have at least five meetings a year, and sometimes more, and on occasions special meetings are held to deal with urgent problems. That system has produced certain results, and those results are given to the public in these territories in the fullest possible detail in my annual reports.

à

On this point I should like to say that no other railway report gives the public as much information as we try to give in this report of ours. I have had that comment given me from all sorts of sources in different parts of the world. They write and congratulate us on the way our report is presented, on the information contained therein. They wish that other railways could give similar information. That has been our policy for a great many years and, as a result, of course, we often get criticism because some facts are not always fully appreciated or, more usually, because the report itself is not read. I cannot deal with that problem now, I can only hope that in course of time by continual reference to these matters, the public here will begin to understand

[Sir G. Rhodes] what really is behind us in making the various suggestions for developments.

If I may turn to one particular point raised by the hon. Member for Rift Valley.

He has raised a question which we have ourselves frequently asked, but without getting an answer; how much rates reductions have, in fact, been passed on to the consumer? We have not been able to get a very satisfactory answer to that question, but we do get information of this kind: We are told that these rates reductions do decrease the cost of administering stores and shops and that in some form or other in effect they are passed on to the consumer, even though not in connexion with the particular commodity concerned.

We have to leave it at that. The point is that it is our business to try and make our rates as low and as cheap as possible. What is, done with those facilities and those advantages, we have to leave to the ordinary course of business and to competition and so on.

The Noble Lord asked me whether the temporary rebates which we show in the Estimates deal with the full amount of our liability, or whether they are the just 10 per cent only of the relief we are going to give. The decision of the Railway Council in this matter was that if the future selling rate on cotton about the middle of December, next month, is below 6d., cotton for export should receive a rebate to the extent of 10 per cent, and if the future rate should be below 5d., a further 10 per cent will be granted, a total of 20 per cent in all. The figures we show in our Estimates are the total of 20 per cent which we may be called on to provide. At the present time I understand that futures are below 5d., but of course the situation may alter before the middle of next month. As regards coffee, it has been agreed to continue the rebate until the middle of the year, when the matter will again come under review and the whole position considered afresh.

The hon, member also asked me, if I understood him correctly, to quote the cost per ton mile and actual haulage costs. In my annual report for 1937 I quote a

table there showing the average cost per public goods per ton mile calculated on the basis of public goods traffic; which must bear all costs not covered by other sources. That means that if passenger receipts do not cover the full cost of the service that cost must be covered by goods traffic.

In that table we show that the ordinary working costs of the railway have been reduced to the figure of 4.443 cents per ton mile, the lowest figure recorded with the exception of 1936. The total cost, including loan charges and contributions to the renewal fund, amount to just over 9 cents per ton mile. I'do not know whether those are the figures which the Noble Lord wished me to give?

LORD FRANCIS SCOTT: Those are the figures. I do not know whether the hon, member has them up-to-date?

SIR GODFREY RHODES: Not for 1938 until the accounts for the year have been made up.

Reference has been made in one or two places to the question of the betterment fund, and I think perhaps it will be better to deal with that point now instead of later in replying to other members.

It always surprises me when I hear this question because, when I stening to the proposals of Kenya Government and other governments, as far as I can see their estimates contain a very much larger provision for betterment, that is extraordinary expenditure out of revenue, than we attempt to do. I think the hon. Financial Secretary explained that principle very fully yesterday in this Council, and I therefore have some difficulty in understanding why our comparatively small modest contribution to this fund is queried.

Actually, we find that on an average about £100,000 a year is sufficient to meet our betterment requirements, and it is taken out of revenue. For the coming year we are budgeting for half that sum. £50,000 only: If the whole of that money could each year be given away in permanent rates reductions, then there might be some case for reducing this and finding the money out of loan. But it has been noticed in the last two or three years

445 Railway Estimates

[Sir G. Rhodes] that our main contributions to the betterment fund have been found from revenue which was not anticipated; what we call fortuitous revenue. That is, revenue above the estimate of what we should obtain in given years.

That is a different type of contribution to a permanent rate reduction, A permanent rate reduction, we hope, will be reasonably permanent; that is, that it will not fluctuate when years are bad, and therefore we cannot take this money we now contribute to the betterment fund and give it away permanently in rates reductions. Besides, some portion of the revenue must be utilized in what we call betterment expenditure. It is sound finance but, of course, it must not be overdone, and I claim that we do not overdo it. I claim that we do not do it to the same extent that the Colony does it, and I think that our modest contribution is fully justified, is sound finance and, in the long run, benefits the users of the railway. The raising of loan funds for all sorts of small expenditure charged to the betterment head would be quite uneconomical. It is an expensive thing, loan money.

The Noble Lord also referred specifically to the question of the proposed diversion between Uplands and Nakuru-He agreed that the diversion of the section between Uplands and Longonot was sound, but doubted if the section from Gilgit to Nakuru was sound.

I agree that there is a difference in those two sections in this way. As far as Uplands-Longonot is concerned, there are no vested interests to be affected by our proposals in that area but, as far as the Gilgil-Nakuru section is concerned, there are vested interests to be considered. I understand that, legally, we need consider no claim at all of vested interests, but that is not the attitude we are adopting with regard to this proposal. We want to consider every reasonable claim that may be put to us. Our difficulty so far has been to get a claim. We get vague statements, but have not yet had a real. definite claim that we can examine and consider and, if necessary, put before a special board or committee to deal with it, I am hoping that we will get these

claims put down in fairly definite terms so that we can consider them properly.

Railway Estimates 416

But the problem before us is this. We can by a realignment of the railway give to the public of these two territories certain relief in working costs which, after paying full interest charges on the loan money involved, will allow us to reduce our working costs by £8,000 per annum on the present traffic; of course, with any increase in traffic that figure will be much greater still. What we have got to do is to balance that gain to the public against the damage we do to the vested interests.

All that the railway is trying to do is to obtain a fair judgment on that problem. We cannot do it until claims we may have to consider are properly drafted and put before us. I can assure hon members that when a claim does come up it will receive the fairest possible consideration, and, if necessary, I shall ask for a special committee to go into it and consider it.

The proposals to leave the existing line in as a loop is possible, but the amount which we hope to save and pass on to the public generally will then be very much reduced, and whether that is an equitable solution of the problem remains to bo seen before we proceed with the diversion.

The Noble Lord asked himself the question whether we had gone too far with our rates reductions. I think he agrees, and I know we do, that we have not gone too far. The position is not in any way dangerous, even though we may get a bad year next year. With the reserves we have, we feel that the budget position is absolutely safe.

I am very glad indeed that there has been general approval of the proposal to establish the rates stabilization and relief fund. That again, like the betterment fund, will be financed entirely from surplus profits in good years. It is not a fund, at least I do not expect it to be, to be added to at all during a bad year, It therefore has been fully established now, and it will enable us to assist industries when required.

Of course, the danger from a fund of this nature is that when people see money available for relief purposes, all sorts of schemes come forward to utilize the money. Each case has to be considered very carefully on its merits.

(Sir G. Rhodes)

give them to Kisumu.

The hon, member Mr. Kasim asked us to consider the question of the train arrangements with Kisumu, I can assure the hon, member that this quesiton receives almost continual consideration, and during my absence the Superintendent of the Line was, in fact, able to make some change in the down direction, which has very much improved facilities for Kisumu. But we are not able to give them the service they would like yet on economic grounds, and we cannot afford to give a daily service to Kisumu because the traffic is insufficient to justify it. But the hon, member can rest assured that the question is kent in front of us continually and as and when improvements can be made in the train service we will

The question of an Indian member on the Railway Advisory Council is not a matter for me to deal with. It has been raised on many occasions, and has been adequately answered.

The question of the payment of the postal allowance to station masters is also one that has come up on many occasions. Our attitude regarding that is this. Where our staff can assist the Post Office by carrying out postal work, we obtain a small payment from the department. But we do not pass that on to the staff concorned, because we claim that we are entitled to the full working time of those officers, and if a man can be made use of in this way we feel we are justified in letting him do this work. I know that a different view is held by the staff in question, but we feel that our attitude is a fair and correct one.

Regarding the leave question, there has been a good deal of holding up of leave owing to shortage of staff during the past year or two, but we are gradually overtaking the problem, and hope during the coming year to get sufficient staff to fill un to cadre strength to enable us to overtake any arrears in this connexion.

The hon, member suggested that, while he was in agreement with the rates reductions we had granted on cotton, other rates are still high. I suppose they are high, some are perhaps, but I hold that there are very many low ones and our general average is a good one. As I have said, our whole policy is designed to reduce rates wherever possible, and our record during the past three years I sugrest is an exceedingly good one

With regard to waiting room and latrine accommodation at Nakuru and Nairobi, I will give an undertaking to examine that question again. I am sure these questions have been examined while I have been away, as they have been raised in previous discussions.

The Noble Earl, the hon, Member for Kiambu II am sorry he is not here at the moment), complains again about railway autocracy. I think he calls it, and the large sums we have to deal with I have tried to cover that point briefly in my opening remarks. I cannot help the size of the figures we have to deal with. I think that is a matter of congratulation! We were quite a small railway at one time, dealing with small sums indeed, but we have grown up to be quite a large concern, and we have become accustomed to deal with large figures. For this reason. Railway Council hold frequent meetings to control the policy of expenditure.

The horf, member asked that we should not content ourselves with being among the cheapest of the colonial railways of our size, but that we should be the cheapest. I do not like to make comparisons with other railways, because conditions vary so much, but I have every reason to think that we are a long way the cheapest of any other colonial railway of this size. and I believe our figures compare favourably, if other railways would produce similar figures to ourselves, very favourably indeed.

He suggested, too, that we should have a much better record regarding our assistance to industry and primary producers. I know of no other railway that gives the assistance that we give. The difference between the average rates and the top rates and the rates we give to primary products are really remarkable. In no other country is there such a difference. So I hope we can satisfy him on this particular point.

When the hon, member suggests that there has been considerable extravagance, he does get on to a point that I have to pay attention to. Extravagance is a thing ISir G. Rhodes] that we cannot possibly defend if substantiated. I suggest that our record for the last 6 or 8 years shows that there can be very little extravagance. There must be some, we are human, and it cannot be stopped altogether. But there must be a small amount of extravagance on the administration of the railway if we are to set the operating figures that we do. Particular reference has been made to staff marters and station removals, and a later speaker referred particularly to Limuru. If I may I will deal with that point now, because it is connected with this matter,

I should like to say that, in my view. there has been no extravagance whatsoever, even at Limuru. It is quite true these buildings look substantial; they are substantial, but the size has been carefully considered. They are a standard type of building which is fully justified by the use made of them. Actually, I have not ent the figures, but I believe the cost of building the station, Indian staff quarters, native quarters, and large goods shed, would be covered by a figure of approximately £4,000.

I think that probably what the hon, members are referring to is the very heavy earth work and heavy engineering construction such as platforms and so on that they see there. That expenditure cannot be justified on the earnings of Limuru station alone. It is justified only after the fullest-possible consideration not only by my own staff by the Railway Council, by a realignment of the track in that particular area, which is going to give us greater capacity for our through trains; it has been justified entirely on that account.

It is far from being an extravagance. It will result in a saving in working costs.

The Noble Earl referred also to this question of spending money in advance of the raising of a loan, and to the fact that we were able to get this sum so easily when, perhaps, the Colony had difficulty in following a similar policy. It has taken us six months to get a decision from the Secretary of State, but the decision has finally been given, because the Secretary of State realizes that the expenditure is a revenue-earning one and therefore, perhaps, somewhat different to some of the projects that have to be submitted by Government. This one will actually pay 6 per cent in loan charges and, in addition, will reutrn to the users of the railway, as I said, £7,000 or £8,000 a year if we can carry out the complete scheme. It is one, therefore, that should not be held up, and the Secretary of State has agreed that we should include this in our schedule.

Railway Estimates 450

The hon, member also referred to what he called the over estimate of fuel. What has happened is that the fuel costs for 1939 will not be as high as those for 1938, and the reason for that is that we are gradually using up the very expensive coal which we had to buy at the beginning of 1938 owing to the failure of the South African Railways to rail coal to Durban last year. We had in the emergency to buy expensive coal elsewhere. But in 1939 most of that coal will have been used un, and our costs will come down by the figures shown in the Estimates.

The hon, member and one or two other hon, members also referred to the question of uncomfortable travel on the railway. We are as anxious to remove those difficulties as any hon, member opposite, but we do have a real difficulty indeed. Take the question of these jerks and rough handling of trains that so many passengers complain of. I have just come from travelling on many foreign railways-American, Canadian, and continental-and. I should like to say this: that our comfort of travel in that respect is nothing like as bad as on some of the railways I have been on.

The reason for our difficulty is that it is not always a question of driving. Sometimes it is admittedly, but we have taken a great deal of trouble to try and teach our drivers to handle the trains without these jerks, but other factors come into it." For example, a sticky valve in a Westinghouse brake pipe will cause one vehicle to hold up the rest of the train and, when released, suddenly the train goes forward. Another point is that we do now operate very large, heavy trains to the full capacity of the locomotives. Some trains we have are large, difficult trains to handle, and I am surprised the drivers do as well as they do on occasions,

(Sir G. Rhodes)

Another reason is that many vehicles on the trains are goods vehicles, not passenger vehicles at all. The couplings are looser, and the maintenance is not quite of the same standard as on a passenger vehicle.

All I can suggest is that, unless we abandon the attempt to run trains as cheaply as we can and reduce the size to a smaller unit, we must put up to some extent with these jerks, which are nothing like as bad as those on other railways I have travelled on recently.

The hon, member also asked whether we could provide extra third class accommodation pending the arrival of the new rolling stock. We are doing the best we can in that way. I believe every coach is in use on occasions, but part of the trouble is due to the fluctuating nature of the traffic. On occasions we get a train very much over-crowded, frequently without any notice whatever, and on other occasions the train is very nearly empty. But the hon, member can rest assured that we are doing all we can to deal with this rather difficult position until our new vehicles arrive.

He also asked about a refrigerating plant. We do not provide ice boxes for the fish traffic, the industry is supposed to provide them for themselves, and in many cases they do. We cannot provide the ordinary type of frigidaire on these trains, because the vibration of the train throws them out of gear. We do use them in a small way in the dining car, but on a large scale it would be very costly and expensive, and the traffic itself could not afford to pay it.

We are experimenting with the insulated cars we have on the railway in consultation with the industries concerned, and we hope to be able to improve these facilities to meet their requirements. The possibility of using cold ice I will also have investigated, but to have a proper refrigerating car properly equipped is an expensive proposition, and at the present time none of the industries likely to use such a car is in a position to pay the rates we would have to charge.

The hon, member concluded by asking us to make the railway the cheapest, and I have answered that point. He said that

we should consider that we should serve the public and not be their masters. Well that is a new point to me. I am not conscious at all of being the master of the public, and my whole efforts-and I am sure, the whole efforts of my staffare concentrated on trying to give the public good service, an efficient service. as cheaply as we can possibly do it, and I thought we had achieved some success in that direction.

The hon. Member for Nyanza supported the Noble Earl in his speech, and particularly stressed the question of the betterment fund. Well, I do not know whether I have convinced the hon, member. Probably I have not, but it cannot be done in a few minutes, and if the hon. member would kindly come and see me in my office at any time I will go through the whole question with her and do my best to show her that the policy is a sound one and a reasonable one, and a very much milder one than in the Government Estimates.

One point I might correct, I think the hon, member is under the impression that we are proposing to collect £300,000 for the betterment fund. Actually the fact is that we have collected it in the last two or three years out of surplus revenue. It has been extracted, more or less painlessly I hope, to be re-issued to the public at some future date.

The hon, member also asked us not to forget in rates reductions any of the lower classes. I think, if she will examine our returns for the last two or three years, she will find that we gave prior attention to the lower classes before dealing with the top rates, which came last on the list. and were only dealt with in the third year of this process, that is, at the beginning of the present year.

The hon. Member for the Coast spoke about the track between Voi and the coast, I have the utmost sympatty with him on this point, but we do not know how to cure the evil.

I speak to the Chief Engineer, Mr. Hamp, once a month, but it has quite defeated our engineers, and also engineers in every part of the world where this trouble is experienced. The question of corrugated rails, or roaring rails, is one which no one has yet been able to solve. [Sir G. Rhodes]

They have tried various methods, such as grinding the rails smooth, but it is no sooner done than the trouble reappears. If we change the rail, as we do from time to time, the trouble appears shortly after. We do not know quite how to deal with it: in fact, not at all.

17m NOVEMBER, 1938

The hon, member referred to the charge for mattresses. This is quite a new innovation, and we tried to follow the lead given us by South Africa in this respect. In South Africa they have a number of special mattresses for which they charge Sh. 6, and we bought two to begin with for trial. They were rather an expensive type of mattress. We found there was going to be a demand for this amenity, and have designed our own mattresses. very much cheaper than the South African ones, for which we have made a charge of Sh. 2. I believe the mattresses have been in use for some months now and have been a complete-success and very popular indeed with the travelling public. I shall certainly see whether we can reduce the charge or abolish it alto-

The hon, Member for Mombasa raised the question, too, about the jerking of the train, which I have answered, and also asked us to consider the question of extending our seasonal excursion facilities. From our point of view, any further extension of these facilities will not pay us for the loss of revenue that will thereby arise. If he can convince us that any extension will mean an improvement in our revenue position, we will adopt it at once. The numbers involved are so small that there will be no noticeable increase in the traffic if excursion facilities are granted for longer periods of the year. However, I will look into the matter again. It is an old one that we examine frequently indeed, but we find as a rule that we cannot see that any further revenue will be gained by extending these excursions.

With regard to the question of reduced rates on motor cars, this concession is already applied to single journeys as well as double journeys, and that has been in force for some time, a year I think. With regard to the suggestion that we should extend this privilege throughout the year, I should like to explain our difficulty in that respect.

This very low rate was granted for a period when our rolling stock is not in use, that is, after we have dealt with the heavy export traffic of cotton, cotton seed, maize, and so on. Therefore, during the months of February to June we are not able to encourage this type of traffic because we want the trucks for other purposes. At the present time I do not see how we can get over the difficulty, and for those particular months the concession has been withdrawn. But we shall do our best to give it throughout the rest of the year, and it does apply to single

The question of the amalgamation of the railways of East Arlica is a big question of a political nature, which I am not able to discuss I will only say that, naturally, from a technical point of view, amalgamation is possibly sound, but in our particular case I cannot see that there will be much saving in such amalgamation, because the overheads of both railways have now been reduced to the absolute minimum.

But there are various questions that will arise the moment amalgamation comes about. Our neighbouring railway is not in such a fortunate condition as we are. Their rates are a great deal higher, and it would mean that we would have to think of raising our rates to an average level, and I do not know whether that sort of suggestion would meet with general approval in this country. At any rate, we do try to get over all consequential difficulties from differences in rates and tariff regulations, and we have got the utmost co-operation between the two systems that we can possibly get at the present time.

I do not know whether this is the proper place to discuss the question of the unfortunate passenger who became detached from his dentures, but I will look into the matter when I get back to the office. I have a great deal of sympathy with him, but whether public funds can be charged to pay for them or not I do not know. I sugest that the individual concoined should be rather more attached to his dentures in future than he was on the last occasion!

The hon member Dr. Wilson complained again about the tragedy of what it is.

[Sir G. Rhodes] comedy or farce, he did not quite know which, of the presentation of these Estimates in this Council. I hope I have tried to deal with his point, but I do object very much to being told that I give just as much information as I want or as little as I want. I have gone out of my way for years to give as much as I can, and if there is any further information the hon.

member would like to have I will do my

best to give it if he will only let me know

Everything is contained in these Estimates, and a full report of the year's working is contained in our annual report, and beyond that I really do not know quite what to do. The figures are large, but I have explained the reason for that. We have grown from a comparatively small railway to quite a reasonably large one, and we must deal with large figures. I suggest again that the results we are able to quote show that we are dealing with those figures in a reasonably efficient manner.

I have dealt with his point about the question-of so-called extravagance at Limuru, and his complaint that we seem to have no difficulty in getting money when we want it.

The steady increase in staff quarters to which he referred again follows from the fact that we are a growing concern. Our traffic grows steadily year by year, and revenue by much owing to the fact that our revenue has been reduced by heavy rates reduction, actually the amount of work is increasing steadily, and the number of people we employ is increasing in corresponding fashion. We must provide quarters and accommodation for them. Some of these figures may, of course, he repeated in both years' Estimates, because it is quite possible that some of the works budgeted for last year could not be done, and therefore we have to put them in again in 1939, but I am not able without notice to give him the proportionate figures.

The hon, member touched on the question of customs duty and income tax, and suggested that as we did not pay those two duties we might be called on to pay some contribution to the central revenue

of the two territories. That is a suggestion and it is a possible thing to do. I will only say that, as we are bound by our Order in Council and the Railway Ordinance. it is not a possibility at the present time. We are a separate financial entity, and we cannot contemplate a complete change of policy involving paying in revenue to central governments.

Railway Estimates 456

The reason for giving us-freedom from customs duty and income tax is quite a sound one. The reason is that you consider and, I think, rightly consider, that transport in a developing country such as this should be as cheap as possible. If it is decided that we, the largest transport industry of the country, should pay customs duty and income tax, our rates would have to be put up correspondingly to meet that charge. It is purely a question of policy to be decided. At present we are working on an untaxed basis, and I think. personally, wisely so, because I do believe cheap transport is an essential need of this

I also regret the delay in the arrival of the third class coaches, but we are quite helpless in that matter, and nothing more can be done except to carry on as best we can until the new coaches arrive early next year.

The hon, member Mr. Shamsud-Deen made one or two points. He spoke about the overcrowding of the third class coaches. Well, there is overcrowding now, and that is partly due, as I have said, to although we have not increased our the delay in the arrival of the new vehicles. But when he suggests that we should provide lying down accommodation, I think I must say that we cannot possibly afford to give the third class travelling public accommodation that would enable natives to lie down during the journey. Nor is it usually given in other countries. Even in England, where the distances are not so long it is true, people in the third class coaches very often have to stand up. On the continent particularly, the cheaper coaches do not provide anything but hard wooden seats such as are provided in our third class coaches.

I believe it is a mistake to press these points, because I think that for many years to come the chief aim should be to keep the third class travel as cheap as we possibly can, and we do not want extra [Sir G. Rhodes] charges. When it is remembered that the total revenue of the passenger travelfirst, second and third-amounts to only \$185,000, it will be seen that we have to be very careful indeed about what we do for passenger accommodation, as all costs ought to be covered by the particular traffic concerned.

17mt NOVEMBER, 1938

I am afraid I cannot possibly contemplate at the present time putting on extra dining car accommodation for third class passengers. That would increase the costs of the traffic unduly.

The hon, member has mentioned a real difficulty in Nairobi at the present time. It is quite true that many of the lower paid artisans are having real difficulty in finding accommodation. Our accommodation is at the present fully used, and we do give preference to our more senior staff, and we are trying to see whether we cannot give some to the other staff. But I am afraid there is a real difficulty which we cannot meet.

I do not think we can justifiably build quarters for this type of staff now. No one else does so, none of the contractors, and I do not suppose the Public Works Department do: it is not a common practice to provide housing for the artisan daily paid staff. The commitments in respect of housing are usually covered by the emoluments we pay to them, but I think it will be found that already we do more than our share in providing house accommodation for staff of this nature.

It is a question which I hope private enterprise will deal with, because there is room for further housing of the cheaper type in Nairobi.

The hon. Member for Uasin Gishu referred to the short time in which this Council had to consider these Estimates. I am in sympathy with him, but we cannot help it on this particular occasion.

He also raised the question about the recruiting at home of certain youths. I am very glad he has raised this question. now, because it gives me the opportunityof explaining our policy in that connexion.

As hon, members know, we do employ a very large number of the youth of this

Colony in various ways. We have our workshop apprentices, we have our traffic schemes, and everybody who applies to us in this country we give the fullest possible consideration. In some cases when our vacancies are filled we have to ask people to wait for a few months before a vacancy occurs but, in most cases. we are able to take on any suitable individual almost at once. In fact, the Traffic Department tell me that early in the year they advertised for further young men to come forward for employment in that department, but we were very disappointed indeed at the response, and we have found it is very difficult to get suitable young men to take an interest in this type of work and put their heart and soul into a railway career,

With that experience behind us, we found it necessary, in view of a rather large number of vacancies that will occur in future in the senior traffic staff, to go outside the Colony to try and get one or two additional lads from the universities at home. They have already been selected, and they will be posted to the home railways for a period of two years, during which time they will receive a small payment, and the railway companies will receive a fee for coaching them. At the end of two years they will come out here and, I hope, will be useful members of our staff.

There are two only at the present time, and that is after allowing for two or three of our existing staff to fill vacancies we think will occur in the near future, We can find no others at the present time likely to be suitable for the posts we have available.

I may say that this is becoming quite a common practice. All the home railways, I think I am right in saying, now depend upon the universities for filling part of their vacancies. Roughly 50 per cent of the vacancies are filled through the ordinary channels, from the bottom upwards, and we are doing the same, but they do require to draw on the universities for selected students for the remainder of their staff. They find that that practice is proving exceedingly sound.

In the old days the man who made his way in a business used to work his way up from the bottom right through to the ____

[Sir G. Rhodes]
top. There is still a chance to do that, but
thost of the people, who are capable of
doing that now go to the universities.
They have short circuited the industries
to an ever increasing extent, and that is
why the railways at home and many large
business firms look to the universities for
the staff they want to recruit.

Of courte, any young lad from this country who obtains the qualifications will have every opportunity for applying for these vacancies when they occur. I will again say that the records of our own local recruitment are very disappointing to date, and we cannot get the lads we want.

The hon. Member for Trans Nzoia asked why there was so much delay about the delivery of the railed cars. Part of it is largely due to the fact that we were not able to send a final order home until recently. We thought we were going to be able to do it a year ago, but when we got prices and tenders we found they were higher than we had anticipated, and we had to re-examine the whole position. A final firm order has now gone home, and we hope we shall get delivery before the end of next year. It does take a long time to get these vehicles because all industry seems to be concentrated on rearmament problems, and items such as these take second place.

The hon, member asked how we accounted for the large stocks of coal that we seemed to have at Mombasa and other rail heads. I do not know whether he was referring entirely to railway coal or the privately owned coal at Mombasa. So far as the railway is concerned, I am not quite sure of the position at the moment. There might have been a quantity just unloaded from a ship which is to be railed upcountry but, apart from that, we have got in the country on an average a six months' supply and, with a large number of coal burning types of engines, that means a large quantity. As far as I am aware, I have not had any muestion before me since I got back that our actual stocks are unduly large,

As regards the question of co-operation with the Public Works Department, I am informed by the hon. Director of Public Works that this matter has been gone into

very fully, and he hopes to make use of our services wherever he finds it economic to do so. Of course, there is this difficulty. We may be able to carry this ballast, but he has to distribute it along the roads. In many cases he probably finds it more economical to use his own lorries to carry out the distribution direct. But I am sure we will do all we possibly can to give him any assistance we can in this respect.

The hon, member also asked whether the Government of Uganda was assisting the cotton industry in Uganda in their present difficulties. I think I can inform him that the Government of Uganda have reduced their tax from 2 cents to 1 cent, they have halved it, and in addition the Government and the industry are exploring every possible avenue of economy.

The old question of free rates for fertilizers was raised, but I will only say that our rates for these commodities are already so low that they barely cover our costs of coal and oil. Moreover, the railway charges are not the difficulty. They form such a small proportion of the total costs that the railway does not enter into the picture at all. That question has been discussed very frequently with the Agricultural Department and other interested parties, and it has been found that other economic factors control the position and prevent the use of these low rated commodities.

I think, Sir, that I have answered all the questions that have been put to meJ am afraid that in some cases I have not been able to satisfy hon, members but, as
I am most anxious to try and satisfy them, I do hope they will come and see me and discuss these questions with me in my office. They will receive a hearty welcome there.

The question was put and carried.

STANDING ORDERS SUSPENDED

MR. HARRAGIN: Your Excellency, I move that Standing Orders be suspended in order that the reply may be given to the Noble Earl, the hon. Member for Kiambu, to the question which he asked last Monday.

MR. WILLAN seconded.

The question was put and carried.

Standing Orders were suspended.

ORAL ANSWERS

7711 DECEMBER, 1918

No. 48-NATIVE LANDS TRUST AND CROWN LANDS (AMENDMENT) BILLS

EARL OF ERROLL asked:-

In view of the statement made by the Commissioner for Lands and Settlement in this Council on the 14th November, will Government state the date on which the Native Lands Trust Bill and the Crown Lands (Amendment) Bill, as passed by this Legislature, together with the covering despatch were sent to the Colonial Office?

MR. MORTIMER: Copies of these Bills amended in accordance with the decisions of this Council were sent to the Secretary of State together with a covering despatch on the 7th October, 1938.

EARL OF ERROLL: Arising out of that answer, and in view of the fact that the Ordinances were passed on the 18th August, can Government account for the delay in sending them home?

MR. HARRAGIN: The answer is in the affirmative. (Laughter.)

LORD FRANCIS SCOTT: Arising out of that answer—which I think is very flippant—will Government give an answer as to why the delay took place?

MR. HARRAGIN: Your Excellency, there are various reasons. The first was delay necessary in printing. There were numerous amendments which had to be made to the Bills, as hon, members are aware. There was the careful preparation of the despatch, to justify the amendments. It will be remembered that one Bill was originally with the Secretary of State in a different form to what it left this Council. It was therefore necessary to give a full explanation of the reasons as to the amendments, which we hoped he would accept, which were made in this Council.

ADJOURNMENT

Council adjourned till 10 a.m. on By Mr. Lockhakt:— Wednesday, 7th December, 1938. - Schedule of Additio

Wednesday, 7th December, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 7th December, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH

The Oath was administered to:-

Nominated Official Members-

S. H. Fazan, Esq., C.B.E., Provincial Commissioner, Nyanza Province.

C. Tomkinson, Esq., Acting Provincial Commissioner, Central Province.

H. Izard, Esq., Commissioner of Mines.

European Elected Member-

L. G. E. Llewellyn, Esq., Aberdare, Acting.

Indian Elected Member --

Dr. S. D. Karve, Eastern Electoral Area, Acting.

MINUTES

The minutes of the meeting of 17th November, 1938, were confirmed.

PAPERS LAID

The following papers were laid on the

BY SIR ARMIGEL WADE: -

Report of Standing Finance Committee on Draft Estimates of Revenue and Expenditure for the year 1939.

By Mr. HARRAGIN:-

Income Tax (Non-Residents Allowances) Rules, 1938.

Income Tax Forms (Amendment No. 2) Rules, 1938.

Schedule of Additional Provision No. 3 of 1938.

BY Mr. La FONTAINE:—
Report of the Employment of Juveniles
Committee.

ORAL ANSWERS TO QUESTIONS No. 49-NATIVE SERVICES AND DIRECT TAXATION

LORD FRANCIS SCOTT asked: --

What is the present position in regard to native services compared to native direct taxation as laid down by Lord Movne in his Report?

MR. LOCKHART: Half the average annual yield of native direct taxation for the previous six years for which final figures are available, namely, 1932-1937 inclusive, amounts to £263,482. The expenditure on native services proposed in the 1939 Draft Estimates, computed on the basis adopted as a result of Lord Moyne's proposals, amounts to approximately £295,000.

No. 50-WHEAT AND WHEAT FLOUR MR. KASIM asked:-

Will Government inform Council-

- (a) what quantities of wheat were produced in the Colony during the years 1935, 1936 and 1937?
- (b) what quantities of wheat and wheat flour were imported into Kenya from overseas during the years 1935, 1936 and 1937?

MR. WATERS: (a) The following quantities of wheat were produced in the Colony in the seasons stated:-

1935-36; .. 270,198 cwt. 1936-37: ... 314,543 cwt. 1937-38: .. 322,261 cwt.

(b) The following quantities of wheat and wheat flour were imported into Kenya from overseas in the years stated: -

형사 (10년 13	Wheat		Flour
1935	5,592 cwt,	30	,343 cwt
1936	6,809 cwt.		,673 cw
1937	17,951 cwt.		.761 cwi

(Small quantities of flour imported from Ruanda Urundi and the Belgian have been treated as imports from overseas for the purposes of these figures).

BILLS

FIRST READINGS

On the motion of Mr. Harragin, seconded by Mr. Willan, the following Bills were each read a first time: --

The Employment of Servants (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill

The Northern Frontier Poll Tax (Amendment) Bill.

The Asian Civil Service Provident Fund (Amendment) Bill.

The Shops in Rural Areas (Amend.

ment) Bill. The Commissioner for Local

Government (Transfer of Powers) Bill The Public Health (Division of Lands) (Amendment) Bill.

The Financial Officers (Change of Titles) Bill.

The Museums Trustees Bill.

Notice was given to move the subsequent readings at a later stage of the session.

KENYA AND UGANDA RAILWAY (AMENDMENT) BILL

SECOND READING

SIR GODFREY RHODES: Your Excellency, I beg to move that the Kenya and Uganda Railway (Amendment) Bill be read a second time.

The principal Ordinance which this Bill sets out to amend was passed, as hon. members are aware, in 1927, I think it is generally agreed that that Ordinance has stood the test of time exceedingly well. It was very soundly conceived and exceedingly efficiently drafted, and I think the proof of that lies in the fact that, until the present time, only one or two very minor amendments have been found necessary.

-The Bill now before Council is necessary for two reasons. Firstly, because with the development of other forms of transport it has been found necessary to take powers for the High Commissioner of Transport to operate aircraft, if necessary, and road transport, if necessary. Opportunity has therefore been taken also to include in the Bill various amendments of a more minor nature, and the Bill now before Council incorporates the latest views on these points as drafted by the Railway Advisory Council after the fullest possible consultation with the Governments and, where necessary, with the approval of the Secretary of State.

[Sir G. Rhodes] I may say that one or two amendments to the Order in Council are also necessary, and these have now been agreed to by the Governments and the Secretary of State, and the revised Order in Council will probably appear very shortly.

This draft Bill now before Council has nio been based, where possible, on legislation introduced in Tanganyika in 1931. a rather later date than our original Ordinance. I can also say that the Bill has been passed by the Legislative Council of Uganda, and will shortly be law in that country.

If I may now turn to the clauses of the Bill itself, the first clause to which I would like to draw attention is clause 3, which repeals section 3 of the principal Ordinance. In this clause, the High Commissioner takes powers under (a) to operate and manage aircraft, and, in (iii) of (c), road transport also. There is a new power shown in (b), where the High Commissioner will be empowered to construct waterworks and supply water to the public or to ships. We already supply water to shipping at Mombasa, and recently the Government of Uganda asked us to supply water to the public in Tororo. This clause merely gives us legal authority to undertake work of that nature.

In (d), the High Commissioner also takes power to co-operate with other forms of transport. That will bring these services up-to-date in that respect and enable us, if it is considered necessary, to do what other railways have found it desirable to do in other countries.

Clause 4 calls for no particular comment. .

Clause 5 deals with the question of trees which may be dangerous or which may obstruct the proper viewing of signals. This is a redraft of section 12, but includes the power to pay compensation where such compensation arises. Previously, the section did not include that power.

We now come to clause 6, which is a very important clause indeed and refers to section 13 of the principal Ordinance.

The new clause sets out in what we hope are clearer terms the policy that guides the Railway Administration in

carrying out its functions. I may say that the exact terms of this clause have been the subject of much discussion in the Railway Council and also between the two Governments, and the clause as now drafted is the most satisfactory form it is claimed, in which this rather complicated question can be nut into law

K.U.R. Ritt 166

I know that we are subject to the criticism that, legally, it is quite impossible to define "business principles" and "the principles of prudent finance". but I suggest that this clause is for the use of less learned people, such as myself and members of the Railway Council. and we feel that the terms of this clause as now drafted will help us to administer the policy of the railway on the lines laid down. I do not think (in fact, I am sure), that it introduces any new principle whatsoever into the powers as far as the railway management is concerned; the principles herein defined are those we have endeavoured to follow during the past ten years.

Clauses 7 and 8 are minor clauses and call for no special comment; also clause

Clause 10 tightens up the existing law somewhat in order to prevent abuses. It relates to section 20, and deals with persons who sell or attempt to sell any pass or ticket to enable another person to travel free, and those who use such pass or ticket.

Clause 11, dealing with section 21, also tightens up the procedure to prevent abuses in connexion with persons who attempt to defraud the High Commissioner by entering a coach or other vehicles without a ticket.

Clause 12 is a minor clause, and enables us to reduce certain costs of printing and so on without in any way creating a difficulty for members of the public who wish to consult our tariffs.

Clause 13 repeals section 36 (3) which, although inserted in the principal Ordinance, is not required, so that this opportunity was taken to remove it.

Clauses 14 an 15 call for no comment.

Clause 16 brings up-to-date our rules and regulations with regard to the reporting of accidents. The original Ordinance was based on the Indian Railways fSir G. Rhodes1.

Act, 1890, and the opportunity is now taken to bring our law into line with more modern legislation. The clause as drafted adequately protects the public in every way and ensures that the fullest inquiries are carried out where necessary.

Clauses 17 and 18 are minor clauses and call for no special attention.

Clause 19 is largely a redraft of section 40 covering a variety of matters and amplifying our existing law where considered necessary. I do not think any points of principle arise in that clause. Again in clause 20, a few minor amendments are made.

Clause 21 tepeals section 53 of the principal Ordinance which is now against the trend of modern legislation. It dealt with punishment of minors under the age of 16 years, and I understand that that is no longer proper and suitable in modern legislation, and it therefore has been withdrawn.

Clause 22 is a minor clause.

Clauses 23 and 24 are redrafts of the original sections with slightly increased penalties. These deal with servants in a state of intoxication, and so on, and have been redrafted to follow the Tanganyika practice, so that our two laws will be more or less the same in that respect.

Clause 25 gives the High Commissioner power to remove a person from a train under certain circumstances.

We now come to clause 26, which covers an important point of principle. This clause has been redrafted to clarify the position with regard to claims for damage on account of fires. It lays down that:—

"The High Commissioner shall not be liable for any loss or damage caused by fire arising from sparks or cinders emitted from any locomotive used on any railway unless there be proof of negligence or of want of reasonable care on the part of the High Commissioner".

and also subject to certain other conditions laid down of responsibility on a farmer in helping to prevent damage from fire.

This question is one that has been considered a great deal in the past. When we

were drafting the Railway Ordinance in 1927 a great deal of time was spent in discussing how this real difficulty could be dealt with. It was agreed that, within the narrow limits of the railway boundaries-usually 100 feet from the centre line on either side it was quite impossible for the railway itself to prevent damage by fire, however careful we were and whatever precautions we took. It was agreed therefore, that in the interests of the country as a whole, the farmer himself who farms alongside the railway and the users of the railway who have to pay for the damage, some co-operative system should be adopted. The law as drafted laid down that, where a farmer considered there might be danger to his crops, he should call on the railway to build firebreaks alongside his boundary. and he would do the same. It was felt that in that way we should get a firebreak which would be of some real practical use. Where necessary, additional precautions could be taken for putting a firebreak further from our boundary or making it wider, and so on, to suit the local circumstances of the case.

We felt in discussing the Ordinance at that date that that was the only reasonable way that we could reduce this real danger of damage to property, and I think that co-operative principle was very properly accepted by the whole country at that time. The present draft does not alter that co-operative principle in any respect, but it does introduce the necessity to prove negligence on the part of the High Commissioner if damage does take place in spite of all these precautions that are taken. I suggest that that is a proper clause to introduce in the interests of the users of the railway who have to pay any claims that may arise due to damage by

What is the alternative? In the interests of the users, the only alternative would appear to be to take power to enter upon a farmer's land in order to build firebreaks within his boundaries to protect the users against the possibility of such claims. I suggest that that is not a practical method at all: it would lead to endiess difficulty and trouble with the individuals concerned. I think we must accept this in the interests of the country as a whole. If both parties have done all they

[Sir G. Rhodes]
possibly can to prevent a fire and fire
does in fact take place, then the users of

does in fact take place, then the users of the railway should not be liable to pay a claim to cover such damage.

I feel that is right in equity and in the general interests of the public, and that has been accepted by the Railway Council, and also by the Governments concerned, and the clause is therefore included in this Bill as now drafted.

It is a question of trying to prevent damage, to begin with by co-operation and, finally, when everything possible has been done, not to call on the users of the railway to pay unless negligence has been moved.

Clause 27 is a rewording of section 72 and calls for no comment. Similarly clause 28, which amplifies section 82 in minor ways, and no questions of principle are involved. Clauses 29, 30, and 31 are all minor points and call for no comment.

That brings us to the end of the Bill. I may state that it has been agreed that this Bill will go to a select committee after passing its second reading. If legal points are raised during the debate which I am unable to answer in my reply, I hope my hon. friend the Attorney General will come to my rescue and deal with such points.

I think that is all I have to say, Sir.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT.: Sir, I am not going to go through the whole of these amendments, but will confine myself to one or two of what I consider very important sections.

First of all, the hon, mover told us that there had been certain amendments already made to the Order in Council. If that is so, I consider that this Council should be made aware of what those amendments are.

The next point is when he stated this Bill had already been approved by the Legislative Council of Uganda. Well, that only illustrates the great difficulties in which we are placed in this country, in having no control over railway matters. If this Eill is passed by Uganda, and then we more certain amendments here, what is the next procedure after that? Is it

sent to the Secretary of State to decide between us, or what?

K.U.R. Bill 470

I do suggest that the fact that it has been passed in the Legislative Council of Uganda should have no effect whatsoever on the trend of debate in this Council today, and that we should say here exactly what we think should be done from the point of view of the interests of Kenya.

The most contentious clause in this Bill is the new clause 6, altering section 13 of the principal Ordinance. The hon mover stated that this Bill had been carefully considered by the Railway Advisory Council, and I think it is only right that this Council should know that, when the Railway Council dealt with this Bill, the unofficial members representing Kenya dissented from the alteration, of section 13.

I listened very carefully to hear from the hon, member reasons why this section has been altered, and, quite frankly, I failed to hear any argument whatsoever. What he said was, so that there should be clearer terms to guide the policy and that there was no new principle as far as the railway was concerned. He had already told us that the Order in Council had worked amazingly well during these years. I think it is 13 years since it was brought into force. I should like to know what reasons have appeared to justify any alteration of this particular section which, in fact; was the main section on which the whole of the original Ordinance was hased.

I think I am the only member of this Council who was present when the original Ordinance was passed in this Council, and it was at the time a question of tremendous give and take between representatives of Kenya and Uganda, and was an agreed measure which brought the Order in Council and the Ordinance into effect. This was a very definitely agreed compromise of this essential section on which the whole of the Order in Council was based, which vested the railway outside the jurisdiction of the Legislative Councils at that time.

I do say that, unless some very strong reasons are given for altering this section, it is quite unjustified that it should be altered to-day. [Lord Francis Scott]

We are told there is not very much difference between the new clause and the old section. If there is not very much difference, what is the reason for altering it? There must be some reason for it, and some hidden reason which has not been disclosed.

Of course, if you read it carefully, you see that in the present section 13 the emphasis is laid on cheap transport being provided for agricultural and industrial development in Kenya and Uganda. whereas in the amended one emphasis is laid on what is not inconsistent with business principles or with principles of prudent finance. In other words, that the chief objective of the railway-which was cheap transport to help on the development of the country-is to be changed into a principle of looking at it mainly from the point of view of the financial position of the railway, irrespective of the development of the country.

At a convenient time I propose to move the deletion of this clause. I understand that the proper time for me to do that will be when the report of the select committee-comes back to this Council, Possibly they may have already done what I want, in which case it will not be necessary to move it, but if they have not, I propose to move the deletion at that stage.

The next clause I wish to refer to is clause 9. I do not know why:

"The provisions of this section shall not apply to the High Commissioner's road motor services".

I am not going to deal with any other clauses until we come to clause 26, dealing with damage by fire.

I do hope very very much that this Council will delete that clause because, in my opinion, it is an extremely unfair clause. At the present time it is almost as difficult for a camel to get through the eye of a needle as for anybody to get compensation for damage by fire from the railway, and I would like to ask the hon. General Manager how many cases of compensation have been paid by the railway since the Order in Council came into force? I think he will have to admit that they are negligible.

I happen to be one of the few lucky people to get a little money out of the railway once by suing my neighbour who sued the railway and got slight compensation.

If you put in this clause that there must be proof of negligence or want of reasonable care on the part of the High Commissioner, it makes it absolutely impossible for anybody to get damages from the railway. I submit that it is grossly unfair, and the argument out un by the hon. General Manager that the users of the railway should be protected is an argument really that the rich and powerful Railway Administration shall be protected from paying any damage. while to the unfortunate farmer who has had a few hundred pounds' worth of crops destroyed it may make a whole difference to his living at all.

I think it is absolutely wrong that there should be such powers given and that the High Commissioner should be protected in this way, so as to prevent anyone who has had crops damaged by fire from the railway getting any compensation. I quite agree that if farmers want to get compensation, they must compily with the conditions which are laid down. They must take reasonable care to protect their own land by fire breaks in conjunction with the railway. I quite agree that that should be insisted upon. But I do not agree that the onus should be put on them of proving negligence.

We all know that every train which goes through the country scatters sparks all over the place. One could say it is negligence because the spark controllers in the engines are not sufficiently efficient. But we also know that, if they were made efficient to prevent any sparks, the engines would not be able to pull the trains along, so that obviously it is quite impossible to prove negligence. I did understand that the railway were not going to insist on this clause, and I trust very much that in select committee they will agree to withdraw it.

I have no other clause to refer to at the moment, though I understand some representations have been put up with reference to, I think, clause 3 of the Bill, by some of the motor interests. But as I do not know what their point is I do not propose to refer to that.

MAIOR CAVENDISH-BENTINCK: On a point of order, Your Excellency, would it be possible for Council to be informed what the alterations to the Order in Council are? It is difficult to debate it until we know that.

MR. HARRAGIN: 1 am not aware that there are any proposed alterations to the Order in Council. I think the hon. General Manager was referring to the alteration made already which affects such things as air services and road services which, before the alteration, the railway-could not invest in. That was the only alteration I know of in the last two or three years.

SIR GODFREY RHODES: On a further point of explanation, my hon, and learned friend is not quite right, because the amendments to the Order are not yet promulgated by the Secretary of State, although they have been agreed to by him. They involve no- question of principle not already dealt with in this Bill, and merely amplify the powers of His Excellency to enable him to introduce a Bill of this nature; in other words, to cover road and air services, and a minor amendment also in connexion with the Railway Provident Fund.

The question of the amendment of the Order in Council does not come before this Council for consideration; it is done by the Secretary of State, and any consequential legislation necessary is done in this form in which we have introduced this Bill before Council.

LORD FRANCIS SCOTT: On a further point of explanation, was there any alteration of the Order in Council rerarding section 13?

SIR GODFREY RHODES: No, no alteration was necessary as far as that goes.

COL. KIRKWOOD: Your Excellency, I am not satisfied with the explanation given by the hon. General Manager, I understood him to say that definite alterations had been made to the Order in Council, and that does not conform to the explanation given a moment ago. I think if alterations have been made or agreed to by the Secretary of State, we should know what they are before we go into select committee.

Another point is that the Bill has already been agreed to by the Government of Uganda. It does seem to me somewhat Gilbertian that one Council agrees, and I presume we are asked to agree, otherwise the Bill would be thrown out of court.

K.U.R. Bill 474

I wish to refer to clause 3 (f) on page 3, which states:—

"No railway for the conveyance of public traffic and no harbour or similar work shall be constructed without the sanction of the Legislative Council,"

—I presume that should read "Legislative Councils of Kenya and Uganda—

"and no such sanction shall be given without a prior report."

What I want elarified is that no alteration shall be made to that agreement, whether Councils Occurcits. Does that mean that the official vote, the steam roller, will be used? and that any alteration, a Gilbertian one, will be forced on this Council? I should like to see the clause altered that, in the event of the decision of Council being required, unofficial members only should vote, and that if the official members are to vote they should have a free vote. That should be stated in this Bill.

I quite agree with, and endorse every word, said by the Noble Lord the hon. Member for Rift Valley, with regard to clause 6 and section 13. This clause, I maintain, has altered the policy, and is intended to alter the policy. If it does not, why insert it in this Bill? If, as the hon. General Manager has stated, it is a minor alteration, why put it in at all?

In this case they have altered the position and, as already pointed out, laid the emphasis on the financial side of the railway instead of stressing the needs of both Kenya and Uganda as a whole. I have always maintained that the policy of the railway should be to develop the country and not to rob it. A great deal of money is extracted both from Kenya and Uganda, which is quite unnecessary; a very considerable sum over and above what is required for interest and redemption is extracted. I maintain that in that form the railway is a very severe taxing machine on the Colony. It has an identity of its own, it is apart from the Governments of Uganda and Kenya, and the (Col. Kirkwood)

Los. General Manager has a very unique position. He seems to me to hold the position as governor of the railway, so that we have three Governors: one in Kenya, one in Uganda, and one of the railway.

I have noticed on many occasions when the hon. General Manager has been speaking that he does not even adopt the line taken by official members, of making the announcement that he was. "favourably conddering" such and such a case or "is instructed by Your Excellency" to say so and so. He does not do that. He takes the line and he speaks direct as General Manager controlling the railway as a whole.

Regarding clause 26, I quite agree with what has been said by the previous speaker concerning fires, I see no reason whatever to alter this section, and I trust it will not be altered.

Before I sit down, I should like to again emphasize that I will not be satisfied unless the position as regards the Order in Council is made perfectly clear before the select committee meets. I would also remind Government, and no doubt they will know of it through other quarters, that there is a meeting of the European elected members this afternoon, and if that is the case few members will be able to sit on the select committee this afternoon. I hope Government will adjourn the sitting of the committee until to-

DR. WILSON; Your Excellency, I am not at all happy about this Bill, because I do not know what we are letting ourselves in for if it becomes law. I hoped to have gathered something more about the Bill in the course of the debate. I gathered, I am afraid, not very much from the hon, mover, and I was extremely grateful, if I may say so, to the Noble Lord the hon. Member for Rift Valley for his very illuminating speech. I thought that, coming from a member of the Railway Advisory Council, that speech gives one furiously to think.

I do not want to speak on the subjects mentioned already, questions of railway policy, but I want to know about these additional powers which the railway is asking for and which it is proposed in this Bill to give. Are we to take this Bill in that respect as merely a formal recognition of what the railway is already doing, or is proposing to do, in certain instances such as the Tororo water works, or is it the beginning of a wide extension of railway activities?

The whole question is, if the railway is given these additional powers and intends to use them, are they going to be used for the benefit of the public or for the benefit of the railway? I can imagine these, if put into practice, being of very great service to the country, and I can imagine exactly the opposite. Take the question of the water works: if it is seriously intended that the railway should use some of its surplus funds to construct water works to supply small towns when Government is unable to find the money for this purpose, it will be doing the public a good service. But if the railway is to be given a monopoly to supply small townships with water, that might become oppressive.

The railway is not altogether above reproach, if my information is correct, in the matter of selling water. I heard some time ago that the railway used to sell to ships in Kilindini water obtained from the Mombasa water supply at a rate so much higher than they had paid for it that ships preferred to go to Zanzibar to fill up. I was told that used to be the case and, for all I know, may still be, and I hope I shall be corrected.

As regards the question of power to operate a road motor transport service and to construct roads, is that merely formal, or where exactly is it going to lead to?

I can imagine, though I do not suppose the hon. General Manager can, the railway using money to build a proper road from Mombasa to the Uganda border, so that we should get that second string to our bow in case of war, which I think is necessary, and which we do not look like getting by any other means! Then we could have the railway constructing and maintaining a system of feeder roads, or helping to maintain the existing roads, and operating motor traffic over that system. If that happens, Your Excellency's title of High Commissioner for Transport would be justified.

[Dr. Wilson]

If such a thing were to happen it might drive some of the existing buses and lorries off the road. But I should not worry very much on the account of the owners, because I do not think that, in the interests of the public, and the natives especially, these services should be in the hands of small owners unable to keep their vehicles in a decent condition and to maintain a safe and efficient service.

But I should worry if the native passengers were to lose the facilities they have at present in the matter of motor transport over the roads, and if the result of the railway getting control were to deprive them of such services as they have already, and to substitute in place of the existing methods of transport a service which might cost them more and might not sreve them so well or so conveniently. The railway has not got too good a reputation in the matter of native passenger traffic. For years there has been an agitation for improved amenities for third class passengers without result, and no wonder the native is taking to these motor buses. There are great advantages arising from this greater facility for travelling over the roads, and it is quite necessary that this promising development should not be hindered by any system of railway monopoly.

In other words, if the railway is going to operate any sort of road motor service it must be done for the benefit of the people, and not for the benefit of the railway. (Hear, hear.)

It is my misfortune that I am rather sceptical about the "humble servant of the public" antitude that the hon. General Manager assumes at times (laughter), because there is another side to it, and if I may give an illustration of the attitude which the railway can adopt towards roads and road users I should like to tell the story of the Bamboo Forest road. The hon. General Manager knows the story, and I see by his encouraging smile that would like me to tell it ngain! (Laughter)

The Bamboo Forest road used to run past Uplands Station, and then through some miles of swamp which, in wet weather, became a sea of mud. The Kiambu Local Native Council found a

new alignment and constructed six miles of new road, avoiding the swamp. The new road crossed the railway somewhere between Uplands and Escarpment Stations, and the railway demanded £50 down for the level crossing and a toll of £3 a year forever afterwards. The Local Native Council had used all its money in making the road, and had none left for the privilege of crossing the railway; so the Naivasha District Council was appealed to, because the settlers in the Kinangop ward of the district council also used the road.

K.U.R. B.H 478

The district council very reluctantly agreed to pay the £50 for a level crossing miles outside their district, and asked the railway to get yn with the work. Incidentally, the work necessary for taking the road access the rails could have been done by anybrody for about £50 r £10, and if my hon, friend the General Manager can tell me that that tiny bit of work cost £50 I should like to ask him again the question I asked the other day; what has the work at Limuru Station cost since the alterations began?

However, Naivasha District Council reluctantly agreed to pay, and asked the railway to start work. The answer was, that the work would be started when the money had been paid, cash down or nothing doing! Another peculiarity of the railway is that it always gets its money in advance. More reluctantly than ever, the council paid over that £50, and then got a reply that the work would be put in hand when Naivasha District Council gave a written undertaking that it would accept full responsibility for any accident that ever occurred at that level crossing. Fortunately, that demand was too grotesque for even the railway to persist in, and eventually the crossing was made.

There is one last chapter to this painful

Just as the natives of the district and the settlers of the Kinangop were congratulating themselves that they had at last got a direct route to Limuru and Nairobi, the railway discovered that this new road gave them very convenient access to the forest reserve. Contracts for the cutting and carrying of fuel were given out, and by the time the railway got the fuel, they wanted, the contractors was

K.U.R. Bill 480

[Dr. Wilson] carts had made the road completely impassable, and the £50 level crossing was a washout! (Laughter.)

That is the attitude which the railway can adopt towards a public road, and a road of such importance that the other day the hon. Director of Public Works was recommending the public to use it instead of the Kedong Valley road.

If this amending Bill is intended to extend the activities of the railway for the benefit of the people of Kenya, well and good, but if it is going to strengthen the strangle hold that the railway has on the country at present, it is not so good.

The hon, General Manager tells us that the original Ordinance of 1927 has worked perfectly. Well, I suggest that it might have seemed harmless enough when passed, as this amending Bill may be, but I say it has landed us with a Frankenstein monster which has got entirely out of control. I am sorry that we are now, instead of proposing to extend its power, not proposing to curtail its absolute authority, or rather, that in proposing to extend its activities we are not proposing at the same time to exercise the completest control over its activities because, as I am always saying, and I suppose I shall become unpopular in time if I keen on saying it, this railway is an impossible anomaly.

I think the first consideration in an amending Bill should be to exercise more control over the autocracy of the General Manager, But I have raised this question before, and I think I had better finish up by asking one question.

If the railway get these additional powers, and is going to use them, will it continue to enjoy the privileges it does now? Will it be allowed to import motor larries, petrol and oil free of duty? Further, will it be exempt from motor vehicle licences and income tax and every other form of taxation? Because, if so, in that case what about the corresponding loss to the Colony's revenues?

It is not much use saying that I am going to oppose this Bill. I should very much like to support it, because I can see that in certain circumstances it could be made of very great benefit to the country.

Naturally I am thinking of using railway funds for other purposes besides running a railway. But, as it is, until there is some further amendment for effective control over railway policy and expenditure, until the Colony has more say in the spending of the funds which the railway collects under the protection of, and with the help of, and at the expense of, the Government of Kenya, I cannot say that I am prepared to support a Bill which is intended to widen the scope of the railway's activities.

MR. KASIM: Your Excellency, on page 18 of the Bill is given section 64 of the principal Ordinance which it is pronosed to amend, Sub-section (1) reads:-

"If a person commits any offence mentioned in sections 49, 50, 51, 52, 58 59 and 61, he may be arrested without warrant or other written authority by any servant or police officer or by any other person whom such servant or police officer may call to his aid."

This, in my view, is very arbitrary in view of the minor offences. No arrest should be made without a warrant. The offender may be summoned as is usual in other minor offences.

MR. SHAMSUD-DEEN: Your Excellency, not only is there the point which my hon, friend has just mentioned, but I am surprised that for such minor offences a passenger is made liable to an arrest without a warrant. The new sub-section proposed in clause 25 makes reference to a number of offences set out in a lot of paragraphs, and a person who puts out a light is even liable to arrest without a warrant. Similarly, there are sections where the railway, after issuing a ticket to a person, may turn him out and refuse to let him travel and are not responsible for paying him any compensation for issuing a ticket when there is no accommodation available. Various other offences of a very minor nature have been made punishable with heavy fines as well as a person being liable to be arrested.

There are many other small things that I think should be taken out in select com-

But I should really like to associate myself with what the hon, member Dr. Wilson said, with regard to taking this. [Mr. Shamsud-Deen] opportunity of preventing the railway from entering into competition with the

motor trade. If permitted, it will deprive Government of large sums of money which should come to it if the motor trade were allowed to develop.

Council adjourned for the usual interval.

On resuming:

SIR ARMIGEL WADE: Your Excellency, I wish to confine my remarks to two points only: the first one, the specific point raised by the Noble Lord on the matter of clause 6, and the second one the general one raised on the subject of railway control.

To deal with clause 6 first.

It has been asked why we should want to alter section 13 as it stands at present, and I think that to understand the reason for this it is necessary to go back into the history of this controversy. In order to make the position quite clear, I propose, with Your Excellency's permission, to quote from the minutes of the Railway Advisory Council.

This matter first came to a head in June, 1933, at a Railway Council meeting held in Nairobi, when it was explained by the Uganda members-

"that, in the view of the Uganda members, the chief difficulty regarding this question arose through a possible misinterpretation of the meaning of section 13 of the Railway Ordinance. 1927, laying down that the services shall be administered on business principles, due regard being had to agricultural and industrial development in Kenya and Uganda by means of cheap transport'. He suggested that this misunderstanding could be removed by an amendment of this section to the effect that 'the services should be administered on a commercial basis, consistent with prudent finance'."

Eventually, after a good deal of argument (in which some members were very insistent that the term "commercial principles" should be introduced into this matter, or "commercial basis" rather, and there was a certain amount of argument, I think, that the expression "cheap transport" should be done away with alto-

gether, and there was a great deal of pressure, at any rate, for introducing the phrase "prudent finance", we arrived at a compromise. Like nearly every compromise, there probably was not a single member who entirely agreed with every word and it did not exactly meat the views of any member. Quite frankly, probably the Kenya members would have preferred no alteration at all, but the others wanted a more drastic alteration.

In the end, we agreed, and resolved as follows . -

"Recognising the urgent need to obtain unanimity on railway policy in the territories served by this Administration, and being aware of the supreme importance of avoiding any call upon either Government to meet deficits, Council agrees that the policy of the railway must be a business policy, as prescribed in section 13 of the Kenya and Uganda Railway Ordinance, 1927, and, in so far as that policy is influenced by considerations of agricultural and industrial development, it shall not include the adoption of measures which are detrimental to railway interests or the provision of cheap transport which there is reason to believe will be unremunerative in its cumulative effect. The policy and recommendations of the Railway Administration in considering rates matters should be based on the principles embodied in this resolution.

In the event of the introduction of legislation to amend the Railway Ordinance, it is suggested that opportunity should be taken to amplify section 13 accordingly."

That resolution had the full support of all members except the two from Uganda, who wanted a more drastic alteration, and they would have preferred the words

"Council agrees that the services should be administered on a commercial basis, consistent with prudent finance."

rather than the words-

"Council agrees that the policy of the railway must be a business policy, as prescribed by section 13".

In accordance with that recommendation, the words that appear in this Bill were eventually agreed upon as interpreting that resolution, and these words have 483 K.U.R. Bill

ISir A. Wadel been agreed upon subsequently by the Railway Council and by both High Commissioners of Transport and by the Secretary of State. At this late date I would very much deprecate going back on that resolution and going back to the section in the Ordinance as it stands now because really, when it comes to any putting into effect of railway policy. I do not believe anybody can find that there is anything in the new draft that would really make any difference.

They both start with the axiom, or the command, that the services shall be administered on business principles. That is retained in the new draft exactly as in the old one, and maintains what people in Kenya have always fought for-and the hon. General Manager has agreed to be the right policy and is the policy adopted in these colonies-of cheap transport. We did keep that in, only there is a sort of proviso, that chean transport must be consistent with prudent finance.

I know that a lot of people say that "predent finance" does not mean anything, and surely that is only a grandmotherly exhortation, for it is not likely that Railway Council will do anything inconsistent with prudent finance, whether the words are there or not. Although some would probably rather have the words as they exist in the present Ordinance, I think it would be a pity to reopen the matter. On the Railway Council we have got a sort of four to four division, and there was a certain amount of concession on both sides, and I do hopesubject, of course, to whatever the select committee may say on the matter-that their decision will be to keep the words in the Bill, otherwise it will reopen the whole controversy which really did excite quite a lot of bitterness

The next point is the general one raised by the hon, member Dr. Wilson about railway control.

He said he wanted to know whether something was to be done in the interests of the Colony or in the interests of the railway. That is what we used to call a false dichotomy, or false division, as far as I can make out, because the railway is the servant of the public, and what is to the interests of the railway must be to the interests of the public, if the railway is properly and honestly run. By the way the hon, member spoke, one would rather imagine that this railway was a private concern with a lot of shareholders who were financially interested in the manocuvers of the railway, and what was to the interests of the railway would not necessarily be to the interests of the users of the railway.

That, of course, is not so. There are no private shareholders in the railway. So far as I can make out, no individual is personally interested in the railway making enormous profits that could be shared out as dividends. If the Railway Council does its work properly, and the General Manager too, and you, Sir, as High Commissioner do your work properly, the railway is the servant of the public, and what is to the advantage of the railway must be reflected in public

The hon, member pictured the General Manager as a sort of uncontrolled despot who, for some nefarious reasons of his own, grinds under his heel the long suffering public of Kenya, with no one to control or direct him in any way whatever, My sympathies have been rather with the General Manager. He has a rather cantankerous and contentious Railway Council to persuade on every occasion to do what he wants, and so far from the Council being a kind and complacent collection of acquiescent yes-men, I am quite sure he will agree that he finds them a very argumentative and not by any means does he always get his own way.

This Railway Council is constituted for the express purpose of controlling the ambitions of the General Manager. It is composed of four members from Kenya and four from Uganda, and it is very nicely balanced in that from Kenya there are two official members and two unofficial and from Uganda two and two. The balance is very nicely kept in both directions.

If that Council is not adequate to control the General Manager-and it must be remembered that he does not even have a vote on the Council and it is Council's advice that goes up to the High Commissioner-if that Council is not good enough or strong enough, not representative enough, or in any way ineffective,

485 K.U.R. Bill [Sir A. Wade]

then the whole constitution should be altered and some more powerful Council devised to control him. But it is the greatest possible mistake to suppose that the General Manager is uncontrolled, that his actions are arbitrary, and that the Railway Council has no say whatever in either the policy or practice of the Railway Administration.

MR. HARRAGIN: Your Excellency. there are one or two small legal points that I should like to clear up and, as the probable chairman of the select committee on the Bill. I should like to assure the hon. Member for Trans Nzoia that there is no intention of holding a meeting when hon, members on the other side of Council cannot attend. I think hon, members well know that it is always our intention to endeavour to meet their convenience, and of course it would be absurd to have any meeting without any members present except Government members. He can rest assured that hon. members on the other side of Council will be consulted as to the most suitable time to hold the committee meeting.

The next point is that there seems to be some mystery about the Order in Council. Actually, there is very little in it, It simply amounts to this.

Some time ago the question was raised as to whether, under the existing Order in Council, the railway could as a matter of law invest in air services or motor services, as they wished to do. As so often happens in legal matters, the Attorneys General of Kenya and Uganda disagreed. One said it could not be done under the existing Order in Council and the other said it could, so what happened was that it had to be referred to the Legal Adviser to the Secretary of State, who said that although probably under the existing Order it might be done, as there was some doubt about it he advised that the Order in Council should be amended. They actually sent out a draft of the proposed amendment, which we saw. It merely gave the railway authorities power to invest in these services which I mentioned if they so desired.

Actually, I do not know whether the amendment has been passed or not. It can be expected, at any rate, in the very

near future, if it has not already been passed.

The third point was the one made by the Noble Lord the Member for Rift Valley, which, of course, is a very real point, when he said he had been informed that this amending Bill had already been passed by the Uganda Legislative Council. While I have to admit that it is a very real point, at the moment I cannot think of an answer as to how to get over itunless we have a joint meeting of the Uganda Legislative Council and ourselves! But I cannot tell him the result.

If by any chance we alter the Bill in any way, there will be one law for Kenya and another law for Uganda. It might not be a very desirable thing, but that will be the legal position. Assume, for example, that we cut out the clause regarding negligence, the net result will be that if in Kenya the railway burn down someone's crops it will not be necessary for the farmer losing them to prove negligence on the part of the railway; whereas in Uganda, just the other side of the border, if the same thing happens the farmer will have to prove negligence. That will be the legal posttion if we alter the Bill.

I suggest that it does not necessarily mean that the measure is quite unworkable, although it is desirable that both Ordinances should be the same.

Another question asked was, what would happen if the two High Commissioners disagreed. And the answer is that the matter would have to be referred to the Secretary of State.

Another point raised was with regard to clause 3 (f). I could not quite follow the point made by the hon. Member for Trans Nzoia. We put in that clause that where a new railway, was to be built or certain works to be constructed, it will be necessary for the matter to be referred to Legislative Council before it could be done. For some reason the hon, member suggested that when it appeared before Council the steam roller would be

Well, I admit that in every Bill or every motion there is the steam roller that can be used, but hon, members are well aware how often, in actual fact, it

K.U.R. Bill 490

[Mr. Harragin]

is, so that I do not think he need have any fear on that account.

One hon, member took exception to the fact that we have made provision for arrest without warrant. That is a section which will be found in this type of legislation all over the world, and it stands to reason that unless ran arrest is made immediately an offence is committed on a train, if the person is allowed to get out of the train he will never be seen again and, in this country, it is particularly desirable to arrest at once. To say that a summons should be served on Njeroge wa Kamau, whose name it probably is not, and who will be seventy miles away before it could be served, is absurd.

Of course, the big point raised is with regard to clause 26, which deals with the proof of negligence.

As a matter of interest, when this Bill came up to me, just to "vet" to see if it were legally in order. I had a certain amount of research made into the laws of other countries, I can only tell hon. members that the result led me nowhere, because whereas in a place like South Africa negligence does not have to be proved; in other countries there are numerous examples where it has to be proved. Some countries again try to get over it by limiting the amount of compensation that could be paid. That is true in England to-day, Incidentally, for many years the amount was only £50; no matter how much damage was done by a railway company they were only liable up to that sum. Recently, within the last year or two, it has been raised to £200. so that people are a little better off in England in that respect.

It is perfectly obvious that this point is one of great difficulty which every country has to solve in its own way, and in select committee I shall be only too glad to show hon, members the various laws of the different countries and colonies dealing with this particular subject.

The last point made was with regard to why the road motor services of the High Commissioner were excluded in clause 9. The reason is that we have already laws dealing with all other motor

services in the country, and there is no reason why the railway's motor services should be different from anybody cles's if they run one. Secondly, it would mean, obviously, recasting the whole clause, because, for instance, a person is not allowed to get on the railway unless he has bought a ticket, whereas it is contemplated, that when he gets into a bus he buys a ticket when the conductor comes along. Various small amendments like that mean recasting the whole clause.

Quite apart from that, there is the further small point that if a man does not buy his ticket on a bus the bus can be stopped and he can be chucked out, whereas on a railway one could not take similar action. We therefore think it wise to exclude motor services from this particular clause.

MAJOR CAVENDISH-BENTINCK:
Your Excellency, I think that this debate,
in common with another debate that took
place very recently, clearly shows the
Colony has reached a state of evolution
at which serious consideration should be
given to the powers of this Council.

We call this a Legislative Council. This rather tends to give the idea that we are purely advisory. But we are much more. We have executive powers, and we really are a Legislative Assembly. Yet, within two or three months, we have twice had occasions, on the first of which the whole Council clearly wanted to express their opinions on what they thought of interest to this country and could not be allowed to, and here we have another case in which we are told that the Secretary of State has given agreement to certain changes in the law and Order in Council. Although the explanation given was that it was only a change in matters of the investment of funds, still, it has been altered, and that before the Bill has been passed through this Assembly.

Of course, the railway is very different. It is very difficult to know in the case of the railway exactly just who is responsible finally for running the railway. According to the Order in Council, there is a Commissioner for Transport appointed—he has now been divided into two; the Secretary of State is empowered and he

[Major Cavendish-Bentinck] may appoint the General Manager, and he has certain duties—

"and in so far as is not inconsistent with the aforesaid provisions, in accordance with the provisions of any law in force in Kenya or Uganda."

The whole thing is very unsatisfactory.

I will now turn to one or two small points raised.

The first one has not been raised, and relates to clause 5. If you read the "Objects and Reasons," we are told—

"While re-enacting the provisions of section 12, states the method under which compensation may be awarded to an interested party."

It is a comparatively small matter, but it deals with the powers of the railway to enter upon premises without previous permission and cut down trees. I submit that it may be necessary to have these powers, but I do think they should be used with discretion, and that provision should be made in this Bill that the first step the railway should take is not to enter without permission somebody's land and cut down something, but to ask either the person to assist the railway by removing the obstruction or to meet the railway in some reasonable manner.

It is curious that the "Objects and Reasons" should stress that method under which compensation may be awarded an interested party. Yet we find a new clause here which reads:—

"A suit shall not lie to recover compensation for any tree felled or otherwise dealt with under this section."

In other words, again protecting the railway.

As regards clause 6, and section 13 of the principal Ordinance, I wish to support in every way possible the Noble Lord the hon. Member for Rift Valley.

The hon. Chief Secretary has just given us the history of why this amendment has been introduced into this Ordinance. He alluded chiefly, I think, to a meeting of the Railway Council that took place in 1933. At that time, there was a certain amount of friction between the Uganda and Kenya members of the Council, to chiefly on account of certain cheap maize rates at that time given in Kenya.

I do not think that that position is quite the same to-day. I do not think that friction exists to-day.

He did say two members on the Uganda side wanted something stronger, but I think he omitted to say that, when this wording came up for final decision, I at any rate was acting at the time, had my objection very clearly stated; I never agreed to this re-wording, and reserved on every possible occasion the right to say in public that I strongly objected.

SIR ARMIGEL WADE: On a point of personal explanation, the only reason I did not mention that was that I thought the Noble Lord had already said that our two members disagreed and that that point was quite elear.

MAJOR CAVENDISH-BENTINCK:
I only wanted to stress it still further, andto say that a tremendous lot of time was
given to the original section 13. That
section does lay a little stress on the fast
that special regard should be had to agricultural and industrial development in
Kenya and Uganda, and the new draft
certainly lays stress on the principles of
prudent finance. Nobody has anything to
say against prudent linance, but I see no
reason whatever for changing the section
under which, on the whole, things have
worked satisfactorily fur no less than
eleven years.

Incidentally, we have just heard that if an amendment takes place in select committee and in this Council on this Bill, the legal position will be that we shall have one law in Kenya and one law in Uganda. As regards another clause, 26, that will mean that one country will have to prove negligence and the other will not.

What will be the position? In Uganda they will have one method of rating and in, Kenya we shall have another. Of course, it is quite impossible, and again shows how difficult it is to run this sort of Ordinance through two Legislative Councils.

Lastly, I only want to say one word about: proving negligence. It is well known that no spark-arrester will work to 100 per cent efficiency, and if it did happen no locomotive would be capable of drawing a train. It therefore seems

[Major Cavendish-Bentinck] very unfair on the farming community that, if they do everything else that is reasonable to protect themselves, in the event of their suffering from great loss they should have to prove negligence on the part of the railway. Of course, it is impossible to do it. L-think if a farmer has done everything possible to prevent an accident happening, he should be compensated by the railway, which is really only compensating him quite fairly out of a common fund.

MR. GHERSIE: Your Excellency, I feel that all the major points at issue have been dealt with by the several members and, in view of the fact that the motion before Council is merely that the Bill should be referred to select committee, I do not propose to add anything at this stage, with one exception.

1 would refer hon, members to clause 6 (h):-

"interest and sinking fund charges due on capital not being capital contributed out of the revenue of the Services."

We have not yet heard of the fate of this alleged liability on either the railway or the Colony, namely, the amount of 51 million pounds. I should like to draw the attention of the select committee to this particular clause, as I feel the wording should be attered.

I should like to ask the hon. General Manager if, in view of the wide powers they propose to give him, he could contribute any interest to that 5½, millions without the sanction of this Council?

SIR GODFREY RHODES: Your Excellency, I am very grateful to the hon. Chief Secretary and the hon. Attorney General for clearing up one or two rather difficult points.

The history of the Railway Council which the hon. Chief Secretary has given will, I hope, make it quite clear that we are not free agents in this matter, and that we have to try and devise a principle that will be acceptable to both countries. In my opening speech I pointed out that the new wording would not, so far as I was concerned, alter the type of advice I would give the Railway Council in any way. Obviously, If we are to have chean

transport for these two territories for any lengthy period, we must be consistent, and we must adopt principles of prudent finance. Otherwise that cheap transport will very soon go by the board, and we should have to adopt special measures to restore the financial position of the Railway Administration. I am quite sure that if, during the recent stress, we had failed to meet our commitments in full and had called on the two Governments to implement their guarantees, we should have been extremely unpopular at that time.

The whole of our policy has been designed to give the cheapest possible time, and I suggest that the record we have produced in recent years has proved that our policy is consistent with prudent finance. I think I need say no more on that point, but will pass to one or two other points that have not been fully covered.

The Noble Lord the Member for Rift Valley asked me to state how many claims had been submitted to me in recent years for damage by fire, Well, I cannot answer that question without notice, because we have received a large number of claims in the past ten years. But I would say this, that we have had, I think, one claim only from members of the public who have complied with the conditions of the law: that is, from members who have co-operated with the railway to try and prevent fires. I think I am right in saying that in every other case the claims were submitted by people who made no attempt to comply with the law or to help themselves in preventing damage to their crops.

LORD FRANCIS SCOTT: On a point of explanation, Sir, I think I asked how many claims the railway have had to pay out, not how many they had had.

SIR GODFREY RHODES: The answer, I think, follows from the statement I have just made. In one case only has any claim been submitted based on proper grounds. In that one case only was a claim paid out. In all the other cases, and I think quite rightly, the Administration dld not pay the claims, and that seems to me our duty in view of the law in this particular question.

[Sir G. Rhodes]

I would like to get an understanding on this point, because it is a very difficult problem, and one on which I can sympathize with individual farmers. I do suggest we ought to be able to get much more co-operation in this country to try and prevent damage than we get at the present time. Our officers visit these people, very often they go and see them personally, to try and persuade them to do something to help themselves and us to prevent damage. I would suggest that we ought to be able to get much more co-operation in that respect than we are cetting at the present time.

Whether the railway should pay a claim even if everybody has done everything possible to prevent damage, is a point we shall discuss in committee. I have quite an open mind on the matter. I have to study, despite what the honmember Dr. Wilson said, the other users of the railway who have to pay the claims in the long run, and my feeling is that, unless we have the right to enter private property and to take strong action by further protection of the crops, we must have some rule of this nature whereby if we do everything we can we are free from liability.

However, if that is not accepted, I do suggest that if we are to be still liable, there must be some limit such as that mentioned by the hon. Attorney General. Otherwise we may find the Railway Administration may have to find money for very large sums indeed for reasons quite outside their control, and I suggest that that is not quite fair on the users of the railway.

I am very glad indeed to find the Noble Lord does himself approve of the principle of co-operation in this matter, that the farmer himself should help us in trying to prevent damage, because I believe that is the right way we should tackle this problem. If we can get more support in that way, I am quite sure we can limit the amount of damage to something quite reasonable.

I am afraid that I must refer to the remarks of the hon, member Dr. Wilson, because I do feel still, as I told him the other day, that he is misjudging us to some extent, and perhaps the reason for

that misjudgment is not unconnected with this particular level crossing to which he referred. (Laughter.)

7rn DECEMBER, 1938

I would like to suggest that in that case we have carried out our instructions, and we administer the law in accordance with business principles. The cost of the level crossing was mentioned, and he suggested that £50 was too high and that £10 would be a more reasonable figure. I can assure this Council that £10 would not provide a level crossing which would last more than ten days! In wet weather it would be cut up by the cars passing over to the danger of the train traffic and be a continual nuisance to the public. I suggest it is a much sounder business proposition to put in a proper level crossing with proper sleepers and distance blocks and culverts to prevent damage by rain and flood water, thus providing one that will last a reasonable time.

I suggest that if the road authority responsible for that particular road had adonted similar principles, their road would be in existence at the present time. I am afraid that I cannot be responsible for the railway fuel contractors if they wish to use the road and the road is not capable of carrying their traffic. Presumably there is some way by which the road authority can keep traffic off the road if it is destroying it.

The hon, member also asked me to assure him that the extension of the railway's activities in these different directions will be for the ultimate benefit of the public. Well, that of course is our whole object, and if we fail in that, as my hon, friend the Chief Secretary pointed out, the proper action is to get rid of the General Manager and the Railway Council-I will not ro so far as to say the High Commissioner, too-(laughter)-but that would be the logical conclusion. If we do enter into any of these other activities, I think hon, members ought to take note of the wording that has been adopted in clause 3 (a):-

"In so far as is not inconsistent with the provisions of any law."

That means that if we put up proposals to operate aircraft services, for example, or road transport services, we shall have to abide by the law of the Colony and

(Sir G. Rhodes) apply for licences and whatever other conditions are necessary. I hope that makes that point quite clear, because if we ro in for these businesses at all we want to go with the full support of the public and the people, and with the object of providing useful services which they will like and encourage, and not tomething that they would like to see done away with.

If we cannot put up proposals on these lines, we will not put up proposals at all. and will not go into that type of business at all. But I do feel, and I mentioned this in my speech on the railway estimates, that there is great scope for the investment of railway funds locally in providing a useful transport service either on the road or, possibly, at a later stage, even in the nir. It is to enable us to consider proposals of that sort that this law is being amended as suggested in this Dill.

The hon, member mentioned water works. The history of this country will show that the railway originally provided most of the water works in the main towns along the railway but that, as soon as we possibly could, we got rid of that liability to the local authorities. We are very anxious not to become unduly involved in water works for various reasons but in Uganda, in the particular case of Tororo, the Uganda Government at the present moment do not find it convenient to put in their own supply, and have asked us to undertake this duty until such time as they can take it over. I hope that makes that point clear.

The hon, member also mentioned the selling price of water at Mombasa. We pay the Public Works Department quite a large sum for the water in bulk. We arrange through our giping system and over our quays to transport water to ships, and for that service we make a certain charge. That charge is reviewed from time to time by the Harbour Advisory Board, and is considered an eminently fair charge and one not in any way exorbitant considering the services that are rendered in connexion with the supply of water.

of Kenya to ask whether they will on

their side reduce the prices to some extent if we also reduce our charges, with the object of trying to make the total cost to shipping somewhat less than at the present time. Unfortunately, Government cannot see its way at the present time to reduce any of their charges.

The hon, member also-I think somewhat unfairly-mentioned our difficulties regarding native passenger traffic. I think we laid our cards on the table the other day when I explained why we were in such difficulties, which are outside our control altogether, and I hope that position is really appreciated in the country. I agree that many people who wish to travel are taking to the buses and are travelling by road. That, I think, is an inevitable development in this country.

We shall never be in a position to supply rapid rail transport, owing to the grades and curves we have here. For that reason there must be a development of transport over the roads where it is convenient to the public, and for that reason. too, we feel the railway may do a service to the country in helping to provide such services where they can be properly worked.

The hon, member Dr. Wilson asked me whether we got our lorries in duty free. The only lorries we use at present are those employed in the actual operations of the railway and those which we employ on the roads between Masindi Port and Butiaba, I understand, in the first case, there is no duty on lorries for anybody, and secondly, we do pay licences to the Government of Uganda for the lorries we use on the roads there.

In that connexion, I should like to state that, so far as I am concerned, if I submit any proposal for running a road service in this country in competition with other private road services. I do not think we could possibly claim to get exemption from any taxation, in the way of customs duty or licences in connexion with such transport service. I would like to make that clear. It is my personal view, and it is not a question we have discussed yet, so I cannot give the final view, but I personally feel we could not make any claim We have approached the Government at all to have any preference over private individuals. .

497 K.U.R. Bill ISir G. Rhodesl

I do not think I can deal with the question raised by the hon. Member for Nairobi North regarding the powers of the Legislative Council in connexion with railway matters. I can only say that the existing organization of the railway was introduced after the closest consideration by the Governments of Kenya and Heanda and after very painful experience of other alternative forms of organization, I would again suggest that the results we have been privileged to put before you show that that organization has proved eminently successful in giving you transport that has got cheaper every day, transport that has got more efficient every day, and at the same time the danger of calling on the guaranteeing Governments to implement their guarantees is getting more and more remote. I think we can claim these results are entirely in the interests of the public of these two territories.

The hon, member also raised the point regarding the question of clause 5, and our right to enter property and cut down trees. In practice, we invariably consult the owner before we take any steps of this nature. I think our record is completely clear in that respect, and I know that it is the policy of the Chief Engineer, who is largely responsible in this connexion, to see that no action is ever taken, except in cases of emergency, without consulting the owner first.

Hon, members will realize that states of emergency sometimes do occur, after a storm, or a tree dies and becomes a danger, and very often we have to deal with it at once before the next train passes, otherwise there may be a serious accident. For that reason we have got to have this power in case of need.

We point out in the "Objects and Reasons" why we introduce the power to pay compensation. That did not exist before, and we feel the right to may compensation should exist. But we do not feel we should be liable to expensive legal proceedings regarding that matter, and for that reason clause 3 left it within the powers of a magistrate to fix that once and for all. In a matter of this kind I think that power is quite sufficient to protect the interests of any particular individual.

The hon. Member for Uasin Gishu has asked whether clause 6 will commit the Railway Administration to pay interest on the 51 million loan without comine back to this Council for authority, Well. I do not know whether I can answer that question.

The question of the payment of the 51 million grant is now with the Secretary of State and, as far as I am aware, we have not had a decision on that point, Hon, members know that a case has been submitted from here to try and show that we should not be liable for this navment. Just what the result of our application will be I do not know, and presumably, if a ruling is received that payment must be made, I do not know whether that matter will again come before this Legislative Council I imagine it will not do so unless some special motion is moved drawing attention to it.

I am speaking without any authority on this matter, and really do not know what the decision is likely to be. Once I get my orders to pay interest on this grant, if such orders do come, then, of course, I will have no option but to set aside sufficient funds to meet it under clause 6 of this Bill.

I think that covers all the points that have been raised, and not otherwise answered, I can only assure hon, members that everything that has been said here this morning will receive the closest possible consideration in select committee and I hope the report will satisfy hon. members that we are doing everything we possibly can in the interests of the public of the country.

The question was put and carried.

MR, HARRAGIN moved that the Bill be referred to a select committee consisting of-

Mr. Harragin, Chairman, Sir Godfrey Rhodes, Mr. Stronach. Colonel Modera, Colonel Kirkwood, Mr. Isher Dass. MR. WILLAN seconded. The question was put and carried.

ADJOURNMENT . Council adjourned till 10 a.m. on Thursday, 8th December, 1938.

Thursday, 8th December, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 8th December, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened the Council with prayer,

MINUTES

The Minutes of the meeting of 7th December, 1938, were confirmed.

INCOME TAX (NON-RESIDENTS ALLOWANCES) RULES, 1938

DATE OF OPERATION

MR. HARRAGIN: Your Excellency, I beg to move:

"That the Income Tax (Non-residents Allowances) Rules, 1938, shall come into force as from 1st January, 1917."

Hon members are aware that when the Income Tax Ordinance was first introduced in the shape of a Bill there was an allowance in that Bill of £150 for all nonresidents. In select committee this was cut out, because it was felt to be manifestly unjust that a man drawing a huge income in England or elsewhere, but only £150 from this country, should be exempt. At the same time we realized that it was only lust for those with a very small income all of which was drawn entirely from this country should receive some relief. So, in place of that bare statement that £150 should be exempted, we put in a provision that the Governor in Council. should make rules providing for the necessary exemption. But in order that this Council would be able to keep an eve on what was happening we put in a further provision to the effect that these rules should only come into force at a date fixed by this Council, and that is what the Council is asked to consider this morning.

The object of these rules, as hon, members are probably aware, is to provide for the exemption of those with small incomes residing in places other than in this country. Our first difficulty was that we had to co-operate entirely with the British income tax authorities. Why the rules have been delayed for so long is because negotiations have been going on between the income tax authorities here and at home, in order that we should come to some agreed form. The present rules, the date on which they are coming into operation we have been asked to fix, have been agreed to between the two authorities.

The difficulty which next arose was due to the fact that we make no difference in this country between earned and unearned incomes, whereas in Great Britain they do. That is why the rules are so much more complicated than one would expect in rules of this description. The lower limits of the deductions as you see. therefore, have been fixed at approximately the amount that the taxpayer can get total exemption in the United Kingdom and, of course, upon which one can get no relief in double taxation. In practice this works out in round figures at £180 for a bachelor. £250 for a married man, and £281 for a married man with a child or children. Naturally that refers only to what I call the lower limits of reduction. But when you get people with larger incomes, the deductions are not so much and the allowances come down as the incomes increase.

Hon members will be glad to hear that, as a result of an agreement with the income tax authorities at home, they are going to supply us with a certificate of the total incomes of the taxpayers concerned which they have found to be the case in the United Kingdom, and these certificates will be accepted by us as prima facte evidence as to the income of that taxpayer.

This will relieve our income tax authority of an enormous amount of work and there is not the slightest doubt that the rules, when they come into force, will do away with a grave injustice which the very small investors would have suffered from had they not been permitted these reductions.

MR. WILLAN seconded.

The question was put and carried.

INCOME TAX FORMS (AMEND-MENT No. 2) RULES, 1938 Date of Operation

MR. HARRAGIN: Your Excellency,

"That the Income Tax Forms (Amendment No. 2) Rules, 1938, shall come into force as from 1st January, 1937."

This is entirely a formal motion and follows upon the motion which Council have just passed. It is necessary that these forms should be filled up in order that the various taxpayers should be able to have these reductions made in proper form.

MR. WILLAN seconded.

The question was put and carried.

SCHEDULE OF ADDITIONAL PRO-

VISION No. 3 OF 1938

REFERENCE TO STANDING FINANCE

REFERENCE TO STANDING FINANCE.
COMMITTEE

MR. LOCKHART: Your Excellency,

"That Schedule of Additional Provision No. 3 of 1938 be referred to the Standing Finance Committee."

The sum involved in this schedule is approximately £96,000, but owing to various adjustments which are explained in the note on the first page of the Schedule, the net expenditure involved is £43,000.-It is not customary at this stage to go into the Schedule in detail and I beg to move.

MR. HARRAGIN seconded.

The question was put and carried.

EMPLOYMENT OF SERVANTS (AMENDMENT) BILL SECOND READING

MR. WILLAN: Your Excellency, I beg to move the second reading of the Employment of Servants (Amendment) Bill.

This Bill is a short Bill and in my opinion it does not involve any provision which can in any way be termed controversial.

Clause 2 of the Bill amends the definition of Medical Officers in the Ordinance. It has been found in some places in the

Colony that the Government medical officers stationed there have been insufficient to cope with the medical examination of recruited servants and in order that labour should not be held up it is considered necessary that private medical practitioners should be given the same powers as the Government medical officers in order to medically examine these recruited servants, and that is the whole object of this amendment.

Clause 3 deals with section 4 of the Ordinance which applies to ticket contracts. As the law stands at present a servant employed under a ticket contract cannot receive his pay for such a contract until the end of 42 days. The result is, of course, that if that servant completes his contract before the expiration of 42 days he has then to wait to receive his wages. Therefore-this amendment provides that if that servant completes his contract before the expiration of the 42 days he is entitled to receive his wages as soon as the contract is completed.

Clause 4 amends section 7 which deals with the approval and attestation of foreign contracts. As the law stands at present all these foreign contracts must be both approved and attested by the Chief Secretary. The attestation of a foreign contract is more or less a formal act and it is unnecessary that the Chief Secretary should do something which can be done equally well by any magistrate. So, when this amendment comes into force, all foreign contracts will be first of all attested by a magistrate and then go to the Chief Secretary for approval.

Now I come to clause 5, and I am afraid that this is going to be rather a troublesome clause and I shall have to deal at some length with it.

Clause 5 amends section 11 of the Ordinance and section 11 lays down a general rule forbidding any person to induce a servant to leave the Colony unless he has entered into a foreign contract of service with that servant. Section 11 is set out on the left-hand side of the Bill opposite pages 2 and 3 and is set out in full. Now the exception to that general rule which I have just stated is to be found in the proviso of section 11:—

"Provided, however, that an employer of a servant engaged under a [Mr. Willan]

contract of service shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such servant to proceed to any place within the Uganda Protectorate or the Tangariyka Territory or within the dominions of the Sultan of Zanzibar beyond the Colony or to any port on Victoria Nyanza."

Now, unfortunately, when this Ordinance repealed the Employment of Natives Ordinance which has been in force in this Colony since 1910, by a slip in correcting the proof of the Select Committee Report the word "servant" was put in the first line of the proviso instead of the words "domestic servant or sailor". This I take responsibility for. It was my fault and I express my regret for it.

But the position is this, At the present time, owing to that slip, it is possible to take any servant from Kenya to Uganda, Kenya to Tanganyika or Kenya to Zanzibar, and the result is unless we amend this slip quickly it is possible that the Colony may lose some of its supply of labour. The first thing to do is to amend by only exempting domestic servants and sailors as in the law of 1910.

Having done that, and this is done in paragraph (a) of clause 5. I thought I had done all that was required. But, unfortunately, when I was reading through this Bill about three days ago, I found that a most unfortunate set of circumstances has been existing in this Colony for the last 28 years, for that proviso merely exempts domestic servants and sailors. Now, take for instance, a chausseur. A chausseur is not a domestic servant and the result is that for the last 28 years anybody in Nairobi, for instance, employing a chauffeur for driving him up to Entebbe, has been committing an offence. Well, that of course is unfortunate. But equally well anybody whose chauffeur has been driving him for the last 28 years from Nairobi to Kisumu, Which is a port on Victoria Nyanza, has also been committing an offence. That, of course, is ridiculous. So that state of affairs must be amended as quickly as

If hon, members will refer to the list of amendments which is placed before

them, which I propose to move in committee, they will see that I have provided for that on page 2, paragraph 2, by deleting paragraph (a) of clause 5 and substituting therefor the following paragraph:—

"(a) by deleting the proviso thereto and substituting therefor the following proviso—

'Provided, however, that an em-

- (a) a domestic servant or any other servant declared by the Governor in Council by notice in the Gazette shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such domestic or other servant to proceed to any place within the Uganda Protectorate or the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony;
- (b) a sailor shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such sailor to proceed outside the Colony for service on a vessel on the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika-Territory or of the dominions of the Sullan of Zanzibar beyond the Colony."

As often happens when you make an amendment like that there must be consequential amendments, and the next thing we have to do is to define a "domestic servant". That has never been defined in this Ordinance although the phrase "domestic servant" has been used in this Ordinance for the last 28 years. So, if hon, members will turn to page 1 of the last amendment, which I shall propose in committee, they will find in paragraph I that there is an amendment—the definition of a domestic servant, and that definition includes a chauffeur.

A further consequential amendment is the definition of foreign contract servants in section 2 of the Ordinance and that is [Mr. Willan]
done in paragraph (b) on page 1 of the
last amendment:—

505 Employment of Servants

"(h) by deleting the words 'Victoria Nyanza or on a vessel calling at the ports of the Colony' which occur in lines eight and nine of the definition of 'foreign contract of service' and by substituting therefor the words 'the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika Territory.'

I hope that is clear and I hope that in another 28 years somebody will not come along and say that it is all wrong and that they will have to put it right again!

The second amendment, to section 11 of the Ordinance is contained in clause 5 of the Bill on page 3. This amendment is made at the request of the hon, the General Manager of the railway. It does happen sometimes on the railway that there are breakdowns or washouts on the line due to heavy rain and these breakdowns may occur on those parts of the railway which are situated outside the boundaries of this Colony, It is essential that these breakdowns should be dealt with as quickly as possible and it is unreasonable to expect the hon. General Manager, when he sends some of his railway servants outside the Colony to repair breakdowns to enter into foreign contracts with servants in respect of this service. And that is all that that amendment does to the Ordinance.

Clause 6 amends section 18 of the Ordinance, Sections 18 provides penalties for the decoying of servants or the harbouring of servants who have unlawfully left.

The offence of harbouring is much less scrious than the offence of decoying away a servant and therefore it is reasonable that there should be a lesser penalty for that particular offence, and clause 6 provides for that.

Clause 7 amends section 27 of the Ordinance and all this does is to make sure that the employer of a physically unsuitable juvenile shall not be prosecuted for so employing that juvenile until he has been notified to that effect by a Govern-

ment medical officer and he still continues to employ that juvenile in spite of such notification. That amendment is really in the interests of the employers.

Clause 8 repeals and replaces section 37 and that deals with servants who are not recruited. For instance take the example of myself:

I employ a servant in Nairobi, he is not a recruited servant and so comes within the scope of section 37 of the Ordinance. Suppose I travel to Mombasa and take him with me and after six months residence in Mombasa I dismiss him. Well. as the Ordinance stands at present I am only liable to provide him with food back to Nairobi, his place of engagement. In other words I am nterely liable to provide him with food on his way back to Nairobi, but I am not liable to pay transport for him, It is only reasonable that transport should be paid back in respect of a servant who is going back to the place of engagement and so, when this amendment becomes law, I shall be liable in that particular case to pay both the railway fare of the servant and supply him with food on his way back from Mombasa to Nairobi.

The ninth and final clause is purely formal, it means that no employer or servant can be prosecuted twice for an offence in the law of this Colony. Under this particular Ordinance for instance if a servant is accused of insulting behaviour, an offence under section 50 of the Ordinance he cannot be proceeded against for the same offence under the Penal Code.

MR. HARRAGIN seconded.

MAIOR CAVENDISH-BENTINCK:
Your Excellency, I have nothing much to say about this Bill except that I would like again to raise the question of the possibility of incorporating all these Ordinances connected with the employment of servants in one comprehensive Ordinance, that is, everything dealing with master and man. I wonder if we could possibly have an answer as to whether that can be done. I am sure that It will simplify matters very much. At the present moment there are no less than three Ordinances, with the possibility of a fourth.

MR. WILLAN: Your Excellency, the only point I have to reply to is the

[Mr. Willan]

question of consolidation, and that is a question which will be considered by Government in due course. Speaking for myself—I do not bind Government—I do not see any objection to it.

The question was put and carried.

LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL

SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Local Government (District Councils) (Amendment) Bill be read a second time.

This Bill is a Bill which is being introduced at the instance of the present standing committees and also the district councils concerned. Although when the Bill was originally drafted we had only a very few sections dealing with special things such as a provident fund, as soon as it was known that there was to be an amending Bill the many amendments which you see before you were asked for und could not be resisted and, therefore, they are being introduced.

The first amendment is in clause 2 which should be read in conjunction with the later clause which amends section 119 of the Ordinance, and that is to make one standing committee dealing with both district councils and municipalities. As a matter of practice, as some of you know, all that happened was when a standing committee on a district sat they would sit and consider an agenda for several hours or days, as the case may be, and as soon as they were finished one member or two perhaps disappeared and two others slipped in their places, and they carried on as a standing committee for municipalities.

It is recognised by everyone I think that on the standing committee which is suggested in the Bill which follows this that all communities can be represented. It is therefore thought to be quite unnecessary that there should be two standing committees to deal with the two bodies—the district councils and the municipalities—which as they tend to dovetail into each other very much you realize that the problems of the other, and I think everyone will agree that it is de-

sirable to have one standing committee to consider them.

Clause 3 deals with a small administrative point in that it has been pointed out that in a district council's area there have been more than one administrative district, with the result that we make nrovision that both the district commissioners shall be on the district council and where. by any chance, there are three or more districts in one district council area the Governor in Council shall decide which of the district commissioners shall be represented on the council. Of course youstill keep a huge unofficial majority but it is necessary, I think-and I have been told by members of the district councils themselves, that it is necessary to have the district commissioners on these councils in order to advise and be able to give information on any points that may arise.

Clause 4 deals with the election of district councils and the question of reduring officers. The Ordinance as it stands only provides for one returning officer. When more than one election is going on in a district of two or three wards, it is necessary to have more than one returning officer. Therefore, we make provision for one or more returning officers, as the case may be, with various consequential amendments throughout the Ordinance.

The clerk, in clause 5, is called upon to publish in the various newspapers and gazettes the names of the returning officers and the places where they will sit.

Clause 6 is a consequential amendment to include the word "places" instead of "place" because of there being more than one returning officer.

Clause 7 makes it incumbent upon the clerk and not the returning officer to make the necessary publications.

Clause 8 provides for the retirement of a candidate before the poll takes place. It so happened that a year or two ago the number of candidates, or at least the number in excess of those required by one, were putting up in a particular ward and therefore it was necessary to hold an election. All the arrangements were made for an election when one of the candidates decided that, after all, he did not want to be elected, and withdrew. As the Ordinance stood the election had to take place

[Mr. Harragin] and it was entirely a formal matter as only the right number of candidates were

only the right number of candidates were put up for the vacancies. We have, therefore, made provision to meet that parficular menace in clause 8.

8rii DECEMBER, 1938

Clause 9 deals with the election of the chairman. For some peculiar reason I am not able to understand, in the Ordinance as it reads to-day if the chairman retires or dies, or leaves the council for some reason, you are unable to elect another chairman until the next meeting but one, with the result that there may be a considerable period during which the unfortunate council have no chairman at all, and all this may cause a great deal of inconvenience to the council. So in this clause we make provision for a chairman to be elected at the next meeting of that council.

In clause 10 we are making further provision for electing a deputy chairman who shall have all the powers of the chairman in the absence of the chairman.

Clause 11 provides for a council being able to erect houses for the housing of its staff. As the law stands at present it is unable to do this. In the same way in a subsequent sub-clause you deal with such matters as a provident fund, gratuities and the subscribing to public libraries, and in committee I am going to suggest a museum being added, for at the present moment they are unable to do so.

Clause 12 is a formal clause, merely setting out provisions for starting and carrying on any provident fund or pension scheme a district council may wish to embark upon.

Clause 13 removes what has been an absolute farce for some considerable period, namely, in the law as it stands any transfer of premises in the district may not take place unless it gets a written statement, signed by the clerk, to say that no rates are due on these premises. In fact that only applies where a rate has been imposed and as most districts have no rates at all there has merely been an unnecessary delay.

Clause 13 removes that anomaly by saying that where any rate is imposed it is necessary to get the clerk's written statement.

Clause 14 provides that the standing committee shall in future deal with all formal matters which at the moment have to be dealt with by the Governor in Council. As everyone will realize, the standing committee is au fait with all these questions and has to make the recommendations to the Governor in Council and unless there has been some protest it is unlikely that the Governor in Council would ever interfere with those recommendations. We are, therefore, suggesting that the body to deal with these matters shall in the future be the standing committee instead of the Governor in Council. But under section, I think it is 119 (5), however, any district council who considers itself is aggrieved by the decision of the standing committee will be allowed to appeal to the Governor in Council whose decision shall be final, so that the result will be exactly the same but the delay will not be so great.

In clause 15 it is said that the standing committee for local government shall be the standing committee under this Bill. I beg to move.

MR. WILLAN seconded.

LADY SIDNEY FARRAR: Your Excellency, I find that I cannot agree to one clause of the Bill.

In clause 3 there is a suggestion for increasing the number of district officers who will have statutory positions on these local governing bodies. I would like to suggest, in the interests of economy, a reduction of administrative posts insofar as the interests of good government can be protected; that, much as district councils appreciate the good work and interest shown by district officers concerned, as they have every reason to do, I suggest the time has now come not for increasing the number of administrative officers so appointed to district councils, but for the reduction, if not the abolition, of their number on these district councils.

I think district councils have now shown that they are quite able to stand but their own feet and manage their own affairs. I should like to suggest, in respect of this clause, that this increase in district officers appointed statutorily on these bodies is not warranted, and that the time has come for the consideration of not

[Lady Sidney Farrar] appointing district officers by law to be members of these councils but leaving the way, open for them to be appointed on

an elective basis by the councils and the

MR. KASSIM: Your Excellency, no provision has been made for the appointment of Indian members of these councils, with the exception of one on the Nyanza District Council, According to the law, a council shall be composed of 10 elected European members. Suppose one Indian member is elected, I do not think there is any reason why the European members should object to such small representation. In this country it has always been found that Europeans are never able to understand the Indian viewpoint, so that the appointment of one Indian member on these councils is warranted.

MR. MORTIMER: Your Excellency, I should like to refer to the point raised by the hon. Member for Nyanza as to the constitutional provision for district officers to be members of district councils.

I may say, first of all, that it is the express desire of most district councils, if not all, that the district commissioner of the district concerned shall be a full member of the council. The district commissioner is conversant with matters in the district, perhaps to a greater extent than most members of a district council. that is, if he has resided in the district for any considerable period, Furthermore, the district councils are entrusted with the expenditure of very large sums of Government money, contributed by Government, and it is only proper that Government should have at any rate one representative on the council,

District commissioners have been statutorily members of district councils from the commencement of the institution of local government. The provision that it is now proposed to make is to cover eases of those district council units which comprise more than one administrative district. For example, the Nairobi District Council unit comprises the districts of Thika and Nairobi; the new Aberdare District Council unit will comprise North Nyeri and Laikiois.

Many matters will come before those councils which concern only the particular portion of the district council's unit from which the district commissioner comes. It is fitting, therefore, that he should be there as a full member of the council to represent the situation as he knows it from that particular district.

It may be said the situation can quite well be met by having the district commissioner there in a purely advisory capacity, but that would not meet the case, as very much of the work of district councils is done in committee, and it is essential that the district commissioner should be a full member in order that he may take his place in the committee work of the council concerned.

MR. LA FONTAINE: Your Excellency, the hon. Commissioner for Landand Settlement has said of good deal of what I intended to say in this matter and, speaking as an ex-provincial commissioner of the Central Province, where this problem has come up recently, in two cases, I can strongly confirm what he has said with regard to the need (and also the advisability) of having the district commissioner upon the district comeil.

I am fully aware of the desire of the members of the Thika district for the district commissioner to be on the district council. On many occasions his advice, his knowledge, and his experience would have been indispensable in the discussion of matters which were of great importance to the Nairobi District Council. Exactly the same remarks apply to the new Aberdare District Council, which is about to be appointed.

·1 feel, therefore, and I have strong evidence of this, that the vast majority of the residents of both the two districts concerned would be very disappointed if both district commissioners were not on the council. Their advice on matters such as squatters and organization of the district councils and matters of that kind would be, in my opinion, and in the opinion of the majority of the residents, quite indispensable.

DR. KARVE (Acting, Eastern Electoral Area): Your Excellency, while associating myself with the remarks of the hon-Member for the Western Area. I would Dr. Karvel further like to point out a few facts in the matter of the appointment of Indian members on these district councils.

Three or fouur years ago we wree given what one may call a definite promise for an Indian member to be appointed on district councils. I was hoping that while this Ordinance was being amended the opportunity would be taken to implement that promise, or what can well be called a promise, by including an Indian member on the district councils. Though it is true there are no actual Indian farmers in the Highlands, Indians certainly have got interests in what the district councils are doing, particularly in matters of roads and such other functions.

There is another very strong reason why an Indian member should be appointed on district councils. The argument that people who pay rates for a narticular council area or municipal area entitles them to representation, does not apply to district councils, as in most cases their funds are provided from general finances of the Colony. Under the circumstances, I think it is absolutely necessary that the inclusion of an Indian member should be provided for. By being alone in a district council he would only be able to exercise the function of putting up the Indian point of view in those particular matters which affect Indians.

MR. SHAMSUD-DEEN: Your Excellency, may I further supplement the remarks made by my colleagues, by saying that district councils are, to the best of my knowledge, a peculiarity of this Colony insofar that people, without contributing anything in the way of funds locally, are entrusted with large sums of money to expend which are given them out of the general finances of the Colony. In the townships of Nairobi and Mombasa and other places where rates are payable, the principle is a sound one that if such rates are paid out of their own pockets the people can claim to administer the money and to handle those sums. But in the case of these councils, the people, without contributing one single cent from a particular district, are entrusted with large sums of money in the spending of which the Indian community especially has no say at all.

I think that most hon, members will agree that a district administered by a district council has by no means the best economical methods of looking after toads and so forth. It has been argued again and again that the Public Works Department could easily and economically do what the district councils are doing with their large overhead staffs and payments of large sums of money to members for travelling and so forth.

As regards Indian representation, I think the request of my colleagues is a very modest one indeed. They are only asking for just one solitary member to be nominated on each of these councils. My hon, friend Dr. Karve said it was nearly a promise: It was definitely an undertaking given by Government that Indians would be appointed on these councils. The last time the question was raised, one of the Government numbers replied that nothing new had happened which justified the appointment of Indian members. They did not repudiate the undertaking eigen by Government.

I do not know what was in the mind of the hon, member who said that nothing new had happened, but perhaps he meant that if something new, something revolutionary in the world occurred Indian members would be appointed on district councils. I think we were very near war a short time ago, and something new might have happened, but we cannot wait for that eventuality. But this is something new; we are amending the Ordinance, and this opportunity should be taken to grant what is really a very, very modest request by appointing, I should say, at least two or three Indian members to these councils but, if not, then one Indian, as otherwise such a council is no council at all as it represents only one section of the community which contributes nothing to the funds.

MR. HARRAGIN: Your Excellency, I have little to add to what has been said already on the point made by the hon. Member for Nyanza, except to say, in passing, that if we had the elective principle I do not suppose that any district commissioner would ever put up for election, so that the contact between district councils and Government would

517 Local Govt. (Municipalities)

[Mr. Harragin]

disappear entirely, Secondly, the appreciation of district councils has been shown on innumerable occasions for the presence. of a district commissioner by electing him as deputy chairman, though I admit that, until to-day, it has merely been an honorary post.

Regarding the point made by the hon. member Mr. Kasim and other Indian members. I should like to point out that, so far as this Bill is concerned, there is no alteration being made in the existing Ordinance as regards representation except in connexion with district commissioners. The answer that I can give can only be the answer given on the last occasions, which was, that nothing has arisen-1 think the hon, member Mr. Shamsud-Deen quoted it correctly-nothing has arisen to justify an alteration in the existing practice.

The question was put and carried.

LOCAL GOVERNMENT (MUNICI-PALITIES) (AMENDMENT) BILL

SLCOND READING

MR. HARRAGIN: Your Excellency. I beg to move that the Local Government (Municipalities) (Amendment) Bill be read a second time.

This is a sister Bill to the one we have just read a second time, and deals with the question of the standing committee for local government, as well as various details which have arisen in connexion with the principal Ordinance.

Clauses 2 and 3 of the Bill deal with the boundaries of Nairobi and Mombasa. As the law stands at present, in order to alter the boundaries, however small, it is necessary to introduce a Bill into this Council in order to alter the schedule to the Ordinance. This has been found most inconvenient in practice, and it is provided in clauses 2 and 3 that in the townships of Mombasa and Nairobi, Your Excellency will have power to alter these boundaries when necessary.

Clause 4 deals with the substitution of the words "Standing Committee" for Governor in Council in section 94 (5) and. as in the principal Ordinance there is no right of appeal given as in the District Councils Ordinance we have added a pro-

viso giving an appeal from a decision of the Standing Committee to the Governor in Council.

Clause 5 sets out the personnel of the new Standing Committee, which will also be the Standing Committee I referred to under the last Bill. There is no difference in the existing committee, but it sets out more precisely exactly what will happen in the case of the inability of certain members to attend and also what will happen in the absence of the chairman.

MR. WILLAN seconded

MR. SHAMSUD-DEEN: Your Excellency, I suppose we are again breaking our heads against a stone wall by asking that the clause which provides for the Standing Committee should, instead of saying "four other persons as the Governor may from time to time appoint," clearly state that there shall be at least one Indian member of this committee. As I said, we are only a voice in the wilderness in this Council and our appeal will have no effect, but it is our duty to put this suggestion before Council. and I do hope Government will pay very serious attention to this most important utiestion.

DR. KARVE: Your Excellency, I will only say that, in case it is not intended to put an Indian member on the Standing Committee, I shall certainly raise an objection against clause 4 where the functions of the Governor in Council are being transferred to the Standing Committee, simply because on the Executive Council there is at least one Indian member who can put up the point of view of his community, and particularly of Mombasa, where there are many Indians, and of other municipalities. Of course, this is only a protest, but I should like Government to realize my protest to this clause. I would prefer matters to co to the Governor in Council rather than to the Standing Committee unless the latter contains an Indian member.

MR. HARRAGIN: Your Excellency. the answer to the first point really answers the second, and the answer to the first point made by the hon, member Mr. Shamsud-Deen, that special mention be made of an Indian member, is this: There [Mr. Harragin]

is no provision in this Ordinance for a special Indian member being appointed on the Standing Committee. If and when Your Excellency considers that an Indian should be appointed, under section 99 (f) you have the necessary authority to do so, and the moment that happens the argument put up by the hon, member Dr. Karve, hon. members will agree, goes by the board.

DR. KARVE: On a point of explanation, I should be quite satisfied to leave the clause as it is if the Governor in Council . . .

HIS EXCELLENCY: The hon, member cannot make a speech, only one of explanation, and I think he is going beyond an explanation. I cannot allow him to speak twice.

The question was put and carried.

NORTHERN FRONTIER POLL TAX (AMENDMENT) BILL

SECOND READING

MR. HARRAGIN: Your Excellency. I beg to move that the Northern Frontier Poll Tax (Amendment) Bill be read a second time.

This is a very short amendment, and is the result of experience, which has shown that this Ordinance, which has been in force since 1930, has been thoroughly efficient and satisfactory in the Northern Frontier Province. It is really a waste of time of Council to come every year and ask for the Ordinance to be extended for another year, and the result of the amending Bill is that the principal Ordinance will remain in force until such time as it is repealed.

MR. WILLAN seconded.

The question was put and carried.

ASIAN CIVIL SERVICE PROVIDENT FUND (AMENDMENT) BILL

SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Asian Civil Service Provident Fund (Amendment) Bill be read a second time.

As the Ordinance is drafted at the moment, it is impossible for any member of the Meteorological Service to join the

provident fund which has been established for the Asian Civil Service. They have put forward a very strong case to be allowed to join, and the effect of the Bill is to permit them to join as from the beginning of this year and, as the contribution made by Government will be paid out of joint funds and not by Kenya, it is true to say there will be no expense to Government.

MR. WILLAN seconded.

The question was put and carried.

SHOPS IN RURAL AREAS (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to more that the Shops in Rural Areas (Amendment) Bill be read a second

The history of this measure will be well known to the majority of members of the Council. In August, 1937, notice of motion was given by the hon. Member for Trans Nzoia requesting that provision should be made that, in future, no licences for shops on farms should be issued without the consent of the district council or committee concerned. That motion was withdrawn on an undertaking being given by Government that district councils and committees would be consulted as to their views.

The consultation duly took place, and the district councils and committees, with one exception, were in favour of the proposal. A Bill was thereupon drafted and brought before Council in May last with the object of passing on to district councils and committees this additional authority. The Bill was fully debated on that occasion, and many criticisms were levelled against it during the second reading.

In the committee stage it became apparent that further amendments were necessary in order to clarify the existing law as to renewals of licences on the expiration of one year. It was ultimately resolved, therefore, that progress be reported.

The Bill has now been completely redrafted after full and due consideration. and I trust that it will now meet with the [Mr. Mortimer] full approval of every section of this Council.

The main principles of the Bill are very simple. The first important principle is one that was embodied in the Bill when it last appeared before Council; that is, it provides that no licence shall be granted save with the consent of the district council or committee concerned. The present measure, however, goes a step further in giving local option to district councils or committees to impose either or both of two conditions on granting licences. One condition is that the shop in question shall be the actual property of the owner of the farm in whose name the licence is to be granted, and the second condition is that the shop when the licence has been granted shall not be sublet.

The other clauses in the Bill are matters of relatively small importance, to which I will refer on going through the Bill clause by clause.

Clause 2 provides for several amendments of section 3 of the principal Ordinance. New section 3 (1) provides that applications for new licences shall be made on a standardized form. This is in order to ensure uniformity of the kind of application submitted in various districts and uniform treatment when the application is received. New section 3 (2) provides for the consent of the district council or committee concerned before the licence is granted, and further provides for the imposition of either or both of the two conditions to which I have referred.

It is unnecessary, I think, to repeat the arguments that were advanced during the debate in May last. Suffice it to say, that abundant evidence has been forthcoming of a very general abuse of the original privilege of having shops on farms. These shops were intended for one purpose, and one only, and that was to provide for the reasonable needs of the native labour on farms, to prevent the labourers having to trudge many weary miles to make small purchases. As time has gone on, these shops on farms have become in many. many instances general stores doing a very large business; in many cases doing business with the natives from adjacent native reserves.

Many of them have been established within easy distances of township or trading centres, and they are, by their trading customs, doing a very great deal of harm to the legitimate interests of those who are trading in townships and trading centres. Many protests have been made. both by individuals and groups of Indians and Europeans who are trading in the places set apart for this purpose, against the continuance of this system of shops on farms on the present scale. Trading centres and townships are the places where trade in general ought to be carried on, where the trader and his shop can be properly supervised from a public health point of view and, incidentally, from a weights and measures point of view, and it is important that each district should be given the power to declare what shall be the policy to be followed in the individual district. It is a matter for the district concerned to express its views through its own elected representatives on the local bodies, and that is why it is proposed to give local option to impose one or other of these conditions.

It would hardly be proper to impose these conditions by legislation, because circumstances differ from one district to another, and it might not be considered the best policy for an individual district to apply either or both. But the option is provided for use in case it is desired. The provise to the sub-section gives the right of appeal to the provincial commissioner if any person feels aggrieved by the decision of the district council or committee.

New section 3 (3) makes it quite clear that a licence is for one year only, and that no vested interest in such licence can be created beyond the twelve months for which it is granted.

Sub-section (4) provides that when it is desired that the licence shall be continued beyond the year for which it was granted, a fresh application shall be made but, as it is unnecessary to repeat all the information contained in the original application, a different kind of form will be used for that purpose.

Section 3 (5) and (6) merely repeat the provisions of the principal Ordinance.

[Mr. Mortimer]

Clause 3, dealing with section 5 (1), is original importance in so far as it makes provision for the enforcement of any conditions that are imposed in the licence or as a condition precedent to the granting of the licence, and (c) of this clause provides that the contravention or failure to comply with any such condition shall be an offence under the Ordinance.

Clause 4 gives the necessary rule-making powers to the Governor in Council to prescribe the precise kinds of forms that shall be used for application and the form of licence that shall be granted.

MR. HARRAGIN seconded.

Council adjourned for the usual interval.

On resuming:

MR. ISHER DASS: Your Excellency, there is one very serious point in this Bill which I wish to bring to the notice of this Council. When we read the object of the Bill, of sub-clause (2) of clause 2, we find that:—

"No licence shall be issued under the provisions of this section except with the consent of the District Council, or Committee, if any, within whose area such a shop is situate, and such licence may be issued subject to either or both of the following conditions:—"

and the conditions are also stated here.

This clause itself was instrumental in bringing about a very serious change. Up to the present the principles had been that any shopkeeper in rural areas has to make application to the District Commissioner on a specified form, and the District Commissioner in turn consulted the district council or committee in such area.

For such a drastic change the honmover, though he has given some explanations and very sound reasons. I regret I cannot agree with the arguments advanced by him. They are not very convincing to bring about such a drastic change. He should have them proved that District Commissioners up to this time have not exercised their powers judicially and have definitely done something against the wishes of the district council, and therefore they are being deprived of their powers. I contend

it cannot be proved and it can be maintained that the District Commissioners, have acted in a judicious manner with the consultation of the district councils or committee in that area. Therefore there is no justification for a change of that principle.

Shops on Farms 522

That is the only point I have to make, but on that point alone, I would also draw the attention of the hon. Council to the debate which took place in the month of May and is reported on page 217 in Hansard. It is stated there by the hon. member deputizing for me:—

"I submit that if the Indian community refuses to agree to these powers being given to district councils for licensing shops they are quite justified, because except in one ease they have no represntation at all on these councils. From that point of view, I consider the handing over by Government of the function of licensing shops is not justified. For myself, I cannot see what justification there is for making this change from the present practice. The law as it stands provides ample protection for the interests of the district councils and the people they represent. A district council is first consulted, and I am sure that except for very good reasons a district commissioner would not go against the advice given by a district council. No evidence has been brought before us to-day that that discretion has been exercised in a harsh or undue manner. In these circumstances there is no reason for making any change."

Now I should have thought that the hon, mover within a period of six months would have collected some kind of evidence in order to prove his case that these District Commissioners have acted in a very, very harth manner or injudicially, and therefore there would be some justification for making this change. If he cannot advance any such arguments, I certainly see no reason for this change. I cannot agree on principle to this amendment and I therefore cannot support it.

In support of his statements the hon, mover told us that this Council gave an assurance that they would consult the district councils and committees in those areas. As has already been pointed out IMr. Isher Dassl

by my hon, friend, these district councils, with the exception of one, have all agreed to the change, Strangely enough, the one district council that did not agree is the only one with an Indian member. and all the other district councils have no Indian representation at all. The only one that has Indian representation has not seen fit to see this change. If in this district council there is only one Indian member I am surprised to find that that Indian member carries so much weight and has succeeded in correcting the unreasonableness of this demand. I am sorry I cannot agree to this amendment under these circumstances and I oppose it in this Bill.

There is one other point which I should like to make clear also. The hon, mover said that he had received some representations from the Indian community in some outside districts who were in favour of this Bill, and that some were against it. He may have received something like that, but I would like to point out that there is nothing in this country or anywhere else that is not approved by some and disapproved of by someone else. We are not taking individual cases here; we are taking the interests of the community as a whole. It may be that he consulted these district councils and received their approval, but actually the people who should have been consulted are those of the merchant community in these areas, and since no representation has been received from them in support of this Bill I do not think there is sufficient reason for bringing in that change.

I think I have made it absolutely clear, that I do not agree with this principle.

MR. KASIM: Your Excellency, the amendment in this Bill provides that the licensing officer would not issue a trading ficence without the approval of the district council.

There is no necessity of this amending

In my view the power invested in the District Commissioner is sufficient and has been working smoothly indeed. The Government, I think, should withdraw this Bill. DR. KARVE: Your Excellency, I should like to add to what the two preceding hon; members have said. What I feel most is that this Bill should now be brought in at this stage when it was once taken back after the committee stage. There was a lot said during April or May on this Bill, and when after a committee had been appointed the Bill was dropped. That it was so dropped by the final authority because of adverse criticism.

Now this Bill has been brought in again with only one little change that can justify bringing it in in this amended form, and that is these two sub-clauses which allow the legal option to the district councils to approve—

- "(a) that the shop shall remain until the licence expires, the property of the applicant;
- (b) that the shop will not be sublet."

But what are these two clauses worth after all? These two clauses are supposed to give the right to the district councils to say again that you have the right to run a shop yourself and that it belongs to you and nobody else. Such a right may be required by the district councils, but does the clause give them that right?

I am quite sure that any lawyer worth his salt could make an arrangement with the owner of a farm, or the person who is the manager or servant or whoever he is, to prove it in such a form that he virtually carries a share while the owner takes part profits thereof. This item gives no more power than the Bill which it is ameading.

I do not think that these two clauses justify bringing in at all this amending Bill at this stage, to bring in a Bill on merely minor amendments. No useful purpose can be served by bringing in the same Bill again, and I do not think it can be a very regular practice in administrative council.

. MR. SHAMSUD-DEEN: Your Exclency, this morning we seem again to be coming back to the same question of representation on these district councils. I must say that I am very much impressed by the reasons and arguments given by the hon, mover when he says that it is desirable that the interests of traders and

[Mr. Shamsud-Deen] shopkeepers in established trading centres should be protected and that these shops on farms, spread all over the country indiscriminately, should not be allowed to compete, with these interests. That seems perfectly sound.

But where I, as a representative of the Indian community, find that I must protest is because the Indian shopkeepers are relying only on trading activities in this Colony-agriculture or anything else being denied to them; trading is the only thing that is left to them. Yet there is this body on which there is not one single Indian member to interpret the desires of these people. Incidentally, it would be very interesting to know what the views of the district councils or committees would have been if there had been any Indian members on these councils, as evidently the only council which has an Indian member on it opposed the Bill.

I think I can say that the real principle that underlies this Bill is the desire of one section of the community to get the run of the whole show of the Colony, eventually, under self-government. They want to take away the powers of the District Commissioner and of licensing officers-a desire in which I should certainly associate myself with them, provided. again, that all the communities are represented. I submit that the only way to get a greater control of the affairs of this Colony is that all our institutions and committees and councils should be made thoroughly representative. There is a very nominal safeguard in providing for an appeal being lodged with the Provincial Commissioner against the decision of the district council. Your Excellency, we all know that it would need an almost superhuman Provincial Commissioner, to overrule the statutes of district councils. The principle of protecting the interests of the traders and trading centres is a very sound one. But the Indians have to go to a tribunal or council on which there is nobody at all to explain the Indian viewpoint, and so I do not think I can agree to this amending Bill.

LORD FRANCIS SCOTT: Sir, I think we must get back to what is at the bottom of this Ordinance.

Now, Sir, the idea of allowing farmets to have these shops on their farms under this Ordinance is so that in places at some distance from ordinary trading centres it shall be passible to set up a shop where the native labour and so on can purchase goods. That object of this Ordinance has been grossly abused, and there have been far too many shops on farms all over the country which are not necessary and which, in some cases, certainly do unfairly compete with traders.

It is a fact, anyhow, that the Indian traders in Kitale have protested very strongly on this subject of shops on farms nearby competing unfairly against them. I know an instance where a shop on a farm is rented byyan Indian, not for the purpose of trading but for the purpose of keeping it (closed so that it shall not compete with his own shop about 100 yards away. When things get to that sort of pitch obviously it is necessary that this Ordinance shall be tightened up.

The District Commissioner no doubt exercises his authority in the fairest way possible, but it is rutting a great deal of responsibility on him to propose to interfere with what some farmer wishes to do on his own farm. I think it is not a case of the District Commissioner being relieved of the privilege of doing this—I think it is a case of relieving him of a somewhat unpleasant duty.

And, Sir, as these shops are on farms, and as the district councils have been established for the purpose of dealing with all the interests of these areas, to my mind it is quite obvious that the district councils are the proper people to deal with questions such as this.

I think it is well known by my honfriends on the other side of Council who serve on committees that farmers are much more severe in their dealings with other farmers than the District Commissioners or any other officials to whose lot it falls to deal with these questions. It is not a question of the District Commissioner dealing too harshly but rather of being too lenient. It is absolutely essential to the farming community and in the interests of the Indian tracking community that the Ordinance shall be tighteged up, and the Bill, I think, is the right way of

flord Francis Scottl doing it, and I trust that it will pass through this Council to-day.

COL. KIRKWOOD: Your Excellency. I must rise for a moment, although probably I am like the nigger in the woodpile in this case. First of all, I would like to congratulate the hon, member for Local Government for his exposition of the Ordinance, It is precise and to the point, I would also like to congratulate Government for bringing in a Bill that is going to do some 90 per cent of what the original Bill intended to do but did not do

I do not wish to go into it at any length answering criticisms. I notice that the hon. Indian members have spoken against it, but I can assure them, in my considered opinion, that this Bill will protect the Indian trader, who is in a very large majority as a trader in this Colony, in every sense against unfair competition.

Only recently a trading centre was opened at Kiminini, some twelve miles from Kitale, and that trading centre is run there by an Indian, and the district council passed a resolution that no shops, nor licensed shop on a farm should exist within six miles of that trading centre, in order to protect that trading centre. In my oninion, as I have said before, I think that that is really ultra vires, but it only shows, Sir, that they are endeavouring to protect the trading centres and traders who have definitely vested interests in trading in these centres.

the privilege of a shop on a farm, as has already been stated, has been heavily abused. They are not functioning as they were intended, to create amenities for the native labour on that particular farm. They are endeavouring to commercialize them in several instances.

I propose at a later stage, in committee. to propose an amendment to clause 2, section 3 (2), where the word "may" appears, to alter that to "shall", and delete in the last line "either or both of". The section will then read :--

"No licence shall be issued under the provisions of this section except with the consent of the District Council or Committee, if any, within whose area such shop is situated, and such licence shall be issued subject to the following conditions: -"

Shops on Farms 528

I have nothing further to add, Your

MR. HARRAGIN: Your Excellency I was frankly at a loss to understand the opposition to this Bill by the hon. Indian members, because when it is realized that it only applies to shops on farms, and those farms are to be found only in the Hichlands, and as Indians do not own farms in the Highlands. I fail to see how it affects them in any way whatsoever. What they do in the Highlands is to own shops in the townships and trading centres, and the only result of this Bill can be to restrict the number of shors which will be found on farms, with the result that by removing that competition the Indian shops in the trading centres and townships can be expected to do more trade than at present.

The second point made by the hon, Dr. Karve: I can assure him that there is no need to worry about it, namely, that any lawyer worth his salt can run a coach and horse through the various provisions of this Bill. He thinks that it is easy and that some arrangement can be drawn up whereby the owner of the farm could escape actual punishment under the Ordinance. Let us assume that this is true. The value of this Bill is that when he applies for a licence at the end of the year he will not get it; whether he goes toprison or not will not matter so much. Therefore, however clever this lawyer may be, it will be only for a very limited period that the person who engages him will be able to appreciate his services. (Laughter.)

MR. MORTIMER: Your Excellency. there are one or two points that have been raised during the course of this debate that have not been touched on by my hon. friend the Attorney General.

The hon. Mr. Isher Dass affirmed that it was necessary for Government, and myself in moving the Bill as the representative of Government, to prove that there had been a breakdown of the arrangements under the principal Ordinance. It is entirely unnecessary that any such proof shall be offered. The point of the whole Bill is that the control of shops on IMr. Mortimerl

farms is a matter which should be dictated by the considered policy of the districts concerned, and who better can interpret that policy than the elected representatives of the inhabitants of the district? The present proposal is a legitimate extension of local government activities which have been gradually and are being gradually passed on to the local authorities, and rightly so.

I must now correct one rather curious mistake that has been made by the hon. Mr. Isher Dass and repeated by the hon. Mr. Shamsud-Deen. That is, that the one local authority that objected to this measure in any form was the one district council on which an Indian member is sitting. If hon, members will refer to the objects and reasons appended to the Bill they will see that one district committee only and not one district council considered that no amendment to the principal Ordinance was necessary. That district committee was the Machakos District Committee and not the Nyanza District Council on which an Indian member sits.

The only other points to which it is necessary for me to refer are those raised by the hon. Member for Trans Nzoia. He referred to a rule of limitation that had been passed by the Trans Nzoia Council precluding shops on farms within six miles of a township or trading centre. Well, there is nothing to prevent any district council from making recommendations of that kind. There is no limitation in the law, either of four miles or six miles. The law only provides that if a licence is granted for a shop within four miles of a trading centre or township then a slightly higher licence fee shall be paid.

The hon, member also gave notice that he would, in the committee stage, propose an amendment to the clause purporting to give the district councils and committees the right to prescribe conditions. by substituting the word "shall" for the word "may". I regret that I, for one, will not be able to support that proposed amendment, for I cannot see any reason for it. The district councils and committees will have it in their own hands to convert that "may" into "shall" if they wish. But as circumstances differ from

one district to another it would be entirely improper. I consider, for this Council arbitrarily to lay down what conditions shall be imposed generally throughout all districts. There may be circumstances appertaining to one particular district which require that one of these conditions only shall be imposed or perhaps that neither of them shall be imposed. It is desired to leave the district councils and committees an entirely free hand to impose one or both as they consider right, according to the demands of their own districts.

Public Health 530

The question was put and carried.

COMMISSIONER FOR LOCAL GOVERNMENT (TRANSFER OF POWERS) BILL,

MR. HARRAGIN: Your Excellency. I beg leave to move the second reading of the Commissioner for Local Government (Transfer of Powers) Bill.

The heading alone provides, I should imagine, this Council with the reasons for the Bill which is now before them. Owing to the change of title, it is necessary to. redistribute the duties of the various officers in various Ordinances, and it is suggested that in this Bill that the title of Commissioner of Lands and Settlement shall be substituted for the title of Commissioner for Local Government in the following three Ordinances.

MR. WILLAN seconded. The question was nut and carried.

PUBLIC HEALTH (DIVISION OF LANDS) (AMENDMENT) BILL STOOND READING

MR. HARRAGIN: Your Excellency. I beg to move that the Public Health (Division of Lands) (Amendment) Hill he read a second time.

This short amending Bill is necessary because we wish to establish, with again the Commissioner for Lands and Settlement as chairman, the body which deals with the carrying out of the provisions of the principal Ordinance. It is not necessary that the Chief Secretary should remain as chairman. It is also thought necessary to restrict the numbers of Government members in any event, and to allow Your Excellency to appoint 531 Financial Officers

Museum Trustees 532

IMr. Harragin)

three such other members, naturally not being Government, that you may see fit. There is very little otherwise in the Bill. The board, I know, does not meet often. but it is necessary to have it in existence in order that when circumstances arise and when matters are referred to it the board should be able to deal with them.

MR. WILLAN seconded.

The question was put and carried.

FINANCIAL OFFICERS (CHANGE OF TITLES) BILL SECUSD READING

MR. HARRAGIN: Your Excellency. I beg to move that the Financial Officers (Change of Titles) Bill be read a second time.

This, again, is on account of the change of titles, and the lengthy schedule to the principal Ordinance sets out the various officers who perform the duties under the Ordinance. The words "Financial Secretary" replace the word "Treasurer" in one part of the schedule, the Accountant General replaces the Treasurer in the second part, and the Commissioner of Inland Revenue is substituted for Treasurer or Colonial Treasurers, as the case may be, in the third part.

MR. WILLAN seconded.

The question was put and carried.

MUSEUMS TRUSTEES BILL: SECOND READING

MR. WILLAN: Your Excellency, 1 beg to move that the Museums Trustees Bill be read a second time.

This is the result of two committees appointed by Your Excellency, first to inquire into the relationship between the Coryndon Memorial Trustees and the East Africa and Uganda Natural History Society, and secondly, to make recommendations, in particular, as to carrying on the Coryndon Memorial building and. in general, as to the control of museums in the Colony; lastly, to advise what legislation should be necessary to give effect to those recommendations.

In order to understand this Bill, it is necessary to give a brief history of the Coryndon Memorial.

As hon, members are aware, a public anneal was made for funds in order to found a memorial to the memory of the late Sir Robert Coryndon, A certain amount of money was collected under that appeal, and with that money the Coryndon Memorial Hall was built in fact, there was no balance left over to do anything else. Having built that hall, it was then necessary, in order to have a museum, to find ways and means to put exhibits into that hall. In order to do that, the trustees of the building were empowered to lease the building to the East Africa and Uganda Natural History Society, so that the society could not their exhibits into that building, thereby constituting a museum.

A lease was drawn up to that effect: it was never executed, but in fact the terms of the lease were acted upon by both the trustees of the half and the governing body of the Natural History Society. The result was that the trust was divided into three parts. First of all, there was the half governed by trustees; second, the exhibits belonged to the society; and third, the governing body of the Natural History Society.

The object of the two committees anpointed by Your Excellency was to coordinate all these three interests by bringing them under one legal entity, and that is the object of this Bill. I do not propose to go into this at very great detail, firstlybecause, to use a legal expression, it is in common form, and secondly, because it is difficult to make a Bill which concerns trusts and trustees interesting.

Hon, members will notice that the Bill is divided into three parts, and I propose to deal with Part II first.

It deals solely with the Coryndon Memorial Trust, and the first thing we have to do is to bring the control of the memorial under one legal entity. That is done first of all under clause 8, where we get the building and the land under the control of a board of trustees. I will refer later to the scope and functions of the board when I come to deal with Part I of the Bill.

Having pot the land and building under the control of the board, we have to empower the boatd to have control of the rAfr. Willanl exhibits, and in clause 9 the board is empowered to enter into agreement with the Natural History Society to purchase the exhibits of that society and, when that has been done, they will have the exhibits under the control of the board.

533 Museum Trustees

Having achieved that object, we must have a managing committee to deal with the various details which have to be seen to in the running of the museum, and that is provided for in clause 10, which provides that the board may appoint a managing committee, and that that committee can only carry out the functions assigned to it by the board. In sub-clause (9) it is made quite clear the managing committee will be entirely subordinate to the board of trustees.

Finally, the present trustees and trust must be discharged, and they are discharged under clause 11.

Now we come back to Part I. This is general, and deals not only with the Corvidon Memorial Trust but all other museums in the Colony which agree to be affiliated with the Coryndon Museum.

There appears to be some misunderstanding with regard to the scope of this Bill. I have heard it expressed that, when this becomes law, every museum in the Colony will come under the board of trustees appointed under this Bill. That is not so. Other museums will only come under the Bill if they decide to affiliate themselves with the Coryndon Museum. I should have thought that that is quite clear from the saving clause, 13, at the end of the Bill, but since there appears to be a misunderstanding about this I propose, in committee, to offer an amendment to clause 5, adding sub-clause (2). and the draft of that amendment is now in the hands of every hon, member of Council I hope I have dispelled this misunderstanding.

Continuing with Part I of the Bill, clause 4 (1) appoints the board of trustees and there are six members, but in (2) Your Excellency in Council will have power to appoint additional members to that board if it becomes necessary.

Clause 5 describes the functions of the board and needs no explanation.

Clause 6 sets out the objects to which the board should direct its activities and clause 7 brings the staff which will run the museum entirely under the control of

That is all I need say about Part I.

There is nothing to say about Part III. except that it gives Your Excellency in Council full power to make comprehensive regulations.

MR. HARRAGIN seconded.

COL KIRKWOOD: Your Excellency, I had intended to move an amendment to the Bill, but the undertaking given by the hon and learned member Mr. Willan that clause 5 will be amended, has cut the ground from under my feet. I agree with him that in clause 13 the matter was provided for, but the amendment he proposes to move clarifies the matter and nuts it beyond all doubt.

The question was put and carried.

BILLS

IN COMMITTEE

MR. HARRAGIN moved that the Council resolve itself into committee of the whole Council to consider the following Bills clause by clause: -

The Employment of Servants (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill,

The Northern Frontier Poll Tax (Amendment) Bill,

The Asian Civil Service Provident Fund · (Amendment) Bill,

The Shops in Rural Areas (Amendment) Bill.

The Commissioner for Local Government (Transfer of Powers) Bill.

The Public Health (Division of Lands) (Amendment) Bill.

The Financial Officers (Change of Titles) Bill, .

The Museums Trustees Bill.

MR. WILLAN seconded. The question was put and carried.

Council went into committee. His Excellency moved into the chair, The Employment of Servants (Amendment) Bill was considered clause by clause.

Clause 2.

MR. WILLAN moved that clause 2 be deleted and the following clause substituted therefor:

- "2. Section 2 of the principal Ordinance is hereby amended—
 - (a) by inserting immediately after the definition of 'desertion' the following new definition:—

'domestic servant' includes every person employed whether wholly or parily in any of the following capacities, that is to say, cook, house servant (including bedroom and kitchen servants), waiter, butler, nurse, valet, bar-boy, footman, chauffeur or washerman;

- (b) by deleting the words 'Victoria Nyanza or on a vessel calling at the ports of the Colony' which occur in lines 8 and 9 of the definition of 'foreign contract of service' and by substituting therefor the words 'the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika Territory.
- (c) by deleting therefrom the definition of 'medical officer' and by substituting therefor the following new definition:—

'medical officer' means a medical practitioner registered under the Medical Practitioners and Dentists Ordinance and includes for the purposes of sections 40, 42, 43 and 79 of this Ordinance an assistant surgeon and sub-assistant surgeon in the service of Government, but excludes for the purposes of sections 77 and 79 of this Ordinance a medical practitioner not in the service of Government."

The question was put and carried.

The question of the clause as amended was put and carried.

Clause 5.

MR. WILLAN moved that clause 5 be amended by the deletion of paragraph (a) thereof and by substituting therefor the following paragraph:—

Bills in Committee 536

"(a) Provided, however, that-

- (a) an employer of a domestic servant or any other servant declared by the Governor in Council by notice in the Gazette shall not render himself liable to the aforesaid penalties by inducting or attempting to induce such domestic or other servant to proceed to any place within the Uganda Protectorate or the Tanganyika Territory or within the dominions of the Sultan of Zanzibar beyond the Colony;
- (b) an employer of a sailor shall not render himself liable to the aforesaid penalties by inducing or attempting to induce such sailor to proceed outside the Colony for service on a vessel on the inland waters of the Uganda Protectorate and/or the Tanganyika Territory or on a vessel calling at the ports of the Colony or of the Tanganyika Territory or of the Sultan of Zanzibar beyond the Sultan of Zanzibar beyond the Colony."

The question was put and carried.

The question of the clause as amended

was put and carried.
The Local Government (Dist

The Local Government (District Councils) (Amendment) Bill was considered clause by clause.

Clause 1.

MR. HARRAGIN moved that clause I be amended by substituting a comma for the full stop on the last line and by adding the words: "and shall come into operation as the Governor may by notice in the Gazette appoint,"

The question was put and carried.

The question of the clause as amended was put and carried.

Clause 3.

MR. HARRAGIN moved that clause 3 be amended by substituting "(iii)" for (ii) at the top of page 2. The question was put and carried.

The question of the clause as amended was put and carried.

Clause 11.

MR. HARRAGIN moved that clause 11 be amended by substituting the words "libraries and museums" for the word "libraries" on line 1 of paragraph (c).

The question was put and carried.

The question of the clause as amended was put and carried.

The Local Government (Municipalities) (Amendment) Bill was considered clause by clause.

Clause 1.

MR. HARRAGIN moved that clause I be amended by substituting a comma for the full slop on the last line thereof and by adding the words "and shall come into operation on such date as the Governor may by notice in the Gazette appoint."

The question was put and carried.

The question of the clause as amended was put and carried.

Clause 5.

DR. KARVE: Your Excellency, I move that clause 5 (2) (f) be amended by substituting a comma for the full stop on the last line thereof and by adding the words "of whom two shall be Indians."

In my opinion, it is necessary that Indians should have representation along with Europeans on this Standing Committee.

LORD FRANCIS SCOTT: Sir, I trust that Government will not accept this amendment.

SIR ARMIGEL WADE: I suggest that it is quite unnecessary to limit Government in any way and the clause should remain as it is.

MR. ISHER DASS: I would ask Government to accept it for one simplereason. In the "Objects and Reasons" of the previous Bill it states:—

"The Standing Committee established under the Local Government (District Councils) Ordinance is at present distinct from the Standing Committee established under the Local Government (Municipalities) Ordinance, and the object of clauses 2 and 15 of this Bill is to combine these two Committees."

While the District Councils Standing Committee only dealt with European farms in the Highlands, since the two committees are to be annalgamated the committee should be composed of both Europeans and Indians, applying the principle in the case of the municipalities of Mombasa and Nairobi.

LORD FRANCIS SCOTT: According to the hon, member's argument the municipalities should not have any European representation at all, which is obviously wrong.

The question was put and negatived.

The Northern Frontier Poll Tax (Amendment) Bill was considered clause by clause.

The Asian Civil Service Provident Fund (Amendment) Bill was considered clause by clause.

The Shops in Rural Areas (Amendment) Bill was considered clause by

Clause 2.

MR. MORTIMER moved that clause 2 be amended by the deletion of the full stop and quotation marks at the end of sub-clause (6) thereof and by the addition of the following words: "and shall at all reasonable times be open to inspection by any authorized person."

The question was put and carried.

The question of the clause as amended was put and carried.

The Commissioner for Local Government (Transfer of Powers) Bill was considered clause by clause.

Clause 1.

MR. HARRAGIN moved that clause I be amended by the deletion of the words "shall be deemed to have come into force on the first day of November, 1938," and substituting therefor: "come into operation on such date as the Governor may by notice in the Gazette appoint."

The question was put and carried.

The question of the clause as amended was put and carried.

The Public Health (Division of Lands) Bill was considered clause by clause.

Clause 1.

MR. HARRAGIN moved that clause I be amended by substituting a comma for the full stop on the last line thereof and by adding the words "and shall come into operation on such date as the Governor may by notice in the Gazette appoint."

The question was put and carried.

The question of the clause as amended was put and carried.

The Financial Officers (Change of Titles) Bill was considered clause by clause.

Second Schedule

MR. HARRAGIN moved that the Second Schedule be amended: (a) by inserting therein the following item as Item 41 thereof-

"4L No. XII of 1937 The Income Tax Ordinance section 80" and (h) by renumbering Items 41, 42, and

43 thereof as Items 42, 43 and 44. The question was put and carried.

The question of the Schedule as amended was put and carried.

The Museums Trustees Bill was considered clause by clause.

Clause 5.

MR. WILLAN moved that clause 5 be amended by adding immediately after sub-clause (1) thereof the following new sub-clause :--

"(2) If at any time any other institution of a generally similar character is affiliated in terms of paragraph (f) of sub-section (1) of this section, the powers of general management and control of the governing body of such institution, unless it is otherwise agreed between the Board and such governing body, shall not be affected."

The question was put and carried.

The question of the clause as amended was put and carried.

MR. HARRAGIN moved that the following Bills be reported to Council without amendment-

The Northern Frontier Poll Tax (Amendment) Bill.

The Asian Civil Service Provident Fund (Amendment) Bill.

and the following Bills with amendment-

The Employment of Servants (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Local Government (Municipalities) (Amendment) Bill.

The Shops in Rural Areas (Amendment) Bill.

The Commissioner for Local Government (Transfer of Powers) Bill.

The Public Health (Division of Lands) (Amendment) Bill.

The Financial Officers (Change of Titles) Bill.

The Museums Trustees Bill

MR. WILLAN seconded. The question was put and carried.

His Excellency vacated the chair.

Council resumed its sitting.

HIS EXCELLENCY reported the following Bills without amendment-

The Northern Frontier Poll Tax (Amendment) Bill.

The Asian Civil Service Provident Fund (Amendment) Bill.

and the remainder of the Bills with amendments.

THIRD READINGS

MR. HARRAGIN moved that each of the ten Bills just reported be read the third time and passed.

MR. WILLAN seconded.

The question was put and carried.

Each of the Bills was read the third time and passed.

ADJOURNMENT

Council adjourned till 10 a.m. on Monday, 12th December, 1938, in the Railway Club, Nairobi,

541 Estimates, 1939

Monday, 12th December, 1938

Council assembled at the Railway Club. Nairobi, at 10 a.m. on Monday, 12th December, 1938, His Excellency the Governor (Sir Robert Brooke-Popham. G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES

The Minutes of the meeting of the 8th December, 1938, were confirmed.

PAPER LAID

The following paper was laid on the table: -

BY THE HON. ATTORNEY GENERAL:

ment) Bill.

The Select Committee Report on the Kenya and Uganda Railway (Amend-

DRAFT ESTIMATES, 1939/

STANDING FINANCE COMMITTEE REPORT SIR ARMIGEL WADE: Your Excel-

lency, I beg to move the motion standing in my name on the Order Paper of the Day, that the Report of the Standing Finance Committee on the Estimates of Revenue and Expenditure for 1939 be adopted.

The report. Your Excellency, is unanimous in the sense that it has been signed by all members as an accurate record of the proceedings, and it is unanimous in its recommendations with the exception of very few items, limited Lihink, to three in number, on which we were not able to reach unanimity.

The differences of opinion are recorded in the report and I shall refer to them as I come to them in the course of my speech.

I think the fact that these differences of opinion are limited to only three items shows that at least we were able to reach a very large measure of agreement.

Hon, members will note that on page 28 we recommend a net increase in the revenue of £17,683, and on page 33 of the report we recommend a net increase in expenditure of £15,805. That figure will be found right at the bottom of page 33, At first sight, Sir, these increases may seem rather formidable, but on examinazion it will be seen that our recommenda-

tions are not so drastic as would appear at first sight. In the first place these figures include £8,733 made up of reimbursements and other cross entries, and that sum can be taken from both sides. leaving a real increase in revenue of £8,950 and a real increase in expenditure of £7,072.

S.F.C. Report 542

Now, Sir, I think that some of our critics might say: "Oh, yes, the committee suddenly found that they were able to increase the revenue by about £9,000. Here is more revenue so let us spend itand that is the kind of extravagance that we have been trying to stop for many years," I do not think that that will be an unnatural criticism in view of the figures. I think it is the kind of conclusion that the ordinary person reading these Estimates might arrive at. And I do not think that they can be blamed for doing so. I want to meet that criticism.

This is not the way we went about this matter and I think that when the additional expenditure of £7,000 is investigated that will be found to be perfectly apparent, Of that £7,000 roughly speaking £4,000 is military expenditure which, I think, can really be classed as unavoidable, £2,500 roughly is for ammunition and £1,500 for gas masks. Kenya does not pay the entire amount of £4,000 in this respect. There are certain other items all of which are set out in the report, to some of which we were committed beforehand. The others were entirely unavoidable because they result from the new increased scales of pay for officers and non-commissioned officers.

If you take away this £4,000 military expenditure you are left with the sum of £3,000 expenditure, roughly speaking. This is the net increase recommended in respect of services other than military, so that we are vulnerable I think only in respect of that sum of £2,700. And when -I get on to expenditure I shall endeavour . to justify those recommendations,

Turning to Revenue, Sir, the most important change we are recommending is the addition of £10,000 to the Customs revenue. A full explanation of the reasons prompted and influenced us to come to this decision is given in paragraphs 3 to II of the report, which will be found on pages 1 and 2.

ومسافة المراملين

Poster made a separate to as that the second products on this Colors when a lone series has they did when the entering were indicated in periodic, as attacks, we assume a term that it is periodic. The returns for Constern and November are commonly attack will be attack as a periodic of the construction of the manufacture will be attacked in the form of the manufacture will be attacked in the construction of the constructio

a new or had a week that we were min n men rante a naire i take her appearance were of the COMME DESIGNATION THE BE WORLD SAVE ter union when he extended were much The great proposion was ment per man diamet a seminar or treat S In STORAGE CAME OF CAPOURS IN 1879 THE THE STORAGE VALUE WAS ADDRESSED BY the remote officer on moura because Diffusion : married that is married be CONTRACT AND THE A PROPERTY IS out these weeks cours and hethe shares and as the said a part in terminal production we maintened the come a transmin mi we would be too. me a tenne is not made from CLEANER OF LOUIS

the far the seal arrived consists of the season of the sea

Other amaginate and ten to revenue which we seek another in brinds of dominimal to accommodate the we should be audited to accommod are \$1.50 Peak United to accommod are \$1.50 Peak United treatment \$1.00 Land Sales and \$400 from the former Demographs for sum of these

Use the infer time there are certain substantial successes, to that one board as a financial of the certain of Julio of the certain of the article of Julio of the certain at The a management of the first time is a management of the certain of the

Acceptant increase we were authorities assigned to you of a 1 increase of 2 NO 50 the current of the Construction Proc.
This reticutes of record digners the fet of

crease in revenue to DOGO as I have pre-

I have said that the real additional expenditure that we recommend it just over EUD and of that \$400 is on amount of military and something just under \$1000 is on account of Services.

This expenditure of roughly USEO would be entirely accounted for, except of course there are other items of rovering and expenditure which more or less cross out by increases in expenditure of three department, the Gamey Division of the Land Department, and the Department of the Commissioner of Police.

To take the Game Demarment first If . members will refer to page 13, paragraphs is and 97, they will see that the Game Warden represented that the really miled staff at his discoul does not enable him to fulfil his dual function of the preservation of game on the one hand and the protection of property, host and cress from the depredances of same on the other hand. How members will see that he asked that he might have one additional senior real three additional Assistant game wardens and one subassistant game warden. The Committee realized the strength of his representations and realized the case for the protorica of lead and crops arrives the deprodutions of game. But, in the circurrences, we felt that we were unableto seems to all the requests of the Game Warden, All we could do as will be seen in the summary on page to of the Report. was to agree to an assistant game warden at 1400 and a temporary assistant game wanten at ERM and the few cours safetions which appear on page 30 of the REAVE

The text increase to which I would refer is in the Survey Division of the Land Department, which will be found in juri-graph 11th Council were informed a few days 450 that registration was considerably behavehand and the Director of Surveys assured as in Committee that it would be quite impossible to earth up online to were given substantial increases. Again most of us and the justice of his case, if not all of us, and we retilize that the bolding up of the completions of deaths.

545 Estimates, 1939
[Sir Armigel Wade]

(Sir Armiget Wade)
on the economics of agriculture, and may, indeed, have a serious effect on settlement. And so we unanimously came to the conclusion that we must grant some increase. But this is the first item 1 have to refer to on which we did not reach an agreement. We were not unanimous as to the amount of that increase. And it is recorded in the Report that four of our members asked that their views should be recorded that—

"on the grounds that more speedy surveys were desirable in the interests of settlement and development, the request of the Director of Surveys should be fully met."

Government felt that they were unable to meet those requests in full, and so we decided to recommend that his staff should be increased by one staff surveyor and one forest surveyor.

The next is the Police Department, and here again, the Commissioner of Police represented that during the depression his force was reduced to a point at which he could not really fulfil his obligations in protecting life and property and maintaining law and order throughout the country. The Committee realized that his force had indeed been very, very drastically reduced and was having a great deal of difficulty in enforcing the law, particularly the traffic laws (which were about the first thing that would have to go in a case like this) and that there is a great deal of trouble going on, such as drunkenness in Kibera, and he at least has our fullest sympathy. In the end we decided to recommend an increase in the establishment by one assistant inspector and ten African ranks, which, in addition to the additional twelve African ranks proposed in the Draft Estimates, will give him twenty-two more policemen than in 1938 and one additional European assistant inspector. There again, we felt that that was as much as we ought to do. although everyone realized that the Commissioner had a very strong case indeed.

I do not propose to go through all the items appearing in the Report, but if there are any which hon, members wish elucidated I will endeavour to give an explanation in my reply.

But there are certain items to which I would invite attention. The first thing is in Administration, page 7, paragraph 49,

We have recommended that in view of the importance of the office, the scale of 'pay of the Principal Labour Officer should be increased up to a maximum from £840 to £920. In this connexion we recommend an increase of one additional labour officer. The report of the Juvenile Labour Committee which was recently laid upon the table recommended two additional posts, and that it was explained that Government had accepted the recommendation of that Committee in ceneral, but still, we felt that in the existing circumstances, we could not afford more than one additional post, and we recommended accordingly.

The next item is under the Agricultural. Department, paragraph 53, Agricultural Economist. And this was one of the items upon which we were not able to reach an nercement. The unofficial members of the Committee recommended the abolition of the post. Government, however, felt that there was an important job of work forthe Agricultural Economist to do, and we felt that it was rather inconsistent that we should be endeavouring to work out policies of agricultural development and at the same time do away with the one post that ought to be able to supply us with the necessary data for the foundation of these schemes. It will be seen also from the Report that there is a corollary to recommend, on the abolition of the post. that the holder shall be transferred to some other colony during the year!

It is not within the powers of this Government to transfer a man to another colony. Even if we accept the recommendation of the abolition of the post, we could not put it into effect unless the Secretary of State had some vacancy elsewhere to transfer him to, so in any case the post must remain in the Estimates for 1939.

In paragraph 56 we recommend that no further provision should be included for the continuance of the operations of the Board of Agriculture during 1939. The point is that the future of the Board of Agriculture is rather uncertain. Circumstances have greatly altered since that Board was established, because neatly

AND THE RESERVE OF THE PARTY OF

1Sir Armigel Wadel every cron and nearly every form of farm produce has its own board to look after its interests on the one hand, and also we have the Standing Board of Economic Development which would do a certain amount of work for which the Board of Agriculture was intended; we shall probably have a board for fand and water conservation. So it may be that there may not be a great deal left for the Board of Agriculture as such in its capacity as a Board of Agriculture to do. But if it is continued in its present form then there is provision under other votes for its continuance and there is provision for secretarial work, and if the Board of Agriculture does meet then its expenses can be found from general funds and on meetings of committees. So it must not be assumed that we, the Standing Finance Committee, have abolished the Board of Agriculture. All we say is that we do not know what is going to happen about it, so we do not make provision for it under

The next igm to which I shall refer is paragraph: 74 on page 10—£500 for an Inspector of Aircraft. As explained in the Report, the direction of aviation if Kenya has rendered the present practice unsatisfactory and inadequate. We want to develop it, but at the same time we do want to make it as safe a pursuit as possible.

that particular item, but if provision is

wanted then it is there under other items.

Under "Education" it will be seen that it has been found possible by certain readjustments and by scaling, down the salarles of junior temporary posts, to have four additional officers provided for and with no increase in expenditure.

The opportunity will also be taken, when the Estimates are prepared in their final form, to show education officers not en bloc as at present but under their specific posts. This alteration was recommended to the Standing Finance Committee some time during the year, but the necessary information was not to hand in time to incorporate that recommendation in the Draft Estimates; it will appear in the Estimates in their final form.

I now come to paragraph 84, grants-inaid to Indian schools. Here was one of the items on which we were quite unable to reach agreement. The amount allowed under this item in the 1938 Estimates was £8,500; the amount that appears in the Draft Estimates for 1939 is £10,000; that is to say, an increase of £1,500. The majority of the Committee referred back to the 1938 Estimates, in their Report on which the Standing Finance Committee placed this on record:—

"The Committee recommended an increase in 1938 of £425, solely in view of the very urgent plea put forward by the Director of Education. The Committee directed that it should be recorded that they were of the opinion that provision under this vote was becoming unduly large and that the time had now arrived when a limit must be placed on its further expansion."

The majority of the Committee this year recommend the deletion of the whole of the increase of £1,500. That was a recommendation Government felt unable to accept in its entirety.

The fact is that the policy in regard to Indian education which has been accepted by Government and put into practice is the policy of aiding private Indian schools. This is much cheaper than building a whole lot of schools, and Government felt it could not suddenly abandon that policy on the spur of the moment, If the policy is to be called into question. we felt it should be reviewed some time during the year before the Estimates were ever put into draft form, and we feel that if it is a wrong policy it should be reviewed early in 1939, and either recommended for continuance or something else put in its place. Then the Standing Finance Committee and the Financial Secretary will know what policy they have got to provide for.

But the practice has been adopted of giving grants-in-aid on a certain scale to existing private schools, and we were informed by the Director of Education that, to carry out and continue that policy in respect of schools that are receiving grants-in-aid, the present amount of £1,000 is the least amount that is necessary. It is necessary to meet the increased number of children in schools which, under the standing practice, will become eligible for grants. The other £500 which he asked for was in respect of schools which were noy hitherto eligible for

549 Estimates, 1939
[Sir Armigel Wade]

grants; that is to say, £1,000 was needed to continue the existing practice and £500 for expansion.

Just as we were unable to accept representations for expansion in respect of other departments, or only to the small extent I have already explained in the case of very urgent requests from the Police. Survey, and Medical Departments, to mention a few, Government, after full consideration, felt it would be justified in refusing to agree to expansion on this particular line. In other words, Government are influenced by the previous recommendation of the Standing Finance Committee that a limit of some sort must be placed on further expansion, and so we included in the schedule an increase of £1,000 over the £8,500 allowed for 1938. In view of all the circumstances, we considered an increase of £1.000 is a generous contribution and as much as we are entitled to recommend Government to adopt for 1939.

The next Department I wish to refer to is the Medical Department.

It will be noticed—and this will receive the approval of the hon, member Mr. Montgomery—that £700 has been provided to allow natives to receive the benefit of the treatment to which he owes so much, and that has been done without increasing the expenditure of the department, by various small savings in other directions.

I now wish to refer to paragraph 118, still in connexion with this department, and here the Standing Finance Committee

"reaffirmed the views recorded in paragraphs 183 and 184 of their Report on the 1938 Estimates and recommended that a committee should be appointed without delay, with instructions to investigate and report upon a method of financing from additional funds to be furnished by the natives themselves any special expansion of native medical and other social services which they might from time to time desire."

The recommendation of the Committee on the 1938 Estimates was:

"183. The Committee noted the substantial annual increase in expenditure on native medical services generally. and recommended that Government should investigate the desirability or otherwise of introducing fees to be paid by natives attending native hospitals or dispensaries.

"184. The Committee recorded that this recommendation was not based on any desire to extract money from the native, but with a view to creating a fund for the improvement and extension of native services, and in the belief that the native appreciated services in respect of which a fee was paid, however small, rather than those which were provided without payment."

Government accepted that recommendation, just as it wholeheartedly accepts the recommendation of this year's committee. But, in regard to the recommendation made but year, Government felt the first step was to arrive at a clearer basis of division between Central Government expenditure and local government expenditure on native services, and, in order to arrive at a clearer definition, a clearer basis of this division, Your Excellency detailed a provincial commissioner to go into the whole question.

That provincial commissioner did go very thoroughly into the whole question, and he has produced a thorough, comprehensive and very valuable report. But the issues are complicated, the whole question is a very difficult one, and that report is now receiving very close examfination both as to principle and as to details. If we can arrive at a fairly clear line of what is proper for the native to pay individually or through their local institutions in furtherance of their own local services, we shall be in a much better position; in fact, we shall have gone a long way towards finding out to what extent they are able to make provision for those services, and so possibly relieve Government of some of the burden.

I think it is very pertinent at this point to refer to the question asked in Council the other day, the answer to which established the fact that Government, at least in accordance with the basis recommended by Lord Moyne, is treating the natives generously in regard to provision for native services. In fact, Government is treating them more than generously.

[Sir Armigel Wade]

As I said before, Government accept wholeheartedly this recommendation to appoint a committee to discover ways and means by which natives can properly help themselves by some form or shape, possibly of a medical insurance scheme or something of the kind. It is perfectly true local native councils contribute a great deal to medical services, just as they do towards education and agricultural services, but it is worth while investigating the whole position to see if a satisfactory method can be found by which they can finance services which are essential to their welfare, but expansion of which cannot be contemplated if it is to be met from Government revenue.

Under "Veterinary," paragraph 165, hon, members will see that we have recommended one additional post of senior veterinary officer to complete the establishment which we thought to be right, giving a well-paid post. This had already been recommended some time ago by the Standing Finance Committee.

Under, "Military" expenditure, the details of additional expenditure reconsmended are given in paragraphs 183 to 189. I think I might say, as there appears to be some misunderstanding regarding £1.500 for gas masks, that these gas masks are not intended for the ordinary civilian population. We cannot possibly supply three million people with masks. They are intended for the people who will have to help the wounded if there is an emergency of this kind, that is the ambulance. decontamination squads, fire brigades. and other people at work in the unfortunate event of a raid who will be employed in serving the civilian population. They are the people for whom the masks are intended.

The assional paper on military and defence expenditure which has been promised to Council, will be circulated as soon as the Estimates are amended in the light of this Report and in whatever form these Estimates finally emerge, and also when certain other items of expenditure made by apecial warrant during recent months have been brought to account.

I do not see any point at the present moment in going through all the other items, because hon, members will find full information in the Report. But there will probably be questions asked and criticisms voiced, and, during the course of the debate, I hope the hon. Financial Secretary and some of my colleagues will be able to answer them, or I may be able to do so in the course of my reply.

MR. LOCKHART seconded.

COL. KIRKWOOD: Your Excellency, I have three or four items to query.

First of all, I want to refer to paragraph 274 of the 1938 report of the Standing Finance Committee, in which they recommend that certain items should receive certain treatment. I mentioned this in the debate on the budget, and understood the hon, Chief Secretary to say that these items would be so included which had not already been implemented, but I see no reference to them in the report now before Council. If I misunderstood the hon, member, I must still press the hon. Financial Secretary on the matter,

If I am correct, I need not go any further, they will be included, but I understand now that they will not be included. though I trust they will. In this paragraph 274, appearing on page 29 of the 1938 report, there are nine items named. Some have been implemented and others have not. The committee last year took the trouble to put these items in with special qualifications attached. Either the committee last year were wasting their time and were not sincere and had no intention of carrying out these items, or they were. I naturally must conclude that they were honest, and those items were to take precedence when the finances could be

Apparently, Your Excellency, no effort has been made to find money for some of the items. I must deprecate any action of that sort on the part of the Standing Finance Committee or Government. It is no use flogging a dead horse, if Government will not put them in again for 1939, and I consider it a breach of trust on the part of the committee and Government that they are not included.

I should like to refer to page 11, paragraph 82 of the present report, under "Education":—

"In answer to a question, the Acting Director stated that he was satisfied (Col. Kirkwood)

that the staff of the Kitale School, as at present constituted, was adequate, and efficient."

This is an old story, and goes back to the time of the late Director, Mr. Morris, He took the trouble to go into the matter with the Kitale school committee, and after long and careful thought and consideration he decided that he would appoint an assistant master to the school for 1939. That appointment is 11 months overdue, for this was decided on in 1938. I have explained, and it is admitted by the hon, Acting Director, that an assistant master is required, and has not been appointed, and here we have a statement now that it is not a special case and is very inaccurate indeed.

The Acting Director of Education on the 25th July, 1938, wrote to the headmaster of Kitale school:—

"You may also inform the school committee that I have included in the Draft Estimates for 1939 an additional post at Kitale school, an assistant master."

Read that in conjunction with this paragraph 81:

"In answer to a question, the Acting Director stated that he was satisfied that the staff of the Kitale school, as at present constituted, was adequate and efficient."

I am not attacking the staff of the school, I admit they are efficient, but the conditions under which they labour make their efforts inefficient and, secondly, the staff is inadequate for the simple reason that two classes are carried on simultaneously in one room at that school, All I ask is for the hon, members to consider whether it is possible for any teacher to instruct two classes in one classroom without detracting one from the ather? I say that it is absolutely impossible.

There is no demand from my district for extra expenditure, not that extra expenditure would not be justified because it would be, and I am afraid that we have been lacking in not pressing for it. The majority of schools in this Colony are inadequate as they cannot supply accommodation for European children. It probably also applies to the Indian schools, but I am giving my reasons for

the European schools, especially the one at Kitale.

S.F.C. Report 554

This school is too small, and I think the least we can do or endeavour to do is to give the children who attend an adequate education, even if they are over-crowded. In that particular school, they are carrying on classes in rooms which are not intended for classrooms at all. The boarding accommodation is also in-adequate, and the teaching staff, too, is not sufficient in numbers.

I hope Government will at an early date give this matter their consideration. It is not necessary to conclude that I am pressing for a new item. I maintain that an assistant master could be found and transferred to Kitale from one of the existing schools in the Colony, without interfering materially with any particular school, and that would be a benefit to Kitale school and the Colony as a whole. What we are doing is to produce a type of education that is insufficient for the youth under the conditions under which they are being instructed.

Many pupils (and this can be ascertained by the hon. Director of Education) have been withdrawn from Kitale school and sent elsewhere, where they learn more in six months than in twelve months at Kitale, due to the reasons I have explained to this Council.

Turning to page 21, Head XXXVII, Veterinary Services, I have been pressing for some sime for a veterinary officer to be stationed in the Trans Nzoia. I have not succeeded. I have also pressed for a stock inspector in that area, Although I have been told that a stock inspector has been posted there, that is not correct. One was appointed, Mr. Harris, who was in the department some years back, he was given temporary employment, and after about a month he had to resign on account of ill health. A further officer has not been appointed.

After that I was told that a stock inspector had been appointed to the district. On investigation I found it was a junior stock inspector has been obtained doing double inoculation in the district, and when that is finished, about now, he will retire from the district.

I have what I consider accurate information, that the fees that will accrus, this (Col. Kirkwood)

Trans Nzoia areas, will be in the region of £10,000 as a result of double inoculation, etc., charges, I am sure that when the Veterinary Department is getting such a large amount of revenue on the animal husbandry side from the owners of stock, the least Government can do is to see that we have some assistance in the form of veterinary services. Its absence is a great drawback, and the expense to Government will not be much, and I maintain that for the want of a veterinary officer Government is losing more than the salary of such an officer, as well as stock of all sorts going out of existence through want of advice and attention.

I hope that will be given serious consideration, and that something will be done to help the district which is endeavouring to help itself to turn over to mixed farming and to get away as far as possible from bulk crops such as maize, in which effort they deserve every consideration Government can give them.

Under Head XX, Medical Department. names 15 and 16 of the report, and page 61 of the bedret- we will take page 61 first. This shows a Director of Medical Services at £1,500 per annum; a Deputy Director of Medical Services at £1,200: an Assistant Director of Medical Services at £1,150; and a senior medical officer at £1,000. I maintain that that is top heavy, and that the administration of the department is very heavy indeed.

I fail to see why a highly qualified medical officer should be sitting down in the tin temple on Secretariat Hill doing what is little more than karant work.

In the report I see that the Director of Medical Services said that one post should be reintroduced into the budget to bring it into line with the amount paid in other colonies. I cannot myself understand why. The fact that it is required to have seniority over those to whom he is to give orders does not surely make it necessary to have a highly qualified officer. He is acting for a highly qualified and well paid Director of Medical Services, and everything should go out under his order, It is just one of the many points scattered through this budget which occur every year in the debate on the budget that we have before us now.

I do not wish to make any further year only, both from the Uasin Gishu and points, I do not think anything will come of it. Government seems to be very unsympathetic, and I often wonder whether it is worth my time as an elected member. whether the expense is justified, in coming to Nairobi to endeavour to the best of my ability to advise Government on small matters like I have submitted this morning, to find that after many repetitions and appeals to Government nothing is done.

> It is admitted by Government and by everybody that the agricultural industry of the Colony is the key industry of the Colony on which this budget is based, and that everything should be done as far as possible to assist agriculture not only on the agricultural side but the animal husbandry side. There is a definite inclination and endeavour on behalf of a great number of farmers in this Colony to turn over to mixed farming. They are getting no assistance whatever from Government, and unless something is done and reasonable steps taken, I myself feel that I would be better attending to my own business and resign from this Council

LORD FRANCIS SCOTT: Sir, as nobody seems to want to speak, before you close the debate I have a few remarks I should like to make.

I must apologise that I was late in arriving this morning. I was unlucky on the road for I had two punctures. Otherwise I would have been here to hear the address by the hon, the Chief Secretary,

Now, Sir, to start with, I believe he did explain to this Council that whilst it appears as though we had increased the estimates on both sides in actual fact when we get down to it you find that most of both the expenditure and revenue cancel out and that there was an actual net increase on General Services of less than £3,000. I believe that that was explained but it is important that Council should realize that we did not go and put up the estimates recklessly.

Dealing with the revenue side we did go very carefully into the question of the likely returns from customs. I think, Sir, on the figures we had before us, we were fully justified in recommending an increase of £10,000. I think on the figures

447 Ferimates, 1939 II and Francis Scottl

we could have increased it still further but at the same time we considered that we should base our estimates on the conservative side and I think that figure is conservative and a perfectly fair one.

Naturally, of course £3,000 had to come off the cotton tax as that had been reduced by half and as far as the rest of the revenue is concerned there was a little extra here and there and some additions in one place and some deductions in others-nothing of very great importance. There is, of course, a considerable amount appearing under re-imbursements but this. of course, does not make any actual difference to the estimates at all.

When we come to the expenditure side I must say that I feel perturbed at the fact that this expenditure is going up year by year and is going up, in my opinion, more than the country can really afford. As I said during the previous debate, we have got to keep two objectives in mind. One is to keep taxation as low as possible so as to leave the money in the nockets of the people to spend; and the other is to build up our surplus balances to such a figure so that we can have a certain amount of money in reserve which can be used for purposes which might be very necessary in the future. And in order to keep these two objectives in mind I do feel that we must keep a very close control on this increasing expenditure, especially on the social services.

We all know that if the money was there a great deal more could be spent advantageously on such departments as the Medical and Educational departments, and to improve the roads and to provide more police, and increase the number of surveyors and for many other works. We all know that could be done and done, no doubt, to the benefit of the country. At the same time, Sir, we must cut our coat according to our cloth, and we must see that we do not lose a sense of proportion and see that that sense is not dulled by indulging in too increased an expenditure on those various services.

I sometimes wonder whether it would not be the right thing to allocate a certain tump sum to each department and tell them that that is all we are going to give them and get the department to arrange

within its limits to spend that money inthe best way it possible can. If that was done one advantage would be that the head of that denartment would then cut out the services he thought were least necessary and spend the money on what he thought was most necessary, and the Government, and at the same time the people of the country, would have a control over the expenditure finances.

There are a few points to which I want to refer in detail: I do not know whether they have been referred to already or not.

The first one, Sir, is under Administration, item 17, in which we recommend that the scale for the Principal Labour Officer should be raised to the scale of £840 to £920, It seemed to us. Sir. that that is a department which has proved a great success in this country and which I believe is being recognised as so successful that the Colonial Office are using our labour regulations as a model for other colonies, and they also seem very anxious to take our Chief Labour Officer away from us to another colony. But I am glad to hear, I believe it is correct, that the Principal Labour Officer is not going to be tempted away and we are still going to enjoy the benefits of his services.

When you come to the Agricultural Department, the first thing is the question of the Agricultural Economist. The story of the appointment of the Agricultural Economist goes back a good many years ago, eight or nine years ago, and, at that time this Finance Committee of that time recommended against this appointment. They did not think that it was necessary. and they felt that the money could be better spent in some other way. However. we were over-ruled and an Agricultural Economist was appointed. We have now had experience for eight years and going very carefully into what has been done as a result of that appointment we definitely believe-the unofficial members of the committee, anyhow-that that post has not been justified and that that money could be better expended on possibly another practical agricultural officer who could do practical work in the field, go round the country and get into touch with farmers of all sorts and give advice rather than having a post which is, more or less, a theoretical one as opposed to a practical Hord Francis Scottl

When a report of this sort appears it may seem that one is making an attack on the individual holder of the post. But that it not our intention and I hope that it will not be taken as such. Nevertheless we believe that the actual appointment itself at the amount of money which it costs is not the best-way in which that money can be spent from the point of view of the agricultural interests of the Colony.

Coming next to item 19. Expenses of the Board of Agriculture-that again is un old story. It originated in the recommendations of Sir Daniel Hall whose recommendation was that there should be a Board of Agriculture which should consist of unofficial people who should be advisory to the department, and that the Director himself should not be a member of that Board but should work in close co-operation with it: It was started on these lines and personally, I believe it did a great deal of good work. But for various reasons which are not worth going into now, that Board was scrapped and the present somewhat unwieldy Board, with a large number of members, was instituted in its place, Many of us never believed that that Board avould be of any real practical use and I believe that nowadays, when we have got a Standing Board of Feonomic Development put on a much more practical basis with a whole time secretary who has already got down to his work (and judging from the memoranda which I have just been reading he has got down to that work in a very practical way), and in view of the fact that all our industries have now got their own organizations and own boards and so on to deal with their own problems, that there was no real justification for this rather large and unwieldy Board of Agriculture being kept in existence any longer. And for that reason we made that recommendation. There may be opposition to that point of view but, for myself, I have not heard any voiced so far,

Then, again, under the Agricultural Department, no doubt it has been explained why we have put in again the salary of the Senior Plant Breeder and Experimentalist, and about the proposal for his going to the London Office. That idea has now been changed.

But we shall want somebody else to go to that London office and I do hope that a right and suitable person will be found: and I very much hope that any people in the Colony who feel that they would like to have that work and are capable of doing it, and would do it well in the interests of the Colony, will come forward and let the Commissioner of Lands and Settlement, who is the person chiefly resnonsible for that sort of work, know that they are ready to take it on. It is very, very important that we should get the right person to succeed Col. Knaggs in a few months time.

S.F.C. Report. 560

Now, Sir, I next come to the Education Department. First of all I should just like to refer to the remarks of my hon, and gallant friend the Member for Trans Nzoia with reference to paragraph 81. We did ask the Acting Director about the staff at Kitale school and the information we got was that there were about 80 students there and four teachers, and that, in the oponion of the Director and of the headmaster of the school, the staff was sufficient from the practical point of view. Naturally, we are not in a position of knowing the technical side of it; nor did we know about two classes having to be held by one instructor in one room though doing quite different work. If that is so, it does seem as if there is rather a lack of organization in that school as far as the distribution of the staff goes. I should have thought that a class of 20 for each teacher was not an excessive number, and in our opinion, as we were told that the staff was adequate and sufficient, there seemed to be no justification for voting extra money for another teacher. My hon, and gallant friend has pointed out that he is not necessarily asking for that but what he is asking for is for some provision for some reallocation of the teaching staff. As far as that goes I must leave that in the hands of the hon, the Acting Director of Education to reply to. I am only explaining how it appeared before the committee when we raised the question.

Now, Sir, when you come to item 70, paragraphs 84 to 88, that of course is bound to be somewhat contentious to the hon. Indian members, but I hope they will appreciate that the reason we did that and put that in was from the point of view

[Lord Francis Scott] of finance and not from the point of view of wishing to damage Indian children's education. This is one of the cases. Sir. where I think we have got to come to

some very definite policy as to what is to be done.

This particular vote has been mounting up very rapidly during the last few years and when the hon. Mr. Patel states in his minority report that there is no justification for the reduction, it was not a case of any reduction-actually there was an increase of £1,000 and it was proposed to increase it to about £1,500-but it was because this question was gone into very thoroughly last year and because this committee was informed by the Director of Education last year that if they were given the money asked for then this question would be settled and it was hoped even that there would be a reduction this year.

As that was entirely departed from in this year's estimates we did feel very strongly that when these recommendations are put in the Standing Finance Committee Report some notice should be taken of them and if there is some very good reason why the recommendations must be departed from then we should have a very full explanation as to why that is done.

Now, Sir, it is pointed out that last year, in acordance with the Grant-in-Aid Rules, the maximum per capita grant that might be made, or rather which could be made, was £2, £2/10 and £3. I want to emphasise the word "maximum" because the hon. Chief Secretary could not accept our recommendation because it varied from or "it implied an alteration in the accepted basis of allocation of per capita grants to schools already in receipt of assistance." As we were informed last year the Government was not definitely committed to anything of the sort.

It does seem to me that we cannot go on indefinitely raising this vote, last year £400, this year £1,500 and so on. There is no need for it and at the same time it must be remembered that the Indian community are contributing very much less to the general revenue now than they did in the past. They were let off, as were the Europeans, the Education tax-that was

abolished; and their poll tax is Sh. 10 less than the European poll tax and their contribution to the income tax is very small indeed. So, it does seem to me that if they want their private schools to be further subsidised they will have to think out some method by which they can contribute a greater amount to the general revenue to pay for it. I do consider that this question should be gone into and that some definite and satisfactory basis should be adopted by which Indian children can get education and that the money for it should be properly provided by the Indians themselves.

S.F.C. Report 562

With regard to the Europeans, out of a total of 1,800 European children, 800 are educated in private schools to which no contribution is made at all, whereas apparently the Indians expect that their private schools should be subsidised. A way in which it might be done is to say that here is a total amount of money voted for the grants-in-aid for Indian schools; in the same way that a total amount of money is voted to the African and Atab schools; and out of that money some way should be agreed to as to the best way of allocating the funds.

It was claimed, which Government did not admit, last year that Government was responsible to provide education for everybody who asks for it. But one must remember that whilst in the country from which the Europeans come, anyhow, the majority of them, Great Britain, there is compulsory and free education for the children, whereas in India a very small fraction of the Indian population are educated at all, and of course the proportion educated in this country is very much higher than it would have been if they stayed in their own country. I do not want to raise this as a big racial dispute, but I do want to bring it home that we must guard the finances of the Colony and we must see that there is some check on this effort to increase expenditure.

I may say the same about the request to increase the grants-in-aid to the African schools, but we did have an explanation that to enable them to have some secondary course in Nyanza Province it was necessary to subsidise these schools at Maseno and Yala. I am not in a position to say whether this is a sound policy or 563 . Estimates, 1939

[Lord Francis Scott] not because I do not know enough about it, but, in view of that explanation we did not put in a protest on the increase of the grant-in-aid to African schools, although I did refer to it in the previous debate.

The next heading I want to speak about is the Game Department. There, again, Sir, the Game Warden put up a case to justify the considerable increase in that denartment, but on going into it very carefully we came to the conclusion that the most we could do for him was to give him one permanently increased provision. for an assistant game warden and one temporary one. The reason we recommended that was because that department is going to be very seriously depleted by officers going on leave pending retirement during the coming year.

Coming to the K.R.N.V.R. I must say that I feel very worried about that head of expenditure. It keeps going up and up and so, I think, we must definitely put a limit to what expenditure can be afforded with regard to that. It may be that all these things may be necessary but it does seem that the total expenditure at the present time when it is considered with the very heavy capital expenditure which has been entailed is very much out of proportion to other branches of the Defence Forces in the Colony. And of course, at the same time, down in Mombasa there is the other very expensive item of the coast battery. It seems to me that there is a sort of competition between these two military and naval forces in Mombasa with each trying to spend a little more than the other, so as to show which is the more important. Whether that is so I do not know but I suggest that we should keep a tight hold on the expenditure incurred.

Coming to Head XVII, it will be seen that we have recommended an increase of one staff surveyor and also a forest surveyor. That means that the Survey Department have got three out of the four posts they asked for additionally this year: two extra staff surveyors as compared to the present year and this forest surveyor. Some of the members of the committee thought we could go further and give them one more but it was suggested that

they should try to get on and catch up a bit with the work that is so much behind-

S.F.C. Report 564

Now I come to the Medical Department, Sir, and the same position arises. I did hear my hon. friend the Chief Secretary explain how it was that we came to recommend that this question of some contribution by the natives should be gone into and reported on. We did recommend it last year but nothing happened. This year I hope that it will be definitely dealt with because I do think that it is definitely important if the medical services of the country are to go ahead in the way in which they should for the welfare of the native people.

In my own experience the natives prefer paying for their medical services rather than not. I have had many instances of natives on my own farm who would rather go to a private practitioner and pay two or three shillings for treatment than go to a Government native hospital, which is well run and has very efficient medical officers, because, I think they believe that if they pay something probably they will get better treatment as a result. I do think that this is an important matter and I have spoken of it more than once before, and I trust that it will be gone into and that something will be settled this year.

While speaking on this, according to the answer I was given the other day, it isshown by Government that the expenditure on native services is £30,000 more than it would have been if the Moyne Formula had been strictly complied with. I would like to point out that that is even greater because if you take the medical department as far as its medical services are concerned, there is very little apart from the European hospital, for European services. A certain amount is put by for paying for patients who cannot pay their fees and there is a certain amount for Indian services, but, taking it by and large practically the whole of that department, and therefore including those gentlemen at the head of the department whom one hon, member took exception to, and practically the whole of their work, is really for native services.

I do not think that there is any point with these two additional stall surveyors in my saying anything more about the

flord Francis Scottl

Military, This again has gone up still further, but whilst the world is in its present unsettled condition we will have to put up with that.

We asked for a considerable extra expenditure on prisons but it was not considered that a good enough case had been made out and as the new Commissioner of Prisons is expected shortly we thought we should wait until his arrival.

I am glad that in the Secretariat vote it was agreed to put in £100 for the furnishing of the room in the Memorial Hall and I hope that at the next meeting. in 1939, we shall find that room ready.

The question of the Veterinary Department is one which worries me a little bit because it is not a question of asking for money for more veterinary officers, because apparently we cannot fill at present all the posts that we have available. It is a demand, which apparently originates from England, for putting up the scales of salary of the officers already in the Service.

I was very grateful to the committee, Sir, when they supported my application that the telephone system to the Kinangon should be definitely included in the Posts and Telegraphs Extraordinary, That, Sir, is one of the items referred to by the hon. and gallant Member for Trans Nzoia. If you will turn to page 29 of last year's report you will find that there are nine items put down there to which he referred.

The first one was for new district officers at Kisii. I believe that has been dealt with. I am not quite sure but I believe that is so. The question of the drill and recreation hall is still under consideration since no agreement has as yet been reached as to what is required and what the cost is likely to be or how the money for it is to be found.

Item (iii) I have just referred to-the extension of the telephone system to Kinangop-and that is being dealt with. The question of linking up all the police station telephones (item iv) is being carried out. This has not been completed but the work is going ahead and a good many of them have been done.

Item (v) the provision of the halance of the sum for the new Mombasa telephone exchange, and item (vi) which I have also just referred to-the furnishing of a room in the Memorial Hall-are being done, Item (vii) the mobile beef measles unit is included under Veterinary Extraordinary, The last two come under the Public Works Extraordinary but it was not possible to find sufficient money to complete them at the present time. The first of them was the reconstruction of the police station at Makupa and the provision for the new stations at Rongai and Neone, It is desirable to have one at Rongai but at the moment I do not think this is absolutely necessary and we can carry on this year anyhow, without it. Therefore I do not think we are justified in spending money on that this coming year. And the last one-the post offices at Kitale and Voi-I am afraid I do not know anything about these. But I would say this that the Public Works Extraordinary original vote did not come to our committee and was cut down a great deal before it came as far as us.

That, Sir, I think is all I have to say on this report. We did go very carefully into every point which was brought before us and I think we did only sanction those posts which we considered were actually necessary and in most cases would be of definite advantage to the development of the country.

I beg to support the motion.

Council adjourned for the usual interval.

On resuming:

MAJOR CAVENDISH-BENTINCK: Your Excellency, I only have four points to raise on this report.

The first one arises out of paragraph 13, which deals with item 13, income tax, in which the committee say:-

"The committee appreciated that a full explanation of the considerable increase in the estimated yield of income tax for 1939 over that for 1938 was furnished in the report of the Commissioner of Income Tax which had recently been laid on the table of the Legislative Council."

I know, as a member of the Standing Finance Committee, that that committee

S.F.C. Report 570

IMajor Cavendish-Bentinckl

have considered this Income Tax Report, and I hope that they will be submitting a recommendation shortly, because I have been responsible for raising in this Council on more than one occasion the desirability of appointing an ad hoc committee. I hope we shall get some sort of report from the Finance Committee which, I trust, will justify an inquiry into this form of taxation, in the early part of next year.

My next point arises out of paragraph 103 of the report, which deals with "In-land Revenue". I notice that this vote has been increased by £100, and the total of the department is now £20,742. I would again stress, as I have done for three years running, that this vote seems to be increasing year after year in an abnormal manner. I know that in drawing attention to this I have the full support of my colleague from Nairobi, and probably various other members on this side of Conneil.

In 1934, we started this department with 15,563; it was increased during the year in order to enable it to make further collections, to 16,349; in 1935, it cost 16,649; in 1930, 16,649; in 1931 the original estimate was £7,753 and the actual expenditure £11,635; last year we voted £14,813, I do not know what we are likely to have spent; and this year we get to £20,742. Yet we are told that the collection of income tax has not really entailed any very large increase in expenditure. Well, it has risen from 1934 to 1939 from £5,500 to £20,700.

One may think that one had corresponding reductions in what used to be the Treasury vote, but in 1937 the Treasury cost £20,645; in 1938, £22,199 was estimated. It has now ceased to be the "Treasury", it is called "Accountant General" and we find a reduction to £19,282. At first sight one might imagine that the sum of £3,000 is saved in the Accountant General's Department and a proportionate amount added to the "Inland Revenue" Department. But that, in fact, is not the case, because on page 86 of the budget you will find the salaries of the hon. Financial Secretary and the Deputy Financial Secretary-which are no longer included in what is now the

"Accountant General's Department", but if you add them you will find there is no saving in what used to be the "Treasury" vote.

I do hope we are going to have some end to this constant and colossal rise in the expenditure of the Inland Revenue Department.

My next point refers to paragraph 109, which deals with surveyors. I was not, of course, present at the deliberations of the Standing Finance Committee, and no doubt they went into this, but I do feel very much inclined to support strongly the representations of the hon. Chief Native Commissioner, the hon. members Mr. Wilson and the hon. members Mr. Nicol and Mr. Patel as mentioned in this report. Perhaps in the reply to this debate we may have some information exactly as to what the position is, because it is not very clear in this report.

I do know one thing quite definitely, that it is true that a great deal of developmental work is being held up by the fact that the Survey Department cannot cope with the work which they have to deal with. I do hope that some effort will be made to make up the arrears.

It says in this report that, in the opinion of the Director of Surveys, the minimum andequate staff was 10. Looking it up in the estimates, it appears that there is one director, who is not counted in the 10 required, 3 district surveyors, 8 staff surveyors, one chief computer, and two junior staff surveyors (on Local Civil Service terms), so that there appears to be, including the director himself, 15 qualified people, and yet he only asks for 10

At the same time there is only provision for an increase of one, and I do know from personal experience that they are frightfully behind-hand I believe no less than 18 months, with their work. It should be made clear, perhaps, that the Director asks for 10 and yet appears to have 15.

My last point arises out of paragraph 153, rent of the Memorial Hall,

The point I wish to make is one of principle really. As a trustee of the hall, of course I rather welcome the possibility of getting rontal for that hall for every

[Major Cavendish-Bentinck] purpose, but I do hope that, on principle, the Legislative Council of this territory is not considered so unimportant that it has to be moved from pillar to post in order to make way for exhibitions. It is possible there was very good reason for it on this occasion, but I do think we ought to try and maintain the dignity of this assembly which, after all, does pass the laws of this country. (Hear, hear.)

MR. SHAMSUD-DEEN: Your Excellency, I wish to refer briefly to one or two items, and I should like to begin with the item of education.

It has been stressed that Government should declare its policy as regards the ever increasing amount of the grant-in-aid for Indian schools. I should like to asociate myself with that remark, and I do want Government really to make an unequivocal declaration of its policy, and I should like to see if Government dare repudiate the responsibility of educating the children of its subjects. I submit that while in all parts of the civilised world and in India compulsory education is being insisted upon-I exclude certain native states of India-it seems ironical that in a Colony like Kenya the Government should try and get out of its responsibility. by cutting down by £500 the amount the hon. Director of Education wanted to take care of the increased number of children.

If you want to limit this expenditure, I think you are asking for something that you should really apply to Nature for. The number of Indian children is increasing, and the expenditure on education must, of course, increase too. The subject is of such importance that it was one of the reasons which very nearly involved the whole world in war because the Sudeten Germans did not have sufficient facilities for education in Czecho-Slavakia, and as all the Indians in this Colony are British subjects I submit it is the duty of the State to provide for the education of all children of British Indian subjects.

I have before me the yearly report of the Education Department for 1937. The Noble Lord the hon. Member for Rift Valley stated that there were 800 European children who were being educated

in unaided schools. If he carefully reads this report, he will see that there are 329 Indian children in unaided schools for which Government provides nothing at all. Again, let us look at the cost of education. According to that report, the cost per capita in 1937 for European children was Sh. 515/95. I am unoting from the report. It also shows that the net tuition cost of European education, secondary and primary, was Sh. 763/62, and Sh. 430/19 respectively, whereas the cost of Indian education per pupil was only Sh. 110/73, just about Sh. 20 more than the cost per pupil in African schools. Taken as a whole, 1,097 European children cost the Colony £49,255 for education. whereas in the case of Indians 7.292 pupils cost the State £39,140.

I submit—that the European unofficialmembers should be the last to grouse about the vote for Indian education. It is totally inadequate, and if properly continued it should be at least double to what it is at the present moment.

The hon. Member for Trans Nzola expressed his surprise when he spoke of two classes being taught in one room at the Ritale school. I have seen as many as four classes being taught in one room in some of the Indian aided schools in this Colony, and I think the hon. Director of Education will bear me out, while the conditions in some of the elementary and girls schools are simply appalling as far as accommodation is concerned.

I want to point out that by taking this £500 off, you are actually pushing no less than about 300 children of school age out on to the street.

Some hon, member mentioned about the percentage of education in India, saying that it was very low. If that is so I think it speaks poorly for the British administration in India, and the higher percentage in this Colony is a credit to the Education Department in this Colony, which should be carried to its logical conclusion by giving a fair amount of education to all British Indian subjects. I think no amount of arguing or logic will enable Government to get out of its responsibility and I should like a declaration on that subject at as early a date as possible.

IMr. Shamsad-Deen1

The Noble Lord also referred to the diminished revenue from the Indian community. Well, it is true that the Indian community pay a lower amount of income tax at the present moment, and probably in some other directions also they do not pay the same amount of tax as Europeans. but it is due to lack of facilities and lack of opportunity afforded to the Indian community to earn as much as the Europeans do. The Education Department is the only department through which the Indian community gets back some of the taxes paid in various forms, direct and indirect. There are other departments-Agricultural, Veterinary, and others-that exist entirely and exclusively for the development of land held by the European community from which the Indians derive no benefit at all. Therefore, I submit, any comparison of taxes and the amount spent on education is entirely misleading.

I should like to refer to page 20 concerning the renting of the Memorial Hall. which was also referred to by the hon. Member for Nairobi North.

I find that the rent for the hall is now being increased from £250 to £300. That, I submit, is the interest on capital investment of £6,000. I think the sittings of this Council every year average from 30 to 45 days, which is a rent of £7 to £10 per day, excluding the furniture. We are also adding another £100 for furniture. But there is no continuity of occupation and, as correctly described by the hon, member, Council is pushed from pillar to post and, because some particular exhibition or poultry show is taking place on the 6th January, we have to go somewhere . else, (Laughter.)

I wish to make a statement here and now with the fullest sense of responsibility: that if Government will undertake to occupy the hall for say at least 10 years. I can get a hall built exclusively for the Legislative Council of the Colony in quite a suitable part of the town for this rent, with new furniture and everything else including rooms for all parties. It will be exclusively set aside for Council.

I consider the renting of the present hall is throwing money away, as well as causing a great deal of inconvenience not only to members but to the public, I

wonder if there is any assembly in any part of the world whose sittings are so poorly attended by the public as ours, for we find few listeners in the gallery, because people do not like coming in and sitting down, while there are no facilities for them when we go to different places: people take no interest and do not care to come

I hope Government will consider rather seriously the question of having a home for Council rather than have Council wandering about like homeless Jews. / (Laughter.)

I also wish to refer to the Police Department.

I find additional provision made for European inspectors of police. I laid stress on the desirability of paying the Indian sub-inspectors adequately but I find nothing in the report which provides anything at all.

There is a growing suspicion among the Indian sub-inspectors that the post of chief sub-inspector, now vacant, will not be filled, although it appears in the Estimates. It has not been filled since the death of the last holder, which took place suddenly of heart failure after nearly 28 years of service to the Colony, several months ago. No steps have been taken to fill the vacancy, and there is a suspicion that Government is going to abolish the post and probably substitute some European inspectors.

In this report there should have been some provision for increases of salaries to Indian sub-inspectors, and I hope some Government member may give me some information about these two matters.

MR. WISDOM: Your Excellency, I find two items on which I seem to be expected to say a few words.

The first is paragraph 81, the question of an additional master at Kitale School, raised by the hon. Member for Trans Nzoia, and also mentioned by the hon. Member for Rift Valley, I cannot find anything wrong in the statement in paragraph 81. The staff is certainly efficient and, as there are about eighty children to four teachers, twenty to a teacher, I cannot say that the staff is inadequate. But I am prepared to admit that it would be a better school if it had five teachers

Mr. Wisdoml instead of four. I have seen European schools where they have ten children to a teacher, and six to a teacher, and I suppose the ideal is to have one child to

one teacher. The schools I refer to are expensive private schools, and receive no

support from the public funds.

573 Estimates, 1939

It is not a very great grievance when a body of, say, twenty children have to be divided into two classes and taught by one teacher. All over the world, you will find small country schools where twenty children or so are gathered together and taught by one teacher, and divided for the purpose of the attendance register into five or six classes. But one would like to avoid it here if more funds were available.

I have been considering the possibility for some time of transferring an additional master to Kitale from some other school, and I am in correspondence with the District Commissioner, Kitale. with a view to visiting there and going into the question with the local people. All I can say is, that if I am able to resist the demands from all other European Government schools for additional staff and I am able to transfer a post to Kitale, that shall be done.

The other point is paragraph 84, on the question of the grant-in-aid to Indian private schools.

Of course, it is my duty (or temporary duty) to see that as many children as possible who want to go to school can go to school, and I do not think I am betraying any secrets when I say that, before the Draft Estimates were prepared, I was warned that there was little prospect of Government being able to provide for any additional posts and services in 1939. In view of that warning, I submitted very conservative estimates indeed. With regard to Government schools for Indians, we had to forgo any considerable increase in staff; we had to forgo taking over aided schools and turning them into Government schools; we had to forgo any increase in Government schools; we had to forgo various improvements such as vocational courses and so on put forward strongly by the Indian community through their Advisory Council on Indian Education.

As I said, when the Estimates were discussed before, in view of this all we wished to do was to strengthen the hands of those who were prepared to help themselves in the private schools. £1,000 was asked for for the present aided schools and £500 to bring new schools on to the aided list.

There is a definite policy with regard to aided schools, and that policy is embodied in the Indian Schools (Grantin-Aid) Rules, 1936, Paragraph 7 of the Rules says:

"The amount of grant-in-aid to be made to any school under the provisions of these Rules shall be based on the monthly average attendance of pupils in respect of whom the grant-in-aid can be made during the first six months of the year-immediately preceding the year in which the grant-in-aid is paid."

So that by the end of June we know roughly how many children we have to provide for in the following years.

There is a saving clause in Rule 3, that

"The payments of grants-in-aid in accordance with these Rules shall be conditional on the provision of the necessary funds by the Legislative Council."

It was not thought that the financial position was so bad that this policy would have to be abandoned this year.

It must also not be thought that we just hand over the money to these various private schools and ask no questions. Once an Indian school comes on the grant-in-aid list it comes under very severe control, and all kinds of things are provided for in these Rules. The Director approves the appointment of teachers, he prescribes examinations, heapproves the syllabuses, the managing body have to produce a balance sheet, the Director approves the school fees, the premises have to be properly constructed, lighted and drained, and so on. There is definite and adequate control, and I submit the policy has not been changed; if it is changed, other rules will be necessary. Provided funds can be found, I think it is perfectly legitimate to provide this additional £1,000 for the Indian aided schools.

MR. ISHER DASS: Your Excellency, I have to congratulate the hon. Chief Secretary on the very eloquent speech with which he introduced this Standing Finance Committee Report for our approval. But I regret that with some of the arguments he has advanced I cannot agree, for the reasons already stated by me during the budget debate, and I still maintain that the position is unchanged.

As I said before, the Estimates showed a surplus of £509, the Standing Finance Committee has brought in this report with the suggestion that, instead of £509. the net surplus will be £2,387, an increase of £1,878. The position is this, Expenditure has been increased by £13,000 and revenue by £15,361, I cannot agree with this idea because, after all, the expenditure is a matter of fact while the revenue is only a hope of realization, and we certainly cannot base our hopes on anything but facts. If you base them on facts, there is not going to be any surplus and this increase in revenue is not likely to be realized. Therefore, there should have been no increase in expenditure under any circumstances at all.

That is the reason why I do not agree entirely with the hon. Chief Secretary,

The hon, member also mentioned certain paragraphs of the report, particularly paragraph 10. Recently the hon-Financial Secretary in introducing the Draft Estimates, gave us facts and figures to show that he expected a decrease of £75,000 in customs duties. Nothing could have taken place in twenty days to warrant increasing the customs duties by £10,000. Those things are based on pure imagination, against which you have facts placed in extra expenses to be borne nest year, minor increases shown under different heads, and also increases in expenditure. I do not want to go into details, because other hon, members have referred to them already.

There is only one decrease, under Head_III. Item 9, page 2, hospital fees. I am very glad that representations made by unofficial members on this side of Council have received some favourable consideration from the hon. Director of Medical Services, because there is a very serious allegation—and not an allegation only, but a fact—that the facilities in the

Indian ward are not very adequate, while the fees charged are simply horrible. I am glad there has been a reduction of £200, which will not go far, but which will relieve some hardship.

A point which the hon, member Mr. Shamsud-Deen has raised is that of education, and he referred to paragraph 84. I shall be excused if I take an extra few minutes in dealing with this subject of, grants-in-aid to Indian schools.

On this side of Council, as much as we have tried not to raise any racial issues and to work in harmony, and I want to congratulate the hon. Member for Mombasa who said that we should all work together harmoniously for the development of the Colony as a whole without raising any racial issues. I very much regret that that spirit has not been appreciated when certain points were raised this morning by the Noble Lord. who himself suggested that he was not raising any racial issues in connexion with education but only for financial reasons. Therefore it is very easy for any member to twist that point, that he is raising the matter from the financial side

Now, in regard to paragraph 84. In the Standing Finance Committee Report on the 1938 Estimates the Director of Education. "hoped that it might be possible to reduce the provision under this vote in 1939, in consequence of the opening of the new Indian elementary boys' school in Nairobi, which would result in certain grants being withdrawn from private schools."

Though nothing has been done in this connexion still in paragraphs 85 and 86 the Noble Lord and other members of the Standing Finance Committee raised the issue that this extra £1,500 should not be provided for next year and no attention paid to the representations made by the Indian members. They have deliberately tried to ignore the fact that in 1938 the new elementary school had not been completed. Questions have been asked in Council of the hon. Financial Secretary and other officials concerned. and the answers have been that tenders have been called for for the new building and it is likely to be completed in 1939.

577 Estimates, 1939 [Mr. Isher Dass]

If that is the position, and the fact is known to every individual concerned, as it should be to every member of this Council, in view of the fact that representations for an increase in the grant last year have not met with favourable sympathy from Government, it is nothing but racial prejudice in the minds of hon, members, as there have been no convincing arguments placed.

And in view of the fact that the school is likely to be built before the end of 1939, the objection raised is nothing but a purely racial issue, and that is very unfortunate. On the other hand, while we are anxious in this country to learn the lessons of other countries and educate our children and make them better citizens, it is also a pity that the hon. Member for Rift Valley raised the question of education in India. If people in India have received no education during the last 150 years and are illiterate to-day, it does not speak highly of British administration, and is a fact of which the hon. Member for Rift Valley should be ashamed and he should not blame the people of India for this crime. There is one thing in this connexion to point out. If the hon, member had the opportunity of going to India now he would find that the facilities for education under Congress ministries have increased tremendously, and that free compulsory education has been introduced into five out of seven provinces under the control of Congress Government.

A further point raised in connexion with the grant was that Indians in this country pay very little taxation. That has been dealt with by the hon, member Mr. Shamsud-Deen, that there are few facilities for us, and therefore no government could expect a community in commercial life or with its people in subordinate positions in departments of government to pay very much in taxation as against the European community who have all sorts of facilities afforded them in all walks of life. In paragraph 88 the hon, member Mr. Patel says the same thing, that in effect we receive "no direct service of any importance excepting education". Even in the defence of the country the Indians have no share.

The hon. Member for Rift Valley tries to ignore these points, and his suggestion is that with little facilities we should pay more and with more facilities we should pay less.

In connexion with paragraph 118, under Medical Department, it is suggested that some measures be adopted to get more money from the natives for increasing the medical facilities given by the department for the benefit of the natives concerned. The Noble Lord suggested in this connexion, and I think some other hon, member also, that there should be some kind of scheme of insurance.

I have had the opportunity of discussine it with different individual natives and their political and social institutions. and can say on their behalf that of the local native councils (I think about fifty) in this country most of them have no objection to a little amount in the way of a contribution being given out of funds for the benefit of the department. But any suggestion of an individual being charged is not likely to produce an equivalent result in the minds of the natives, because, as the Director of Medical Services says in his report for 1937, the natives of the country are beginning to look to the dispensarles and to take advantage of English medicines. Therefore, in order not to scare them away, no charge should be made. If, however, it is found necessary to have money, the only practical suggestion is that the local native councils should be asked to contribute, as they do, to the Public Works Department.

In this connexion, it is no use having a committee appointed and the time of officials wasted (their time can be better utilized in other ways) to inquire by what means a little money can be extracted from natives for medical facilities. I think the local native councils should be asked to contribute, and there will be no objection to meeting this demand.

On page 20, under Head XXIV, paragraphs 152 to 154 deal with the renting of Memorial Hall for Legislative Council and new furniture for the members' room. About this a lot has been said, and one hon, member made the practical suggestion of building, a beautiful hall,

[Mr. Isher Dass]

worthy of the name at a cost of £6,000 to £7,000 in Nairobi, with the most modern furniture with all other necessary facilities if the Government would come forward and make an agreement for ten years and pay the tame amount of rent as they pay now. With this 1 entirely agree.

But maybe there is an agreement with the trustees of the Memorial Hall for some time to come, and we cannot get out of it. If Government can get out of it I suggest the Municipality of Nalrobi e asked or consulted in the matter, as to place their hall at the disposal of this Council, because that hall is a very big place and is provided with a very good visitors gallery and has all other facilities.

This kind of idea that the management of a hall placed at our disposal should have the right to turn us out and charge the same rent for the period as well seems almost novel.

I hope no hon member on this side of Council will feel that there is any racial question because this is a European Memorial Hall, because if that is so I could have informed the hon. Chief Secretary that the Desai Hall, built by the Indian community, would be placed at the disposal of the Council for half the rent now charged. I am simply saying that, as tenants, we have some rights, although the landlord has some also, but this kind of right to chuck us out is not a very pleasant one.

The hon, Member for Rift Valley said that in a few months' time the representative at the East African Dependencies Office in London was likely to retire and a suitable man must be found to replace him. My suggestion is that Government, in order to save expense, should find some official who is retiring shortly, and If he is paid a little extra allowance above his nension he should be able to do the job in London. It would be very nice for him, with all the facilities to travel about to Northern Ireland, the Irish Free State. Scotland, and elsewhere, I should think that some official retiring on a pension from us would, in gratitude, like to have a little extra amount to do this job in England, instead of appointing a wholetime man for whom we should have to

The hon, Member for Nairobi North raised only one or two points. One was in connexion with income tax, and I should have thought that since 1933, five years, we had had enough of this controversy. I think the time has arrived when it should be absolutely stopped and the country given a fair chance to find out the effect of the tax. While other forms of taxation have had a very good run of ten or twenty years, this form of taxation has only had one year and all. with the exception of a few, people seem satisfied with it. When this form has had at least six years of existence and everybody knows the benefits and disadvantages of it, then the question may be raised for revision, but not after twelve or fourteen months.

A heavy increase in expenditure for the social services departments is being sought. Where do you expect the money to come from? You have got to get it from somewhere, and nobody is going to die and leave a legacy to Government towards such expenditure! You have got to depend on revenue, so that we should try this form of taxation, income tax, and not keep on grousing. Nor does this agitation create any healthy impression in the minds of the people who have invested 17 million pounds in this country.

In paragraph 152, the Standing Finance Committee have suggested a reduction of £500 under the head for allowances to unofficial members of Executive and Legislative Councils.

"The committee were informed that in the light of 1938 expenditure, the provision of £6,000 could be reduced by £500 to £5,500 and recommended accordingly."

During the last budget debate I made a suggestion which for some reason or other was not accepted, but in a couple of years you are bound to accept this principle, that each member of Council should be paid at the rate of £200 a year. That comes to £4,000 and, with four members of Executive Council getting, say, £50 extra, would mean a total expenditure of £4,200, so that we should definitely save £1,300.

[Mr. Isher Dass]

The argument against it is that it would not invite sufficient people in this country to stand for Legislative Council. That is no argument, and will go against those who suggest it. But, if my suggestion were carried out, it would show the spirit of the people, it would show the spirit of the people were who in a small Colony were prepared to help Government with their advice, for they are always asking that they should be associated in the administration of the country. Government would be saved £1,300, and in addition there would be equality of distribution of wealth. (Laughter.)

Lastly, with regard to paragraph 154 on page 20:

"The committee recommended that a sum of £100 should be provided to furnish the room in the Memorial Hall allotted to members during sessions of Council."

I suggest that before we spend that money on this room, it would be more dignified if we spent it in providing better furniture in the hall where members spend most of their time. This money should be used for providing furniture for the Council; yet we are asked to spend it on furnishing a room for members who will not have time to use it.

With reference again to paragraph 84, the Indian members feel very strongly, and I hope Government will still see its way to increasing the amount, for Government can find no justification for reducing the item by £500. By the end of 1939 the new elementary school will be completed, providing better facilities for children, and a sum can be withdrawn in that case. I think, however, just for twelve months Government can find this money.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 13th December, 1938.

Tuesday, 13th December, 1938

Council assembled at the Railway Club, Nairobi, at 10 a.m. on Tuesday, 13th December, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.) presiding.

His Excellency opened the Council with prayer,

MINUTES

The minutes of the meeting of 12th December, 1938, were confirmed.

ORAL ANSWERS TO QUESTIONS
No. 51—Grants-in-Aid to Indian
Schools

MR. PATEL asked:-

Will the Hon Director of Education please give the following information:

(1) The names of the private Indian schools formerly unaided which have recently become eligible to receive grants-in-aid under the Grants-in-Aid Rules?

(2) For which, if any, of these schools does he intend to provide in the 1939 Estimates?

MR, WISDOM: From recent inspection reports the following private Indian schools, formerly unaided appear to have become eligible to receive grants-in-aid under the Grants-in-Aid Rules:—

Indian School, Kibos.

Kitui.

" Kapsabel.
Bungoma,

Kimilili.

Shri Visha Oswal Gujarati Balmandir, Nairobi

Shri Bala Vidyalaya, Nairobl.

Indian School, Baricho. Anglo-Vernacular School, Mombasa.

As regards the second part of the question, the hon, member's attention is invited to paragraph 87 of the Standing Finance Committee's Report on the draft Estimates, 1939.

BILLS

FIRST READINGS

On the motion of Mr. Harragin, seconded by Mr. Willan, the following Bills were read a first time:

The Immigration Restriction (Amendment) Bill.

The Farmers Assistance (Amend-

ment) Bill.

Mr. Harragin gave notice that he would move the subsequent readings at a later stage of the session.

DRAFT ESTIMATES, 1939

STANDING FINANCE COMMITTEE REPORT The dehate was resumed.

MR. NICOL: Your Excellency, in rising to support the motion, I wish to associate myself with the remarks of the Noble Lord the hon, Member for Rift Valley, in the warning he gave to Government. When the barometer of expenses of a business, or Government, or anything else, rises and the thermometer of revenue remains more or less static, and certainly does not increase to the same extent as expenditure, it is time to call a halt and examine the nosition.

The three heads under which the main expenditure shows a terrific rise are Education, Medical and, of course, Military. I am going to deal with the first two later on, as of course with the military there is little to say, except to say how tragical it is at this stage we have to spend all these vast sums on our defences which hold up development and development schemes; yet we realize the military have to be given what they ask for,

In the Standing Finance' Committee we were able, as you know, to raise the revenue, but the hon. Chief Secretary has said, quite definitely, that we did not just raise this revenue and then say: "Let us spend it the best way we can". We did not do that at all. It was after very careful consideration that the Customs revenue was raised, and I personally feel that it is entirely justified, and I hone that probably by the end of next year we shall have been proved somewhat pessimistic.

I should like to take this opportunity, while talking of Customs; to congratulate the hon, member Mr. Northrop on his promotion, (Applause.)

One of the things that has struck me about this budget is the very great increase which has come about through income tax and, had we not got income tax, the budget as framed would have looked rather stupid. I rather feel that

neonle may say that we would not have hodgeted for so much expenditure if we had not known that income tax would bring us in as much as was estimated but nevertheless. I feel that perhaps Government have been a little over-ambitious. One realizes that in all budgets expenditure must increase. There are annual increments, and that sort of thing. But, at the same time. I do feel that perhaps there is a tendency in certain departments. to ask for increases of staff and to embark on social services which we really. cannot afford. I think the suggestion of the hon, Member for Rift Valley that departments should be given a fixed sum and told to cut their coat according to the cloth is worthy of some consideration.

S.F.C. Report 584

What I fear is that with the narrow margin we have got, the time may come when we shall have to employ the methods employed in the depression, and that is the curtailment of valuable work, of social services. That would be an absolute tragedy. One gives hope of better conditions and gives people a taste of better things, and then, because we cannot afford them, we have got to take them away. You might almost say it is rather like visiting a sick man and taking him a bunch of grapes, and eating the grapes and not letting him have a chance to get at them at all.

In regard to the increase in expenditure, there was a suggestion made yesterday that some of the expenditure was extravagant. I do not agree with that at all. I have a perfectly clear conscience on that for, with the exception of the military, I consider the increases in expenditure which 'we recommend are definitely for the benefit of the development of Kenya,

I particularly take the question of the Survey Department. We were told that if someone wanted a farm surveyed it would be about twelve or eighteen months before they got on with that particular job. That will hold up development, because if a man wants a farm he wants to get on with it at once and not take occupation in twelve months' time. A meticulous check has to be carried out by the Survey Department, and unless they do check the surveys very carefully

IMr. Nicoll somebody will find themselves with twenty acres short on a farm.

13rt DECEMBER, 1938

I should like to express my appreciation to the Standing Finance Committee for inserting in paragraph 60 the sum of 650 towards the Mombasa Trade Exhibition on behalf of the Agricultural Department. In paragraph 60 the wording is. perhaps, a little misleading. It was not the intention to pay the whole amount actually to the agricultural section of the Mombasa Trade Exhibition, but it was to enable the Agricultural Department to pay for the rent of the stalls, electric light, and also the incidental out-ofpocket expenses of the agricultural officers who would be attending the show.

I am also very grateful for the insertion of paragraph 67, of an assistant agricultural officer for the Teita Reserve. There is, as you see, a reimbursement under paragraph 38, and I am hoping the hon. Provincial Commissioner for the Coast will be able to tell us that he has been able to persuade the local native council to agree to bear their share of this expenditure. I think, actually, it is a very good principle to start, because it will mean that local native councils will bear their fair share of any development programme which we are able to embark on.

I am also very glad that the Registrar General has been able to get an increase in his office staff, and I do hope the work of the Official Receiver will be considerably speeded up and that we shall be able to get some dividends on adjudicated bankrupt cases, which are very behind at the moment. It also ought to be able to prevent more fraudulent bankruptcies.

In paragraph 114, in regard to Mombasa roads, is a suggestion with which I entirely agree.

."The committee recommended that negotiations should be entered into with the Mombasa Municipal Board with a view to arranging for a consolidated road grant, as in the case of Nairobi Municipal Council".

I understand that the present method is that Government will pay £ for £ all money spent on main roads in Mombasa, but apparently municipalities can go on and spend unlimited amounts of money

and then ask Government to pay their contribution. That does not seem quite fair, because Government may not be able to find the money at that particular. time, whereas if Government pay to the municipalities a fixed amount each year, the municipalities know where they are and Government too. I sincerely hope the Mombasa Municipal Board will accede to the recommendation of the Standing Finance Committee.

Coming to the question of the Medical and Education Departments, the hon. Chief Secretary has said that the natives have been very generously treated. I entirely agree, and the time is now coming when, in my opinion, if they want increased social services well, they have not to pay for them.

The increases in the Education and Medical Departments are very alarming. The increase in the Medical Department for the last three years is over £30,000. One quite appreciates that the possibilities of medical development are unlimited, but unfortunately we have not unlimited sums of money to enable us to go ahead on the lines we possibly would like to see; we have got to cut our coat according to the cloth. I think the hon. Director of Medical Services will agree that it is far better to spend money on agricultural development at the present stage of the Colony's finances, because from that development so will you get increased revenue and so be able to increase the medical services of the country and to the natives.

Regarding the Education Department, I cannot agree that in a country like this it is actually the duty of Government to give free education to everybody's children. I think our primary duty is to develop the country, and again education will follow. Although you get free education in England, you cannot expect the equivalent social services of England in a country which is still really in its pioneer stage. Therefore, I say we must develop the country before we can increase ad lib the social services.

I have always tried to keep off the question of the racial issue, and ever since I have been in the country I have tried to establish a fairness in outlook. But it was suggested that the Indian community [Mr. Nicol]

had not been fairly treated. I am afraid I cannot agree with that, as I think they have definitely a fair proportion of the revenue spent on their interests. It was suggested that they did not have a fair share of the services of the Agricultural Department, but I am quite certain that in the Kibos area they are looked after by the department as much as other agricultural interests. The same applies to the veterinary services; particularly at the coast and Mombasa. One might say that at the coast 50 per cent of the veterinary services, particularly in Mombasa, are enjoyed by the Indian community.

But, if they want these increased services, particularly in the question of education, do they want increased taxation? because I do not. Unless we do call a halt, it looks quite obvious that we shall have to find the money from somewhere, and it would mean increased taxation, which would be a very great setback to the development of the country. If we get more revenue, we have to get it through development.

Before leaving the question of education, I should just like to touch on paragraph 90. I do hope early opportunitywill be taken by Government to bring in legislation so that they can get greater control over the establishment of schools for all races, Europeans, and Indians. At present, as far as I understand, I can start a school and nobody can stop me, whereas if there were legislation I should not think I should be allowed to start a

school! (Laughter.)

In regard to the K.R.N.V.R., it is unfortunate that we have to spend all this money on the defences at the coast, and I do urge that a very careful watch be kept on the running of the tug. There are two forms of economy in running a steamer, and I hope Government are not going to economize by skimping paint and things like that, because they will run into vaster expense later on: But there are many ways of economy, and I hope a tight rein will be kept on the expenditure of that particular vessel.

The hon, member Mr. Isher Dass referred to the London office, and suggested that an official who was retiring should take over the job there, I do not know whether an official who has been out

here for say twenty or twenty-five years would like to carry on working when has earned his retirement and is due a rest; he is probably getting old and wants to relax. I personally think that in the London office they need a young and virile man, somebody on the top line the whole time, rather than someone who has got his pension and is just taking the job on as a sort of thing to keep him out of trouble possibly for the first five or six years of his retirement.

In regard to paragraph 154, the honmember Mr. Isher Dass complained about the furniture which we utilize in the Memorial Hall. Personally, I think the chairs are very comfortable, and I would have thought that the hon, member (who I see has been amply provided by nature) could not have found one of them too uncomfortable for himself. (Laughter.) But I do hope it will be possible to furnish the members' room at the Memorial Hall, because it should be a great convenience to hon, members opposite, who will be able to get on with a certain amount of work which they cannot do at the present moment.

One final plea, that I hope the medical and educational services are not going to be increased in the future at the same rate as they are being increased to-day, and I hope any increase in revenue which we may get in future will be spent on the Agricultural and Veterinary Departments for the purposes of development.

MR. PATEL: Your Excellency, I should like to associate myself with the hon. Member for Mombasa in congratulating the hon. Mr. Northrop on his promotion to the post of Commissioner of Customs.

I entirely agree with the previous hon, speakers that the control in expenditure set forth is necessary but at the same time I do not think that it is in any way practical to dole out fixed amounts to the different departments. In my opinion it is not only impracticable but ridiculous to carry into effect that particular suggestion because every department has its own particular needs and these needs differ from time to time and must be considered on their merits every year.

I do not propose, Your Excellency, to refer to the details of expenditure except

[Mr. Patel] on one or two points. The first I would deal with is the question of the Survey Department and the additional surveyor. I am aware that in Mombasa I found on several occasions that the transfer of township properties and the construction of buildings were held up because the deed plans could not be ready for a long time. I have no knowledge of the difficulties experienced by the farming community, but I do know that in the township of Mombasa, in one place particularly, several transactions were held up for many months because the Survey Department was unable to provide the necessary deed plans.

I think Government should enquire into whether this position is due to the inefficient working of the Survey Department or whether it is due to understaffing. If it is due to inefficiency then something should be done about it. And if it is due to the understaffing of surveyors then I think it is fair that they should be given another surveyor.

Coming to the question of the grantsin-aid to Indian schools, I know the honIsher Dass and the hon. Shamsud-Deen
have already commented on the controversy, and I would not have added
further had I not felt that this is a question, which although it does not look so
important, raises a very important issue
and the opposition to this item is largely
based upon a falacious argument and a
misco upon to the correct position.

What I gather from the remarks in the reports of the Standing Finance Committee last year and this year and the arguments advanced in the debate, there are three or four important points which emerge. In my submission it is the responsibility of the State to provide education to the children and the rising generation of this country. The first misconception appears to be this, that there is free education provided here. While discussing this item the issue is not whether it is compulsory and free education, but whether when voluntarily children go to school on the payment of prescribed feesthey should have facilities for education

It is not a question, as the hon, and Noble Lord the Member for the Rift

Valley suggested that, as there is free and compulsory education in England, we are demanding anything like compulsory and free education here. I think on the point of the responsibility of Government the position was correctly summarized by the late Director of Education, Mr. Morris, when he made a statement last year before the Standing Finance Committee, which is set down-on-page 13 of that Report as follows:—

"In answer to questions he stated that he was not of the opinion that there was any responsibility on the part of Government to provide education for residents of the Colony, except in so far as the Colony's financial position warranted".

Now, even if we accept that position I do not think (that the financial position of the country) to-day warrants that this particular item should not be allowed as required by the hon. Director of Education. I think the demand made by the hon, the Director of Education was very modest and that department has been unfairly treated.

The second point which was raised was that this vote was becoming unduly large and the time had now arrived when a limit must be placed on its further expansion. We see also a remark made by the late Director of Education before the Standing Finance Committee, which also appears on page 13:—

"The Committee were informed by the Director of Education that this vote was utilized to assist Indian private schools, which the Government have decided not to take over, either on account of the fact that funds were not available for their maintenance, or in certain cases at the expressed wish of the managers, but which at the same time it was considered in the public interest to support".

Now that statement was made by the then Director of Education when he stated that it was considered in public interests to support these institutions. Government was unable to provide Government schools in spite of the demand by the Indian community and therefore it was considered necessary that these private schools must be supported by giving them grants, until such time as

...

[Mr. Patel] Government would be in the position to take over these schools and provide education in Government schools.

The third point raised was that out of about 1,800 European children 800 were educated in private schools to which Government naid no contribution. If we compare the figures, in the first instance, in Government schools there are 1.097 European children, according to the 1937 Report, while in the private schools there are 887 children. Well as far as the Indian communities are concerned Government has made provision for the education of 3,701 children, while in the private schools the total number is 3,920. If such a large number as 3,920 Indian children are educated in private schools, mostly because Government is unable or unwilling to provide government schools for them, it is very unfair that these institutions which are struggling to give education to the Indian children should not be supported by grants-in-aid, which policy has already been accented by Government as the hon. Director of Education stated vesterday.

Moreover, he far as the European community is concerned, I do not think Government at any time would refuse to provide government schools where necessary. Assuming that the European community were to demand and wanted a Government school in a particular centre where there is a private school, I do not think the Government would refuse it. But, in the case of the Indian community demanding that it was necessary to provide Government schools, Government has refused, time after time, on the grounds of finance. This system of giving grants to these Indian private schools was started to support these schools during the transitional period and until such time as Government would be able to take over those private schools.

The difference in the costs of the Eurogean and Indian schools was pointed out by the hon. Mr. Shamsud-Deen and I will not allude to it here, but, Your Excellency, I submit that there is no comparison between the unaided European schools and the unaided Indian schools on account of the large number of Indian children taking education in these private schools simply because Government is unable to provide Government schools.

Now, one of the points raised by the hon. Member for Mombasa was that of free education, as if we were getting free education in this country at all. Moreover, he raised the question that the development of the country should precede the provision of education. I submit that that policy is absolutely wrong. Education should not be considered a luxury but it should be considered as a necessary part of the development of the country and I submit that this should be seen to by the Government if the proper course of progress in this country is desired,

The Noble Lord the hon, Member for the Rift Valley yesterday referred to the low percentage of literacy in India and I presume from that that he intended to suggest that the Indian community here was getting better opportunities for education. I am aware, Your Excellency, that the percentage of literacy has gone down considerably in India during the last 150 years, but at the same time I would inform the Noble Lord that I come from that part of India where free and comnulsory education has existed for the last forty years, and thousands of Indians in this country have also come from that part of India where free and compulsory education has been given in India for the last thirty years. And I would inform him that most of the Indians in this country come from that part of India which gives opportunities if not for compulsory and free education at least for voluntary education based on the payment of prescribed fees and that is what we demand in our request to have grants-in-aid for private schools.

The other point which was raised was whether we were lucky enough to get the education we were receiving here. I submit that there also the Indian community here, coming from that part of India which I mentioned, should have opportunities if not equal then nearly equal to those given in India.

I do not think, Your Excellency, that the Noble Lord was making a serious suggestion when he stated that each community should receive education according to its capacity to pay taxation. I do [Mr. Patel] not agree that education is a matter which should be considered in relation to the capacity of paying taxation. Nowhere has it ever been argued that educational and medical facilities should be provided according to the capacity of a class or a section of the community to pay taxation. It would be a very wrong principle to enunciate and very unjust and unfair regarding to the high principles of life.

Moreover, I venture to suggest that in every country it is the middle class which takes the greatest advantage of the educational institutions and they are given facilities for doing so irrespective of their capacity to pay taxation. I would also venture to suggest that the greater part of the Indian community in this country, on account of the force of circumstances, are placed in the position of the middle class not because they did voluntarily accept that position but because they are denied opportunities of taking part in the government of this country and of getting social amenities.

I suggest that we should forget about racial divisions in this country and consider what happens in other countries about the education of the middle classes and what happens in this country and to give them every facility to get the education which they desire and which they are anxious to have, irrespective of the taxes they may pay.

While on that point I feel that on one thing I am not prepared to agree with the hon. Mr. Isher Dass when he suggested that the Noble Lord was actuated in his remarks on racial grounds when he criticized this item. At the same time I feel certain—and this has always been felt very strongly by the Indian community that the unofficial European members do not try or are incapable of understanding and appreciating the reasonable and just demands and needs and aspirations of the Indian community.

Although this item apparently looks very unimportant it strengthens the belief of the Indian community that if they have to deal only with the European unofficial members of this Legislative Council, the trend of the policy by which these European unofficial members will be guided

when dealing with the aspirations of the Indian community will be unfavourable to the Indians.

I submit, Your Excellency, that the question of education should not be subordinated to any considerations unless the country was really in financial difficulty and that these demands, these very modest demands, by the hon. Director of Education, should be granted and that those many schools which he just now mentioned should be given a chance of receiving help and of being able to operate in conjunction with the Department of Education in the interests of the Indian children.

Finally, Your Excellency, I must refer to the paragraph on page 12 which is inserted in this year's report at the instance of the majority of the commit-

"The majority of the Committee were further of the view that the time had arrived when a clear enunciation of policy in regard to grants-in-aid to Indian schools should be made by Government."

Well, I join with them in that demand . for a clear enunciation of policy in regard to education and educational facilities for the Indian community in this country. As far as I understand it from what was said yesterday by the hon, the Director of Education, the grant-in-aid rules were framed with the view that the private Indian schools can be helped just so soon as they become eligible for a grant, and if that is the policy Government has adopted then this amount of £500 should have been granted. But if that policy is not acceptable I submit that Government should clearly inquire into the whole position and let the Indian community know how far they can expect educational facilities in this country so that we know where we stand. But this kind of pin pricking every year and unnecessary controversy does not lead to harmonious relations between the European and Indian communities. I think it is time that Government made a final declaration of the policy it is going to adopt as far as Indian education is concerned. I particularly lay stress on this point because this year there is no necessity on financial grounds to delete this modest demand of £500 and that is the [Mr. Patel]

reason why the Indian community should be allowed to know what facilities and probable educational facilities will be granted to the Indian community in the future.

MR. MONTGOMERY: Your Excellency, there are one or two points that I would like to refer to.

The first one is on page 5 of the Report concerning the recommendation of the Committee that the Teita Local Native Council should meet half the cost of an additional agricultural officer to be posted to that area for special-services. I have nothing against the compromise being made but I do think that it is a pity that the Council were not asked first if they were prepared to vote this money. If they were asked it does not say so in the Report. The 1939 Estimates of this Council have already been passed and it will have to go into their supplementary estimates under reimbursements.

Under the Medical liead, Sir, I think it has been suggested by one speaker that the natives should pay more than they do now towards medical services. It might be thought correct that I should have something to say on this point, but it so happens that there is a committee sitting at the moment, of which I am a member, which is considering this very point. So it would not be right for me to say anything more here now.

Under the Judicial head I see that an extra Puisne Judge could not: be provided. This is not a matter which affects me very much except from one point of view. There is a great temptation in that consideration might be given to the possibility of meeting this by department adjustments. I have had very long experience and that means the secondment of an officer from the Administration, which is always very annoying.

Under the Police vote I would be grateful if the hon, mover would give me some information, when he replies, as to what has happened about the two mobile police units which I believe were inserted in the 1938 Estimates. I am interested in this as a member of the Transport Licensing Board who feel that without these police units which could provide inspecpolice units which could provide inspec-

tion on the roads much of the work of that Board might be nullified.

DR. WILSON: Your Excellency, I do not wish to speak at any length on this Report, but there are two points arising out of the Report and out of the debate on the Report on which I should just like to comment.

It has been said that the expenditure on social services for the natives, and especially the medical and educational services, are excessive and the annual increases of that expenditure has been represented as alarming. It has also been suggested that it should be controlled or even stopped. It appears that some hon, members regard this expenditure as more or less in the nature of a charitable contribution to the natives provided by the European section of the community. I should just like, if I may, in my reply put the matter in rather a different light,

If this country is to be developed, and I take it that nobody is going to question the need of that, because if we do not develop it someone else will, if it is to be developed then it seems to me that it is to the 3,000,000 odd natives that we have got to look. Eventually the prosperity of this country is going to depend on the physical, mental and economic state of these 3,000,000 natives. The money that is spent on the improvement of the physical and mental state of these natives is not a charitable gift-thrown down the drain-it is a very sound business investment for the development of the country. Unless the natives are healthy they are going to be ineffective; they are going to be a liability rather than an asset. And further if some proportion at least are not going to be raised by elementary education above their primitive ignorance they are never going to progress in an economic sense. That point has just been mentioned by the hon. Mr. Patel, who pointed out that the money spent on education is not a luxury, it is a means of development. Until we get these natives not only healthy but some of them educated and progressive they are not going to be really valuable as economic units, taking them in the capacity of producers and consumers. They have got to advance a very long way from their

present standard of life before they can

(Dr. Wilson)

be considered as really playing their proper part in the progress of this country. Until that happens, and we have raised the standard of the natives' lives from the economic point of view, Kenya is not going to be anything but a poor country.

To my mind the answer to the fear of falling revenue is to increase expenditure on development not to curtail it; and if anybody has any doubt about the value of what is being done for the natives of this country he has only to go to those reserves where something has been done and see the progress that has resulted from a few years of attention to development, and what a change has taken place in those native reserves in the last few years.

The other point with regard to this question is whether this money we are spending on the natives is subscribed by the European section of the community. In the first place it is quite impossible to differentiate exactly between the money spent on the natives and the money spent on the other sections of the community, Possibly the hon, the Director of Medical Services will comment on the statement which was made by the Noble Lord the hon. Member for the Rift Valley that the expenditure of the Medical Department was almost entirely money spent on the natives-I do not think that that statement should be allowed to pass without comment.

LORD FRANCIS SCOTT: It is true.

DR. WILSON: In the second place, and more to the point, it is quite impossible to say what proportion of the general revenue is contributed by the natives. The amount contributed in direct taxation -the hut and poll tax-is only a fraction of the total amount they contribute towards the revenue of the Colony. To take the Customs alone, the duty of one class of article alone-cotton goods-on the basis of Lord Moyne's calculation, which he made from the 1931 figures, the Customs duty paid by the natives for cote. ton goods in 1937 was approximately 50 per cent above the 1931 figures. On Lord Moyne's calculation the amount contributed by the natives in Customs duty on cotton goods during 1937 would have

been about £113,000 in all; or an increase of about £35,000 from the time Lord Moyne's famous formula was first elaborated.

Of course the natives contribute to the revenue of the Colony in a hundred-and-one different ways and the amount that they are contributing is increasing very rapidly every year; and it will continue to increase so long as they are allowed and helped to develop and progress socially and economically.

May I just suggest in conclusion that there is another way in which we can help the natives to contribute more, and bear even a greater share of taxation, and that would be by an improvement in the standard of wage, which they earn when they are employed outside the reserves. It seems obvious to me that the balance of taxation must be related to the wage level.

Now, Sir, having spoken in this debate, though 1 did not intend to, I would just like to refer to two items. One is under Revenue Head VI, item 3—Mining Revenue Fees. There is nothing shown against "Mining Royalties". I hope it will not be long before we see something again included under that head. Considering the great value of the gold that is now being exported from Kenya I think it is unfortunate that it should be allowed to go without there being any direct contribution to revenue.

The other item is one of expenditure in the Report, paragraph 193, page 25. It is a very small point, but the Committee recommended that the anti-gas equipment provision should be increased by f1,500. As a member of that Committee I would not like to have it thought that I had "recommended" that extra expenditure. I think "recommended" is the stereotyped expression; but I should have rather had found it recorded as "had to agree".

COL MODERA: Your Excellency, I had anticipated that one at least of my colleagues would have attributed our removal to these premises to the autocracy of the General Manager of the Railway! but, while I think we should be very grateful to him and the members of the Railway Club for allowing us to come here, I should like to support what the

299 Estimates, 1939 [Col. Modera]

hon. Member for Nairobi North said yesterday that, in principle, we should not leave the Memorial Hall.

I cannot visualize, although perhaps one ought not to compare this assembly to that of the House of Commons, an Ideal Home Exhibition displacing the Speaker and Members of the Commons.

The only other point on which I wish to speak is the point also raised by the hon. Member for Nairobi North, namely, the very great increase in the last few years in the expenditure of the Inland Revenue Department, I mentioned that in the debate before the budget went to the Standing Finance Committee, but no explanation was forthcoming from any member on the other side of Council as to really why this expenditure had increased so very much in the last years. I would ask the hon, mover when he replies if he will kindly deal with this.

MR. GHERSIE: Your Excellency. this Report of the Standing Finance Committee is quite illuminating and, to a considerable extent, encouraging. It rather goes to prove that, despite the assurance of the hon. Financial Secretary that he never has anything up his sleeve, he can produce a rabbit from his hat when necessary. Possibly that is the interpretation of "prudent finance", but I think the rabbit appears to have escaped, because all the money derived from increased revenue and savings in expenditure has, with the exception of an infinitesimally small amount, been swallowed up in extra expenditure.

I realize that the Standing Finance Committee unanimously agreed to recommend it to this Council, and therefore I suppose we must abide by their judgment, but there are one or two instances which have been sadly neglected, and in that connexion I should particularly like to associate myself with the hon. Member for Trans Nzoia on the subject of the edication and veterinary officers.

I think it is rather a pity that the hon. Acting Director of Education entered the debate as early as he did, as we might have had a few more replies, Possibly the hon. Chief Secretary might give them. We have had no assurance, for instance,

although it was mentioned in debate on the last occasion, that it is impossible that compulsory education should be introduced in this Colony. Further, the existence of farm schools in the districts was also held to be unjustifiable.

S.F.C. Report 600

It has been suggested that the development of the Colony should come first. I submit it is no use thinking of developing any colony if we neglect the education of the vouncer generation.

With regard to veterinary officers, I would like the hon. Director of Veterinary Services to advise whether he has made any attempt to obtain veterinary officers say from the Dominions. I understand there is some difficulty in obtaining them from Great Britain, and I should like to know if it is possible to get any from any of the Dominions.

There is one particular department I have great sympathy for, that of the Official Receiver's. Reference has been made to this by the hon, Member for Mombasa, and also in the recent debate. I fail, frankly, to understand how the addition of one African for an expenditure of £36 will speed up the matter of bankruptcy procedure. That department is making a splendid effort to speed up bankruptey matters, and that will be a boon to the commercial community, but I do feel definitely that the department is under staffed.

I realize that the head of a department has the right to state his case before the Standing Finance Committee, and no doubt the Official Receiver has done so, but I believe I am correct in stating that in Tanganyika there are four qualified people in that department, in Uganda there are also four qualified people, and in Zanzibar two, whereas in Kenya where, I suggest, far greater work is involved on the Registrar, Official Receiver and Trustee, there appears to be one qualified European.

I consider it impossible for him to attempt to interest himself properly in bankrupteies that take place up-country, and I submit the average district commissioner is not sufficiently experienced to take the examination of a bankrupt. When I say that, I suggest he has not had sufficient experience in the wangling

[Mr. Ghersie] than can take place in regard to accountancy. If a bankruptcy takes place upcountry, the debtor and creditors are put to the inconvenience and expense of coming to Nairobi. That expense, I presume, comes out of the assets of the estate. and therefore the dividend for the creditors is reduced still further. If there were another qualified man who could travel

and attend these examinations, I submit it would be a great convenience to the commercial community and a great sav-

ing of expense.

No reference has been made to antiquities, except one short paragraph in the Report, and I notice none of the members of the Standing Finance Committee have made reference to it either. They have attempted to vindicate themselves on most things but have ignored that.

We have been led to believe by the hon, mover that he has reason to believe that the Customs position will improve towards the end of the year and that the amount of the original estimate will probably materialize. I do hope if that is so that, next year, when supplementary estimates are brought out, Government will seriously consider the question of education and veterinary officers and the question of antiquities.

Just one other item. On page 18 there is an increase of £15 for travelling expenses under Police. I have already said that heads of departments have the right to state their case and are no doubt sympathetically heard and finance allocated accordingly. But I know that up-country a police officer has a certain vote for travelling. If he is very busy during the commencement of the month, it stands to reason that the vote is soon exhausted. What is the position at the end of the month supposing a murder takes place or there is something that he has to attend to which requires travelling? Has he to put his hand in his pocket to proceed to the particular farm where the trouble has broken out? The system, I think, is wrong, but that I understand is the position, and no doubt I shall receive an answer.

I wish to support the motion.

Council adjourned for the usual interval

On resuming:

13TH DECEMBER, 1938

MR. DAUBNEY: Your Excellency. only two questions have been asked about my departmental estimate.

The hon, Member for Trans Nzoia has again raised the question of a veterinary officer for the Trans Nzoia area, and that point will be dealt with by the hon. Financial Secretary when he speaks.

With regard to the question asked by the hon. Member for Uasin Gishu as to whether we had given consideration to the question of obtaining graduates from the Dominions to fill some of our vacant posts for veterinary officers, I can answer that we have given consideration and that Colonial Office has made inquiries in the Dominions as to whether suitable veterinarians could be obtained to fill any of these vacancies. At the moment, we are not able to obain any, owing to their being fully occupied and to graduates being absorbed in the Dominions,

But, during the present year, we have given one colonial veterinary scholarship to a Canadian graduate, and I think that practice will be continued in respect of one or two scholarships each year if suitable applicants are forthcoming.

Before I sit down. I would add that the whole point about this shortage is still that our conditions are not sufficiently attractive. I would remind hon, members that we have even had difficulty in obtaining satisfactory candidates, Indian graduates, for the vacancies on the Indian veterinary staff. We have selected men. and then found they were reluctant to come on the terms we offered,

DR. PATERSON: Your Excellency. at the beginning of this debate, a warning was given to Council by my hon. friend the Financial Secretary that Council must remember that, large as the medical estimates are, there was little. likelihood of their reduction in the future and much more likelihood that I should come to you again next year and ask for

I would like to confirm the warning which was given by my hon, friend and, as it is very clear that it is a matter of great difficulty to find these sums, then I think one must take into consideration to-day what these sums, are used for,

(0) Estimates, 1939 IDr. Patersonl

what their purpose is, whether we are justified in spending such large sums, and whether we are going to be justified in spending more and asking for more. If it is clear, and I need hardly go into that point that I shall have to ask for more. we have to give some thought as to how that money is to be obtained. Very clearly it is necessary at the present time.

It is very clear, therefore, that there must be planning, but if there is to be planning it is essential we should know quite clearly what it is we wish to do. As I am responsible, therefore, for the spending of nearly a quarter of a million. and as I shall be responsible next year if I am here for asking it to be made a quarter of a million pounds, instead of nearly a quarter of a million as it is today, I think I must set out what that nosition is and endeavour to make the issue quite clear.

I should like to do so for another purnose. It is not good enough to sit back at any time and think that all is well with us. The world is moving, and we must move with the world, and I think it is essential indeed that we who have lived so long in this Colony would like to see the Colony in the front of affairs with regard to ideas. I should therefore like to follow out the history of an idea which is much to the fore at the present time and to do so I shall go back to the year 1922 and, in the course of following out the idea, I shall try and answer one or two questions which have been asked and, very particularly, the point made by the Noble Lord with regard to payment for medical services which he has made on many occasions in this Council, a point on which I am essentially in agreement with him as to principle, though I disagree as to the method. I shall try to give an answer also to the hon. Member for Mombasa,

In 1922, sixteen years ago, it was stated in the Annual Report of the Medical Department that: -

'It is not sufficient to reduce the infant mortality; it is also essential to secure for the adult some possibility of living a healthy life."

And again: -

"It becomes necessary, therefore, to consider what conditions are required for the production and maintenance of a healthy community. Four things would appear to be essential: proper feeding, good housing, cleanliness and, most essential of all, a degree of culture which renders such things desirable. But none of these things are to be found to any extent in the native reserves."

I went on:

"As regards the outlook on life of the African native, all that need be said here is that it is perhaps almost as impossible for a European to conceive its present limitations as it is for him to guess to what extent it can be developed."

That was in 1922. Also in 1922 we said:

"Hitherto the benefits which the native has received from a settled and civilized government have come to him independently of his own volition. Medical officers, roads and other services materialize in a fashion which is not understood, and it is not realized that the money which pays for these comes from the people as a result of taxation. Were it possible to allot a sum of money, however small, to each district to be spent by the people themselves through the activities of a local council presided over by the district commissioner, it would not be long before a glimmering of a common interest would be aroused, and could. these funds be collected by the people themselves that sense of responsibility would be engendered which is ever the forerunner of progress."

We have the advantage to-day that, in this Colony to-day, these councils have been established, and there is what is very important, a ready contribution to social services.

In 1923:

"An activity of Government which in the long run should have great effect in promoting hygienic conditions in the reserves has been the holding in these reserves of agricultural shows for native produce. Great success attended

605 Estimates, 1939 [Dr. Paterson]

such a show recently held in the Nyanza Province, and sooner or later a considerable improvement in native produce should follow; such improvement will in the long run result in better and more regular food supplies being available, and should considerably affect the health and physique of the people."

In 1924, again quoting from the annual report, after repeating certain things, we said:

"Fortunately, to the credit side may be set the facts that definite efforts are now being made not only to improve both the quantity and the quality of the economic products of the native reserves, but also to teach the inhabitants how to use these products so that the general standard of living may be raised."

Here, again, quite clearly are the words "the general standard of living".

In 1925 we quoted Sir John Orr, whose ideas are now to the forefront in statesmanship in Europe, who then said, having regard to the peoples of Europe, that the people here were ill-nourished and unfit in his view:-

"... the general standard of physical fitness as compared with the average of fitness of the population of Great Britain was not only low but that it was exceedingly low indeed, and ventured the opinion that it was for consideration whether in large part the unfitness of the population was not due to defective nutrition and therefore preventable."

He took it for granted that with an increase in production and dietary a great improvement could be achieved.

That is what he said in 1925. In 1926 . . .

HIS EXCELLENCY: I dislike interrupting the hon, member, but I would point out that we are dealing with the report of the Standing Finance Committee on the Draft Estimates, and that we are not going into the whole of this history year by year.

DR. PATERSON: The point I wished to make was that, throughout all these

years, we had emphasized the need for the development of the people and for an increase in improvement in the standard of living. That was the point which we made throughout all those years, but at the beginning we noted that an essential preliminary was to provide them with an outlook and inculcate a desire for progress. One of the endeavours therefore, which we have made throughout the whole of that time has been to inculcate in the Africans of this country a desire for a better standard of

One of the ways in which that has been done has been by providing hospital services of a good standard, and by putting European nurses in these hospitals in order that we might approach the women and, as a result, these people have in recent years voluntarily contributed towards those purposes.

But the point is that we are concerned, as a department, not merely with the conditions of life inside a hospital but with the conditions outside a hospital, and the position to-day, I think, is this; that at the present time there is not in the country the money which can build hospitals which are wanted or the money which can provide those means of cleanliness in the houses of the people which are essential to a decent standard of health. Therefore, as a medical department, nothing would give us greater pleasure than to see the agricultural position of the people improved in order that they may get all the many services they require and have that prosperity outside of the hospital which is essential to a healthy life.

Therefore, Sir, it is by looking towards what is required in the villages, by asking what is needed by the people that will, I think, give the line for the development which my hon, friend the Member for Mombasa desires.

COL. KIRKWOOD: On a point of order, Sir, may I ask the hon, member to reply to my accusation that on page 61, Head XX, there are four items for Director, £1,500; Deputy Director, £1,200; Assistant Deputy Director, £1,100, and Senior Medical Officer. £1,095, who are doing nothing but karani [Col. Kirkwood] work in the tin temple on Secretariat

DR. PATERSON: My reply to the accusation is that the officers in question are not employed chiefly, or to any great extent at all, on *karani* work. If they were, I should be the first to say there was no justification for paying those salaries whatsoever.

MR. WATERS: Your Excellency: I wish to refer to paragraph 53 of the report of the Standing Finance Committee relating to the post of agricultural economist.

This paragraph was mentioned by the hon. Chief Secretary when he stated that this was one of the three cases in which the Standing Finance Committee were not unanimous. He pointed out that, in his opinion, there was a job of work for an agricultural economist to do, and said that the recommendation in that paragraph appeared to be inconsistent with the present accepted policy of working out schemes of agricultural development.

This matter was also dealt with by the Noble Lord the hon. Member for Rift Valley, who gave reasons for his belief that the post was not justified. I am grateful to the Noble Lord for stating that it was not intended to make an attack on the present holder of the post. I can deal, therefore, with the post on its merits.

I should like first to call attention to the last sentence in paragraph 53:-

"The agricultural statistics could be prepared through a slight reorganization of the Agricultural Department."

I am unable to subscribe to that statement. Every member of the department has his specific duties to perform, and if an officer were required to get routine statistics or take an agricultural census he would have to be seconded from his present duties, which would lapse. In other words, I consider this statistical work can only be satisfactorily done by re-creating the post of statistical officer.

Such a post was abolished some seven years ago, when the duties were taken over by the agricultural economist. The statistical officer was on a salary scale with a maximum of £720 a year as compared with £840 for the present post of

agricultural economist. It has always been my view that, comparing the merits of the two posts—statistical officer and agricultural economist—the latter can give, by reason of his special qualifications, services that are worth more than the additional £120 or £200 a year; that, in fact, the post of economist is an economy.

The additional services that the agricultural economist can do comprise special major projects and minor pieces. of work. During the present year the major project was the economic survey of farms in the Nakuru district, some results of which have been published in the East African Agricultural Journal. Minor pieces of work have included several economic surveys in other European farming areas and the collection of material for an ecological survey. Other investigations have ranged over a wide field. I have here a long list of some of the principal subjects on which I have sought the advice of the agricultural economist.

In this connexion, I think if the members of the Standing Finance Committee who agreed with paragraph 53 were to sit in my official chair at the office, I think they would be grateful for the assistance and advice they could get from the agricultural economist.

The list is a long one, and one could go right through it, but I will select a few items. The agricultural economist has given advice on the merits of the case made for assistance to the coffee industry: he has conducted an examination of railway returns to show the nature of the internal movements of maize and maize wheat; he has done an investigation intoseasonal imports of fresh fruit; given advice on the position relating to frozen pork for export; made an examination of accounts of farmers holding exclusive licences for handling agricultural produce; worked out the cotton price scales for various areas; helped in the preparation of cases for reduction of railway rates: and in the extraction of information from the census, exact information on subjects such as these is absolutely necessary to the department before I am in a position to advise on the agricultural policy to be IMr. Watersl

adopted to meet cases in which the assistance of Government is required in one way or another.

The surveys of areas, reports on farming, and studies of agricultural projects conducted by the agricultural economist, have been most useful not only to the Department of Agriculture but also to heads of other departments and to many individual farmers.

The trained economist examines any subject logically from the economic point of view. He does not take into account the state politics at the time or any other extraneous factors. Such an impartial and expert examination is most important in pointing the way to solving the problems and in avoiding the pitfalls of an unsound economy. I should like to stress the advantage of the impartiality which the economist can bring to bear on the problems, the need for accurate knowledge, the need for vigilant examination of such information, and the advantage of expert examination by a trained economist.

In my view, this post is fully justified and is well worth retaining in order to assist in the examination of programmes of agricultural development.

MR. LOCKHART: Your Excellency, there are a few subjects raised by hon, members which I should like to follow up, even though in doing so I may be deviating some distance away from the resolution which is now before Council.

The hon. Member for Trans Nzoia spoke apparently under some sense of grievance. The first point about which he complained was as to what action had been taken with regard to the schedule of works set out in paragraph 274 of the 1938 Report. He raised that during the budget debate, and as the hon, member said he received an undertaking. The undertaking was that the schedule of works would be examined. But no undertaking was given that the whole of it would be put into the Estimates. They have been examined and, incidentally, I may say that the particular paragraph to which he referred was that those works should be included if the surplus of 1937 exceeded £100,000. It only did so to the

extent of £1,418, and it was therefore, under the 1938 recommendation, quite impossible to do more than has been done. In fact, we have done more than was undertaken or recommended by the 1938 Committee.

In examining the schedule of works we find, in fact, that the only works, which are not either being completed or are in the process of being dealt with are, firstly the new district offices at Kisii, the administrative offices. I believe they are very bad, but so are a great many other public buildings in this Colony, and it was felt that with the very small schedulo we had we could not put this in. In another item-the police stations at Makupa, Rongai, and Ngong-it was not only a question of building, but of stalling: there again we found that we could do nothing this year. Also, the extension of the telephone communications to all police stations-some have been done and some remain to be done and will not be completed before the end of 1939. There again he cannot claim that all these points were not considered. On another point-the post office at Voi and Kitale, Certainly they are necessary works, and very desirable works, but not more so than a number of others which we have been unable to provide for. I would suggest that not only has the recommendation of the 1938 Committee been implemented so far as it is reasonable to do so, but that the undertaking given to the hon, member in an earlier address on the budget has been carried out. I hope that one misapprehension has been removed—the one regarding the school at Kitale. My hon, friend the Director of Education has dealt with that, and though I do not know whether the hon, member is satisfied, at any rate he got a promise of some sort. (Laugh-

I am now going to work up to another promise which will not perhaps satisfy him, and that is in regard to the Veterinary O'licer at Kitale. I have said quite frankly that those concerned in the preparation of the budget did rather take the view that it might be possible to find a veterinary officer for Kitale when increasing the establishment by one more additional person than in 1918. We have

The hon. Member for Nairobi North referred to the question of income tax. which is being, as everyone knows. studied by the Standing Finance Committee. The position is that the report is in draft and it will. I hope, be disposed of at the next meeting of the Committee. The next point dealt with by the hon. member, and also by the hon. Member for Nairobi South, was the increasing cost of the Inland Revenue Department and figures were given which I do not propose to traverse now. Well, of course. the cost of the department has increased. That is because the size of the department has increased and that increase is because the work has been increased, They have been given additional taxes to collect each year, and additional forms of revenue, such as the school accounts, the hospital accounts and so on to collect. They have established a very efficient central registry, and they have, at least I sincerely hope they have, the name of every citizen in this Colony who owes us anything in the way of taxation or otherwise. It is centralized, and I am satisfied that it is efficiently run as a department and very much more than pays for itself. If hon, members opposite can come to this Council and point out cases to me of records from whom taxes and bills are not being recovered, and point to any inefficiency in the department, they will have a case for answer. But merely to say that the department is costing morewell, of course it is, because the work is growing and becoming more extensive. We have introduced income tax in the

The hon. Member for Nairobi North and also one of our hon. members referred to the Survey Department. Well, we know that there are arrears of survey and that these are holding up sales. We also know that further increases have been made in the staff of the Survey Department which we hope will overcome these arrears. If they do not, I for one am not going to agree that the future remedy is still a further increase in staff; I think we may have to consider the possibility of some other expedient.

Colony, which requires an income tax

staff, and, therefore, this accounts for a

considerable proportion of the increase

in the cost of the department.

IMr. Lockhartl so far failed when we have endeavoured to persuade the department to accept this view. Even so, there is really no reason in putting another post in the establishment until we have filled the posts we have already got. We have vacancies and when these have been filled, I am not authorized to make any promise to the hon, member, but I can assure him that the requirements in Kitale are fully recognized and have certainly the support of the department, and if they cannot find a veterinary officer then they will try and provide a stock inspector. But, at the moment, we have a vacancy which is not filled. Perhaps the easiest thing for me to do is to put a post in the Estimates. It will cost nothing and we shall not get him. (Laughter.) But we will do our best to find someone in 1939.

The Noble Lord the hon, Member for the Rift Valley expressed some perturbation at the increases in expenditure. While we share that view, there can be very few chancellors of the exchequer or. commissioners of finance or what not in the world to-dity who are not seriously perturbed about the financial position of their country. I think we have a very preat deal less justification for anxiety here than in many other places. That it is a matter that requires to be watched we appreciate very fully, but I do not think anyone can contemplate our revenue and expenditure as seriously unbalanced, and after all we have a limited reserve. Nor would it be correct to say that the danger mark had been reached, and that, so far as these estimates are concerned, there is any real ground for anxiety in the future.

The Noble Lord suggested a policy of allocating minimum sums to departments each year. Well, that is a procedure which I think has been tried. It has been tried in the Sudan by Lord Lloyd in the last depression, but I do find it very difficult to believe that it would be workable. I think if you consider the requirements of departments otherwise than as a whole and you make such allocations, it would be quite possible that after a few years some department would be apending more than it really needed and other services would be sarved.

613 Estimates, 1939

The hon. Mr. Shamsud-Deen referred again to the salaries of the sub-inspectors of the Indian police. Well, that was very fully dealt with in the budget debate. I am not sure whether the hon. member was in his place when I replied, but nothing has happened since to change that position.

The hon. Mr. Isher Dass, in criticizing the increase that was made in the Customs estimate, said that nothing could have occurred since the original estimate was framed to justify it. That is not so, There was an interval of some three months between the time the first estimates were framed and when they were considered by the Standing Finance Committee, and what has occurred is that we have now got the actual figures of the further three months receipts which justify that provision in the Estimates. As the hon, the Chief Secretary said, one might have used these figures even to justify a larger increase, although I certainly would not advise doing so.

I think the only point raised by the hon. Member for Mombasa which has not so far been dealt with is his suggestion that a careful watch should be kept on the cost and the running of the Ndovu. I can assure him that some economies have already been made in the cost of the running of the vessel by its previous owners. (Laughter.) The wage rates have been reduced, and we hope to achieve still more in that direction.

The hon, member representing native interests, Dr. Wilson, in the course of a very interesting review of the economics of native development, made a statement that the taxation paid by the natives, or the revenue derived from the natives, was increasing rapidly annually. Well, if that is so, so far as 1938 and 1939 are concerned compared with 1937, there must be a leakage somewhere, because it is not borne out by the actual estimates of the department which collects that revenue.

The hon. Member for Trans Nzola referred to the staff of the Registrar General, and of the Official Receiver not having the opportunity of representing his case—

COL KIRKWOOD: Your Excellency, on a point of order or correction, I think it was the hon. Member for Ussin Gishu.

MR, LOCKHART: I beg your pardon—then I mean the hon. Member for Uasin Gishu. Of course all heads of departments have the opportunity of representing their case, and the Official Receiver apparently did not wish to present a case for an increase in the staff, apart from a small clerical increase which he had this year and an additional native clerk for next year. But an undertaking was given when the matter was raised by the hon. Member for Mombasa in Standing Finance Committee that the staff needed to run the department should be examined, and that will be done.

The hon, member also referred to the control of expenditure for travelling, and rather complained of the system at present employed. But of course, to limit the votes by a specific amount of expenditure which officers can incur in travelling is the only method of control. But there is, of course, a provision under which any public officer may incur expenditure for which, if he holds no authority for doing so, he must be prepared to justify his action as being necessary in the public interest, and he must be prepared to be surcharged that amount. But I cannot see a police officer being called in to investigate a murder having any difficulty in justifying expenditure for that purpose, whether he had an unexpended balance on his vote or not. This, Sir, is only a point of detail which to my mind it is unnecessary to consider.

COL KIRKWOOD: Your Excellency, on a point of order, as I have been referred to in Head XXXVII by the hon. the Financial Secretary, he stated that the Finance Committee were sympathetic with regard to the Veterinary Officer for Trans Nzoia, but that even if they did put it in the budget we will not get it. All we are asking for is an assurance that it will be put in as a token vote.

MR. LOCKHART: Your Excellency, In reply to that point of order, I am not authorized to give any assurance other than that this matter has been under constant consideration and we shall do our best.

MR. MORTIMER: Your Excellency, in a very few words I should like to refer to the question of the Survey Division staff, to which reference has been made two or three times during the course of the debate.

I would point out, first of all, that in 1931 the establishment of surveyors and computers on the survey division staff was 27. Then came the depression period and the staff was cut down as low as 12. Now, we consider that with two-thirds of the pre-depression staff we can carry on the work required of us efficiently and with credit to the department and to the Government, and that means 18 as against the 27 in 1930-31.

The provision now made in the Estimates is for 17 of that 18. It is very gratifying to know that the Standing Finance Committee has been able to make this provision and I am confident that this will go very far towards enabling the Survey Division to clear up the arrears of work which have accumulated during the past few years. I will give an undertaking that survey work for the provision of title-deeds and deed plans in connexion with these surveys will be given priority, so that the public will have the minimum of inconvenience on account of any arrears. (Applause)

In reply to the hon. Mr. Patel, I would say that the position so far as the survey of township plots and the production of deed plans in connexion therewith is concerned is precisely on a par with farm surveys. I will cordially welcome the inquiry Mr. Patel suggested, because I have no misglvings whatever as to the loyalty and efficiency of the Survey Division staff. They simply cannot do the amount of work there is; it is physically impossible to get through it.

The hon. Member for Nairobi North referred to the last word in paragraph 109 of the Standing Finance Committee Report wherein the Director of Surveys is quoted as saying that in his view the minimum adequate staff was ten. That particular paragraph, Sir, had special reference to the staff surveyors, for which provision has now been made for nine out of those ten.

LADY SIDNEY FARRAR: Your Excellency, I only rise to ask one question in respect of work done by surveyors and which the hon. Commissioner for Lands and Settlement told us will be done in future by the additional staff surveyors. I should like to have some assurance that the very urgent matter of the surveying of the new Sotik township known as Chemagel will receive priority in this connexion.

HIS EXCELLENCY: I will ask the hon. Chief Secretary to answer that,

EARL OF ERROLL: Your Excellency, before going into any detail of this report, and before referring to any specific points which have been raised by hon, members during the debate, I would like to make just a few observations on one or two points which struck me particularly during the deliberations of the Standing Finance Committee.

The first thing with which I was struck was the fact that, had we in that committee been able to find any great increase in revenue amounting to, say, £50,000 or even £100,000, there would have been little difficulty indeed in expending it; I believe we could have expended that amount very advantageously and that heads of departments who asked for increases could show a good case. I think the members of the committee would have found it very difficult to resist many of those demands.

In several instances, heads of departments were told that they could have nothing more this year, but if they came back next year and conditions were better we might be able to do something. about it. That is an attitude which, frankly, terrifies me, because I feel it is one of "What we have we must expend." I do most earnestly express the hope that the practice of increasing departmental expenditure must be checked as far as possible. The Noble Lord the hon. Member for Rift Valley has already issued a warning in this respect, and so has the hon. Member for Mombasa. The Noble Lord went so far as to suggest that expenditure in certain departments should be limited to an agreed sum, but, whatever the method we adopt, I do stress that we must now realize, once and for [Earl of Erroll] all, that increases in expenditure cannot go on ad infinitum and that our budget must be related rather more closely to the economic position of the country.

617 Estimates, 1939

We have I think in a remarkable deeree (and it is a remarkable fact that we have been able this year) to increase expenditure over the estimates for last year in spite of the fact that the value of our exports is estimated to produce one million pounds less. I do submit that some limited ratio of revenue to expenditure must be aimed at, above which limit there must be no expenditure of money accruing from the revenue of the country, so that the surplus therefrom derived can be devoted to the two objects mentioned by the Noble Lord, namely, reduction of taxation and the building un of our surplus balances. By this I mean (it is a little difficult to explain) that if. for the sake of argument, we estimate that we are likely to get 24 million pounds revenue in any one year, I suggest that we should then decide the percentage which can be expended, say 90 per cent on expenditure, and the rest, the other 10 per cent, should be devoted to the purposes I have mentioned, so that we would not spend every year right up to the hilt 100 per cent, which is what the Estimates this year in effect do.

Another point which struck me very forcibly both during the debate on the Estimates and during the deliberations of the Standing Finance Committee, is the strange reluctance on the part of hon. members on both sides of Council to criticize, to any great extent at all, the needs of the military expenditure. I feel rather fearsome doing it myself, but the attitude has grown up, "This is inevitable; the military say they want it and so they must have it." It is difficult for a layman to speak on this subject, but I will say that the military are getting away with it to a rather extravagant degree, and that there is a good deal of wastage.

If hon, members will turn (they need not, if they do not want to, because—I think that I can explain it) to pages 23 and 23, which contain the heads of expenditure for the K.R.N.V.R. and Military, they will note that every paragraph starts with the words "The committee

were informed that" something or other was decided or was wanted, and the committee were practically forced to give the expenditure with no earthly reason being given for it. We did not have the advantage of having the Brigadier to tell us all about it, so it made it even more difficult. Anyhow, on every single item which the military asked for they practically, in effect, got.

I agree with the Noble Lord that the two units at the coast seem to be rather extravagant, but also I think there are public extravagances in other ways.

As Your Excellency knows far better than I do, but perhaps other hon, members do not know, the Aldershot and Southern Compands in England contain the first fighting forces of the British Empire. They contain not only the first line of fighting forces, they contain what is known as the Mobile Division, which is the spearhead of the striking forces of the Empire, and therefore is presumably as efficient as can be.

In these Commands you will find there are a number of brigades, and each brigade is made up of three battalions, almost exactly, the same as the King's African Rifles here, three to a brigade. In the Army List for October, 1938, you will find in all the Commands a commander and brigade-major, and even this great Mobile Division does not find it necessary to have a staff-captain. Here, you find for the King's African Rifles it is considered necessary to have a commander, brigade major and a staff captain. I think that may be considered to be somewhat luxurious.

I think it is quite easy to show that we have given the military too free a hand, and it rather goes to show that they are inclined to surround themselves with unnecessary appointments.

Turning from that for a moment, I feel I must explain why, on item 13, income tax, I recorded an independent opinion. It is only right, If something appears in a report under one's pame, the member should explain why he has done

I find myself, of course, in a rather difficult position, inasmuch as I became

(Earl of Erroll) a member of the Standing Finance Committee after that committee, as we are aware, started an investigation into the Income Tax Commissioner's report, and although we knew this was being done I know nothing of the details. As I had protested in this Council during the debate on the budget at the great increase in revenue expected under this head. I felt it only right that I should record it in this report, because I did submit then and do so now that there was a definite understanding at the time the tax was introduced that it should not bring in more than £43,500.

I have been told that my contention here is incorrect, but if hon, members will bear with me for only a few minutes I should like to try and place the position as I see it before them.

Hon, members will recall that in 1937 the Draft Estimates included a sum of 1835,000 in the budget to be derived from income tax. This produced a howl from all over the country and, eventually, that sum was brought down to £43,500. The Noble Lord the hon. Member for Rift Valley, speaking in the debate on the report of the Standing Committee on the Draft Estimates for 1937, said:—

"A heavy income tax, I suggest, would do great damage, and I think it is all-important that an income tax should be kept on the very lightest basis."

He went on to elaborate what reductions in direct taxation had taken place, and said:—

"On the other side of the picture, income tax is estimated to bring in £43.500."

Again, speaking on the Draft Estimates for 1938, the hon, member said:-

"The position then arose, either we were to accept Government's offer, which meant accepting a modified form of income tax or, if we refused that, Government intended to go straight ahead to put on the full income tax and implement the whole of Sir Alan Pim's recommendations. I wish to emphasize this, that the problem before us was not income tax or no income tax, but if was a heavy income tax or a light income tax,"

Presumably, therefore, at that time in his opinion £83,500 being extracted from the taxpayers for this tax would have been a heavy income tax, and one of £43,500 would be a light one.

I think, and submit, that he was absolutely right in that. Now we find that the revenue from the tax is estimated to bring in £50,000 more than what was considered to be a heavy freeme tax.

Later, in the debate on the 5th January, 1937, the hon. Acting Colonial Secretary replied to a specific question put to him by the hon. Member for Trans Nzoia, as to the difference between the reduction in direct 'taxation of £80,000 or £90,000 and the putting on of income tax, as to how the figure of £37,000 was arrived at. The Acting Colonial Secretary said:—

"It is rather difficult to explain to him without quoting a schedule of figures. The position is this: The reductions in the taxation payable by the non-native communities are as follows: Poll tax, £29,000; education tax, £24,000 petrol tax, £15,000; licences, £12,000; total, £80,500. Against this, there is additional taxation of £43,000 in the shape of income tax, making the net reduction of £37,000."

Proving that by having income tax in place of the other taxes the community was saving £37,000. Now we find ourselves in the position that instead of the promised saving of £37,000 there is in effect an increase in direct taxation of £35,500.

Again, on the second reading of the Income Tax Bill, the hon. Member for Nairobi North said:—

"In the meantime, I trust Government will bear in mind that the Bill is designed to bring in some £40,000 or £50,000. The rates must not be altered without careful consideration, without our agreement, and possibly without a free vote in this Council, and if after a year's trial the revenue brought in is found to exceed the sum agreed on, in equity we must have reductions in the incidence of the tax or, by agreement, alleviations in other directions."

Later in the same debate, the then hon. Member for Uasin Gishu made to my [Earl of Erroll] mind a very pertinent point when he said:—

"One of the most important points I thought he (the hon. Member for Nairobi North) raised was, what action are Government going to take if, for instance, when this tax is applied, it produces a far greater sum of money than it was said to produce? Are Government going to revise the rates or give relief in other directions, or merely absorb it into the coffers of Government? That is a frightfully important point, and it will have to be made quite clear what are the intentions of Government about this."

In reply to that specific question, the hon. Attorney General said, referring to the hon. Member for Uasin Gishu:—

"He also wished to know what action Government would take if more
noney was produced under the Ordinance than was estimated for. Though
I have received no instructions in this
matter as to what the answer should
be. I should imagine the answer would
be that Government would do exactly
the same as in other cases when it
received more than it estimates for!
(Laughter.)"

(Laughter.) That, of course, was no answer at all; it was merely an attempt, and a rather successful one, to prevent Government from committing themselves. But 1 do know there was a definite understanding that this tax should bring in £43,500 and no more. That was my reason for putting in a minority minute.

Finally, on this question I would add my plea to that made by the hon. Member for Nairobi North yesterday, that an ad hoe committee may be appointed so that the Secretary of State may be able to implement his promise given earlier in the year, that de novo consideration on an East African basis should be given this question.

That is all I have to say on the general aspects of the report.

Coming to detail, the first question which has been raised by various members—the Noble Lord raised it and one or two others—is that of the Agricultural Economist.

It has been explained by the hon. Director of Agriculture that this appointment is most useful, and I have very little doubt that, if we had sufficient money, it would be very useful for the hon. Director of Agriculture to have a sort of freelance A.D.C. to take a certain amount of work off his shoulders, but I do submit that the real question is, has this appointment been of any practical help to Kenya since it was made eight years ago. I answer that question by saying quite definitely that it has not been.

We were told in the Standing Finance Committee that all agricultural officers are agricultural economists as well. They have to go through a certain amount of training. The suggestion put forward by the Noble Lord was that this money would be far-better expended in a practical field agricultural officer. The hon. Director says that if this appointment is expunged or abolished, he would have to have a statistician. I understand that this appointment carries with it two African clerks, who actually do the statistics. and the agricultural economist merely supervises them. I think that probably the Deputy Director or somebody elso might equally be able to do that.

There has been a good deal of talk about education as might have been foreseen. I am very glad the hon. Indian members stress that an investigation should be carried out, but I am a little perturbed to hear the hon. Acting Director of Education, or I understood him to, say that he considered it to be his job to allow as many children as possible who want to go to school to go to school. I suggest that that has not been the accepted policy of Government, because and this was also quoted by the hon, member Mr. Patel—last year, in answerto questions, the then Director stated:

"that he was not of the opinion that there was any responsibility on the part of Government to provide education for residents of the Colony, except in so far as the Colony's financial position warranted."

In fact, we are not bound absolutely to give education to everybody in the country. It is only as far as our finances warrant, and I submit that our finances

[Earl of Erroll] do not warrant any greater increase in the Education Department vote than is shown in the Draft Estimates. The hon-Indian member has already been replied to by the hon. Financial Secretary.

Nobody has yet referred to the Game Department, and I am very glad we were able to find some extra money here, because it is a department which has been very depleted lately, and the Game Warden has only just come back to the Colony. Game is a very definite asset to this Colony, I think.

A good deal was said by two hon. Indian members about the Memorial Hall. First of all, it was said that Legislative Council had been turned out by the trustees. I can assure Council that that is not so. Government have first lien on the hall whenever they need it, not only for Council meetings but such things as Indian elections and those sort of things, and if Government want it they can use the Memorial Hall for £300 a year at any time they like.

I did not intend to touch on the subject of the Council coming here, but still, under the circumstances, it was nothing to do with the trustees.

The hon, member Mr. Isher Dass said that £100 of furniture for a room used only in the interval was excessive. The hon, member may be going to use that room during the interval, but from what I know of other hon, members they will take their rest a little further off! This room is really to enable hon, members opposite to do a bit of work if they are particularly bored by people like myself,

There is one question which, I should like to answer. There was, of course, no intention on the part of European elected members to make this question of Indian education a racial one.

The hon, member Dr. Wilson spoke eloquently on the question of native services with regard to their share of taxation, but I would like to remind him that Lord Moyne, in his report, said that native indirect taxation was to pay for their share of the overheads of Government while their direct taxation went towards native services.

The hon, member also said he honed next year to see included a figure against the item "Mining Royalties". I sincerely hope that will not happen. I can think of nothing-

S.F.C. Report 624

DR. WILSON: On a point of explanation. I said "in future".

EARL OF ERROLL: I beg the hon. member's pardon. But I do hope there will be no hurry to put in this item. because I think nothing will tend to prevent development in the mining areas at this particular stage of development more than mining royalties.

The hon. Member for Uasin Gishu congratulated the hon. Financial Secretary upon producing a rabbit out of a hat, and then said he had lost it up his sleeve or something, and promptly asked for a little extra expenditure himself.

There is just one point in what the hon. Director of Veterinary Services said that I want to refer to. He said he could not get veterinary officers to come to this country because the terms were so unattractive. To my mind, that is a most astonishing statement, because we find in this report, if hon, members will refer to page 21, item 18, that-

"a further £200 required to be added to the original provision, since two newly appointed officers would receive an initial salary of £600 and not £500 as had been anticipated when the Estimates were drafted."

I suggest that that is a magnificent salary for such officers, when taking into consideration that they will have about 50 per cent extra in emoluments, whereas an officer of this type in England receives about £450 a year.

The hon. Member for Trans Nzoia asked me to bring up the question of the veterinary officer at Kitale, but I think that point has been met by the hon. Financial Secretary.

I have not very much to say about the speech of the hon. Director of Medical Services, except that I thought it was a very good argument in favour of rationing departments.

I think that is all I have to say on the specific points raised, except for one other suggestion under the head "Civil

IEarl of Erroll1 Aviation." This country does pay a very large subsidy to Imperial Airways and, at the moment, it is quite impossible for any member of the public in this country to go by them because the machines are all filled up with mail. I would suggest that, to carry out the intention, they ought to increase their services, or otherwise it will mean that during the month of December, when the Christmas mails are heavy, nobody can get on the machines at all.

That is all I have to say, except a final word to thank the hon, mover for the courtesy and the patience which he showed to all of us during the deliberations of the Standing Finance Committee.

SIR ARMIGEL WADE: Your Excellency, I think the majority of the points raised in this debate have already been answered by my colleagues on this side of Council, but there are some left for me to answer or to refer to, and I think I ought to apologize in advance for the fact that my observations will be rather disjointed!

The hon, member Mr. Shamsud-Deen asked if a certain post of Asian subinspector of police is going to be filled. The answer is in the affirmative. The Commissioner of Police has every intention of filling the post, I understand,

The hon. Member for Mombasa, under paragraph 90, referred to the fact that the committee recommends an early investigation into the possibility of endowing Government with greater control over the establishment of new schools for all races. All I can say at present is that the hon. Director of Education will certainly go into the matter and see if there really is a case for introducing such control, which must be admitted to be fairly drastic; for to say to anybody, "You must not put up a school without my consent on that site," would be fairly drastic legislation. At present, I cannot commit Government to accepting legislation of that kind, but I will commit Government to going into the matter to see if a case exists.

The hon, member Mr. Patel devoted most of his speech to the question of education and grants-in-aid to Indian

schools. On the general question, I cannot add very much more than to reneat that financial conditions do not warrant the meeting in full of what he calls demands. I do not like the term "demands" by heads of departments. Heads of departments do not come along to Government and demand a certain amount, but they say, "In order that I may perform my duties efficiently and satisfactorily I think I ought to be allowed so much money."

S.F.C. Report 626

Well, as has been pointed out, heads of departments came to Government and said that if they could do things as they ought to be done they ought to have so much money. Unfortunately, Government was only able to meet them partially, as I explained particularly in connexion with the Game Department, the Survey section and the Police Department. The same applies, of course, to all departments and, as the Noble Earl pointed out, it was perfectly easy to spend £100,000 or more than that on perfectly legitimate and useful objects. I am afraid that the hon, member Mr. Patel must accept the position, that we can no more accept the application of the Director of Education in full than the representations of other heads of departments.

From the general point of view, it seems to me that to provide an addition of £1,000 to the vote of £8,500 is a fairly -in fact, I may say very-generous addition for one year. Government agreed to the provision of that £1,000 because we felt that that is in accordance with what I think I may say is the established practice, but I do not want to suggest that Government should be committed every year to a policy which it has got to fulfil whether financial conditions allow or not. "

In fact, there is a special safeguard in the policy laid down for financing Indian education. That safeguard is in No. 3 of the Indian Schools (Grant-in-Aid) Rules, published under the Education Ordinance, 1931:-

"The payment of any grants-in-aid in accordance with these rules shall be conditional on the provision of the necessary funds by the Legislative Council.

Sir Armigel Wadel If there are not the necessary funds to provide, then we are quite in order, and there is no breach of faith, in not pro-

viding the grant.

Taking the schools not previously eligible for a grant-in-aid and which have now become eligible, there is no statutory obligation on Government of any sort to give them a grant-in-aid. Rule 4 reads:-

"Any Indian school may apply for a grant-in-aid and the Director, if he is satisfied that such school will meet the educational needs of the local Indian community for a reasonable period and that the control and management of such school are vested in a properly constituted manager, may make a grant in aid of such school in accordance with the provisions of these rules."

Under Rule 7 there is a certain obligation on Government to continue the systent of grants-in-aid to schools already admitted to the scheme:--

"The amount of grant-in-aid to be made to any school under the provisions of these rules shall be based on the monthly average attendance of pupils in respect of whom the grantin-aid can be made during the first six months of the year immediately preceding the year in which the grant-inaid is paid."

It was on that average that we felt we should increase the grant by £1,000 in order to provide for the increased number of pupils at those schools already admitted to the grant-in-aid scheme.

The same hon, member also asked for a clear enunciation of policy as recommended in paragraph 86:--

"The majority of the committee were further of the view that the time had arrived when a clear enunciation of policy in regard to grants-in-aid to Indian schools should be made by Government."

Those rules I have just read out represent Government's policy at present, and it seems to me a fairly clear enunciation. But the hon, Director of Education will certainly examine the position and see if the policy can be made cleaver by a more definite enunciation or, alternatively, if the policy needs alteration

The hon, member Mr. Montgomery referred to paragraph 38, the point about Teita Local Native Council contributing a certain amount of money towards the cost of an agricultural officer, and he regretted that the council had not been asked before. I quite agree with him that it would have been the ordinary method of procedure, but this compromise was not suggested until we actually sat in Standing Finance Committee and we were approaching the end of our deliberations. There was no time to apply to them, but it was agreed that the best thing to do was to put the provision in the Estimates so that if the Local Native Council agreed to come in in co-operation the money for the post would be available. If on the other hand-which I understand is unlikely-they refuse, presumably the money will not be spent.

The same hon, member also referred to paragraph 144 under the "Iudicial" expenditure, and pointed out that this proposed arrangement might mean the secondment of an administration officer. That is what usually happens when a judge goes on leave: a magistrate acts for the judge, and an administration officer acts for the magistrate. There is nothing new in any suggestion of this kind, and it is only fair to say that the establishment of administration officers is calculated on the average number of secondments, which usually include at least one secondment to the Judicial, so that the Administration is not being defrauded in any way by this particular arrangement.

He also asked, under the Police vote, whether the two mobile units were functioning or what had happened to them. Those two units have been in operation for the last few months. Each consists of one car with a European second-grade assistant inspector and an African corporal. There was some delay in getting these units, because men had to be enlisted first and trained afterwards, but they have been operating for some time. One operates from Machakos to Nanyuki, the other from Nairobi to Kitale through Nakuru and Eldoret. While it is early, I am told; to judge results, there

ISir Armigel Wadel have been a number of prosecutions for traffic offences.

629 Estimates, 1939

The hon, member Dr. Wilson said he understood that a good many people thought that the expenditure on native services was excessive. I am not quite sure that he was entirely just in using the word "excessive". What members did voice was an apprehension that the expenditure on native services might be increased to an extent that we could not possibly afford. That, I think, is putting the matter in a rather different light, and the hon. Director of Medical Services rather sunported the view. He said there was not enough money in the Colony to provide the services which all agreed would be desirable.

Dr. Wilson also went on to explain that this expenditure is not a charity but a business investment. I for one entirely agree with him over that but, unfortunately, the money we have to invest is very limited. It is no good telling a man who sleeps on a bench on the Embankment of an excellent investment for £5,000 if he has not the price of a night's supper. I do not mean to say that we are as bad as all that, but we have not got all the money we would like to invest in these native services.

The hon, Member for Uasin Gishu asked what was going to be done about compulsory education. That is rather a big order, and a very expensive business if we have compulsory education for 3 millions of people. But probably he does not mean that.

MR. GHERSIE: On a point of explanation, of course it does not necessarily mean free education.

SIR ARMIGEL WADE: I quite realize that, but even compulsory education for a small European population would, I am sure, cost a certain amount in transport and additional accommodation, even if it did not mean free education. In other parts of the world, I believe, almost without exception, not quite, but almost, compulsory education has in a very short time come to mean free education. The matter of compulsory education for European children is under consideration. I received a deputation about it only a few

days ago and also a few years ago! It is a fact that it is a rather expensive husiness, and Government have not vet arrived at a conclusion about it.

The hon, member also referred to the matter of antiquities. Well, I did speak at some length about that in the debate on the Estimates, and said we had not got enough money to set up a separate department of antiquities but hoped the trustees of the museum would be able to devote a certain amount of attention to the matter, and the general situation would be improved, although I also said I did not think the general situation is as bad as many people think. There is a certain amount of money in the Estimates, and Government officers do look after the preservation of antiquities.

The hon, number also referred to the small increase of £15 in local transport and travelling under Police. It only refers to the immigration section of the police. and is quite a minor item, and is merely the result of a revised computation. On the general question of police paying for their own travelling, my hon, friend the Financial Secretary has answered that to some extent, but for the hon, member's information I may say there is a police fleet of cars. 30; which they use without any cost to themselves. The Kenya Police cars are for the more junior ranks.

The hon. Member for Nyanza asked for an assurance that the lay-out of Chemagel township would take priority. I am able to say that the lay-cut and survey of Chemagel is on the priority list and will be carried out early next year.

The Noble Earl, the hon, Member for Kiambu, advocated a sort of fixed ratio of expenditure to revenue. That seems to me more a matter of general policy of framing the Estimates than a matter of this particular report of the Standing Finance Committee on the Draft Estimates for 1939. All I can do is to commend it to my hon. friend the Financial Secretary for consideration in connexion with his framing of the Estimates next

With his remarks on the military expenditure I am afraid most of us cannot but agree, in the sense that we do feel ourselves helpless. The military authorities come along and say it is necessary for the S.F.C. Report 632

[Sir Armigel Wade] security of the Colony that they must have so many rifles, cartridges, anti-tank guns and all that kind of thing, and there is not one of us who can say "Well, you can only have half the number of cartridges you want." So that I am afraid I can only agree with him in feeling that we, as a Standing Finance Committee, are rather helpless and must trust to the common sense and efficiency of our expert advisers in that matter.

Now I come to income tax, and I am not sure that the hon, member's version of the history of this matter is entirely correct. It is entirely correct up to a certain point, correct up to the point that we did estimate £86.000 revenue from the tax on a certain basis, and he is perfectly correct in saying, I think he said, that there was no end of row about it. There was 1

We said in the end that if income tax was too heavy a tax, we would halve the rates. That was the point, that the rates were to be halved, and I think we did halve the rates. The halved rates produced a great deal-more than we thought they would: we said certain rates would produce £86,000, if they were halved we could expect to get about £46,000, but I do not think we gave any commitment that no more than £46,000 should be raised. What we said was that if the rates were too heavy we would halve them and and produce what is called a moderate or light income tax.

It so happened that that moderate or light income tax—which does not become any heavier because it produces more, the rates are the same—has produced more than was expected, but it is only fair to realize that a great deal of that, more than £40,000, has been paid not by this community here but by overseas people, and it was largely in respect of that particular part of the contributions that the estimate went wrong and the amount was so very much underestimated.

All I am trying to prove is that Government have not broken faith, because this tax, the rates of which we halved, has brought in a great deal more than anybody thought it would. Government would have broken faith if we said we would halve the rates and had not halved them or had only taken off a quarter, or something of the kind. I do not think there is any breach of faith about it.

The Noble Earl also asked again that an ad hoc committee should be appointed to inquire into the whole matter of income tax. All I can say is what has been said before, the matter has been referred to the Standing Finance Committee. Hon, members have heard that their report will be available very shortly, and until that is available I can say nothing about that.

As to mining royalties, all I can say is that that matter comes up for review from time to time.

It is perfectly true that veterinary officers are to be paid £600 to start with and that, together with hidden emoluments, seems pretty good pay. The fact remains that for some reason or other the terms do not seem to be sufficiently attractive, and we are having a great deal of difficulty in recruiting these officers.

My final point is in connexion with the use of this hall on this occasion, and I may say I was genuinely astonished when I heard any protest at all. I was very astonished by the hon. Member for Nairobi North at his protest, and still more astonished to find he had no less than three members to support him.

Before I approached Your Excellency. I sounded a very considerable number of members on both sides of Council. I did not ask every single one individually, but I did ask what I thought was a representative quorum, and I understood, and I think I was given to understand, that there would not be a single objection at all. I then went to Your Excellency, and you readily agreed to fall in with the wishes and interests of the general public.

I may say that you, Sir, have earned the gratitude of a considerable number of people who are trying to do something for culture in this Colony. This Colony has passed the stage of culture which used to be represented elsewhere by a bar in a tin saloon. I suggest that the efforts of the Arts and Crafts Society of Kenya thoroughly deserve all that consideration which Your Excellency has accorded to it.

It so happens that I am President of that Society, so it will ill become me to assess the comparative importance of its [Sir Armigel Wade] achievements (laughter) and the achievements of this Council of which I also happen to be a member, but it is not, of course, a question of comparative importance at all. The fact is that the Memorial Hall is the only room in which paintings can be exhibited with any measure of success at all in this town. The exhibition has been announced in the Press for Monday and Tuesday, and the dates could not be altered. The dates were chosen some time ago, and it was hoped at that time that Council would still be in Finance Committee or finished and not

633 Estimates, 1939

be sitting.

The Railway Club came to our rescue. and told me we could sit here if we wished to, and I think that to describe a two days sitting in this very pleasant and splendid hall as being kicked about from pillar to post-or from post to pillar as one hon. member put it (laughter)-is a very inaccurate and an ungracious way of accepting the generous office of the Railway Club. (Hear, hear.) While I regret the temporary and, I think, trivial inconvenience to which some hon, members may have been put, while I regret the absence of the gallery to which some hon, members apparently wish to speak (laughter), I cannot think that this Council has suffered any loss in dignity in meeting the wishes and interests of the general public which it professes to represent. (Hear, hear.)

The question was put and carried.

HIS EXCELLENCY: As President of Council, I would inform hon. members that I propose to write to the General Manager and the members of the Railway. Club and thank them for their hospitality during the last two days in making members of Council honorary members of the Club.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 14th December, 1938, in the Memorial Hall, Nairobi.

Wednesday, 14th December, 1938 Council assembled at the Memorial Hall; Nairobi, at 10 a.m. on Wednesday, 14th December, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.), presiding.

. His Excellency opened the Council with

MINUTES

The Minutes of the meeting of 12th December, 1938, were confirmed.

ORAL ANSWERS TO QUESTIONS
No. 53—Survey and Certificate Fees
MR. PATEL asked:—

Will Government please inform Council what amount of survey and certificate fees due Government for the last 14 years or more is in arrears now in regard to certificates of ownership of lands in the coastal areas, and if they are aware that in most cases such survey and certificate fees are nearly equal the present value of the land in each case?

MR. MORTIMER: The amount of fees now outstanding for certificates under the Land Titles Ordinance is £3,600 and for survey fees £5,300; a total of £8,900.

Government is aware of the fact that in many cases the fees payable are equal to or in excess of the value of the land,

No. 54—Sale of Ukamba Cattle THE EARL OF ERROLL asked:—

- 1. Will Government inform Council whether the procedure which it was announced at a Baraza held in Machakos on August 23th, that His Excellency had agreed to try out for a limited period (namely that of the sale of cattle by the owners themselves at certain markets on certain days) has met with success, and whether the numbers of cattle disposed of have been sufficient to contribute to any appreciable extent towards the solution of the over-stocking problem in the Kamba Reserve?
- Should the reply be in the affirmative, will Government give Council some information as to the numbers and type of eattle which have been disposed of at the markets?

(Earl of Erroll)

3. Should the reply be in the negative, will Government inform Council what immediate steps it is proposed to take to deal with the urgent de-stocking problem?

MR, LA I ONTAINE: The answer to the first part of the question is in the negative, and therefore the second part of the question does not arise.

As regards the third part of the question, destocking is only one part of the problem which also embraces the reduction of the goat population and the adoption by the natives of pastoral and agricultural methods which will ensure the restoration and maintenance of soil fertility. Destocking must, moreover, be related to the grazing areas occupied by individual owners. In order to facilitate completion of the detailed survey of these areas and with a view to restoring the confidence of the Akamba in the good intentions of the Government, thereby achieving voluntary co-operation both in destocking and reconditioning, it has been decided temporarily to postpone compulsory culling. In the meantime the intensive reconditioning campaign will be vigorously prosecuted.

Subject to this modification there has been no change in the policy previously announced.

No. 56-Samburu Destocking

MR. COOKE asked :-

Will the hon, the Chief Native Commissioner inform this Council whether:

- (1) He is thoroughly satisfied that the need for destocking has been clearly explained to the Samburu Chiefs and people.
- (2) He will apply all the lessons that were learned during the destocking in the Kamba Reserve, and
- (3) He is satisfied that there are enough officers and funds available for the purposes of the campaien?

MR. LA FONTAINE: The answers to parts (1) and (3) are in the affirmative-I am not quite clear as to what the hon. member means by part (2),

In districts with such widely differing conditions such as Machakos and Sam-

burn, it is obviously impossible to say whether the lessons learnt in the former will be applicable to the latter. This must be a matter for discretion. I can, however, assure the hon, member that, generally speaking advantage will be taken of the experience gained in the Kamba Reserve for the prosecution of destocking programmes elsewhere.

LORD FRANCIS SCOTT: Sir, arising out of that answer will the hon, member say where he expects to find a market for this cattle which are destocked if Leibig's close down their factory?

MR. LA FONTAINE: It is my very strong hope that Leibig's will not close down their factory.

MR. ISHER DASS: Your Excellency, what measures have been adopted to explain the legal terms to the Samburu

MR. LA FONTAINE: I should like notice of that question.

MR. ISHER DASS: Your Excellency, I wish to draw attention to Rule 64, on page 14 of the Standing Rules and Orders, in connexion with the Bills to amend the Immigration Restriction Ordinance and the Farmers Assistance Ordinance, which are dated as having been circulated on the 30th November, 1938, and therefore could not have been moved before 14 days by yesterday for the first reading.

MR. HARRAGIN: Your Excellency, unless one is incorrect fourteen days notice has been given. The Rule reads:-

"It shall be the duty of the Clerk to send each member a copy of the Bill together with a statement of the objects and reasons at least 14 days prior to the date at which it is proposed to read the Bill for the first time."

If they were sent out on the 30th November, or the 1st of December, then 14 days notice has been given.

MR. ISHER DASS: That is 13 days, Your Excellency,

HIS EXCELLENCY: What day were they sent out?

MR. HARRAGIN: On the 30th Your Excellency.

EARL OF ERROL: On a point of order, Your Excellency, the Immigration Bill date is the 29th.

HIS EXCELLENCY: I think that answers the question.

MR. HARRAGIN: In any event, Your Excellency, they have been read a first time and that would have been the proper time to take exception.

HIS EXCELLENCY: I overrule the objection.

IMMIGRATION RESTRICTION (AMENDMENT No. 2) BILL

SECOND READING

MR. HARRAGIN: Your Excellency. I beg to move the second reading of the Bill to amend the Immigration Restriction Ordinance.

As hon, members are aware this is an extremely difficult problem that we are endeavouring to solve this morning. As the law stood in the past it was comparatively a simple matter. Where, in the world, everyone was domiciled or at least a national of some country, all that it was necessary to do was to provide that if that person should become a prohibited immigrant he should be returned to his country without loss of revenue to this Colony. For that reason the sum of £50 was fixed as a round sum which to all intents and purposes covered the cost of repatriation to any country.

But during the last year or two world difficulties have arisen and now we are faced with the problem that it may be impossible, once we have admitted persons to this Colony, to find a country of origin which will receive them. Therefore a deposit of £50 no longer fits the bill and it is of little use except to keep them perhaps in board and lodging for a comparatively few months. -

When this problem arose Your Excellency appointed a committee to go into this matter and this Bill is the result of their deliberations. I am the first to see the difficulties and objections to the Bill but I suggest to hon, members that it is a choice of two evils. You have got to face the fact that unless we take a strong line you may find this Colony flooded

with persons whom we do not consider desirable.

Immigration Restriction 638

I am, of course, making no reference to any one particular country, but I refer generally to world conditions and it may be that if we allow this £50 deposit (in practice) to ensure a person's entry into this Colony there is a grave possibility that in the not too distant future we will find ourselves with a large number of unemployed European population which it will be our duty to keep. For that reason and for that reason only this Bill is before Council for its consideration. Of course, the opportunity has also been taken just to clear up one or two small anomalies that appear in the old Bill but the main part of the Bill is to be found in the proviso to clause 3 which provides, under certain conditions which I will deal with in a moment, for a deposit of £500.

Now dealing with the Bill clause by clause.

Clause 2 is merely a consequential amendment in view of clause 3. Clause 3 provides two additional safeguards which did not appear in the old Ordinance or in the Ordinance which now stands. The first is to be found in sub-clause (b) where the Governor in Council might from time to time increase or decrease the amount of the deposit and then comes the proviso which reads as follows:-

"Provided that the immigration officer may, in lieu of requiring such deposit, require the intending immigrant to give security by bond, in such form as may be prescribed, and to such amount (not exceeding £500), as the immigration officer may consider necessary."

I will not weary Council with the remainder of the proviso.

So, it amounts to this, that in the proviso we give the immigration officer authority in certain cases to increase the bond to one of £500 in lieu of the present bond of £50, and also give the Governor in Council, if he so desires, the right to reduce or increase the £50 deposit.

Now, Sir, in dealing with a question like this, it is always difficult to decide on the exact amount at which that bond shall be fixed. Someone has got to decide what the amount of the bond shall be, and the [Mr. Harragin]

amount of £500 has been taken as a reasonable amount. We hope to ensure that the immigrant who puts up that security or has it put up for him in the shape of a bond will not at any time in the future become a drain on the resources of this Colony.

In clause 4 we seek to clarify the present clause 11 (a) which deals with conditional permits. We make it necessary. and some of these conditions appear already in the law, for the immigrant to report himself periodically and notify any change of address. We also allow the immigration officer to cancel the bond as soon as he is satisfied that the immigrant will in fact not be a prohibited immigrant; and provide for the forfeiture of the bond at the conclusion of the period for which it is made in the event of the immigrant becoming or still being a prohibited immigrant; and lastly we make it possible to have this immigrant expelled from the Colony during the period of the bond if the immigration officer is able to satisfy a magistrate that he is in fact a prohibited immigrant, the position at present being, that until the bond expires at the end of the year it was impossible to take any action against it-that has been one of the weaknesses of the present Ordinance.

The last clause, clause 5, merely prescribes the usual rule-making powers.

These, shortly, are the provisions of the Bill now before Council.

As I said before it is an extremely diskult problem and Government will be most grateful for any suggestions that come from hon, members of this Council which will help to solve it. This Bill incorporates the suggestions of the committee appointed to consider this problem and they have examined difficulties from every point of view.

Hon members on the other side of Council and I hope on this side, will realize that the difficulty is that of a person called colloquially a "stateless" person. Now it would be so easy if we were to introduce that word "stateless" into one of the clauses of this Bill, and those who have not gone into this matter thoroughly might think that that would overcome our difficulties. This it will not do in practice whatever it says in theory,

because a person may easily arrive here and not be stateless but, in fact, be unable to return to his own country—and thus be in exactly the same position as if he had been stateless to begin with.

For that reason the present Bill was the only solution the committee could think of and as it is a question of the utmost urgency we must deal with it as soon as possible or else it will be too late.

MR. WILLAN seconded.

MR. PATEL: Your Excellency, [agree that the hon, mover has advanced very strong reasons for the inclusion of the proviso to section 11, but I regret that I am unable to agree to the proviso as it. stands, for these reasons: In the first place, Your Excellency, it is a provisowhich I gather from the speech of the hon, mover, has been recommended by the Immigration Board on which no Indian representation was granted. The proviso as it stands does not affect only a particular section of immigrants that come into this country, but it affects all the immigrants who enter this Colony. When the Immigration Board was appointed representations were made by the East African Indian National Congress and the Indian Elected Members' Organization that an Indian representative should be appointed to that Board, as that Board was going to advise the Commissioner of Police and the Government on matters affecting all immigrants who enter this Colony. The reply given to the Indian Elected Members Organization by the hon, the Chief Secretary was:--

"With reference to the request contained in your letter of the 23rd October, that action should be taken to appoint an Indian representative to be a member of the Board which has been established for the purpose of advising the Commissioner of Police on such matters as may be referred to it for consideration in connexion with immigration into Kenya, I am directed to inform you that it is not intended that the Board should consider or advise upon any aspect of Indian immigration. and it is not therefore proposed that an Indian member should be appointed." *

IMr. Patell

641 Immigration Restriction

It is all very well, Your Excellency, to say that the Board was not appointed to advise on any aspect of Indian immigration, but when it comes to practical results, and with this proviso, it affects all immigrants, including Indians.

It has been stated by the hon, mover that owing to the grave international conditions it has been found necessary to include this proviso and give power to the Government and to the immigration officer to demand a bond not exceeding £500, but it is quite clear that this power once granted can be used against British subjects and British Indian subjects also. and I am afraid that any such power which may be given by this Council to the Government can be applied to all British subjects irrespective of the position of their own country. It has been stated that this proviso has been intended to be used against those who cannot be returned to their country of origin, but there is nothing to prevent the Government from changing its policy at any time, even if this Ordinance is passed and, by a stroke of the pen, apply this very section, this very proviso, to British subjects. Therefore, I must submit my protest to this proposed amendment unless it is shown that it will not be applied to British subjects.

It is also intended, to my mind, that an immigration officer can at any time within the period of 12 months call upon an immigrant to say that he is not a prohibited immigrant in the place of the present practice of asking him to satisfy the immigration authorities on this only after 12 months have elapsed. Thus, any British subject may be asked, if this law is passed, by an immigration officer whether he is a prohibited person or not and may be asked to clear out of this country even after a short time of his arrival. I submit that this power also, in the hands of immigration officers, is very dangerous as far as British subjects are concerned.

I live in Mombasa and I know the immigration officers very well. I do not allege that any immigration officer has acted in an unnecessarily harsh manner, but I submit that it is not advisable in the interests of British subjects that the im-

migration officers should have such wide powers.

I submit, Your Excellency, that two things must be provided for. Firstly, that this proviso should not affect British subjects; and secondly that the amendment to satisfy the authorities within the period of 12 months should not apply to British subjects. If such amendments are made then I shall have great pleasure in withdrawing my opposition to this Bill. Otherwise, I must oppose at every stage the Bill as it now stands.

I suggest that it should be made quite clear that the Bill aims at preventing the immigration of individuals and people coming into this Colony from countries where they cannot be returned, and does not apply to (British subjects coming from any part of the-British Empire.

I submit that the amendments I have suggested should be made. Otherwise, as far as the Indian community is concerned, they must oppose the Bill very strongly.

LORD FRANCIS SCOTT: Sir, the hon, mover started his speech by saying that this was an extremely difficult problem. In that I entirely agree. Personally, I have never liked this proposed Bill since it first appeared, I have often felt very doubtful about it since it has been published.

Personally, I think it is rather a pity to rush it so much in such a short time and that we have not had more time to consider it. Since it has been published, I have given deep thought to it, and now I have come to the definite conclusion that there is no alternative but to oppose it entirely. I do not think that, it, is the right way of dealing with the problem, and I will now give my reasons as to why I say that.

I perfectly appreciate that this Immigration Committee has been up against a difficult problem and that they racked their brains to find some means by which they could make the problem easy to deal with. In that they have my full sympathy, But we must consider what are going to be the repercussions of this proposed alteration in the law.

The gist of the whole thing is in the proviso already referred to. The policy

(Lord Francis Scott)

has been adopted in this country, I understand it is Government's policy and had the support of all the European community, that the one thing which we do require in this country is increased settlement, and with that in view Your Excellency appointed a Settlement Committee a little over a year ago. No doubt in course of another year or so the committee will produce an interim report!

I do say that this proviso will be detrimental to increased settlement of the right sort of people, and that view is held by the Settlement Committee. My hon, friend opposite, the Commissioner for Lands and Settlement, will find himself in a somewhat difficult position to-day, because as chairman of the Immigration Committee he has recommended this Bill and as chairman of the Settlement Committee he opposes it. (Laughter.)

I go so far as to say that I would rather see a dozen undesirable Jews come into this country than that one desirable British immigrant should be kept out of it. And there is no question at all but that once this method of a bond not exceeding £500 becomes law, it will have a detrimental effect. Even the £50 which is required to-day, according to our London office has a certain amount of detrimental effect, and if people see that they may be called on to produce a bond of £500 they will go to some ather country where such regulations do not exist.

I do agree with the hon. Indian memher who has just spoken, that such conditions should not apply to British subjects but, as I understand it, we are tied here by the Congo Basin treaties and therefore cannot differentiate between British subjects and foreigners, and that is the difficulty. So, sooner than see British subjects penalised in this way we must oppose the introduction of this proviso.

Just to bear out what I have said, I will give you a definite illustration.

A very well known settler in this Colony, a gentleman who has been here a great many years-and if I gave his name it would carry weight with this Council-had occasion to bring up a German from about 50 or 60 miles away to come and see the immigration authorities because he wanted to bring in

some relative; his wife or sister or somebody, it is not material to the argument. This gentleman took him to the police headquarters, where he met the police officer in charge of this immigration branch in Nairobi. That officer told him they had already issued orders that everybody coming into the country of whatever race or creed would be asked to give a bond for £250.

That is why I am frightened of this. In Mombasa the immigration officer is a comparatively junior police officer who is not in a position to take the responsibility of differentiating between one person and another, as to whether one should be asked for a bond and another not, and using his discretion in that way. It is only natural-I am not finding fault with the immigration officer, but I do not think it is a fair position to put an officer of that standing in. Therefore, once it appears in law that bonds are to be demanded, he has no alternative but to demand them from everybody who comes along. That will be detrimental to increased settlement in the Colony.

It says at the end of this Bill that the expenditure of no public moneys will be involved, I suggest there will be a great deal of private money involved if bonds for everybody coming in have to be produced. Even if money does not pass it has to be kept there to cover the bond, money which could be better spent in develop-

It was pointed out by the last speaker that this applied equally to Asians as to Europeans, and obviously such a proviso would have to apply to everybody unless it is possible, which I understand it is not, to state in the Bill that it applies to people likely to be stateless, because those are the people we want to deal with. Incidentally, Jews are Asians, and obviously, therefore, Asians have to be included!

While dealing with this, a point has arisen. Some years ago, it used to be laid down that a sum of £10 had to be paid for an Asian, because that was to pay for his return deck passage to Bombay. In those days, for a European it was £37/10/0, the cost of the journey back to Europe. That was raised a few years ago to £50, because the costs of passages had gone up. To-day, there is no justification

645 Immigration Restriction ff ord Francis Scott)

for £50 on that score, because anybody can get a passage back to Europe for a little over £30. I am not going to suggest that it should be altered now, perhaps it would be inopportune but I think in the near future, when this difficult time has passed that should be rectified.

I do feel very strongly on this matter, and I do hope most sincerely that Government will not proceed with this motion. It is a question which affects the unofficial community, and I believe I am speaking for a large body of unofficials who feel just as apprehensive as I do on this point. We have already heard that the Indian community feel the same, and I trust very much that Government will not bush this measure through, because I think it is a very dangerous Bill and, while recognising that this question has got to be handled, I suggest that the proper way to do it is to come right out in the open and amend this Ordinance in some practical way which does give power to keep out altogether undesirable people.

How it is to be done I am not prepared to say at this moment. I think we shall have to mobilise the best brains of our Legal Department to think of some way, but by the way the hon, mover has put his case to-day I am perfectly certain he is in a slight doubt about it himself. I know when he speaks from conviction, and when he is merely putting up a case! (Laughter.)

We have got to think what it is we are really after, and I think we ought to come out into the open. What we are frightened of is that there should be a large influx of the rather lower classes of Jews from Central Europe who have been driven out by the present political situation and who may come here, and perhaps flood the labour market and so depress the standard of living in the towns. I do not think there is a great danger in the country. We have lots of room for fresh people to come in and develop the country districts; in the towns it is definitely a danger.

But, to rectify one evil, do not let us go and make a further evil of what I consider the most vital thing before the country to-day, this increased settlement.

I should like to move that this debate be adjourned, so that Government can

reconsider the whole question and bring it up in some future time, when they have found a better method which cannot have the disadvantages that the present method has and yet which may enable them todeal with the question.

While on that, I should like to ask the hon. Commissioner for Lands and Settlement how many cases have there actually been which he was unable to deal with under the present law, and of those how many cases would there have been exnected to deal with had this amendment been in force?

I oppose the motion before Council and move that the debate be adjourned.

COL. KIRKWOOD: Your Excellency. I am rising to support the Noble Lord by seconding his motion.

I admit the difficulty is a great one for Government, but I would like to see the matter adjourned. I have not had an opportunity of discussing the Bill with the people I represent. I should also like to see the Settlement Committee report tabled before this matter is introduced. for the Bill may cut right across their report. We have not seen it, and it is long

I consider that this is a matter for cooperation with the other East African territories, and that if a Bill is going to be introduced here there should be a similar Bill in Uganda and Tanganvika.

I would like to take this opportunity of reminding the hon. Commissioner for Lands and Settlement of a statement ho made on a previous Bill: "I suppose it was the policy of the home Government, repeated by successive Secretaries of State, that no racial discrimination should be introduced into legislation." Well, it is done in this Bill, and that is a conundrum to which I should like an answer.

Again, I think the immigration officer has far too much responsibility, and his responsibility is increasing every day and every hour owing to certain conditions. which we know are world conditions, and I think there should be some auxiliary force behind him to advise him in difficult cases. As I understand it, and I think I am correct, the Commissioner of Police is really the immigration officer, but he has to delegate his authority to a so-called

[Col. Kirkwood] immigration officer at Mombasa. I have had dealings with him before, and he has always been very fair, and I have no apprehension at all as has been expressed by the hon. Indian member.

I do not think there is anything in this Bill which is aimed at British Indians or any other Indians. I think they are simply getting the racial complex again, and are worrying too much about the racial side. Personally, I cannot see where it comes in.

Just one more point. I should like to be told, supposing the maximum £500 in cash or bond is given, and should at any time under the terms of this Bill the immigrant become undesirable, if there is no country of origin to return him to what is going to be the procedure? If that situation should arise, what difference does it make whether the amount is £50 of £500?

That is all I have to say at the moment. I have Government will not force the Bill through this morning, but will adjourn it to a later date. Personally, I want to discuss it and to see the Settlement Committee report to know what recommendations they have made, as well as time to consult the people I represent on this Council.

COL. MODERA: Your Excellency, I um very strongly against the motion at present before Council. On the original motion I should have spoken very much in favour of the passing of the Bill, not because I happen to be a member of the committee which Your Excellency has appointed as advisory to the principal immigration officer, but because, in addition to my duties thereon, where I have expressed my views, I have very strong views on the principle involved.

I would like, before I go any further, to adopt the words of the Noble Lord the hon. Member for Rift Valley when he says, what are we really asking? What you are really asking in the Bill before Council is to increase the sum of £50 to a maximum of £500, and to increase the period of 12 months to an indefinite period as far as the bond is concerned. That is all that Council in effect is being asked. (Lord Francis Scott: It is a great deal.)

The Noble Lord says it is a great deal. I will endeavour to persuade Council that it is not a great deal.

I regard this Bill as one of the most important Bills that has come before Council for some considerable time. The situation in Europe has in the past few months shown most unprecedented features I suggest in history, and it is now for consideration by a great number of Governments outside Central Europe as to what is to be their attitude towards the individuals who have been expelled from certain countries in Central Europe, It is, among other things, the concern, the very grave concern, of His Majesty's Government at home.

There is, naturally, a great tendency to extend sympathy and to consider the humanitarian aspect, but whatever attitude is going to be taken the Home Government (and, I suggest, the Colonies and Dominions), will have to consider very carefully and consider quickly the attitude they are going to adopt in this matter. I suggest that this Bill which is now being introduced by Government, is a Bill taking the first step towards the consideration of dealing with that problem, and the first step is merely to tighten up the existing regulations.

It will not be forgotten that this is a very small Colony, and the number-of whites therein at the moment does not exceed some 18,000. At the moment the regulations, as they stand. I suggest for the consideration of hon, members, keep nobody out, and the whole question which has brought the recommendation from the advisory committee to Government (with the result that this Bill is introduced) has come up over the question of what and what is not a prohibited immigrant. Under the old law, a prohibited immigrant was really only a person who was suffering from some malady or was a person who had been in prison; in other words, a convict. But there is in section 5 (a) of the Ordinance a definition of prohibited immigrant in which this expression occurs: --

"Any person without visible means of support, or any person who is likely to become a pauper or a public charge".

[Col. Modera]

Under the old law, such person could he granted a conditional permit if a deposit of £50 was made, or a bond in lieu of the amount for a period of 12 months. Surely the old law was not sufficient in those times but now, when we know the conditions of the persons who are being expelled from certain countries and that they are unable to bring their wordly goods with them, it must be increasingly evident that there are a very great number of them who are unfortunate, and we have sympathy with them, who will be persons "without visible mans of support" and "persons likely to become a public charge."

Therefore, for that reason only, it was considered by the advisory committee. and apparently considered by Government, that it was necessary that there should be some safeguard.

The hon, and learned Attorney General has referred to the question of stateless, and far be it from me to express my view of the law in that regard when he will deal with it necessarily in due course. But I do wish to emphasise that it is abundantly apparent that many of the applicants (and the applicants have been very many and are still being very many) who desire to come here will be nothing more or less than stateless, or unable to return to their country. They may not actually have lost their domicile, but they will be unacceptable in the country in which that domicile exists.

I have listened with very great interest to the objections which have been preferred against this Bill on which the present motion is framed.

The first objection was taken by the hon, member Mr. Patel and was seconded by the Noble Lord the hon. Member for Rift Valley, and that was that this should not apply to British Indians. As the Noble Lord pointed out there is, as we know, such a thing as the Congo Basin treaty, and, furthermore, I think Council will probably agree with me that to introduce the words "British subjects" into a Bill of this nature or to exclude them at this particular moment would disturb international affairs throughout the world. But the Congo Basin treaty is a sufficient answer to that point.

The next point, and I eather the only substantial one, if it is a substantial point, is that this might affect white settlement. With regard to that, I would ask Council to consider whether any person who proposes to come here as a settler does not make very careful inquiries beforehand as to the conditions on which he enters the country, and he either comes as a result of those inquiries answered to his satisfaction, or comes by reason of an invitation to employment or something of the kind.

14th DECEMBER, 1918

I think, if I may say so with respect, he must be a very unintellectual settler who reads this Ordinance and cannot or does not have it explained or does not realize that the sum of £300 is the maximum.

If settlers were hammering at our door in the way that these immigrants are hammering at the door, there might be something to say for that argument. But I cannot, frankly, believe that the Ordinance, which has been in existence for a considerable number of years, has really frightened away any keen and enthusiastic

I think it unfortunate, and I have stated it before in this Council, that the Settlement Committee have not provided their report. Had the report been available, we might have had some settlers coming out applying, and then the force of the argument which is advanced by the Noble Lord might be greater. One visualizes that, in the report of the committee, there will be recommended a brochure or something of that kind holding out to settlers the prospects and the advantages of coming to this country, and surely there could be included therein an explanation of the immigration laws if this Bill becomes law.

In other words, I see the only real objections to these amendments to be the suggestion of psychological objections, namely, that because there is an immigration Ordinance and a maximum amount and a period for which the bond may be given, that the really keen settler may be driven away. I am afraid, although I give a great deal of weight to the opinions of those voicing them, that it does not really satisfy me. What I think is this,

I think that the disadvantages of the possibility of having the land flooded [Col. Moderal

651 Immigration Restriction

with, if I may say so, pedlars, are such that they wholly outweigh the possible disadvantages that may be done to settlement in present conditions. I suggest that it is necessary to tighten these regulations, and that is all that has been done. If you do not tighten them, I-suggest your population might very well within 12 months under the regulations as they stand be increased by 33 per cent, which is very considerable in conditions as they are, and I suggest if that comes about this Colony will be British in name only.

MR. SHAMSUD-DEEN: Your Excellency, I do not find myself in agreement with the motion put forward by the Noble Lord for a consideration of this Bill by a committee or some body on which Indians are not represented. I have at least some opportunity of saying in this "Council".

LORD FRANCIS SCOTT: Sir, on a point of information, my proposal is that the debate be adjourned so that Government may reconsider the whole question and introduce a better Bill:

MR. SHAMSUD-DEEN: Well, I think it is better that the matter should be threshed out here, and I would rather see the Bill thrown out entirely than let it go and be at the mercy of Government.

According to the "Objects and Reasons".

"The object of this Bill is to give the authorities wider powers with regard to the amount of deposit or the amount of security required and the length of time for which conditional permits may be granted in order that the immigration into the Colony of undesirable persons may be more effectively controlled."

I suggest, as the hon member Mr. Patel has pointed out, law is law, although we may be very much in sympathy with the objects explained by the hon. Attorney General, to restrict immigration of people who come to this Colony from places in Central Europe which are rather disturbed at the present moment, but as it is, in due course of time it will be law without any kind of discrimination of country or origin of immigrants or otherwise.

I wish to take this opportunity of bringing to the notice of the Council that the

immigration law, as far as Indians are concerned, is being worked very harshly for the Indian community. I am not going to beat about the bush, but I will say clearly that, as far as the Indian community are concerned, they are considerably harassed at Mombasa; even if they find their way into the Colony they are hunted all over the place, pursued and persecuted, not by the European staff but by miserable wretches of clerks and Indian assistant sub-inspectors, who take particular delight in making, especially the uneducated Indian class, as much harassed as possible.

Of course, the European staff become willing tools in the hands of these people.

I make this statement here, and if investigation were made you would find some of these Indian sub-assistant inspectors attached to the immigration staff at Mombasa in time, have purchased properties in the Colony which far exceed the total emoluments they have received during that period. They have made all this money at Mombasa by harassing the uneducated class of Indians.

I say that, instead of giving wider authority to the immigration people, we should take this opportunity of seeing that the present powers are not abused as far as Indians are concerned. A little while ago, in Nairobi, I made representations of a matter which came to my notice, that everybody, who landed at Mombasa.

LORD FRANCIS SCOTT: This is a motion to adjourn the debate.

HIS EXCELLENCY: I must remind the hon, Indian member that the motion we are debating now is whether the debato shall be adjourned or not. If the hon, member wishes, he can at a later stage when the substantive motion comes up again before Council, have an opportunity of debating these things. But the particular motion now is whether the debate be adjourned or not.

MR. SHAMSUD-DEEN: I bow to your ruling, Your Excellency, but the last speaker spoke on the principle of the Bill. But, if you do not want me to continue I will stop. I do say that one good reason for opposing the adjournment is an opportunity for me to bring to the notice of Council defects in the present law and,

653 Immigration Restriction
[Mr, Shamsud-Deen]

instead of its being amended to give wider powers to the immigration authorities I submit those powers ought to be lessened. If Council is of the opinion that the question of the adjournment should be discussed first, I will not go into details, and so long as I can reserve my right to speak on the other motion afterwards I will resume my seat.

Council adjourned for the usual interval.

On resuming:

MR. HARRAGIN: Your Excellency, referring only to the motion which is now before Council, namely, the motion for the adjournment of the debate. I would like to say that Government is unable to accept the motion as it stands because we would fail to advance any further if we did

But, by the appointment of a select committee—and it is the intention of Government to appoint a select committee—we will have the matter investigated, and I am authorized by Your Excellency, to say that unless the select committee are ready with their report in the immediate future, which is unlikely if they investigate it thoroughly, the report will be laid at the next meeting of this Council and not this one. So, the effect will be to delay the Bill from immediate introduction.

LADY SIDNEY FARRAR: Your Excellency, I trust that I am right in thinking that the position now is that we are not debating the Bill as originally proposed.

· HIS EXCELLENCY: We are still debating the motion for the adjournment of the debate.

LADY SIDNEY FARRAR: Your Excellency, I would like to support the Noble Lord the lon. Member for the Rift Valley in what he has said in opposing certain provisions in this Bill and asking for an adjournment of the debate. At the same time I realize the urgency of the position facing the immigration authorities, an urgency which possibly can hardly wait the time that must elapse between this session and the holding of the next session.

I do realize that the need is urgent for the good of the country as a whole. I believe that this need could be met to a very great extent by the appointment immediately of a senior officer of really senior standing as immigration officer, with certain powers of discretion, backed by the recently appointed Immigration Committee. If this were done I would like to suggest that adjournment is desirable for further consideration of the Bill and also for the purpose of introducing legislation which, instead of further complicating the already very, very complex issue, will go straightaway to the point and clarify it. I am not satisfied with the Bill as it now stands. If anything, it more than complicates the issue and for that reason I am in support of the suggestion of adjournment for further consideration

I think, at the present time, it is necessary for us to face the fact that there are two distinct issues before us. On one side of the question there is the very urgent need for increased settlement of the best type of British born farming agriculturists who can be induced and encouraged to come out from Great Britain and the Dominions to make their homes in this country and continue the development of this country on the lines on which this development has been carried out since this country was acknowledged as one possible for white settlement.

On the other hand, we are faced with a tidal wave of immigration of foreign nationals, many of whom we have reason to believe will in fact become stateless and become a charge on this community and of which we cannot unburden ourselves. These aliens, as we already know, do not belong to that agricultural category which we desire and which, if we really adhered to, would be of value to this country in limited numbers.

I quite realize, as was pointed out by both the hon, mover of the motion and by the hon. Member for Nairobi South, that our hands are tied at the present time by the provisions of the Congo Basin treaty. But I am not satisfied, as the hon. Member for Nairobi South appears to be, that this is a sufficient answer; that we must take that as gospel and make no attempt to overcome that very serious

country.

If this adjournment is agreed to-1 understand that it will not be agreed to by Government-but in that case if the select committee sits on the Bill as it is now laid before us. I do ask that we should face the need of amending the provisions of the Congo Basin treaty and make such a strong case and lay it before the British Government that we may hope for some support in amending the provisions as regards the law which, as it stands at the present time, does not allow any differentiation between British subiects and aliens.

I am going to ask that that legislation and the need for it should be very seriously considered, instead of bringing further amendments to the existing laws. that are not really helping the present position,

I think the time has come when we must. face the fact that sympathetic as we may be with these immigrants, particularly those of the Jewish faith, we have got to protect this country of ours, both the white population in employment and the natives for whom we are responsible, from the threat and the very serious curse of the poor white.

I think a case should be made out and laid before the Home Government to bring in some quota law or amend the present immigration laws to allow us to introduce the word "alien," whom under certain circumstances it is considered advisable to refuse admittance to this country,

COL. MODERA: Your Excellency, on a point of order, I did not say I was satisfied. I said that this Ordinance was specially taken up by Government to tighten up the regulations as a preliminary to the adoption of a policy towards this question.

MR. COOKE: Your Excellency, I rise to say that for the reasons advanced by the hon, and gallant Member for Nairobi South I intend to vote for the motion.

LORD FRANCIS SCOTT: Sir. may I ask the indulgence of this Council to withdraw my motion, as Government say they will not accept it, and Council can get on with the main motion. My reason for it-I do not think that I altogether explained this, for I do not want unduly to delay legislation-was that I hoped that Government might reconsider the matter in order to find a better method of achieving the object aimed at.

Immigration Restriction 656

HIS EXCELLENCY: I take it that the motion is withdrawn.

LORD FRANCIS SCOTT: Yes, Sir,

HIS EXCELLENCY: The motion before Council is that the Immigration Restriction (Amendment No. 2) Bill be read a second time.

MR. SHAMSUD-DEEN: Your Excellency. I will resume my remarks about the policy underlying this Immigration Ordinance as it stands to-day, Of course, I do not mean to say that the whole of the police force or the immigration authorities are corrupt, but there have been instances at the coast when the powers given to them have been very gravely abused, and in Nairobi at the present moment there are cases where employers have actually given in writing that an immigrant is employed by them and have guaranteed his maintenance and his continued work and yet have been subjected to unwarranted interference from the immigration authorities

'In one case a gentleman comes to the head of a business firm of repute in Nalrobi with the authority of the Immigration Department and tells him that it was a very injudicious letter that was issued from his office introducing an immigrant, and that it was not quite in order. And the immigration authorities had, I should say, the cheek to call upon this reputable firm to produce books in order to substantiate their letter with regard to that particular person who was employed by them.

At the present moment there are cases where the Indian Association have written to the immigration authorities and have told them that they are responsible for the maintenance of certain immigrants and that those persons are employed and continue to be employed by

[Mr. Shamsud-Deen]

them, and yet they are still subjected to persecutions and being harassed and hindered by the authorities. I have made recommendations myself on the matter. but they have had no effect on the clerk in the immigration office, who actually told the immigrants that he had never heard of me: "Who is Mr. Shamsud-Deen and, in any case, what is his association with Legislative Council?"

They tell immigrants that the immigration officer is the District Commissioner falthough I understand that he is no higher than an Inspector of Police), but he does not know the language in order to speak to the immigrants and the miserable clerk interprets and tells the immigrants all sorts of things the immigration officer does not say and actually threatens to lock them up if they do not sign a declaration to leave the country.

This morning I was delighted to hear the definition of a prohibited alien given by the hon. Member for Nairobi South as it appears to him. I asked at the last session of Legislative Council, when references were made to certain sections of a Bill before Council, that they should be reproduced in their completed form in the proposed Bills, and I was informed by the hon, the Attorney General that everybody was supposed to know the laws by heart. Paragraph (a) of section 5 which has been referred to does not appear in the Bill at all. But I am very glad that we have learnt from the hon. Member for Nairobi South that the definition of a prohibited immigrant, among other disqualifications, is a person who has no visible means of support or a person who is likely to become a pauper or a public charge. Now, I also know that every Indian who enters the Colony, whether he is an artisan or not, is treated as a prohibited immigrant and has to report for twelve months to the immigration authorities.

This Ordinance purports to give the immigration authorities much wider powers where it says, in clause 3:-

"Provided that the immigration officer may, in lieu of requiring such deposit, require the intending immigrant to give security by bond, in such

form as may be prescribed, and to such amount (not exceeding £500),"

Then it goes on-

14mi DECEMBER, 1933

"conditional on the intending immigrant satisfying the immigration officer within such period, after the date of the entry into the Colony."

Well, it may be only a week, in which he might call upon the immigrant and be satisfied!

I have made certain remarks which might be considered, in the opinion of certain members, rather an exaggerated condemnation of the immigration authorities and calculated to abuse the law in such a manner as to deter visitors or settlers coming to this country either from India or Europe.

But, in order to show that I am not the only person who has that oninion of our local law I shall, with Your Excellency's permission, state what is the opinion of an author of great repute-Evelyn Waugh-on our immigration laws in his book Remote People, written six or seven years ago-not very long ago. I think it gives us an opportunity of seeing us as others see us. He says:-

"On the last day of the year we arrived at Mombasa. I had spent a pleasant evening there on my way down. It is a green island, linked to the mainland by a bridge. The English have converted it into a passable reproduction of a garden city. Killindini docks lie at some distance outside the town. They are very grand-far finer than anything I had seen since Port Said; there is a Portuguese fort, bits of an Arab quarter, a club, golf links, bathing beach, some hotels. On this particular morning, however, my whole time was occupied with the immigration officers.

"We were called up to interview them in the saloon. They were a pair of chubby nonentities, who at home might have secured posts at an inferior private school or in the counting-house of some wholesale drapery business in the Midlands. In Mombasa they were people of authority and very ready to show it. I presented a passport in which a former foreign secretary requested and required in the name of IMr. Shamsud-Deenl

His Majesty that all whom it might concern should allow me to pass freely without let or hindrance and should afford me any assistance and protection of which I might stand in need. I did not need very much, All I wanted was to catch the 4.30 train to Nairobi. On the face of it: it seemed a simple business. Not at all. The foreign secretary's commendation did not seem to be wholly intelligible. I was given a form to fill in. Why was I coming to Kenya? For how lone? How much money had I got? Under what other aliases was I accustomed to travel? Of what crimes had I been convicted in what countries? I completed the form and handed it over. They read my replies, shaking their heads significantly at one another, and asked me to wait behind while they dealt with the less suspicious passengers. Presently they tackled me again. What proofs had I of the truth of my statements? I went below, unpacked my luggage and brought up letters of credit for a little under two hundred pounds, and introductions to the colonial secretary and the apostolic delegate. My inquisitors held a whispered conference: Then they said that they required a deposit of fifty nounds. Was this obligatory on all visitors? No; but my replies had been unsatisfactory. In what way unsatisfactory? At about this stage an element of mutual dislike became anparent in the tone of our conversation.

"You say that you intend to remain here about three weeks. Why do you

not say exactly?"
"Because I have not yet decided.
It may be five weeks. It may be two,
It depends how I like the country."

"'You say your address in Nairobi is 'uncertain'. What do you mean by that?"

"I mean that I do not know, I have wired to a friend—naming the chief A.D.C. at Government House—asking him to engage a room for me. He has promised to get me one at

Muthaiga Club if it is possible."

I am not going to be long. Sir: there are only a few more sentences now.
(Laughter.)

"As it is race week there will probably be some difficulty. I shall either be there or at Torr's Hotel, I shall not know which until I reach Nairobi."

"More mutterings. Then:

"'Have you got fifty pounds on you in East African currency?'

"'No, I can give you a cheque."

"That will not do. We shall hold your luggage and passport until you pay us fifty pounds in notes."

"'When shall I get it back?'
"'When you leave the country.'

"But I shall be leaving through Uganda."

"'You must report to the emigration officer at the frontier. He will write for it.'

"'That will take some time?'

"Probably about a week." (As it turned out, the money was eventually refunded to me in London towards the middle of April.)

"You mean that I shall have to wait a week at the frontier station."

"'Yes, that is what we mean.'

"I drove into the town, cashed a cheque, and returned to Kilindini. The immigration officers had now left the ship. I drove back to their office in the town, then back to Kilindini with their permission to land, then back to the town with my luggage.

"That is how I spent my morning.

"And so I entered Kenya fully resolved to add all I could to the already
extensive body of abusive literature
that has grown up round that much
misunderstood dependency."

. Now, you can imagine what it can be like for the uneducated Indian when entering this country.

Again, there is mention made of a number of sections which should appear in clause 3. It says:—

"Any person appearing to be a prohibited immigrant under paragraph (a) of section 5 and not coming within the provisions of any of the paragraphs

(b), (c), (d), (e), (f), (g) and (h)"—
What these sub-sections are I do not
know. No doubt the Attorney General
knows, but I certainly do not know, and
I do not know what it is we are trying
to amend.

IMr. Shamsud-Deen]

I am glad, at any rate, that in this Bill one discrimination has been removed, because in the old Bill, as far as Asians are concerned, it says:—

"(a) if a native of Asia or Africa, the sum of £10 or such other sum as the Governor in Council may from time to time order;

"(b) in the case of any other person the sum of £50."

Now, I think, both Africa and Asia and all the other countries have been brought to the same level with the addition to clause (b) of: "or such other sum as the Governor in Council may from time to time order."

Well, the arguments advanced by the hon, and learned mover this morning us regards increasing the deposits or bonds to £500 are quite good, but still, I fail to see why subsequently the Government should, by giving powers to the Attorney General, file an action for the recovery of the forfeiture of a bond of £500. We may have to return the immigrant either to his own country or to another country and it may cost the country say a couple of hundred pounds. That means that the Government makes £300 by keeping the rest of the money!

Your Excellency, I think my hon, friend Mr. Patel has made out a very good case for not applying this Ordinance to countries not in a chaotic condition. Certainly India is not one of those countries where there should be any particular reason for returning an immigrant. But as it is the Ordinance applies to all British subjects, I am told that it is not the intention to apply it to British subjects, but if this is so cannot we make it clear in the Ordinance and say so, rather than leave it in a manner which might be misinterpreted at some future date.

I was rather surprised to hear this morning that the Congo Basin Treaty was an obstacle in the way of making satisfactory provisions in the Ordinance as regards British subjects. I must plead ignorance as regards the Treaty, but I understand it to mean that it should give equal opportunities to all nationals without giving preference to any race or

nationality. If that is so, does that mean that there has been a free differentiation and discrimination between British Indian and British European subjects for which the laws of Kenya Colony are notorious?

Immigration Restriction 662.

As the Bill appears it tends to make this British colony an El Dorado for the populations of the world, of Asia, Africa and America, for all over the country there is not the slightest indication to show that British subjects and aliens are not on the same level.

I do not wish to dwell upon the abuses of the Immigration Ordinance, here as well as in India, and the people operating the Ordinance, but I would mention that it was very badly abused even as far back as 1918, when a European British officer went on board a boat in Bombay during the war and came back with his pockets filled with one-rupce notes which he had extracted from the people on board, I must say that sort of thing does not go on now, to my knowledge, not as far as the European staff in this country is concerned, but I would not say the same about the others connected with the administration of the Ordinance. I submit that the authority given to the immigration officers is already very extensive, and while I am not against there being some sort of check or restriction on the immigration of people to this country. I think the opportunity should be taken to see that this is not abused.

I only wish to say one thing more, and that is that the immigration authorities here do not seem to have any policy at all. They go by fits and starts. As, for instance, up to recently anybody who said he was an artisan was allowed to come into the country without any kind of deposit or any kind of bond. When I made representation to the immigration authorities here on this point, they told me that they had not got the staff to deal with everyone and therefore they allowed some artisans to come in without any securities. I think that is going to the other extreme, and within reason I suggest that they should promise to keep some check.

Then, again, they go to the other extreme, and instead of giving a person a chance of getting a job or some kind of (63 Immigration Restriction

[Mr. Shamsud-Deen]

employment in this country, they begin to pursue him and harass him all over the place, and if he has not been able to get a job immediately they threaten to lock him up and arrest him and do all sorts of things which they really cannot do according to law.

When this Bill goes to select committee I hope that all these points I have made will be considered.

EARL OF ERROLL: Your Excellency, before speaking to the motion, I have been asked by the hon. Member for Nairobi North to ask to be definitely associated with any opposition that may be given to this particular. Bill. He is unavoidably absent to-day, and asks that that be recorded.

There has been a good deal of debate on the Bill. It is an extremely difficult matter to come to any decision, and I think it does show that hon, members have taken a lot of trouble to try and find the best way out. I am, of course, in agreement with the desire that the regulations for immigration should be tightened up in view of the present position in Europe, but, on the other hand, I must associate myself with the remarks made by the Noble Lord the hon. Member for Riff Valley in opticing to the proviso to clause 3.

I entirely agree with him, in spite of what the hon. Member for Nairobi South said, that it will be quite definitely a deterrent to white settlement. We all know that new settlers have been few. They are rather shy birds and easily put off, and the figure alone for anyone desiring to come to this Colony, £500, will make them look somewhere else. It may be psychology, but it is a psychology we must appreciate.

Of course, it would be perfectly easy to exclude those we wanted to if we were able to definitely say this was not to apply to British subjects but, as pointed, out, we are unable to do that owing to the Congo Basin Treaty.

I do feel that the inclusion of this provise would not go anywhere near the object it has in view. It would not keep out those we want to keep out, but would probably keep out those we want to attract here.

As the hon, and learned Attorney General has asked any member who could to help in making suggestions, I am going to try and do so. It is not very easy, but I would suggest that, under the principal Ordinance, it might be possible to change section 5 (f), which reads:

"Any person who, in consequence of information received from any trusted source or from any government, whether British or foreign, through official or diplomatic channels, is deemed by the principal immigration officer to be an undesirable immigrant."

This might be amended to read-

"Any person deemed by the immigration officer to be an undesirable immigrant"—

and stop there. That would give power to keep anybody out whom we did not want to come into the country. The objection, of course, is that it does put too great a responsibility on the shoulders of one officer. I quite realize that, and for that purpose it might be possible, under present circumstances at all events, to give him what the hon. Member for Trans Nzoia referred to as auxiliary forces in the shape of the Provincial Commissioner—but he already has heavy duties—and perhaps one other member.

As I understand it at the moment, there are two different classes of people. -There are those who arrive at Mombasa on ships with, maybe, the necessary passports and deposits. The immigration officer has to go on board ship and say "We don't want you." There is another sort. who have made application before they leave their country and are those who will be dealt with by the Immigration Committee. That means that the immigration officer at Mombasa will have nothing to do with those people dealt with by the committee, and all he will have to do is to deal with those who have actually come out without previous reference to the Immigration Committee.

If that is not practicable, perhaps another suggestion might be easier. That is, that in this Bill, in the proposed section 11 (1), the first paragraph up to "immigration officer" on page 2 should be expunged and the words put in: "Before

[Farl of Erroll]

665 Immigration Restriction

landing, any person may be called on by the immigration officer to deposit," and then go on. Of course, that would have to be without the proviso which the majority, I think, of hon. members, Indian and European, on this side of Council have objected to.

I think that would probably be the simplest way of dealing with it. It would mean that paragraph 5 (a) of the principal Ordinance—"any person without visible means of support or any person likely to become a pauper or public charge"—could be included there. As the Bill is going to select committee, I do not think I have anything else to say.

COL. MODERA: Your Excellency, I do not wish to go over the ground again in the remarks I made in opposing the motion to adjourn, but I would plead with the select committee and Government that this matter does not brook any delay. I hope that some really constructive suggestions might be given to the select committee to enable them to deal with this matter, so that the Bill can come back to Council this session.

I do feel that as conditions remain and, as is visualized by the hon. Attorney General, they are likely to remain perhaps until next session, I do feel the committee to be appointed as advisory will be embarrassed. As I stated before, I do feel that if something cannot be done and done immediately, you will find a very considerable number of immigrants in this Colony before the end of this session.

MR. KASIM: Your Excellency, in this Immigration Bill the provisions are so widely worded that it gives wide power to the immigration officer. Government should reconsider appointing an Indian member on the Immigration Board. That board were given wide powers, and there was nothing to prevent them from taking up the question of Indian immigration whenever desired.

The principle enunciated by Government means that Indians have the right of representation only on such boards or committees which are likely to discuss questions affecting them. Indians are not metely a section of the population with

limited interests in the work of the country: they are a part, and a very important and vital part of the population of Kenya. It is on this account that we have always demanded representation on all Government bodies, such as boards, committees and commissions.

EARL OF ERROLL: On a point of order, what has this got to do with this Immigration Bill?

HIS EXCELLENCY: I think the hon. member was referring to the Bill.

LORD FRANCIS SCOTT: The Immigration Committee, I think.

MR, KASIM: One other point, I do not agree with the hon, member Mr. Shamsud-Deen about the discourtesy of the Indian infoigration clerks. I went to Mombasa yesterday to study this question. I found a very efficient staff and a very courteous one. (MR. SHAMSUD-DEEN: With you!)—(Laughter.)

MR. MORTIMER: Your Excellency, my intervention in this debate is in two capacities. First of all, in my capacity as Commissioner for Lands and Settlement and chairman of the Settlement Committee, and, secondly, as chairman of the recently appointed Immigration Advisory.

First of all, I would like to add a little to the picture that has already been given in presenting a background out of which this Bill has emerged.

No serious difficulty in the application of the immigration laws as they stand at present arose until recently. Then, because of the changes that took place in Europe, difficulties began to forcesses thick and fast. This is not the time nor the place in which to refer in detail to those events. I will content myself, by quoting from the opening speech made by the chairman of the Evian Inter-Governmental Conference in July last:—

"Men and women of every race, creed and economic condition, of every profession and of every trade, are being uprooted from their homes where they have been long established, and turned adrift without thought or care as to what will become of them or where they will go."

(Mr. Mortimer)

There is no doubt that a major forced immigration is taking place without any exact parallel in the history of the world. It is not unnatural that many of those unfortunate people should turn to Kenya as a haven of refuge. The ever-increasing flow of applications to the Principal Immigration Officer for permission to enter the Colony caused him to make representations to Government for some assistance in coping with the very difficult task with which he was faced, so the Immigration Advisory Board was appointed, with myself as chairman, a representative of the Chamber of Commerce, who is the hon. Member for Nairobi South, and a representative of the Kenya Association (1932).

That board has been faced with an extremely difficult task since it was formed. Applications are coming in in continually increasing numbers, and they have now reached the stage of about 30 or 40 per week. No one can read those applications without being moved in sympathy, not merely because of whatthey say but because of what they leave unsaid.

The board was faced with two or three very serious difficulties on taking up its work. We realized first of all that Kenya as almost entirely an agricultural country, with no secondary industries of any importance, had a comparatively low absorntive capacity, and could make only a very small contribution to the problem of dealing with the refugees from Europe.

Another major difficulty was that we had every reason to believe that many people who were wanting to come into the Colony would not be returnable to their country of origin. In most instances they possess perfectly valid passports saying they are citizens of some European state and, therefore, on the face of it, would be returnable. But we had evidence (which probably would not pass currency in a court of law but, none the less, was real evidence) that the majority of those people would not be returnable or, at any rate, would not be accepted by their country of origin if they did return. It became essential then to take extra precautions to see that no prohibited

immigrant under section 5 (a) of the Ordinance was admitted to the Colony.

Immigration Restriction 668

It also became apparent that the existing law was framed to meet a normal situation, and was quite adequate for dealing with that situation, but was entirely inadequate for the changed conditions with which the immigration authorities were faced. And I would like to emphasize that this is not a question of race or religion but purely a question of economics.

The law provided two options. In the case of people who appeared on the face of it to be prohibited immigrants under section 5 (a), the immigration officer might admit them on a deposit of £50 or on a bond for a like amount and, in either case, the deposit and the bond were terminable at the end of one year. As it has already been said, the deposit of £50, while of some value in the case of people who could be returned to their country of origin, was almost entirely useless for dealing with the new situation.

Since the law itself was inadequate for dealing with the position, the board had to take steps to protect the Colony from the flood of immigrants who were clamouring at our doors. We therefore laid down certain principles for general working guidance. One was that in all such cases the £50 deposit would be required. Another was that very definite evidence must be furnished that the immigrant was not on his admission, and was not likely to become, prohibitable under section 5 (a).

We advised immigrants of the requirements of the situation, and suggested to them that, if they would come forward with a bond furnished by some person or persons acceptable to the Immigration Board and residing in the Colony, the evidence would be accepted. If they were coming to employment here, we also desired to see the contract of service in order to make sure, in the first instance, that it was a valid contract and secondly, that the rate of wages prescribed in the contract was adequate for the kind of work expected of the immigrant. Our desire, therefore, was to ensure that the people already in the Colony did not exploit the situation by obtaining skilled service at apprentice rates, and so lower

[Mr. Mortimer] the whole standard of living for everyone in the Colony.

It will be of interest to hon, members if I give one or two figures to show what the present situation is.

14rn DECEMBER, 1938

From October, 1937, to 24th November, 1938, the number of people who were regarded as refugees from Europe admitted to the Colony has been 178. Of the applications received from 1st October, 1938, to 8th December, 1938, just a few days ago, those applications covered some 457 persons in just a little over two months. Conditional permits have been granted for not more than a quarter of those people, and then only on the provision of what the board regards as very adequate safeguards.

To come to the Bill itself: It was submitted in draft form to Government by the Immigration Board, I may say first of all that the board did not put forward this measure without giving to it very anxious thought. We recognized full well the difficulties of the situation, perhaps we recognized those difficulties more than anyone else, because we were having to deal with the practical situation that arose day by day, but we could see no way out of those difficulties.

One of our first considerations was. what the effect was likely to be upon the desirable type of settlement which we are all eager and anxious to encourage? The Immigration Board came to the conclusion that there was nothing to fear on that score, because we felt that the kind of immigrant we wished to come into this Colony was not the sort of man who would say on Wednesday night, "There's a ship sailing to Kenya on Thursday; I will go and settle there." Surely the kind of man we wish to encourage is the one who gives some thought to what he is proposing to do, who reads literature about Kenya, who inquires of the Kenya Agent in London or, if he cannot get information or does not know where to go for it, writes out to the Colony, and finds out first of all, and he would be told he would have nothing to fear whatever from the immigration laws.

There is another committee with which I am connected, the Settlement Com-

mittee, and I may say for the information of hon, members that the Settlement Committee has had what I believe will be its final meeting and has passed its report in final form. It is now in type, and will shortly be submitted to Your Excellency, (Hear, hear,)

That Settlement Committee was consulted on this question, and I now find myself in the position of a circus rider who tries to ride two refractory horses, each of which desires to go in the opposite direction. The Settlement Committee expressed grave fears as to the psychological effect of this measure, but they were unable to suggest any practical method of getting over the difficulties.

My own view as Commissioner of Lands and Settlement and as chairman of the Settlement Committee is that the fears are somewhat exaggerated. If I felt that there was any substance in those fears. I should be the first to express my objection to the Bill as it is now framed. I would just like to refer in passing to the particular case mentioned by the Noble Lord. I had the impression that this case might be mentioned in the course of the debate, so I took the precaution of having an interview with the officer concerned and getting his account of what transpired.

I find that this particular case had already been before the Immigration Board, A German lady arrived at the coast from Palestine without any previous warning. She had £60 in her possession, of which £50 would have been required for the immigration deposit, leaving a balance of £10. She had no contract of employment and no bond or security from any other party. Her entry was prohibited by the immigration officer at Mombasa, and she went on to Dar es Salaam. Meantime, recommendations were made to the Principal Immigration Officer, and the lady was returned from Dar es Salaam and allowed to enter this Colony on a temporary permit, I submit that in a case of that kind, the demand for a security bond from some respon--sible person was quite a proper demand, and one to which no reasonable exception can be taken.

LORD FRANCIS SCOTT: On a point of explanation, that was not my

(Mr. Harragin)

Hord Francis Scottl point. It was that the police officer told my informant that he was demanding a bond for £250 in every case irrespectively.

MR. MORTIMER: The point in reply to that is that instructions have been fecued that in all similar cases a bond shall be required. Otherwise the prospective immigrant will be prohibited from landing.

LORD FRANCIS SCOTT: I am sorry. Sir, but the hon, member used the word "similar". I said in all cases.

MR. MORTIMER: All I can say is that no such instructions have been issued by the Principal Immigration Officer, nor have any such recommendations been made by the Immigration Board.

In reply to the hon, members Mr. Patel and Mr. Kasim, I would again repeat what has already been said, that the Immigration Board is authorized to deal only with applications for the immigration of Europeans.

I am glad to know that the Noble Lord the hon. Member for Rift Valley recognizes the extreme difficulties of framing satisfactory legislation on this subject. I was depressed to find, however, that he had no constructive proposal to put forward. He looked the difficulties in the face and passed by on the other side! (LORD FRANCIS SCOTT: I passed it up to the Attorney Generall) (Laughter.)

The hon, Member for Trans Nzoia succested there was racial discrimination in this Bill. I have studied the Bill very carefully, and can find no racial discrimination anywhere in it. He suggested that there should be an auxiliary force behind the immigration officer. Such aux-Iliary force does exist, in fact, in the Immigration Advisory Board.

The hon, member also asked the question, what would become of the £500 bond in the event of a returnable immigrant proving undesirable on financial grounds, what would be the practical difference between a £500 bond and a £50 deposit? All I can say is that the £500 would provide for the maintenance of the immigrant for at any rate ten times as long as £50 would.

The hon. Member for Nyanza suggested there should be a senior officer as immigration officer. Presumably the reference was to the immigration officer at Mombasa, I would say that all the immigration officers are given carefully worded instructions as to the broad principles on which they are to carry out their duties. In any case of doubt reference is made either by letter or, if it is one of emergency, by telephone or telegram to the Principal Immigration Officer in Nairobi who, if he himself is in any doubt, refers the matter to the Immigration Board by telephone, so that there is contact always with the immigration officer at the coast.

LADY SIDNEY FARRAR: On a point of information. I asked that there should be an assurance that in future there would be a senior officer appointed as immigration officer at Mornhasa.

MR. MORTIMER: I am in a position to say that a more senior officer has recently been appointed as immigration officer. Mombasa, and has now taken up his duties. But I think it will be quite impracticable for anyone of the standing of the Principal Immigration Officer to be stationed at Mombasa in that capacity, and it would be quite unnecessarv.

The Noble Earl the hon. Member for Kiambu, I am glad to notice, did endeavour to make constructive suggestions. His first one, I am afraid, was not very helpful. That was to provide for the prohibition of any immigrant whom the immigration officer might regard as undesirable. It must be apparent, I think, that such loose and wide powers cannot be given in an Ordinance of this kind.

In conclusion, I would say that I view with considerable respect the views of those who have expressed misgivings about the Bill, and I hope when the Bill goes to select committee that they will have constructive proposals to put forward that will meet the difficulties of the Principal Immigration Officer, the Immigration Board, and the requirements of settlement.

MR. HARRAGIN: Your Excellency. after the very able speech we have just

listened to, I am sure that hon, members will realize how urgent and pressing the problem is before us, I did intend at one time to twit hon, members on the other side of Council for their lack of con-

structive criticism to this Bill, but I must admit at once that I have had one or two constructive amendments since I first thought of that.

The first was that of the Noble Lord the hon. Member for Rift Valley, which he did not mention to Council but which I have here in my pocket and hope to use in due course, Another was from the Noble Farl the hon. Member for Kiamhu but as to whether we will be able to adopt all or any part of them remains to be seen.

With regard to the first suggestion made by the Noble Earl, I am afraid my criticism is exactly the same as that voiced by the hon, member who has just sat down.

Of course, the Noble Lord the hon. Member for Rift Valley is perfectly right. I have to admit that I did not, in introducing this Bill, speak perhaps with the usual conviction with which I sometimes do when I am quite sure that I can solve a difficult problem. But the reason why was because I also felt how dangerous it was to put such enormous powers-as they are in fact-into the hands of one comparatively junior officer, but when I saw the Noble Lord's suggested amendment it seemed to me that the effect would be that of giving wider powers than under the Bill before

I cannot quite follow the objection raised by the hon, member Mr. Patel to clause 4'(4), which gives the authorities power to eject prohibited immigrants before the year is up, or whatever the time on the bond is, on it being proved to the satisfaction of a magistrate-because that is how it is worded—that he is infact a prohibited immigrant. The onus is on the immigrant to prove that he is not a prohibited immigrant. If within, say, six months he has not found some sort of work to do and the authorities

are satisfied that he is in fact a prohibited immigrant, surely we are adopting the proper procedure, and if the magistrate is satisfied that the information is correct that person will be deemed a prohibited immigrant and will be deported.

14th DECEMBER 1918

The next suggestion would seem to be a very easy solution to our difficulties. namely that we should have certain provisions applying only to British subjects. But the answer is we cannot, If we could, naturally the first thing we should have done would have been to put them in.

The Noble Lord the hon. Member representing the Rift Valley said-I do not know if he meant it quite seriouslythat it would be better for a dozen undesirable individuals to enter the country than that one desirable settler should be kent out. Well, frankly, I think that that is a very dangerous theory. Because, we must realize, and I think we all do now. having listened to the hon, gentleman who has just sat down, that this is a very real and dangerous problem. We cannot allow this country to be flooded with undesirable people at the risk of one desirable settler, being kept out, I do honestly commend this argument to the other side of Council: If a desirable settler wished to come out here and he went to see the representative on settlement at home, you know perfectly well that he would get in without undue hindrance. Really, to my mind, I think the Noble Lord's argument is only a theoretical one, put up in order to knock down the provisions of the Bill.

I was rather alarmed when the Noble Lord said that all Jews are Asians. If so. naturally they would come in Class A instead of Class B, namely £10 instead of £50, as the law stands at present, I am not prepared to go into details as to whether they are or not, because I fear that if we delve into history we may find that we all originally came from Asia; and at any rate I think the Noble Lord would smile if we were to take the view that the bagpipes originated in Asia.

I do think that a great deal will be done in select committee to clear up these points.

It is easy to refer to the various difficulties which the immigrant is faced with on arrival, but have you ever been anywhere else where it has been less difficult to get through the various formalities demanded by the immigration authorities?

The hon. Mrs. Shamsud-Deen read from that most delightful writer of fletion, Evelyn Waugh, of his entry into Mombasa. But I suggest that that, like so many of these things, was written in order to amuse and that there is only a semblance of truth in it all. Take, for example, the statements made by the hon. Mr. Shamsud-Deen in declaring that all Indians were harassed, hindered and persecuted on entering this country. Then he hastened to say that they were harassed, hindered and persecuted by those for whom only a few days ago he was pleading for extra pay!

For the information of hon, members, I might say that from time to time these complaints have to be investigated, an I as far as I know every case represented has been found not to have one tittle of truth in it, and is merely the complaint of someone who is disgrantled at being treated in a perfectly legal manner.

The hon. Member for Nyanza made a suggestion, and a constructive suggestion and one that ought to be considered, and that is the abrogation of the Congo Basin Treaties. It would have been simple if the Bill had to be drafted without due regard to the Congo Basin Treaties, As it is, it will only be when the authorities have abrogated these treaties that we will be able to ignore their provisions. But even if we could ignore the Congo Basin Treaties, it would still be difficult to differentiate between the various countries. What I mean by that is this: All the countries in Europe are not parties to the Congo Basin Treaties, but I think the hon, member will agree that it would be extremely unwise to pick out one or two countries that have not signed and legislate against them.

I do not think there are any other points of importance raised in regard to this Bill that have not been already Cealt with. The hon. Mr. Shamsud-Deen suggested that there should be some further printing on the left-hand side of the Bill because he never seems to have the original with him. Well, hon. members will realize that it is matter of some expense; printing and paper cost a certain amount of money, and just because some reference is made to section 11 or 12 in a particular clause of the Bill, it seems to me to be unnecessary to reprint what in fact would be half the original Ordinance. Surely the hon. member can turn to the Ordinance itself if he wishes to obtain any information about it.

This Bill, as I have already said, will go to a select committee, and we will endeavour to examine not only the suggestions already made but any new suggestions put forward. I did hope that we would be able to report by Monday, but I very much doubt it. But I think that hon, members realize now that this is a matter of urgency, and if by chance there had to be an early meeting next year to deal with this problem I am sure they will not begrudge the time and trouble given to attend to it as a result of our deliberations.

COL KIRKWOOD: Your Excellency, on a point of order, may I ask the hon mover to reply to my very constructive suggestion that this should be a unified—Bill with Tanganyika and Uganda?

MR. HARRAGIN: I would be quite willing to reply if I knew the answer. Of course it is desirable that all laws in these three territories should be the same. But at present we have no control over the other three territories, and I can only tell him that they are also investigating the problem, but with what result I am not able to say. But there seems to be no reason why, because they are not moving in the matter, we should not. We hope that they are, at any rate, finding a solution, but we have received no information on the subject.

The question of the first motion was put and carried by twenty-five votes to three, one member not voting. Ayer.—Messrs. Boulderson, Cooke, Daubney, Earl of Erroll, Messrs. Fazan, La Fonmaine, Lady Sidney Farrar, Messrs. Gardner, Ghersie, Harragin, Izard, Col. Kirkwood, Mr. Lockhart, Col. Modera, Messrs. Montgomery, Mortimer, Dr. Paterson, Sir G. Rhodes, Messrs. Stronach, Tomkinson, Sir A. Wade, Messrs. Waters, Willan, Willoughby, Wisdom (25).

677 Immigration Restriction

Noes.—Messrs. Kasim, Patel, Shamsud-Deen (3).

Did not vote .- Mr. Isher Dass,

MR. HARRAGIN moved that the Bill be referred to a select committee consisting of—

Mr. Harragin (Chairman),

Mr. Mortimer,

Mr. Willan,

Earl of Erroll,

Mr. Cooke,

Mr. Shamsud-Deen.

MR. WILLAN seconded.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Monday, 19th December, 1938. Monday, 19th December, 1938

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Monday, 19th December, 1938, His Excellency the Governor (Sir Robert Brooke-Popham, G.C.V.O., K.C.B., C.M.G., D.S.O., A.F.C.) presiding.

His Excellency opened the Council with

MINUTES

The minutes of the meeting of 14th December, 1938, were confirmed.

PAPERS LAID

The following papers were laid on the

BY THE HON, AFTORNEY GENERALT

The Transport Licensing (Appeals)
Regulations, 1938.

Amendments of the Native Lands Trust Bill to be moved in committee of Legislative Council.

MR. HARRAGIN: Your Excellency, in connexion with these last amendments to the Native Lands Trust Bill which I propose to move if this Bill is referred to the Committee of the whole Council, for the information of hon, members I have attached to these amendments a copy of the sections of the Bill which it is proposed to amend, with the necessary explanations attached thereto.

OUESTION

COL. MODERA: Your Excellency, is the Select Committee on the Immigration Amendment Bill now in a position to lay its report?

MR. HARRAGIN: Your Excellency, on a point of order, this question will have to be handed in for answer at a later date.

BILLS

FARMERS ASSISTANCE (AMEND-MENT) BILL

SECOND READING

MR. WILLAN: Your Excellency, I beg to move the second reading of the Farmers Assistance (Amendment) Bill.

This Bill is the result of a request made by you, Sir, that the Farmers Conciliation

ij

IMr. Willanl

Board should investigate and make recommendations as to whether improvements could be made with regard to the procedure of granting assistance to farmers under the present Ordinance, and this Bill embodies the recommendations made by that Board.

Clause 2 of the Bill amends sub-sections 1 and 3 of section 4 of the Principal Ordinance in two respects. The first is that it makes provision for the election of a temporary chairman when the chairman of the Board, the Judge of the Surreme Court, has for any reason to be alment from a meeting of the Board. Second i, it gives protection to the agent of the Board and any local representative of that arent in the same way as the chairman and members of the Board are at present protected.

Clause 3, which is somewhat lengthy. repeals sections 9 to 18 inclusive of the present Ordinance, substituting for these ten repealed sections, eleven new sections numbered 9 to 18 (a) respectively as set forth in this Bill. ."

Now this clause 3 deals with the method of making applications and also deals with how these applications shall come before the Board and how they are to be decided upon. Before I go into the details of clause 3 perhaps it will be as well for me to refresh the memories of hon, members of this Council by describing the present procedure as to how applications are at present made.

Under the Ordinance as it now stands at present, farmers requiring assistance under the Ordinance first of all make their applications to the Local Committee, having made those applications, the Local Committee immediately publishes in the Gazette a notice of a stay order and of the appointment of a temporary supervisor. So, at present, immediately an application has been made, before it has ever even been considered by the Local Committee and before it comes before the notice of the Board full publicity is given to this application by those two notices in the Gazette, Well, of course, those two notices broadcast at once to everybody that that particular farmer is in financial difficulties and that is the flaw in the present Ordinance, for the making of a stay order destroys what credit the applicant has, and that credit is destroyed before even the Board has had notice of the application, far less having considered the application.

Farmers Assistance 680

So, the Farmers Conciliation Board have found that under the present procedure that farmers are rather reluctant to make applications, firstly because of the immediate publicity such an application involves, and secondly because of the risk they run through that publicity if those applications are refused, forthereby, their last state is worse than their

So, the main object of clause 3 is to ensure that no publicity will take place with regard to any particular application until it is almost certain that the Board will grant that application. Bearing that in mind I now come to the details in clause 3.

The only change in sub-clause 9 of clause 3 is that the farmer applying for assistance will make application to the agent instead of to the Local Committee. and all the other parts of clause 9, paragraphs (a), (b) and (c) make no change in the law.

The only change in sub-clause 10 is that the applicant having filed his application with the agent-that is the Land Bank-the agent forwards that application straightway to the Board, after the local representative of the Land Bank has made his report and recommendations on the application. The result is that the application will now be made to the Land Bank and the copy will be filed with the local representative of the Land Bank, and the local representative will report on that application and then it goes straight to the Board, In other words it is not seen by the Local Committee.

The object is that the Board shall have the application in its hands before there is any publicity at all and before the Local Committee knows anything at all about the application. That is the only change in the new sub-section 10.

Now, with regard to new section 11. Immediately after the Board receives the report and the recommendations from the local representative of the agent, it will then meet and decide whether or not the application is one which should be granted. If the Board decides that the application is a fit one to grant, then the Board [Mr. Willan]

itself, instead of the farmer at the present time, will get in touch with the secured creditors of the applicant. If the majority of the secured creditors, 75 per centum in value, agree that the application is one that should be granted, then under subsection (3), in new section 11, the Board will inform the applicant that provided that the particulars provided in the applicant's application are correct, and provided that the application will not be subsequently opposed by the majority of the unsecured creditors, the Board is prepared to grant the application.

Under sub-section (4), in new section 11, which you will see at the top of page 4 of this Bill, the Board forwards the application to the Local Committee for their consideration and that is the first time the Local Committee knows anything at all about it, and only after the Board has decided that the application is a fit one to be granted.

Of course, under the new sub-section 12 if the secured creditors do not agree to the application being granted, then the Board has no option but to refuse the application.

Sub-section (1) of the new section 13 is entirely new. In that sub-section it is laid down that when the applicant is informed by the Board that it is prepared to grant his application, provided that the majority of the unsecured creditors agree, and provided that the particulars supplied in his application are correct, then it is provided there that the applicant if he wishes to proceed with his application, should get, into touch with the Local Committee within thirty days. I think the hon, members will agree that it is only correct, the Board having dealt with the application, that it is then incumbent on the applicant to proceed with his application as quickly as possible, and it is felt that the time of thirty days is sufficient for him to make application to the Local Committee. If he does not do that then the application is

That having been done, assuming that the applicant gets in touch with the Local Committee in that time, then the Local Committee will make an interim stay order and appoint a temporary supervisor, and both that appointment and the

stay order is gazetted. So only at that stage, therefore, is it that full publicity is given to this application, that is, after the Board have decided that the application is one which should be granted.

19th DECEMBER, 1938

The new sections 14, 15 and 16, need no comment because they reproduce the present law.

New section 17: Now this section deals with the meeting of the Local Committee and the only change in the law is this: That the meeting is really divided into two halves. At the first half of that meeting the only people present are the members of the Local Committee and the applicant, if the chairman of the Local Committee decides that he shall be allowed to be present. At that part of the meeting the creditors will not be allowed to be present. At that part of the meeting of the Local Committee, and the applicant, if he is allowed to be present, there will be a pre-discussion in regard to the application in the absence of the creditors. If the Local Committee considers that the application is one that should be granted then the creditors are called in for the second half of the meeting to see. what they have to say. Then, after a full discussion has taken place in the presence of the creditors, the Local Committee makes its report and recommendations which are transmitted to the Board by the chairman of that Local Committee.

Then there is the new section 18 which might be termed a safeguarding section which provides for what happens if the Local Committee should decide that the application is one that should not be granted, I may say that it only happens on very rare occasions, but one has to be prepared for these very rare occasions. and if the Local Committee is of the opinion that the application should not be granted then it does not go on with the second half of that meeting. In other words, they do no meet the creditors. They report their opinions to the Board and the Board if it agrees with the opinions of the Local Committee, refuses the application. If the Board disagrees with the Local Committee it refers the matter back to the Local Committee, and the matter having been referred back, the Local Committee carries on with the second half of the meeting, that is, the

[Mr. Willan] meeting with the creditors, and reports back to the Board.

Then, in the new section 18 (a), if the application is opposed by a majority of the trascaured creditors then the Board has no option but to refuse the application.

That ends clause 3 and allers the procedure in the manner I have described.

Clame 4 of the Bill amends section 20 of the Ordinance and that section deals with the restrictions on the grants of existance. For instance, the Board can only grant assistance if it is satisfied that by so doing the farmer, who is to be assisted, in descring of assistance and is enabled to continue his farming operations with a reasonable prospect of success.

Of course, the word "success" is a comparative term, there are degrees of success, and so the object of clause 4 in this Bill is to define that word. The word is defined as you will see in the last four lines of this clause as meaning that the farmer has a reasonable prospect of

"meeting his obligations to his creditors in full or at such an amount as may be fixed in the Deed of Arrangement within a period of not more than five years".

And that is the only object of that clause.

Clause 5 of the Bill amends section 21 of the Ordinance which sets out for what purposes advances may be made. Paragraph (a) does not amend the Ordinance at all. The amendment is in paragraph (b). Under the Land Bank Ordinance. where an advance is made for erecting fences or dipping tanks in areas proclaimed under the Fencing or Cattle Cleansing Ordinances then that advance becomes a first charge on the property. but where the fences or dipping tanks are not in a proclaimed area that advance is not a first charge on that property. The object of this paragraph is to make advances made for fences and dipping tanks in areas which are not proclaimed. a first charge on the property.

Clause 6 is purely formal. It follows the secrecy provision in the Land Bank Ordinance imposed on the staff of that bank. These are the main objects of this Bill.

In conclusion, I would like to state that this Bill was drafted more hurriedly than one might wish to draft a Bill in order to get this Bill placed before the present session of Council, and I am authorized by Your Excellency to state that this Bill will go to a Select Committee. I am glad of that because after drafting this Bill discovered consequential amendments must be made to other parts of the Ordinance in the light of the provisions of the Bill.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir. I should like to say how very grateful I am to Government for having brought this Bill forward with the object of making the Farmers Assistance Ordinance work easier and more effectively. I have no comments to make on the provisions of the Bill. Of course there has been one noticeable omission-and one that has been suggested but not included-and that is that the Board should have compulsory powers. But that, I understand, was unanimously recommended against by the Committee which dealt with this question. Perhaps we could have a reply to that in the debate.

EARL OF ERROLL: Your Excellency. I would also like to support this Bill because I believe it will make things very much more pleasant for the farmers. But, as the Noble Lord has just remarked. I cannot refrain from expressing a certain amount of disappointment that the opportunity, when drafting this Bill, had not been taken to grant some compulsory powers to the Board. I cannot believe that this Ordinance can really be effective until some measure of compulsion is given to the Board. I can never quite understand why there is this strange reluctance on the part of Government and on the part of the Board to give these

When I was criticizing the Estimates for 1937 and saying that I did not like the expenditure on the Conciliation Board which appeared in the budget, the hon. Financial Secretary said that he thought I was a bit unfair because four prominent gentlemen had, the day before, spent their time in the examination of one

[Earl of Erroll]—
farmer's case. Well, surely it was a complete waste of time if the Boerd was able to decide that such and such a thing should happen and that one man holding perhaps a mortgage of £10 can upset the whole of that decision. It seems to me that compulsory powers would save an enormous amount of time. Also, as the Bill stands at the moment the good farmer is penalized and the bad farmer is subsidized.

This measure has done a certain amount of good behind the scenes in bringing the various parties together but I do hope that consideration will be given to the granting of compulsory powers.

MR. KASSIM: Your Excellency, with reference to clause 2, sub-section 1, where four members of the Board shall form a quorum, 1 hope Government will consider the appointment of an Indian member on this Board in view of the interests of the Indians in the Nyanza area and on the coast.

MR. LOCKHART: Your Excellency, with regard to compulsory conciliation, with Your Excellency's permission I would like to read the paragraph from the report of the Conciliation Board from which this Bill arises:—

"Although the question of legislation compelling conciliation is not specifically referred to in the terms of reference, the Board wish to record their unanimous opinion that the principle involved is not one which could be adopted with advantage in this Colony in the present circumstances".

I should prefer, Sir, and I think it would be wiser, not to debate the arguments for or against compulsory conciliation. I suggest, that as the matter is going to a Select Committee, the Committee can examine the question again and can deal with it in their report.

MR. WILLAN: Your Excellency, there is nothing for me to say except to correct a wild statement made by the Noble Earl the hon. Member for Kiambu who stated that £10 could upset the whole law and the whole scheme. That, of course, is quite incorrect because under the present scheme if 75 per cent of the secured creditors agree then the applica-

tion must go forward. If £40 is the extent of the liability then 75 per cent of that is £30 and if the creditors holding mortgages up to £30 agree then the remainder cannot possibly oppose it; and I do not think that any farmer who only owes £40 can be said to be in financial difficulties.

With regard to an Indian member being appointed to the Board, I can only say that this Bill does not after the constitution of the Board in any way whatsoever.

The question was put and carried.

MR. HARRAGIN moved that the Bill be referred to a Scleet Committee consisting of:—

Mr. Harragin (Chairman).
Mr. Lockhart.
Mr. Willan
The Earl of Erroll.
Lady Sidney Farrar.
Mr. Shamsud-Deen.

MR, WILLAN seconded.

The question was put and carried,

ENTERTAINMENTS TAX ORDIN-ANCE, 1931

CONTINUATION

MR. LOCKHART: Your Excellency, I beg to move: -

"Be it resolved, that the Entertainments Tax Ordinance, 1931, shall remain in force until the 31st December, 1939".

Hon members will be familiar with the history of this tax, which was imposed in 1931 and requires to be renewed annually by resolution in order that the Ordinance shall remain in force.

The revenue which is obtained from the tax is a little under £6,000 a year, and although it is not in itself a large figure it is more than we can afford to dispense with at present. Legislation of this kind is common, it is a permanent feature of most Empire countries and, provided the rates are reasonable and there are generous facilities of exemption in suitable cases, I think we can regard it as among the least objectionable forms of taxalion, and these conditions apply to this Ordinance.

MR. HARRAGIN seconded.

19ni DECEMBER, 1938

LORD FRANCIS SCOTT: Sir, I wish to ask what action has been taken with regard to the recommendation of the Standing Finance Committee last year. Under item 19 on page 3 of the Committee's report on the draft Estimates for 1938 it is stated: --

"The Committee, while of the oninion that consideration of the desirability of abolishing the entertainment tax should be deferred until such time as the revenue policy of the Colony should come under review, recommended that amending legislation should be introduced into the Legislative Council at an early date in order to extend the powers of the Governor in Council to exempt from taxation in special circumstances, entertainments other than those specifically addressed to a charitable or educational object. To meet any possible consequential reduction in revenue the Committee recommend a reduction of £100 in the estimated yield of £5,900".

That was the recommendation last year, and I should like to know what uction has been taken as the result of

MR. LOCKHART; Sir, I am afraid I am not in a position to say what specific action, if any, was taken. But it does not appear that any action was necessary, because, as I understand the amending Ordinance of 1933, the hon, Attorney General and myself have powers to give exemption in any suitable cases, and these additional powers have been delegated to district commissioners. I am aware of no application which has been refused, and It seems to me that that point is not only fully covered but very adequately and generously dealt with in this Colony,

The question was put and carried.

SISAL INDUSTRY ORDINANCE. 1974

CONTINUATION

- MR. WATERS: Your Excellency, I beg to move:--

"Be it resolved, that the Sisal Industry Ordinance, 1934, shall remain in force until the 31st December, 1943",

This Ordinance provided for the creation of a sisal fund, and during the years that this Ordinance has been in operation, that is, the last five years, the contributions to the fund have been forthcoming from two sources. First of all. there has been a contribution from the industry itself, and that has brought in a matter of about £1,500 a year to the fund. There has also been Government's contribution to the fund, which has been a grant in aid on a £ for £ basis up to £1,000 a year until the year 1937, and then up to £1,500 a year for 1938 and

The Ordinance also provided for the creation of a Sisal Industry Committee. whose chief function was to administer the fund, and laid down the purposes to which the fund might be devoted I should like now to call the attention of Council to the three main lines of research to which this fund has been devoted.

The first line of research is that into new uses for sisal fibre. This research is being conducted at Lambeg, near Belfast, Northern Ireland, and the work is being done in collaboration with Tanganyika Territory. A considerable degree of success has attended the results of the research workers, and their investigations have been into such subjects as upholstery, fabrics for special nurposes. polished twine, the production of fine yarns of good quality, and so on. The contribution from the Kenya sisal fund has been in the neighbourhood of £900a year since 1935.

The second line of research is agronomic research and estate practice, which has been under investigation at the lowlevel station at Mlingano, near Tanga, in Tanganyika. Research there is mainly concerned with cultivation, harvesting, manuring, spacing, varieties and so on. Although the main work has been supported financially by Tanganyika growers, the Kenya industry also made a small contribution to that research.

The third line of research has dealt with methods of preparation of sisal fibre and tow. In 1937 experiments were started by the chemical section of the Department of Agriculture, and the results were so successful that the Sisal Industry Committee has proposed to extend them. It is now proposed that that type of work IMr. Waters]

should be conducted at a high-level research station now being established at Thika. The investigations that have been carried out into the problem of the reclamation of waste tow have opened up a wide field for investigation, and we hope that the results of the investigation will be such that use will be made of every part of the sisal plant.

Like the hon. General Manager of the Kenya and Uganda Railways and Harhours, the Sisal Industry Committee adopted business principles and exercised prudent finance! with the result that, after four years, the committee had saved a sum exceeding £4,000. An application was then made to the Colonial Development Fund for a further £4,000 to pay for the capital cost of this station, which has cost about £8,000, and its running costs will be paid for out of the sisal industry fund-they are expected to amount to about £1,350 per year.

So much for research. Contributions have been made for other purposes mainly relating to the organization of the industry. The late Col. Marcuswell Maxwell was largely instrumental in securing the enactment of the Ordinance. His guidance during the early years contributed very largely to the achievements which have been made under its provisions, and his services were of inestimable value to the industry.

The Kenya Sisal Growers Association strongly support the continuation of the Sisal Industry Ordinance, 1934, which this motion seeks to do. This motion, I think, is non-controversial. It is necessary in order that activities now being pursued by the sisal industry and in collaboration with Tanganyika should be continued without a break. If this motion is not passed, the Ordinance expires on the last day of this year?

MR. HARRAGIN seconded.

The question was put and carried.

KENYA AND UGANDA RAILWAY (AMENDMENT) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency. I beg to move that the Select Committee report on the Kenya and Uganda Railway (Amendment) Bill be adopted.

As hon, members are aware, when this Bill was sent to Select Committee there were only two points really for consideration. One referred to clause 6 and the other to clause 26.

To deal with clause 26 first. That was the clause in which the Railway sought to place the burden of proof with regard to neglicence on the person bringing an action against them in case of fire caused by sparks. Having examined the various laws in other countries, the Select Committee unanimously recommended that the Kenya law should remain as it is and not be aftered in the way suggested in the Bill, the result being that the law will stand as it has been since the enactment of the principal Ordinance, and no reference will be made with regard to proof of negligence.

The presumption will be that there has been negligence in the event of sparks setting fire to crops by the side of the line as the result of an engine passing up or down. The reason for that is obvious to every member of Council. It would be impracticable for an unfortunate farmer whose crops had been destroyed to rush after the train and examine the engine and see whether the latest type of spark arrestor had been placed on the engine or

The next point was the point with regard to clause 6, and that is the policy with regard to the working of the services.

As explained by the hon, Chief Secretary on the second reading, the present clause as it appears in the Bill is the clause that was agreed on by a majority of members of the Railway Council, and it has already been passed in Uganda. It would be quite impossible to have a different policy in Kenya and in Uganda with regard to the same railway, although it is quite reasonable in a case of negligence to vary the burden of proof, everyone will agree it is quite impossible to have one policy regarding rates or whatever it was in Uganda and another in

In any event, having carefully considered the two drafts that were before us, we were satisfied in our own minds that the Bill as it stood would not make one shilling's worth of difference to anybody [Mr. Harragin]

in Kenya whether we remained under the old law or adopted the new clause and, in view of the history of that clause, we suggest that it should remain in, so that we are now reduced to one amendment. the deletion of clause 26, with the necessary renumbering of the subsequent clauses.

MR. WILLAN seconded.

LORD FRANCIS SCOTT: Sir. while I welcome the decision of the Select Consmittee to cut out the clause about proof of negligence, I wish once more to reiterate my regret that they have not seen their way to cutting out the other clause. to change the main functions of this rail-

The question was put and carried by twenty-four votes to seven.

Ayer: Messrs, Cooke, Isher Dass, Daubney, Fazan, La Fontaine, Gardner, Harragin, Izard, Kasim, Lockhart, Modera, Montgomery, Mortimer, Northrop, Patel, Dr. Patterson, Messrs, Shamsud-Deen, Stronach, Tomkinson, Sir. Armigel Wade, Messrs. Waters, Willan, Willoughby, Wisdom,-24.

Noes: Major Cavendish-Bentinck, Earl of Erroll, Ludy Sidney Farrar, Mr. Ghersie, Mr. Llewellyn, Lord Francis Scott, Dr. Wilson,-7.

THIRD READING

MR. HARRAGIN moved that the Kenya and Uganda Railway (Amendment) Bill be read the third time and passed.

MR. WILLAN seconded.

The question was put and carried.

The Bill was read the third time and passed.

MOTION

ABOLITION OF PRIVATE CARRIER'S LICENCE LADY SIDNEY FARRAR: Your Excellency, I beg to move:-

"That, in view of the inconvenience and irritation caused to the farming community by the double registration and the imposition of a second licence fee in respect of their privately-owned motor vehicles, this Council resolves that the Private Carrier's Licence be

abolished or, alternatively, that all persons who only carry private goods in vehicles which do not ply for hire or reward be given exemption by the Transport Licensing Board from the obligation of taking out a Private Carrier's Licence, and that the Transport Licensing Ordinance, 1937, be amended accordingly".

Your Excellency, in moving this motion I am well aware that I am risking reopening a debate which last year proved to be a lengthy and contentious one. I should like, therefore, to make it very clear that I am in no way whatever referring to the licences known as "A" and "B" respectively. My remarks are entirely concerned and my motion is entirely concerned with the "C" licence, the licence issued to the holder for vehicles for the carriage of goods for or in connexion with any trade or business carried on by him, and popularly known as a Private Carrier's Licence.

My remarks in this respect are based on the fact that I feel that the introduction of this licence was due rather to reasons of expediency than of necessity. Also, in reading the debate last year and in reading the report of the committee that drafted this legislation of the Transport Licensing Ordinance as a whole, I am not satisfied that even the majority of the members of that committee were entirely satisfied in their own minds that there was even an urgent expediency very much less than an urgent necessity for the introduction of this legislation and that possibly, with all due respect to the gentlemen concerned, the larger issues of the "A" and "B" licences having to be faced rather overshadowed the smaller issue of the "C" licence which was allowed to slip in as a measure of expediency.

There is a disease at the present time all over the world of an increase in bureaucratic control as a panacea for all ills or for all possible ills. This control brings with it a mass of forms to be filled in, fees to be paid, piles of official correspondence, additional officials or officially appointed bodies, boards and committees, and, therefore, increased expenditure.

[Lady Sidney Farrar]

On the other hand there is a lessening of the encouragement of private enterprise, private initiative and careful consideration of economy in private enterprise. I submit that the grounds for expediency are not sufficient for condoning legislation of this nature, particularly when as in this case, the fees levied do not meet the cost of collection, far less the time spent by the Transport Licensing Board in the yearly revision of the licences applied for under the "C" licencing appointment.

In the words of the minority report of the committee which made available the present Ordinance: -

"At a time when the Colony cannot afford to provide adequate funds for many essential services it is, in my opinion, improper to enact an Ordinance which, as far as many of its provisions are concerned, is quite unnecessary, and would cause expense in administration".

I think there is little doubt that in the minds of the committee responsible for the drafting of this Ordinance there was some doubt as to the advisability of the "C" licence as applied to lorries. I think possibly here, in parenthesis, I should like to say that I was unwise and possibly incorrect in inserting the word "farming" in my motion as since tabling this motion I have satisfied myself that the irritation caused by the "C" licence is felt by all sections of the community.

In fact, far from it being only lorries that have to obtain this licence, every law-abiding owner of a box-body car or even a saloon ear, including perhaps such surprising vehicles as the Austin Seven, have at the present time, under this Ordinance to go through the irritation not only of obtaining his driving licence and his car licence from the district commissioner's office, but also to fill up yet another form, purchase yet another postal order and pay yet another fee on that postal order and pay yet another tax, and even possibly may be expected to travel a considerable distance to appear before the Licensing Board, all because possibly the owner may wish occasionally to take a box of eggs to the station or deliver a parcel or Christmas turkey to his next-door neighbour, or possibly to

bring home a jembe from the local store for use on his potato patch in the suburbs. of Muthaiga.

19th DECEMBER, 1938

The community who are irritated by this measure are described by Sir Osborne Mance in his report on transport, as fol-

"The private car owner and ancillary user have attained a degree of independence which has clearly increased the amenities and enlarged the scope of individual business organization".

Your Excellency, I question whether even if the "C" licence had only affected lorries-lorries as a whole, and in this respect I am not referring to the heavier, two-tons and over, lorries-whether if the "C" licence had only affected lorries carrying the owner's own produce whether it might be entirely justified, If, as has been suggested, the "C" licence is merely a convenient method of obtaining a census of ancillary vehicles, surely this census could be obtained from the offices of the revenue authorities who have full particulars when they have to issue the yearly car licence or lorry licence.

If, as was stated by the hon, the Attorney General during the debate last year "there is no reason", if I may quote his words -

"that if a man, under the guise of a "C" licence, is competing unfairly with the railway or other licencees, it may be necessary to insert some condition in the licence which would prevent it going on in the future";

or, to quote another member of the committee concerned (Mr. Conway Harvey):

"I think the main reason for the renewal registration is to check the use to which road vehicles are put, ax if improper use is made of them the licence may not be renewed the following year":

surely the proper use which is referred to, namely the using of a vehicle for the carriage of goods in connexion with the trade or husiness carried on by the owner and not for hire or reward, is met by the usual process of the law, when a warning or summons to appear before a magistrate will follow an offence and the enforcement of the law as regards the insistence of obtaining the necessary "A" or "B" licence.

[Lady Sidney Farrar]

One other argument has been put forward in support of the "C" licence:
"If, however, a farmer did his own

"If, however, a farmer did his own transport, the transport of his crops to the railhead and sometimes even from door to door, it would obviously not be necessary for any firm of transporters to operate vehicles for this purpose",

and that: -

"This registration is necessary to the Board to keep it informed of every vehicle operating on the roads, not only for hire or reward but also carrying the individual's own goods".

I should like to emphasize that the example quoted was in no way hinting at unfair competition with the railway, the bugbear which originally led to the introduction of the Transport Licensing Ordinance, but was merely referring to the carrying of goods to the nearest railhead. I submit that the great majority of the ancillary vehicles operating under the terms of the Ordinance are an integral part of a man's private business whether he is a farmer, trader or, as he has been referred to, a ginnery owner, and the reasons of pure expediencyand not urgency or necessity-should not be permitted to act as a cloak for supporting vested interests, particularly as at the present time the facilities for carrying goods to the nearest railhead by public transport systems are practically non-existent, and neither have we got firms of renutable and reliable transport agents which we are led to believe should be protected.

Sir, I hope that this Council will see fit to abolish the "C" licence altogether as an imposition not warranted by necessity. But rather than see no action taken to improve a position which is causing endless irritation to owners of private motor cars, light lorries, and box-bodied private cars especially I have included an alternative suggestion in my motion.

In conclusion might I read to this Council three paragraphs in a memor-andum to the committee, made by yet another member of the original committee, the hon. General Manager of the Railway:—

"The introduction of regulation and control of transport, as recommended, would bring into prominence the possible need of a suitable stimulus to maintain efficiency and to provide an urge to keep up to date and to make the utmost use of modern development and invention among all forms of transport which has hitherto been provided by unrestricted competition.

It is suggested that the licensing system contains adequate safeguards in this respect, as licences would at once be issued to other applicants if adequate service is not being given.

Further, the ancillary traffic carried by the private owner provides an additional and very important safeguard. In this connexion, Sir Osborne Mance has the following to say—

There are a good many analogies for arguing that ancillary traffic, rigidly defined, should be as free as the use of the private motor car. Such freedom gives scope for the individuality and flexibility of road transport in many cases which could not be met by a public transport undertaking, and it is, of course, essential for the many delivery and agricultural services which have always been carried out by private transport in the past. Moreover, the freedom of ancillary services is the best automatic check on the failure of any scheme of road and rail co-ordination to produce the most efficient development of transport in the public interest.

It has been argued that it may be necessary to impose some restriction on ancillary traffic in order to preserve the amenities of the road for other users, but these ought to be adequately safeguarded by reasonable regulation, coupled with improvements to the roads where their capacity is proved to be inadequate. A more serious consideration is the claim that ancillary transport should not be permitted to develop to such an extent as to menace the continued existence of public transport undertakings. On these grounds, it has been suggested that it may be necessary to restrict the operation of ancillary services in cases where the conveyance of traffic is not an inherent part

[Lady Sidney Farrar]

of the business. It would seem that this point will have to be left until the result of the co-ordination and subsequent re-organization of public transport services has been seen."

Your Excellency, I beg to move.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I beg to second the motion moved by the hon. Member for Nyanza. I have always for some years past felt that it was absolutely necessary to have a proper control of the main facilities for transport both with the object of preventing uneconomic competition, for the protection of the roads, and for many other reasons. At the time the Bill was being passed in 1937 and while it was being conceived I happend to go down to South Africa and I brought back with me various reports that their Central Roads and Transportation Board had published on their Ordinance and a memorandum which wes especially drawn up for me by Mr. Watermeyer, the General Manager of the South African Railways.

At the time this Bill was introduced in this Council I suggested that it was to my mind unwise to introduce a private carrier's licence in these words:—

"I am not quite sure whether it is necessary to have this "C" form of licence. I gather from clause 5 (4) that every single vehicle capable of carrying goods in the Colony will have to have one or other form of licence. In other countries, what they do with vehicles that are merely carrying private goods, is simply to give exemption from the obligation to take out a carrier's licence. Whether it would not be easier to do this and do away with the "C" form of licence is a matter which may, perhaps, be gone into and considered by the Select Committee."

Well, the matter was gone into and considered by the Select Committee and they saw fit to introduce an Ordinance which was not quite in conformity with the practice at any rate in the Union.

In the Union they can give exemption from an application of taking out a licence on specific grounds. I admit that it costs Sh. 5. But here, according to our

Ordinance, no person can accept goods or, in accordance with the terms of the licence, use a goods vehicle for the carriage of goods of any kind for hire or reward or in connexion with any trade or business carried on by him. That, Sir, is in section 4 of the Ordinance.

Motion 698

It goes on in sub-section 5 of section 4 of the Ordinance to lay down those classes of vehicles which can be exempted or in regard to which perhaps it is more correct to say that the Ordinance does not apply:—

"A private carrier's licence (in this Ordinance referred to as a "C" licence) shall entitle the holder thereof to use authorized vehicles, subject to any conditions attached to the licence, for the carriage of goods for or in connexion with any trade or business carried on by him":

and that, I believe, includes farming.

In the South African Act which was amended in 1932, and originally introduced in 1930, they also lay down that everybody has to have a licence who carries and operates vehicles for the concyance of any persons or goods on any public road by means of any motor vehicle for the object of reward or in connexion with any industry, trade or business of whatever nature. But in their exemptions they go on to say—

"Provided that-

(a) the conveyance of farm products
by their producer by means of a
motor vehicle belonging to him;

(b) the conveyance by a farmer of his own farm requisites to the place where he intends using them by means of any motor vehicle belonging to him"

and there are a whole number of other exemptions, and then it goes on to say that "they shall not be regarded as a motor transportation for the purpose of this Act".

In other words their exemptions are a great deal wider than ours.

All I ask for in supporting this motion is that, in the light of experience, it can now be found possible to widen our exemptions. This should be done and I would like to support the hon, mover in what she has just said that at the

[Major Cavendish-Bentinck]

moment the Ordinance does cause a lot of needless irritation and work, if this can be done away with it will be all to the good.

MR. KASIM: Your Excellency, 1 should like to support this motion before Council. But at the same time though, it is unfair to the farmers and it is also unfair to the owners of cotton ginneries if they find that in mid-season when their crops are bumper ones it is necessary to buy a lorry and that it takes at least two months to get a licence from the Transport Licensing Board. This means a considerable loss to the farmers and to the ginnery owners.

EARL OF ERROLL: Your Excellency, I did not intend to speak on this motion except to say that I support it whole-heartedly. But I have had a telephonic communication from the hon, and gallant Member for Trans Nzoia, who would have been sitting on my right, asking me if I would just say that he would like to support the motion before Council, and to say that his views are those which are contained in the memorandum which has been signed by the Trans Nzoia District Association and sent to the Secretariat. I do not think I need say any more

MR. LLEWELYN: Your Excellency. I wish to support this motion, I submit that the imposition of this licence is not only a serious irritation but a source of hardship to the small farmer. I have here a letter from the Transport Licensing Board to a farmer in which he is informed that in order to get a licence for his farm car for 1939 he must apply before the 15th of August last, And I think a great many people in the country. under the circumstances, have already committed an offence under this Ordinance. Further it is still a very difficult question to decide whether farm cars are in fact liable for this licence or not.

All this sort of thing entails correspondence and I maintain it adds to the necumulation of petty irritations which do undoubtedly impair the efficiency of the small farmer who must run his own place and is not in a position to employ any elerical or other assistance at all.

I beg to support the motion.

MR. SHAMSUD-DEEN: Your Excellency, in associating myself with the remarks made by the hon. Mr. Kassim, I wish to state that the views expressed by him are those of all the Indian Members of this Council.

MR. MONTGOMERY: Your Excellency, I rise to oppose this motion, chiefly for the reason that if you do away with the "C" licence you might as well repeal the whole Ordinance, which was considered by a strong committee and deserves a fair trial assurance. I submitthat if you do away with any of these "C" licences there will be a loss of a great deal of control.

The hon, mover said that there was no need to put in the word "farming", But that is an important point because there are large numbers of goods vehicles which are used by other people besides farmers, in the nature of box-bodies (I have never seen a definition of a boxbody but there are some as large as small lorries and some are quite small indeed). And if you do not have control over all these vehicles-and a goods vehicle in the Ordinance is defined as one carrying goods-how are you going to know the number of box-bodies owned by Europeans, Indians and natives which are not contravening the law. They might say that they are only carrying their own goods but we say that for the protectionof their business they must carry a

The first part of the motion refers to the inconvenience and irritation caused by farmers having to get this "C" licence. I submit that it is not quite as bad as all that. All that is necessary is to go to the District Commissioner and get a form and fill that up and put it in the envelope provided with it and post it, and in due course when you pay the other taxes in January you pay the District Commissioner the half-crown, and that is all that is necessary for the licence.

The second part of the resolution seems to me to raise two points:

"That only persons carrying private goods in vehicles which do not ply for hire or reward be given exemption."

[Mr. Montgomery]

There is no exemption required if you are carrying private goods. You do not require a licence. A licence is only required if you are carrying goods in connexion with a trade or business.

The other point as far as I can see is that if farmers apply for exemption they have to fill up forms and return them to the Transport Licensing Board and probably have to pay a fee because the Board is supposed to be self-supporting. As the hon, and gallant Member for Nairobi North said they have to pay a fee in South Africa and we may very soon have to have a half-crown fee in this country.

I think that if this resolution were to be brought up in two years time there might be more in it. The Ordinance has only just come into force, and the operation of section 4 does not in fact come into force until the end of the year.

We all want to know what exactly is on the roads and if any inconvenience is caused this year owing to the alteration of the dates that will not happen again. We really want to see how the Ordinance works in practice. It has not started yet and the Board has been busy all these months getting things going and I hope the hon, mover will not press the motion. I think a great deal of harm may be caused if the motion is carried and, as I said before, if it is, we might as well repeal the whole Ordinance.

HR. HARRAGIN: Your Excellency, although I rise to oppose this motion, I may say at once that I feel personally, both on behalf of Government and on behalf of the Transport Board, a great deal of sympathy with it.

As the hon, member is aware—she obviously is aware because, as she quoted from reports—this Bill is the result of a report submitted by a very large and representative committee, which was not in agreement at all on all points, as the hon, member pointed out in her speech. There was a dissenting report, and I bring that out because this very point is a matter which caused us a lot of trouble during our deliberations.

I happen also to be a member of the Transport Committee and I can assure

hon-member that this question of "C" licences was very carefully gone into and was passed by a very large majority after full consideration. It did not end there because the report, with its minority report, was submitted subsequently to Sir Osbourne Mance, who endorsed the recommendation that there should be "C" licences.

Motion 702

My first reason for sympathy is that I know it is extremely irritating to everybody to have to pay another little tax for their box-body cars. My second reason is that it is a dreadful nuisance for the Transport Board to consider these innumerable "C" licences which do not even pay for themselves. As the hon. member said, if it were possible in any to avoid it we would. I can assure hon. members on the other side of this fact, that the Transport Board, during next year, are going to consider very carefully amendments to this Ordinance, and possibly submit recommendations which I will not say will do away with "C" licences but will make it not so irksome as at present, whether by exemption or not is a matter for future consideration.

Also, and this has nothing to do with the motion, we may be able in some way to amalgamate "A" and "B" licences, so that there will be only one licence for lorries plying for hire or reward.

There were one or two misstatements made during the debate which I must correct at once, not that it matters so much in Council as it does if they go out to the public when the debate is reported in the Press.

The hon, member Mr. Kasim alleges that it takes two months to get a licence. It may be true that it takes two months to get a licence, but as the applicant does not have to have it before the 1st January, 1939, so long as he gets it before that date the public are amply served. I do not think we need worry about the person anxious to pay for his 1939 licence in 1938, and there is not the slightest doubt that anyone applying for a licence now would not have to wait two months. The only reason the hon, member is able to quote two months in this case is, that knowing we had a long time in which to consider these licences, we did not have n meeting for two months in order to get

[Mr. Harragin] in all the applications to be dealt with at one time instead of having innumerable meetings to deal with a small number of licences.

There is one other small misstatement I should like to correct. The hon, memher suggested that there might have to be a "C" licence for an Austin Seven. The only vehicle that would have to have a "C" licence is a vehicle adapted for the carriage of goods, so that if the hon, member constructs her Austin Seven so that it is capable of carrying goods clearly it will require a "C" licence, But I think it will be extremely difficult for her to construct a small saloon car into a goods-carrying vehicle that would have to be licensed. I can assure her that it is not the intention of the Transport Board that any Austin Seven which is not constructed for the carriage of goods should be licensed. We have not heard of one

As the hon. Member Representing Native Interests (Mr. Montgomery) said, it has been an extremely difficult task which has been handed over to the Transport Licensing Board, I will read out the terms of reference which we have, in effect:-

- (a) Of controlling the number of vehicles using the roads;
- (b) Elementary uneconomic competition: and
- (r) The development of a higher standard of transport and to co-ordinate all forms of transport in the Colony.

I will admit that certain circumstances have happened since this Ordinance was passed which, I trust, may make the task of the Board easier in the future. I refer to the Man Power Committee which. I understand, have sent out forms which have to be filled in, and the particulars they ask include the numbers of persons with goods-carrying vehicles in the country.

It may well be that by collaborating with that committee and their records. it will not be necessary in future (I cannot say this definitely) to have this irksome task of filling in about four questions, namely, tonnage of lorry, the

make, horse power, and what it is used for. This form has been referred to as one of those "dreadful" forms, but I can assure hon, members that it is one of the simplest devised, although I admit that one or two people have even failed in

Motion 704

My point about this is that if any other organization is obtaining the same information which we require as a board, the board will be the first people to take advantage of it and relieve ourselves of an enormous amount of work at present involved. But at its inception the Board. was faced with this difficulty.

Under the terms of reference I have just read out, we had to control the number of vehicles using the roads. Take a very simple example. Kiambu. Assuming, for example, that not a single settler in Kiambu had a goods carrying vehicle. Obviously it would be necessary for the Transport Board to give licences to a huge number of goods-carrying vehicles in order to transport the farmers' goods to the various stations or wherever it had to go. In order to grant licences. it is clearly necessary for us to know how many farmers-have goods-carrying vehicles, because if every farmer has one the necessity to licence ordinary carriers for hire and reward almost disappears.

Therefore, at first sight, it is perfectly obvious if we were to have any control we must have some form of registration. If we have another form of registration by the Man Power Committee or whatever it is, we will be the first to do away with this form of irritation both to the farmer and to the board itself.

I can say in passing that the tremendous trouble it will be to farmers in future is exaggerated. Actually, what is going to happen is this, that having gone through the trouble of filling in the four questions and sending the form in free of charge-and I may mention that no one is refused a "C" licence, they get it automatically at the moment-having filled this in, we then send the necessary licences to the district commissioner, where the applicant takes out this ordinary licence under the Traffic Ordinance. All that will happen is that he will pay an extra half-a-crown and get two licences instead of one. Looked at from that

(Mr. Harragia) point of view, I think it does to some extent soften the blow with recard to terrific irritation and trouble which is causal.

There is another point with regard to "C" licences. As you know, as long as a man is curving his own goods, no one wishes to restrict his activities, but if we have innumerable lerries on the road with no transport licences at all, which may or may not be carrying for hire and reward and of which we have no record. how can the Board form an opinion as to the necessities of the district. It seemed at the time the Ordinance was drafted and to the committee, that it was necessary that some control should be taken over these "C" licences in order that when an offence was reported, if we were satisfied a man was using a "C" licence when he should have had an "A" or "B", we should have some authority to cancel his licence. It is not the sort of offence we want to send a man to prison for.

I think there is a great deal to be said with regard to exemptions as mentioned by the hon. Member for Nairobi North. and that is certainly one of the points to be taken up by the Transport Board as soon as possible. The bureaucratic control that we were supposed to exercise is really, as far as the "C" licences are concerned, an entire myth. Provided people behave themselves and do not try to carry for hire or reward, we have no control over them except to ask them to realize the fact that they are "C" licencees. To suggest we have bureaucratic control over them is absurd.

The last point I should like to make is in regard to urgency.

The hon. Member for Nyanza suggested that there was no urgent necessity for these "C" licences. The urgency really is at the beginning, and if there is any necessity for "C" licences it must be at the inception of the Ordinance. We may be able to do away with it afterwards, but it was necessary when the Ordinance came into force as a means of carrying.

I do not think there is any other point except with regard to the 15th August, I should have thought that the hon, member would really have been rather pleased

at the operation of the Ordinance being postponed, because his clients were saved that half-a-crown they would have had to may if the Ordinance had been brought into force on the 1st July.

The position was this. The Ordinance was originally to come into force on the 1st July, and all forries, etc., would have had to be licensed during the last half of this year. We netually received a certain number of applications for licences when we discovered, as a matter of practical polities, that it was impossible to bring it into force at that date, so that all that happened was that we published a notice to say that applicants who applied for licences from the 1st July would be deemed to have applied as from the 1st January.

No one committed an offence, because no one was expected to have a licence before the lat January, and only from that date onwards will there be any prosecutions.

For these reasons, at the moment Government are unable to accent the motion as it stands. I can only repeat that it will be the currest endeavour of the Transport Board to try and make this Ordinance more easily workable and perhaps, this is a genuine hope, do away with "C" licences altogether and, I may add, possibly have one licence for all forms of transport plying for hire or reward.

MR. SHAMSUD-DEEN: On a point of order, I should like an illustration of the expression just used by the last speaker, that Government is not going to accept this motion or will accept this motion. Does he mean that Government is going to use the steam-roller vote. because the moment Your Excellency allows any debate the motion is accepted? I think what he means is that Government will use its steam-roller.

MR. HARRAGIN: On this point of order (what point of order it is 1-fail to understand), the position is as every other hon, member of Council knows that the motion as it stands cannot be accepted by Government at the moment. What is going to happen in the future I have endeavoured to explain.

LADY SIDNEY FARRAR: Your the work of the authorities in ensuring Excellency, in view of the assurance given me by the hon, and leaned Attorney General. I should like to ask leave to withdraw this motion.

I was very grateful indeed for the very courteous attitude that he voiced on behalf of Government, that they have realized that these additional forms of petty taxation and additional licences are an irritation to the community which should be avoided or simplified and coordinated as far as possible.

I should also like to answer one or two points that have been raised in support of my contention.

Both the hon, member Mr. Montgomery and the hon. Attorney General have raised a point that this licensing Ordinance as applied to ancillary vehicles was essential to obtain any form of satisfactory co-ordination of information as regards goods-carrying vehicles, and for the enforcement of the Ordinance, particularly as regards "A" and "B" licences. I am afraid I must be very dense. but it still appears possible to me that this could have been made, as regards a census of vehicles, from the records of the Revenue Office which issues yearly licences.

As regards vehicles which are carrying goods without taking out the correct "A" or "B" licence, that is for hire or reward. the issuing of a "C" licence has not made it any easier to control that contravention of the law. It is still not easy to tell whether the saloon car that passes you by overfilled with three times the number of passengers it should carry, whether those people are paying anything towards their fare or whether the car or lorry which you see go by piled with goods is genuinely carrying goods under the "C" licence or goods that should be under "A" or "B". You still have to find that

The only point I can agree on was elucidated for me in this respect, it does avoid taking legal action and imposing a fine or imprisonment, but I cannot comprehend that the "C" licence simplifies

that the correct kind of goods are carried under the correct licence, and if there was no "C" licence in the Ordinance at all it. would not be equally easy or equally difficult to enforce the need of a man obtaining an "A" or "B" licence without it was proved he had contravened the Ordinance.

If I may be permitted. I should like to correct a slight misstatement which the hon. Attorney General asked to be allowed to make, namely, that a car such as an Austin Seven could never come under the Ordinance. I am aware that owners of cars such as an Austin Seven fitted with box-bodies and other cars of the same type, have filled in applications in order to apply for licences.

One other point I think has not been made. That is, if the "C" licence is persisted in, there will be a very great increase in ox- and mule-drawn transport to avoid obtaining a licence at all. I appreciate the fact that it is comparatively easy to get, that it does not cost much money to get, but there is undoubtedly the psychological factor in the average farmer's mind which makes him endeavour not to take out an additional licence. and this will increase the use of ox- and mule-drawn transport, particularly of the small scotch cart, to avoid taking out any licence for the farm car, the boxbody car or saloon car, or the farm lorry, to allow it to carry goods in connexion with any trade or business carried on by the owner.

As regards another point raised by the hon, member Mr. Montgomery, that if exemption is introduced it will mean filling up another form and the payment of a further fee, I trust that will not be the case. We are already satisfied that the fee for a "C" licence does not cover the cost of collection. I therefore trust they will cut the cackle and not impose any fee if forms of exemption are brought in. and that such form will not have to be filled up yearly, but that it can be filled in for one year and one year only.

The motion was by leave of Council withdrawn.

SUSPENSION OF STANDING RULES AND ORDERS

MR HARRAGIN moved that Standing Rules and Orders be suspended to enable the 1939 Appropriation Bill to be passed through all its stages, and to permit the consideration in committee of amendments to clauses 49, 53 and 70 of the Native Lands Trust Bill, which Bill His Excellency the Governor, in exercise of the powers conferred upon him by Standing Rule and Order No. 88, had returned to the Legislative Council in order that the said Bill should be recommitted for the consideration of the said amendments of which notice had been given that day.

MR. WILLAN seconded.

LORD FRANCIS SCOTT: Sir, I beg to support the motion, because after consultation with members I feel it is very much to the convenience of the business of Council that this should be done.

With the consent of His Excellency under Standing Rule and Order No. 108, the question was put and carried.

Standing Rules and Orders were suspended.

1939 APPROPRIATION BILL FIRST READING

On the motion of Mr. Lockhart, seconded by Mr. Harragin, the 1939 Appropriation Bill was read a first time.

SECOND READING

MR. LOCKHART: Your Excellency, I move that the Bill be read a second time. Hon, members may notice that the total of the Schedule in the Standing Finance Committee report differs from the Schedule in this Bill by £21,125. That is the reduction which Tanganyika have made in the combined expenditure of the Posts and Telegraphs Department, but it does not affect our finances.

MR. HARRAGIN seconded. The question was put and carried.

IN COMMITTEE

MR. HARRAGIN moved that Council resolve itself into committee of the whole Council to consider the 1939 Appropriation Bill clause by clause and for the consideration of amendments to clauses 49, 53, and 70 of the Native Lands Trust Bill. MR. WILLAN seconded.

The question was put and carried. His Excellency moved into the chair, Council went into Committee.

The 1939 Appropriation Bill was considered clause by clause.

NATIVE LANDS TRUST BILL Clause 49.

MR. HARRAGIN: Your Excellency. I beg to move that sub-clause 1 of clause 49 be amended by deleting the words "before the date of the coming into operation of this Ordinance" which occur at the end of the second proviso thereto.

The reason for this amendment is as follows: As the Bill stands at the present moment, if a native so-called right-holder were given notice to leave his abode, let us say in eighteen months' time he would then have on the ground crops which had been sown after the Ordinance had come into force, and it has been pointed out that under those circumstances he would have no protection under the Ordinance as it now stands. It would have been perfeetly clear if the Ordinance had contemplated every native going out the moment it came into force-naturally he would have been given time to reap his crops-but for a year later there was no protection. And it becomes necessary to protect a man after the coming into force of the Ordinance to give him an opportunity of reaping crops which have been planted after the Ordinance had come into force.

MR. ISHER DASS: Your Excellency. my attitude towards the original Bill is too well known and needs no repetition. All I ask, Sir. is that if Government, has thought fit to amend the original Bill in order to remove hardships then they should inform us what action they have taken to bring home the truth to the notice of the Africans to remove any misunderstanding and suspicion from their minds and reduce their opposition.

MR. HARRAGIN: I can only say in reply that why these particular amendments have not been brought to the notice of the natives concerned is because we have only been able to introduce them to most hon, members of this Council this morning for the first time. The hon.

[Mr. Harragin] member can rest assured that the natives will be very pleased when they do see the amendments that have been made.

The question was put and carried.

The question of the clause as amended was put and carried.

Clause 53.

MR. HARRAGIN: Your Excellency, I beg to move that sub-clause I of clause 53 be amended (a) by deleting the word "or" which occurs in the fourth line thereof; and (b) by inserting the word "or" immediately after the word "Ordinance" which occurs in the fifth line thereof.

This is a drafting or a printing error, I am not sure which, but the effect is to make it unintelligible as it reads. The word "or" has just slipped up one line and by moving it down that part of the clause reads:—

"for any act done in good faith and without negligence under the provisions of this Ordinance"

-and it is here that we insert the word

The question was put and carried.

The question of the clause as amended was put and carried.

Clause 70.

MR. HARRAGIN: Your Excellency, I beg to move that sub-clause I of clause 70 be amended (a) by deleting the full stop which occurs at the end of paragraph (d) and by substituting a colon therefor; and (b) by adding immediately after such colon the following further, praying:—

"Provided further that nothing contained in this section and/or in section 49 of this Ordinance shall be deemed to restrict the enjoyment of such rights as have been extinguished under the provisions of this section in respect of the land on which any native resides until such native has been ordered by the Governor under the provisions of section 49 of this Ordinance to remove himself from such land."

This merely clarifles what I am perfectly certain every hon, member of Council would wish done. As the Ordinance reads at present, right-holders only have their rights of residence preserved, but not their right to cultivate, for in one section of the Ordinance we do away with all rights and subsequently say that any person residing on a plot, wherever it may be, shall not be removed until the Governor's order has been given, which merely preserves for him the right to reside on that land and there is nothing about continuing to cultivate the land. It is in order to clarify this that the proviso now before you is inserted.

MAIOR CAVENDISH-BENTINCK: I quite see the reason for this amendment but as this is a highly contentious subject. I should like to hear Government's assurance repeated that they do in fact intend to order these people off at the carliest possible opportunity. You talk about the rights they have, I would go so far as to say they have no rights at all in respect of which any further provision such as this proviso is necessary.

I should like the assurance repeated that it is Government's intention to proceed to order these people off as soon as it possibly can be done.

SIR ARMIGEL WADE: I am authorized to say quite definitely that this is the Government's policy. As soon as these rights are concluded and as soon as satisfactory alternative land can be found Your Excellency will give the necessary order for their removal.

LORD FRANCIS SCOTT: I would like to thank Government for that assurance and I would like to explain that hon, members out this side of Council have supported these amendments because it is our desire to get the whole matter finished with, and if these help to make the intentions clearer we welcome them. I do trust that this may be the final stage with regard to this Bill and its kindred Bill and the Orders in Council and that at the earliest possible date they will be published and come into definite operation.

The question was put and carried.

The question of the clause as amended was put and carried.

MR. HARRAGIN moved that the 1939 Appropriation Bill be reported without amendment, and that the Native Lands Trust Bill be reported with amendment.

MR WILLAN seconded

The question was put and carried. His Excellency vacated the chair.

Council resumed its sitting.

His Excellency reported the 1939 Appropriation Bill without amendment and the Native Lands Trust Bill with amendment.

BILLS

THIRD READINGS

MR. HARRAGIN moved that the Bills each be read a third time and passed.

MR. WILLAN seconded.

The question was put and carried.

The Bills were each read the third time and passed.

ADJOURNMENT

Council adjourned sine die.

Written Answers to Questions
No. 55—Officers' Tours and Dental
TREATMENT

BY MR. COOKE:

- 1. Is the hon. Director of Medical Services satisfied that the extension of officers' tours to four years is not harmful to their health, mental and physical?
- 2. Will he consider recommending to Government that the privilege of free dental attendance be restored to all Civil Servants?
- 3. Is he collecting data concerning the effects of longer tours, and of the cessation of free dental treatment and, if so, will he publish the results?

Reply:

19TH DECEMBER, 1938 .

- 1. The evidence at present available is inadequate to justify the Director of Medical Services in forming a definite opinion.
 - 2. The reply is in the negative.
- 3. Data are being collected concerning the effects of longer tours, but it is not practicable to do so in respect of the essation of free dental attendance. The question of whether the results will merit publication is not a matter on which a decision can at present be made.

No. 57.—Survey and Certificate Fee Arrears

BY THE HON. A. B. PATEL:

In view of the fact that there is over £8,000 (in arrears for the last fourteen years or more for survey and certificate-fees in respect of certificates of ownership of land in the coast area, and Government are aware that in many cases the value of the land is equal to, or less than, the amount of survey and certificate fees due therefor, will Government consider the advisability of: (a) writing off the said arrears of survey and certificate fees; and

(b) issuing the certificates of ownership still lying in the Coastal Registry, Mombasa, to their respective owners free from Government charge for the said survey and certificate feet?

Reply:

Government has postponed consideration of Coast land title questions pending the receipt of Sir Ernest Dowson's Report.

Sir Ernest's preliminary observations and recommendations have now been received, and it is proposed to await his limit recommendations before taking any action on the lines suggested in the question.

Index to the Legislative Council Debates OFFICIAL REPORT

SECOND SERIES

VOLUME VI

Third Session, 1938: 28th October to 19th December

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second, or Third Time=1R, 2R, 3R, Com = In Committee, SC = Referred to Select Committee, SCR = Select Committee Report. Re.Cl. = Recommitted to Council.

Administration of Oath-Daubney, R., 1 Fazan, S. H., 462 Izard, H., 1, 462 Karve, Dr. S. D., 462 Llewelyn, L. G. E., 462 Paterson, Dr. A. R., I Tomkinson, C., 462 Willan, H. C., 1 Attorney General-See Harragin, W. Bills

Appropriation, 1R, 709: 2R, 709: Com., 709, 3R, 713 Asian Civil Service Provident Fund (Amendment), 1R, 464; 2R, 517; Com., 534; 3R, 540 Commissioner for Local Government

(Transfer of Powers), 1R, 464; 2R, 530; Com., 534; 3R, 540 Employment of Servants (Amendment).

1R, 463; 2R, 501; Com., 534; 3R,

Farmers Assistance (Amendment), 1R. 583: 2R. 678: SC. 686

Financial Officers (Change of Titles), 1R, 464; 2R, 531; Com., 534; 3R, 540

Immigration Restriction (Amendment No. 2), 1R, 582; 2R, 637; SC, 677

Kenya and Uganda Railway (Amen Jment), 1R, 125; 2R, 464; SC, 498; SCR., 689; 3R, 691

King's African Rifles (Amendment No. 2), IR, 29; 2R, 60; Com., 64; 3R,

King's African Rifles Reserve of Officers (Amendment), 1R, 29; 2R, 63; Com., 64; 3R, 64

Liquor (Amendment), 1R, 32: 2R, 65: Com., 75; 3R, 75

Local Government (District Councils) (Amendment), 1R, 464; 2R, 507; Com., 534; 3R, 540

Pyrethrum Bill, 46

Local Government (Municipalities) (Amendment), 1R, 464; 2R, 515; Com., 534; 3R, 540 McMillan Memorial Library, 1R, 29; 2R, 32; SC., 64; SCR., 384; 3R, 388 Museums Trustees, 1R, 464; 2R, 531; Com., 534; 3R, 540 *Native Lands Trust, Re.Cl., 710; 3R, 713 Native Liquor (Amendment), 1R, 29; 2R, 59; Com., 64; 3R, 64 Northern Frontier Poll Tax (Amendment), 1R, 464; 2R, 517; Com., 534; 3R. 540 Public Health (Division of Lands) (Amendment), 1R, 464; 2R, 530; Com., 534; 3R, 540 Pyrethrum, 1R. 29; 2R, 32; SC., 59; SCR., 388: 3R, 392 Shops in Rural Areas (Amendment). IR. 464; 2R, 518; Com., 534; 3R, Brooke-Popham, Sir R. GLE, the Governor)-Communications from the Chair, 2, Intervention, re Tanganyika Motion. Protest, re notice of, 395 Railway Club, Thanks to, 633 Ruling, re Amendments, 652. Cavendish-Bentinck, Major-Employment of Servants (Amendment) Bill. 506 Estimates, Draft, 209 Estimates, Standing Finance Committee Report on, 566 Kenya and Uganda Railway (Amendment) Bill, 473, 488 Native Lands Trust Bill, 712 Private Carriers Licence, abolition of,

Cooke, Mr. S. V .-Estimates, Draft, 122 K.H.R. and H. Estimates, 424 Immigration Restriction (Amendment) Bill. 655 Officers' Tours and Dental Treatment. 713 Samburu Destocking, 635 Daubney, Mr. R .-Estimates, Draft, 316 Estimates, Standing Finance Committee Report on, 602 Oath of Allegiance, I Director of Agriculture-

Standing Rules and Orders, Amend-

ment under No. 28, 171 Tanganyika Territory, 222, 241

See La Fontaine, Mr. S. H.

See Wade, Sir A. de V.

Commissioner of Customs-

See Northrop, Mr. A. W.

See Mortimer, Mr. C. E.

Communications from the Chair-

Chief Secretary-

2, 409

Chief Native Commissioner, Acting-

See Waters, Mr. H. B. Director of Education, Acting-See Wisdom, Mr. R. H. W. Director of Medical Services-See Paterson, Dr. A. R.

Director of Public Works-See Stronach, Mr. J. C.

Divisions-

Immigration Restriction (Amendment No. 2) Bill, 677 Kenya and Uganda Railway (Amend-

ment) Bill, Select Committee Report оп. 691 McMillan Memorial Library Bill, 32

Fatimales, Revenue and Expenditure, 1939-

Amendment to, 361 Draft, reference to Standing Finance Committee, 78, 125, 171, 243, 269, 308, 357 Standing Finance Committee Report,

541. 583

Erroll, Earl of-Estimates, Draft, 125, 137 Estimates, Standing Finance Committee Report on, 616

Farmers Assistance (Amendment) Bill. Immigration Restriction (Amendment No. 2) Bill, 663, 666 K.U.R. and H. Estimates, 419 Native Lands Trust and Crown Lands (Amendment) Bills, 410, 461 Private Carriers' Licence, Abolition of, 699 Pyrethrum Bill, 45 Sale of Ukamba Cattle, 634

Commissioner of Lands and Settlement-Farrar, Lady Sidney-Defence, 268

Estimates, Draft, 243, 351 Estimates, Standing Finance Committee. Report on, 616 K.U.R. and H. Estimates, 423 Local Government (District Councils) (Amendment) Bill, 510 McMillan Memorial Library Bill, 386 Immigration Restriction (Amendment No. 2) Bill, (653, 672 Private Carrier's Licence, 691, 707

Pyrethrum Bill, 47 Fazan, Mr. S. H .-

Oath of Allegiance, 462 Financial Secretary-See Lockhart, Mr. C. R.

Gardner, Mr. H. M .-Investiture, 1 Estimates, Draft. 357

General Manager, K.U.R. & H .-See Rhodes, Sir Godfrey.

Ghersle, Mr. S. G .--Estimates, Draft, 259 Estimates, Standing Finance Committee Report on, 599, 629 Kenya and Uganda Railway (Amendment) Bill, 491 K.U.R. and H. Estimates, 437

Harragin, Mr. W .--Agricultural Mortgagors Relief Ordinance, continuation of, 31 Asian Civil Service Provident Fund (Amendment) Bill, 517

Commissioner for Local Government (Transfer of Powers, Bill) 530 Estimates, Draft, 350; Amendment to,

362 Financial Officers (Change of Titles) Bill, 531, 539

Immigration Restriction (Amendment No. 2) Bill, 637, 653, 672; Question on, 678 Income Tax Forms (Amendment No.

2) Rules, 1938, 501

^{*}See Volume V for previous readings

Estimates, Draft, 275

Oath of Allegiance, 1, 462

Joyce, Major F. de V .--Income Tax (Non-Residents Allow-Pyrethrum Bill, 46 ances) Rules, 1938, 499 Kenya and Uganda Railway (Amend-Karve, Dr. S. D .ment) Bill, 473, 485 Local Government (District Councils) Kenya and Uganda Railway (Amend-(Amendment) Bill, 512 ment) Bill, Select Committee on, 689 Local Government (Municipalities) King's African Rifles (Amendment No. (Amendment) Bill, 516, 517, 537 2) Bill, 60, 62 Oath of Allegiance, 462 King's African Rifles Reserve of Offi-Shops in Rural Areas (Amendment) cers (Amendment) Bill, 63 Bill, 524 Liquor (Amendment) Bill. 65, 71 Kasim, Mr. R.-Local Government (District Councils) Estimates, Draft, 186 (Amendment) Bill, 507, 514, 536 Farmers Assistance (Amendment) Bill. Local Government (Municipalities) (Amendment) Hill, 515, 516, 537 Immigration Restriction (Amendment Local Government (Transfer of Pow-No. 2) Bill. 665 ers) Bill, 538 Kenya and Uganda Railway (Amend-Native Lands Trust Bill, 710, 711 ment) Bill, 480 Native Lands Trust and Crown Lands K.U.R. and H. Estimates, 417 (Amendment) Bills, 411, 461 Kenya-Uganda Telephone, 268 Native Liquor (Amendment) Bill, 59 Liquor (Amendment) Bill, 69 Northern Frontier Poll Tax (Amend-Local Government (District Councils) ment) Bill, 517 (Amendment) Bill, 511 Private Carriers Lucace, Abolition of, Private Carriers' Licence, Abolition of, 701 699 Publication of Bills, 636 Pyrethrum Bill, 55 Public Health (Division of Lands) Shops in Rural Areas (Amendment) (Amendment) Bill, 530, 539 Bill, 523 Pyrethrum Bill, 55, 388 Wheat and Wheat Flour, 463 Shops in Rural Areas (Amendment) Bill. 528 K.U.R. & H.— Second Supplementary Estimates, 1937, Harvey, Mr. Conway-392 Investiture, 1 First Supplementary Estimates, 1938, Isher Dass, Mir .-393 Estimates, Draft, 135 Estimates, 1939, 394 Estimates, Standing Finance Commit-Kirkwood, Col.tee Report on, 575 Estimates, Draft, 156 Local Government (Municipalities) Estimates, Standing Finance Commit-(Amendment) Bill, 537 tee Report on, 552, 606, 614 Medical Supervision of School Chil-Immigration Restriction (Amendment dren, 18 No. 2) Bill, 646, 676 Native Lands Trest Bill, 710 Kenya and Uganda Railway (Amend-Publication of Bills, 636 ment) Bill, 473 Pyrethrum Bill, 48 K.U.R. and H. Estimates, 438 Shops Hours and Shop Assistants Em-Museum Trustees Bill, 534 ployment Ordinances, 76 Native Drinking, 357 Shops in Rural Areas (Amendment) Pyrethrum Bill, 43, 392 Bill. 521 Shops in Rural Areas (Amendment) Tanganyika Territory, 238 Bill, 527 Trade Union Conference Resolutions, La Fontaine, Mr. S. H .-_ 76 Estimates, Draft, 308, 345 Investiture-Local Government (District Councils) (Amendment) Bill, 512 Izard, Mr. H .--Native Drinking, 356, 357

Sale of Ukamba Cattle, 635

Samburu Destocking, 635, 636

Leckie, Mr. W. G .-Mortimer, Mr. C. E .-Investiture, 2 Llewelyn, Mr. L. G. E .-Oath of Allegiance, 462 Private Carrier's Licence. Abolition of. 699 Lockbart, Mr. C. R .-Entertainments Tax Ordinance, continuation of, 686, 687 Estimates, Draft, 78, 190, 363 Estimates, Standing Finance Committee Report on, 609 Farmers Assistance (Amendment) Bill, Kenya-Uganda Telephone, 268 Medical Supervision of School Children. 78 Native Services and Direct Taxation, 463 Schedule of Additional Provision No. 3, 1938, 501 Modera, Lt-Col-Estimates, Draft, 190 Estimates, Standing Finance Committee Report on, 598 Immigration Restriction (Amendment No. 2) Bill, 647, 655 ,665; Question on. 678 Kenya Defence Force, 269 King's African Rifles (Amendment No. 2) Bill, 62 Native Drinking, 356 Tanganyika Territory, 233 Montgomery, Mr. H. R .-Estimates, Draft, 258 Estimates, Standing Finance Committee Report on, 595 Private Carrier's Licence, Abolition of, 700 Motions-Agricultural Mortgagors Relief Ordinance, 1934, 31 Entertainments Tax Ordinance, 1931. 686 Income Tax (Amendment No. 2) Rules, 1938, 501 Income Tax (Non-Residents Allowances) Rules, 1938, 499 Private Carrier's Licence, 691 Schedule of Additional Provision No. 2 of 1938, 30 Schedule of Additional Provision No. 3 of 1938, 501 Sisal Industry Ordinance, 1934, 687 Tanganyika Territory, 222

Estimates, Draft, 269 Estimates, Standing Finance Committee Report on, 615 Immigration Restriction (Amendment No. 2) Bill, 666 Local Government (District Councils) (Amendment) Bill, 511 Native Lands Trust and Crown Lands (Amendment) Bills, 461 Shors in Rural Areas (Amendment) Bill, 518, 528, 538 Survey and Certificate Fees, 634 Nicol, Mr. W. G. D. H .--Estimates, Draft, 91, 146, 183 Estimates, Standing Finance Committee Report on, 583 K.U.R. and H. Estimates, 425 Tanganyika Territory, 234 Onth, Administration of-1. 462 Papers Laid-Commissioner H.M. Eastern African Dependencies, Trade and Information Annual Report and Kenya Agent Annual Report, 28 Colonial Audit Department Annual Report with despatch No. 604, 28 East African Agricultural Research Station, Amani, 10th Annual Report, Education Department Annual Report, Employment of Juveniles, Committee Report on, 462 Estimates of Revenue and Expenditure, 1939: Draft, 28: Memorandum on, 28; Standing Finance Committee Report on, 462 Income Tax Forms (Amendment No. 2) Rules, 1938, 462 Income Tax (Non-Residents Allowances) Rules, 1938, 462 Kenya and Uganda Railway (Amendment) Bill, Select Committee Report on. 541 K.U.R. & H.: 1st Supplementary, 1938, 307; Estimates of Revenue and Expenditure, 1939, 307 Local Native Council Funds, 1937. Summary of Receipts and Expenditure, 28 McMillan Memorial Library Bill: Promoters Schedule of Amendments, 30; Select Committee Report on, 222 Medical Department Annual Report, 1937, 29

50-Wheat and Wheat Flour, 463

582

51-Grants-in-aid to Indian Schools.

INDEX-(Contd.) 723 53-Survey and Certificate Fees, 634 : Native Affairs Annual Report, 1937, 54-Sale of Ukamba Cattle, 634 Native Lands Trust Bill, Amendments 56-Samburu Destocking, 635 10. 678 Ouestions, Written-Pyrethrum Bill, Select Committee Re-55-Officers Tours and Dental Treatport on, 222 ment. 713 Return of Land Grants, July/Sentem-57-Survey and Certificate Fees Arber, 1938, 65 rears, 714 Schedules of Additional Provision: Rhodes, S!r Godfrey-No. 2, 1938, 28; No. 3, 1938, 462 Kenya and Uganda Railway (Amend-Transport Licensing (Appeals) Regulament) Bill. 464, 473, 491 tions, 1938, 678 K.U.R. and H.: Supplementary Esti-Vehicles Licensine (Amendment No. 2) mates, 392, 393; Estimates 1939, 395, Regulations, 1938, 28 Vehicles Licensing (Amendment No. 3) Regulations, 1938, 76 Salim, Sir Ali bin-Veterinary Department Annual Re-Estimates, Draft, 121 port, 29 Tanganyika Territory, 236 Patel, Mr. A. B .-Scott, Lord Francis-Estimates, Draft, 199 Entertainments Tax Ordinance, 1931. Estimates, Standing Finance Commit-Continuation of, 687 tee Report on, 588 Estimates, Draft, 122, 171; Amendment Grants-in-aid to Indian Schools, 582 to. 362 Immigration Restriction (Amendment Estimates, Standing Finance Commit-No. 2) Bill. 640 tee Report on, 556 Survey and Certificate Fees, 634 Farmers Assistance (Amendment) Bill. Survey and Certificate Fees Arrears. 714 Immigration Restriction (Amendment Tanganyika Territory, 230 No. 21 Bill. 642, 651, 656, 666, 670. Paterson, Dr. A. R .-Estimates, Draft, 285 Kenya and Uganda Railway (Amend-Estimates, Standing Finance Commitment) Bill, 469, 492 tee Report on, 602, 607. Kenya and Uganda Railway (Amend-Investiture, 1 ment) Bill. Select Committee Report Oath of Allegiance, I on, 691 Postmaster General, Acting-K.U.R. and H. Estimates, 394, 411, 444 See Willoughby, Mr. G. P. Local Government (Municipalities) (Amendment) Bill, 537, 538 Private Member's Bill-Native Lands Trust & Crown Lands McMillan Memorial Library, see Bills (Amendment) Bills, 461 Questions, Oral-Native Lands Trust Bill, 712 39-Trade Union Conference Resolu-Native Services and Direct Taxation. tions, 76 463 40-Shop Hours and Shop Assistants Pyrethrum Bill, 39 Employment Ordinance, 76 Shops in Rural Areas (Amendment) 41-Medical Supervision of School Bill. 525 Children, 78 Samburu Destocking, 636 42-Kenya-Uganda Telephone, 268 Tanganyika Territory, 235 44 - Defence, 268 45-Native Drinking, 356 Select Committees-46-Kenya Defence Force, 269 Farmers Assistance (Amendment) Bill, 48-Native Lands Trust and Crown 686 Lands (Amendment) Bills, 410, 461 Immigration . Restriction (Amendment 49-Native Services and Direct Taxa-No. 2) Bill. 677 tion, 463 Kenya and Uganda Railway (Amend-

ment) Bill, 498

Pyrethrum Bill, 59

McMillan Memorial Library Bill, 64

Shamsud-Deen, Mr .--Local Government (Municipalities) Estimates, Draft, 122, 248; Amendment (Amendment) Bill, 537 to. 362 Native Lands Trust Bill, 712 Estimates, Standing Finance Commit-Schedule of Additional Provision No. tee Report on, 569 2, 1938, 30 Immigration Restriction (Amendment Shop Hours and Shop Assistants Em-No. 2) Bill, 651, 656 ployment Ordinance, 77 Kenya and Uganda Railway (Amend-Trade Union Conferences, 76 ment) Bill, 480 Waters, Mr. H. B .-K.U.R. and H. Estimates, 432 Estimates, Draft, 276 Liquor (Amendment) Bill, 69, 74 Estimates, Standing Finance Commit-Local Government (District Councils) tee Report on, 607 (Amendment) Bill, 513 Pyrethrum Bill, 32, 58 Local Government (Municipalities) Sisal Industry Ordinance, continuation (Amendment) Bill. 516 of. 687 Private Carrier's Licence, Abolition of, Wheat and Wheat Flour, 463 700. 706 Willan, Mr. H. C .-Shops in Rural Areas (Amendment) Employment of Servants (Amend-Bill. 524 ment) Bill, 501, 506, 535 Tanganyika Territory, 237, 241 Estimates, Braft, Amendment to, 361 Farmers Assistance (Amendment) Bill, Solicitor General-See Willan, Mr. H. C. 678, 685 McMillan Memorial Library Bill, 384 Standing Finance Committee-Museum Trustees Bill, 531, 539 362 Oath of Allegiance, I Standing Rules and Orders-Willoughby, Mr. G. P .-Amendment under Rule No. 28, 171 Estimates, Draft, 330 Suspension of, 460, 709 Wilson, Dr .-Publication of Bills (Rule 64), 636 Estimates, Draft, 193, 378. Stronach, Mr. J. C .-Estimates, Standing Finance Committee Estimates, Draft, 298 Report on, 596, 624 Kenya and Uganda Railway (Amend-Trench, Mr. A. H. D. le Poerment) Bill, 475 Investiture, 2 K.U.R. and H. Estimates, 428 Tomkinson, Mr. C .-Pyrethrum Bill, 49 Oath of Allegiance, 462 Tanganyika Territory, 232 Wade, Sir A. de V .--Wisdom, Mr. R. H. W .-Defence, 269 Estimates, Draft, 301 Estimates, Draft, 333 Estimates, Standing Finance Commit-Estimates, Standing Finance Committee Report on, 572 tee Report on, 541, 625 Grants-in-Aid to Indian Schools, 582 Kenya and Uganda Rhilway (Amend-Wright, Mr. E. H .ment) Bill, 481, 490 Estimates, Draft, 344, 353, 358. Kenya Defence Force, 269

KENYA NATIONAL ARCHIVES PHOTOGRAPHIC SERVICE

사고 그림은 대한민들이 왜 기가 된다고요.		nantana Mat MT	프로 즐겁게 맞는 경에 들고 이 지나요 하나 하다.
Description of Document	LEGISLATIVE COUNCIL	DEBATES, VOL. VI.	
장이의 취하는 과고 물질다면 문제되었다면 하는		그들의 얼마를 가고 말이 가게 하는 것	상 시내가 얼마나다 오늘이 얼마다 먹어요
	28th Oct., to 19th D	ec., 1938. · · ·	
	물이다. 나면나 중 하나 다 시 중요 중국	k en lik by den gift in hed di	그렇게 얼마 얼마나 나는 그 바람이 살아 없었다.
마시 경찰 취실 공개 보이 많이 되지 않는다.	이 돌아가면 연호된 거나지다 둘째 ?	발생되면 살아진 생생님이 어떻지다.	- 기존하고 있다. 하는 생생 시간 바람이다. ()
고기를 먹어요. 그런 이 성을 경기를 되다.	경기를 가게 하는 사람이 있는 그렇게 있다.		되어와 하루를 내고 있는데 그는 그는 모양을 보이다.
Reference No.	From Centrel Governm	ent Library.	

END