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COLONY AND PROTECTORATE OF KENYA



OFFICIAL REPORT OF DEBATES
IN LEGISLATIVE COUNCIL,
1925.

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List of Members as at 13th August, 1925.

President:

HIS EXCELLENCY EDWARD BRANDIS DENHAM, C.M.G.

Ex Officio Members:

ACTING COLONIAL SECRETARY (GEOFFREY ALEXANDER STAFFORD NORTHCOTE).

ATTORNEY GENERAL (ROBERT WILLIAM LYALL GRANT).

TREASURER (REGINALD CLIFTON GRANNUM, C.M.G.).

ACTING CHIEF NATIVE COMMISSIONER (LT.-COL. OSCAR FERRIS WATKINS, C.B.E., D.S.O.).

GENERAL MANAGER, UGANDA RAILWAY (CHRISTIAN LUDOLPH NEETHLING-FELING, C.M.G.).

COMMISSIONER OF LANDS (HUMFREY TRICE MARTIN).

DIRECTOR OF AGRICULTURE (ALEXANDER HOLM, C.B.E.).

PRINCIPAL MEDICAL OFFICER (JOHN LANGTON GILKS, F.R.C.S.).

DIRECTOR OF PUBLIC WORKS (HOWARD LECKY SIKES).

COMMISSIONER OF CUSTOMS (GEOFFREY WALSH).

Nominated Official Members:

IVAN LLEWELLYNS OWEN GOWIE (Solicitor General).

THOMAS FITZGERALD (Postmaster General).

JAMES RUSSELL ORR, O.B.E. (Director of Education).

SHEIKH ALI-BIN SALIM, C.M.G., C.B.E. (Liwali for the Coast).

FRANCIS STUART FORBES TRAILL (Senior Commissioner, Nairobi).

JOHN OWEN WEDLEY HOPE, C.M.G. (Senior Commissioner, Kikuyu).

ARTHUR GEORGE BAKER (Director of Land Surveys).

COLONEL ANDREW GAHAN DOHERTY, M.C. (Chief Veterinary Officer).

EDWARD BATTISCOMBE (Conservator of Forests).

MAJOR CHARLES HEATHCOTE FOWLE, M.C. (Acting Officer Commanding Troops).

European Elected Members:

RT. HON. LORD DELAMERE (Rift Valley).

CONWAY HARVEY (The Lake).

CAPTAIN JOHN ELLIOTT COSTY (Plateau North).

CAPTAIN HAMILTON FREDERICK WARD (Nairobi North).

MAJOR ROBERT WILLIAM BARRINGTON ROBERTSON-EUSTACE, D.S.O. (Coast).

WALTER MACLELLAN WILSON (Kikuyu).

THOMAS JOSEPH O'SHEA (Plateau South).

CAPTAIN HELMUTH ERIC SCHWARTZ (Nairobi South) (WILLIAM CHARLES MITCHELL, Acting Member).

LT.-COL. LORD FRANCIS SCOTT, D.S.O. (Ukamba).

WILLIAM ABERDEEN MACKAY SIM (Mombasa).

CAPTAIN EDWARD MAURICE VAUGHAN KENEALY (Kenya).

LIST OF MEMBERS—Contd.

Nominated Indian Unofficial Members:

SHAMS-U-DEEN.
 MOHAMED KASSIM.
 JAGANNATH BHAVANSHANKER PANDYA.
 RAM SINGH NEBRA.
 MANIBHAI AXIBALAL DESAI.

Arab Elected Member:

SHEIKH HAMED MOHAMED BIN ISSA.

*Nominated Unofficial Member to represent the interests of
 the African Community:*

REV. DR. JOHN WILLIAM ARTHUR, O.B.E.

ABSENTEES FROM LEGISLATIVE COUNCIL MEETINGS

11th August, 1925.

Hon. General Manager, Uganda Railway.
 Hon. J. O. W. Hope.
 Hon. Hamed Mohamed bin Issa.

12th August, 1925.

Hon. General Manager, Uganda Railway.
 Hon. T. Fitzgerald.
 Hon. J. O. W. Hope.
 Rt. Hon. Lord Delamere.
 Hon. Hamed Mohamed bin Issa.

13th August, 1925.

Hon. I. L. O. Gower.
 Hon. J. O. W. Hope.

14th August, 1925.

Hon. J. O. W. Hope.

17th August, 1925.

Hon. J. O. W. Hope.
 Hon. Conway Harrey.

18th August, 1925.

Hon. General Manager, Uganda Railway.
 Hon. J. O. W. Hope.

21st August, 1925.

Hon. J. O. W. Hope.

22nd August, 1925.

Hon. J. O. W. Hope.
 Rt. Hon. Lord Delamere.

24th August, 1925.

Hon. Commissioner of Lands.
 Hon. Commissioner of Customs.
 Hon. J. O. W. Hope.
 Hon. Sheikh Ali bin Salim.
 Capt. the Hon. P. M. W. Kenealy.
 Hon. W. A. M. Sim.
 Hon. Mohamed Kassim.
 Hon. H. S. Nehra.
 Hon. Hamed Mohamed bin Issa.

List of Members as at 31st October, 1925.

President:

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

Ex Officio Members:

COLONIAL SECRETARY (EDWARD BRANDIS DENHAM, C.M.G.);
 ACTING ATTORNEY GENERAL (IVAN LLEWELLYNS OWEN GOWER).
 TREASURER (REGINALD CLIFTON GRANNUM, C.M.G.);
 ACTING CHIEF NATIVE COMMISSIONER (LT.-COL. OSCAR FERRIS
 WATKINS, C.B.E., D.S.O.);
 GENERAL MANAGER, UGANDA RAILWAY (CHRISTIAN LUDOLPH NEETHLING
 FELLING, C.M.G.);
 COMMISSIONER OF LANDS (HEMPFREY PRICE MARTIN).
 DIRECTOR OF AGRICULTURE (ALEXANDER HOLM, C.B.E.).
 PRINCIPAL MEDICAL OFFICER (JOHN LANGTON GILKS, F.R.C.S.).
 DIRECTOR OF PUBLIC WORKS (HOWARD LECKY SIKES).
 COMMISSIONER OF CUSTOMS (GEOFFREY WALSH).

Nominated Official Members:

THOMAS FITZGERALD (Postmaster General).
 JAMES RUSSELL ORR, D.B.E. (Director of Education).
 SHEIKH ALI BIN SALIM, C.M.G., C.B.E. (Liwali for the Coast).
 FRANCIS SPICART FORBES TRAILL (Senior Commissioner, Nairobi).
 JOHN OWEN WEBLEY HOPE, C.M.G. (Senior Commissioner, Kikuyu).
 ARTHUR GEORGE BAKER (Director of Land Surveys).
 COLONEL ANDREW GAHAN DOHERTY, M.C. (Chief Veterinary Officer).
 COLONEL CHARLES STEWART DAVIES, C.M.G., D.S.O. (Officer Command-
 ing Troops).
 PERCY ALEXANDER McELWAIN (Acting Solicitor General).
 HAROLD MENCE GARDNER (Acting Conservator of Forests).

European Elected Members:

RT. HON. LORD DELAMERE (Rift Valley).
 CONWAY HARVEY (The Lake).
 CAPTAIN JOHN ELLIOTT CONEY (Plateau North).
 CAPTAIN HAMILTON FREDERICK WARD (Nairobi North).
 MAJOR ROBERT WILLIAM BARRINGTON ROBERTSON-EUSTACE, D.S.O.
 (Coast).
 WALTER MACLELLAN WILSON (Kikuyu).
 THOMAS JOSEPH O'SHEA (Plateau South).
 CAPTAIN HELMUTH ERIC SCHWARTZ (Nairobi South) (WILLIAM CHARLES
 MITCHELL, Acting Member).
 LT.-COL. LORD FRANCIS SCOTT, D.S.O. (Ukamba).
 WILLIAM ABERDEEN MACKAY SIM (Mombasa).
 CAPTAIN EDWARD MAURICE VAUGHAN KENKALT (Kenya).

LIST OF MEMBERS—Contd.

Nominated Indian Unofficial Members:

SHAMS-UD-DEEN.
MOHAMED KASSIM.
JAGANNATH BHAVASHANKER PANDYA.
RAJ SINGH NEHRA.
MANISHAI ABDULLA DESAI.

Arab Elected Member:

SHEIKH HAMED MOHAMED BIN ISSA.

Nominated Unofficial Member to represent the interests of
the African Community:

REV. DR. JOHN WILLIAM ARTIUR, O.B.E.

ABSENTEES FROM LEGISLATIVE COUNCIL MEETINGS.

28th October, 1925.

Hon. J. O. W. Hope.
Hon. J. B. Pandya.
Hon. R. S. Nehra.

29th October, 1925.

Hon. J. O. W. Hope.

30th October, 1925.

Hon. J. O. W. Hope.

28th December, 1925.

Hon. J. B. Pandya.
Hon. R. S. Nehra.
Hon. Hamed Mohamed bin Issa.

29th December, 1925.

Hon. T. Fitzgerald.
Hon. J. B. Pandya.
Hon. R. S. Nehra.

Hon. Hamed Mohamed bin Issa.

10th December, 1925.

Hon. T. Fitzgerald.
Hon. R. S. Nehra.
Hon. Hamed Mohamed bin Issa.

11th December, 1925.

Hon. Commissioner of Customs.
Hon. T. Fitzgerald.
Hon. Lord Delamere.
Hon. Conway Harvey.
Lt.-Col. the Hon. Lord Francis Scott.
Hon. Shams-ud-Deen.
Hon. R. S. Nehra.

Hon. Hamed Mohamed bin Issa.

15th December, 1925.

Hon. Commissioner of Customs.
Hon. T. Fitzgerald.
Hon. T. J. O'Shea.
Hon. R. S. Nehra.
Hon. Mohamed Kassim.
Hon. Hamed Mohamed bin Issa.



COLONY AND PROTECTORATE OF KENYA.

Legislative Council Debates,

1925

SECOND SESSION.

TUESDAY, 11th AUGUST, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Tuesday, the 11th day of August, 1925, His EXCELLENCY the ACTING GOVERNOR (MR. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

His Excellency opened the Council with prayer.

Minutes confirmed.

OATH OF ALLEGIANCE.

The President administered the Oath of Allegiance to the following:—

Lieutenant-Colonel Oscar Ferris Watkins, C.B.E., D.S.O., Acting Chief Native Commissioner, Ex-Officio Member.

Major Charles Heathcote Fowle, M.C., Nominated Official Member.

Lieutenant-Colonel Lord Francis Scott, D.S.O., Elected Unofficial Member for Ukamba.

William Aberdeen Mackay Sim, Elected Unofficial Member for Mombasa.

Edward Maurice Vaughan Kenealy, Elected Unofficial Member for Kenya.

Mr. Shams-ud-Deen, Nominated Indian Member.

VOTE OF CONDOLENCE.

HON. ACTING COLONIAL SECRETARY: Your Excellency, it is once more my duty, and for the third time this year, to move in this Honourable Council an expression of the grief of Honourable Members at the loss to this Honourable Council of a distinguished servant. Mr. Berkeley Cole, like Sir Northrup McMillan, was an original Member of this Council from the time it was constituted on an elected basis. His powers of acumen and his lively intellect frequently threw a light on difficult business or on hidden dangers in the business which was before this Honourable Council. Yet at the same time Honourable Members will remember with pleasure—I think I will use the word pleasure—the happy way in which at times Mr. Cole's flashes of ready humour would lighten our labours. But it was not only in this Honourable Council that Mr. Cole displayed his energy and patriotism. As a colonist he was a pioneer in the saw-milling business, and I think it may be said that he more than anyone else has shown the way in which that industry may be successfully conducted here. His experiments with livestock and horses, with cattle and with sheep, have—I feel sure—contributed greatly to the knowledge upon which others in their time will found their fortunes. Lastly, as a private individual, everyone who was privileged to count himself a friend of Mr. Cole mourns his absence to-day with affection and esteem. And if such is the feelings of his friends I feel sure that Honourable Members will agree with me that it is proper to respect in silence the deeper sorrow of his relatives in their great loss.

Your Excellency, I beg to move the motion standing in my name:—

"That this Honourable Council desires to express its regret and sense of loss at the death of the late Honourable Berkeley Cole, and to offer its heartfelt sympathy to the relatives of the deceased."

HON. CAPTAIN CONEY: Your Excellency, there are others, Honourable Members of this Council, who know Mr. Berkeley Cole better than I did. To use the words of the last speaker, Mr. Berkeley Cole gave me, and perhaps only in the last few months of his life, the right to count him as a friend and I have learned to know Berkeley Cole, and personally I know what a friend I have lost, and I know what a friend this Colony has lost. In expressing sympathy as I do on behalf of the unofficial Members, I would like, if I may, to express their deep sympathy with the Right Honourable Lord Delamere, our leader, because I know—having been in the position to know—how very deeply he has felt the loss of his brother-in-law and of his friend. And I know that this Honourable Council will extend to him and to the late Mr. Cole's relatives their very deep sympathy. I like to think of—and I think this Colony will remember—Mr. Berkeley Cole as a pioneer in the

European settlement of Kenya. I, as a newcomer, and as a representative of newcomers in this Colony, realise how much we owe to Mr. Berkeley Cole and those of his kind who came before us and fought for us and established us in this Colony. I realise, and I think—although perhaps not much is said—that the newer settlers in this country do realise what we owe to those pioneers—some of them still with us; many of them who have gone—in the establishment of a European Colony in Kenya. Everybody who knew Mr. Cole will agree that the first quality we would remember of his is his loyalty. Mr. Cole was loyal to his country, loyal to his Empire, loyal to his class, loyal to his friends, and loyal to any cause that he took up. One knew where one was in one's dealings in public matters and in other matters with Mr. Berkeley Cole, and those of us who had the privilege of working with him during the absence of Lord Delamere when Lord Delamere was away from this country were, I think I may say, amazed at the capacity that Mr. Berkeley Cole showed. We all remembered it and we all remarked on it. Mr. Cole came out and kept us together and made, anyhow, something of us.

Your Excellency, I feel that the Colony as a whole have lost a public servant in Mr. Cole, and I feel also that the natives of Kenya have lost a very loyal friend. Before his death I knew it. Since his death I have learned more how much the natives that knew him liked him. The Masai, in whom he took a deep personal interest, deeply regret his death and know that they have lost a friend. Way up in Jubaland, where I have been recently, the Somalis, who knew nothing of me and never heard of me, came to me because they heard that I was a friend of Mr. Berkeley Cole, and they expressed their deep sense of loss. The Kikuyu, whom he knew around his farm and in the district he represented, knew him too, and I think that the loss that we are suffering and that we have suffered in his death is a very great one, and in my opinion a great loss for this reason: These old settlers, if I may refer to them in that sense, brought a tradition when they came to this country in their dealings with natives. I see now in the newspapers that the relationship between the European in Kenya and the European in South Africa and the natives is commented upon and the difference is noted. I know nothing at all about South African politics, but if there is a differentiation, as I think it is admitted there is, and there is a difference for the better, as I think it is admitted there is, we owe it to these pioneers who came out here and retained the tradition, which we try to follow; and my only fear is that perhaps they are leaving us too soon. Perhaps we have not attained enough yet, and we cannot yet spare them. I feel that unless we are careful we may forget the lessons that they have tried to teach us, and we may not have ingrained in us those traditions to carry on and govern future action.

Mr. Cole, as the Honourable Acting Colonial Secretary has said, was a pioneer. He was a pioneer in industry. Whatever he did in this country he did it for the country's sake. I know I can say—and I feel sure of it—that if ever he made one cent in this country it was returned to this country. In everything he did he worked for Kenya and by his death this Colony has lost a servant they can very ill spare.

HIS EXCELLENCY: I cannot put this motion before Council without adding one word. Both as a friend of the late Berkeley Cole and on behalf of this Honourable Council I feel we have lost an absolutely frank and fearless critic, of the kind that is always wanted in every assembly. When he put forward a point of view we were always absolutely certain that the opinion put forward was absolutely genuine and based on a sound knowledge of this country, which made a real and live contribution to the debate. In the many conversations I had with Mr. Berkeley Cole I found his opinions extremely useful, not only because of Mr. Cole's knowledge of the European community, but also in regard to native questions. I echo very strongly the words that have been used by the last Honourable Member who spoke. In Mr. Berkeley Cole the human interests in life were strong; he took a great interest in all the peoples of this country. We mourn his loss very much to-day, and we all express our deep sense of sympathy with his relatives. I will now ask the Honourable House to pass this motion standing.

The motion was carried, the Members standing in silence.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: Honourable Members of Council, it may perhaps be of general interest and of value in particular to Council that I should at the commencement of this Session attempt briefly to review the events of the past seven months.

Council will shortly be called upon to consider the Estimates for 1926 and in so doing it will be useful that they should have before them a statement showing the progress made in the several branches of Government Administration and throughout the country generally.

As Honourable Members are aware the Colony's Estimates have to be prepared on the working of the first few months in the year. It is therefore impossible to say with any great degree of certainty what the estimated revenue and expenditure for the current year will amount to. The Treasurer will be shortly submitting to you his Financial Statement on the Colony's present position and on the estimate of revenue for this statement in detail but it will, at any rate, serve as an introduction to my remarks generally to give you some indication of the present financial position.

As you are aware, the Revenue for the year 1924 exceeded the expenditure by a sum of just over £250,000 and the Floating Debt which existed at the commencement of the year was converted into a surplus at the end of that year of £59,000. When the Estimates for 1925 were drafted it was not possible accurately to calculate what the surplus on the working of 1924 would amount to. The Estimates were, as will be the case in respect of the Estimates for next year, based on a conservative basis calculated on what it was expected would be the Revenue for 1925 without taking into consideration any surplus balance from 1924. The estimate of Revenue for the current year was £2,160,325 and the amount appropriated for the services for the year £2,117,225. The Budget therefore showed a surplus of £43,100. It now appears from figures furnished by the Revenue Collecting Departments that the original estimate of revenue will be exceeded by nearly £60,000 giving a revised estimate for the year of £2,219,960.

Council has already voted a sum of £19,331 as a First Supplementary Estimate for 1925 and is being asked to vote a further sum of £91,156 on the Second Supplementary Estimates. If these two amounts are added to the original appropriation the total expenditure for the year can be put at £2,227,712. From this amount anticipated savings of £52,979 can be deducted leaving a revised expenditure estimate of £2,174,733. If we deduct this amount from the revised estimate of Revenue a surplus of £45,227 may be anticipated, which, with the £59,210 surplus from 1924 will give a surplus balance at the end of 1925 amounting to £104,437. It must be recognised that these figures can only be in the nature of approximations and that further the Colony may well be faced with additional supplementary expenditure during the next four months which may reduce this anticipated surplus. It is to be hoped, however, that, as last year the actual revenue collected considerably exceeded the revised estimate, our surplus balance at the commencement of 1926 may be higher than we are able to anticipate to-day.

These figures show that the Colony is working within its income but in view of the fact that our Balance Sheet Assets include certain items of unallocated stores and that the surplus to which I have referred is not entirely therefore a cash surplus the margin between revenue and expenditure is but small.

Council will, I am sure, be glad to know that a complete reconciliation of accounts has now been effected between the local representatives of the War Office and the Colony and that there is no reason therefore to anticipate that any further heavy claims of this kind will be submitted.

An examination of the sources of our Revenue discloses our ability to show a balance to be principally due to increases under the head of Customs.

While such a state of affairs undoubtedly indicates the present prosperity of Kenya and the increased purchasing power of its inhabitants it must be recognised that a Revenue dependent to so large an extent on this source of indirect taxation is always liable to considerable fluctuation. Changes in Customs Tariffs are to be avoided as far as possible in our interests and those of the neighbouring territories. Further, any addition in duties may well have an opposite effect to that intended. The point of contact between luxuries and necessities is very sensitive. There is, I think it must be generally admitted, considerable expenditure on luxuries in this country which might be reduced with benefit to the community generally but with attendant loss to the Colony's Revenue.

As the prosperity of Kenya increases so does its responsibilities. I feel it necessary, therefore, to warn Council at the outset of these remarks that increased developments, improved education, better medical facilities and additional communications involve further considerable expenditure which cannot be met in full even by an increasing revenue on the present basis of taxation and which must, therefore, necessitate further sources of revenue being explored and found.

I trust that Members will recognise the progress which is being made in the directions I have indicated and will realise that it is the duty of the country as a whole and especially of those who are in the best position to contribute to see that there is no slackening off in progress and that no justification can be given to future generations to accuse us of to-day of having thought only of our own interests and not of the future welfare of the country.

You will shortly be required to consider the Estimates of the Railway for 1926. You will find the Railway is faced with the same position as is the country; that increased trade and traffic bring with them increased charges and responsibilities and that the profits of the year have to be spent to a great extent in additional material and improvements which, though they considerably reduce surplus balances at the time, will ensure for the future that these are not swallowed up in expenditure which might possibly have been considerably reduced had urgent needs been met earlier.

The resources of the Uganda Railway and the Port have been taxed to the uttermost extent during the last few months. During the first six months of the year the Harbour Tonnage reached 250,000 tons, as against 174,000 during the first six months of last year, an increase of 43 per cent. The average earnings for the same period showed an increase over last year of 27 per cent, and an expenditure increase of 20 per cent. The number of bales of cotton brought into Kisumu for the first half of this year was 116,252 as against 86,303 last year, an increase of 34 per cent. The amount of cotton seed brought

over for the same period was 72 per cent. in excess of last year while the traffic across the Lakes from Kisumu was 62 per cent. in excess of the figures for the same period for last year.

Much has been said with regard to congestion both here and in England. I do not propose now to go into details in regard to the charges which have been made and met; I would only wish at this stage to say that the confidence in the General Manager of the Railways, which has perhaps been the one point of agreement reached in the various debates on this subject, is fully shared by this Government. There has been an accumulation of difficulties occurring at the same time—an apparent shortage of rolling stock, a lack of storage accommodation and labour troubles.

As regards the truck supply, the position is that there is no actual shortage of trucks, although there has from time to time been an apparent shortage, this being due to the lack of sufficient storage accommodation, particularly at the Coast, and trucks being consequently kept under load for long periods. Large numbers of trucks have been imported and it is a source of satisfaction to know that during the months of January, February, and March, the Railway Mechanical Department was able to erect 277 units of new trucks or the equivalent approximately of an average of a train load per week.

Storage accommodation at the Port will improve steadily from now onwards and substantial improvements are in progress on the Lake piers and elsewhere. In the meantime during the past eighteen months an expenditure of £21,000 has been incurred on tarpaulins alone; but it must be recognised that, until the work of increasing storage facilities is further advanced, the burden thrown on the Railway in dealing with the very large crop of country products deposited at its doors, to be removed within the shortest possible time and with the least possible inconvenience to the exporter, is a very heavy one.

The labour troubles have to a considerable extent been removed—at any rate for the time being—and no compulsory labour is now being called out for the Railway.

The combination of circumstances has been such as undoubtedly to cause considerable anxiety and strain but I think it will be recognised by all that every effort has been made to cope with the difficulties; and the General Manager will give you further particulars regarding the considerable expenditure incurred and proposed on improvements with the object of endeavouring to avoid as far as practicable a recurrence of the extreme difficulties which face the railway this year.

In connection with new lines, progress is being made by the railway in many directions. The construction of the line to Nyeri is making good progress, as also are the Solai and

Kitala Branches. The line to Eldoret is now open to traffic and has been handed over to the Uganda Railway. The line to Turbo is now being inspected preparatory to taking over.

The rapid development of the Port and Mombasa is recognised throughout East Africa and there is no subject causing greater anxiety in this country at the present moment than is the determination of the control and management of the Port. It is hoped that an early decision may be reached on this point after opinion in this country has been fully heard and considered. It is essential to bear in mind that the control and the working of the Port present different problems. It is hoped that by the end of this month some portion of the berths and shed accommodation at Kilindini will be taken over and become available for lighterage—increased wharfage accommodation will thus be afforded.

This Government has put forward proposals with regard to the further development of the deep-water piers and an increase in their number which it is hoped will receive the earliest consideration.

Government has been for a considerable time negotiating, through the Secretary of State, with Major Grogan for the purchase of the Mbaraki property. It is hoped that these negotiations are now reaching finality and that it may be possible to put before you during this Session the terms of an agreement which will secure for this Government a valuable property on the harbour.

The recent Shipping Conference held at Mombasa will, I trust, prove of great benefit to all shippers, not only in Kenya, but in Tanganyika, Uganda and Zanzibar. It marks a further stage in the recognition of Mombasa as the Port of East Africa. It further emphasises the necessity of a wise decision in the interests of the Colony as to the administration and the financing of its most important asset.

The amended Railway Order in Council, which puts the general management and working of the railways in both countries under a High Commissioner, who will be the Governor of Kenya, has been considered by the Joint Committees of Kenya and Uganda and will be brought before Council for your consideration in the course, I hope, of this week. Correspondence, which has taken place between this Government and the Secretary of State has been printed as a special paper and is now available. The development of the railway income from one to two millions in so short a period as two years is one of the most remarkable features in the history of this Colony. It is as well that it should be recognised that this enormous advance must necessarily be attended with corresponding difficulties.

One of the most important features in railway administration is the training it gives in vocational education. There are now 42 European apprentices working in the railway, including 30 in the workshops and it is proposed to increase the number in the shops by ten each year. The number of Africans employed in the shops is 1,190. A recent exhibition of work from the railway workshops at the Nairobi Agricultural Show demonstrated the high degree of skill which has been reached by many of these Africans. The railway workshops are being extended rapidly, several new shops having been erected and orders placed for others. Electric power is to be introduced by degrees.

During the month of April there were unfortunately three serious accidents on the railway. The causes of these were investigated by means of magisterial inquiries. Two were found to be due to excessive speed on the part of the driver, and the third to the points being set by the railway staff for the wrong line. Every effort is being made by the railway administration to secure adherence to the speed restrictions, while for station working experimental sets of interlocking apparatus have been on order for some time and are expected to arrive in the country at any moment. If they are a success interlocking appliances will be introduced steadily throughout the line, with the object of securing greater safety in working.

The large increase of work on the railway and at the Port has been accompanied by a considerable increase in the Customs Revenue. The collection at the Port for the first six months of this year amounted to £609,516, or £109,516 in excess of the proportional sanctioned revenue estimate and an actual increase of £135,000 on the amount obtained during the same period last year. I am glad to be able to inform you that the percentage cost of collection during these six months is the lowest recorded to date being 3.1 per cent as against 3.95 per cent. for the same period last year and 10.36 per cent. in 1914. It must be realised, however, that a considerable percentage of this revenue goes to Uganda and that their proportion for the first six months of the year is above the estimate but it is probable matters will adjust themselves in the second half of the year.

The erection of the new Customs House at Kilindini has appeared in the Estimates for a considerable time. A joint committee has now come to an agreement with regard to the site for the building which it is proposed should include not only Customs premises but also Railway and Port Offices. It is doubtful, however, whether a start will be able to be made this year. A further bond between Kenya and the adjoining territories will, it is anticipated, be established shortly by the co-ordination of the Customs Law and Procedure for Kenya, Tanganyika and Uganda in an Ordinance which will also

provide for the single payment of duty on imported goods passed between Kenya, Uganda and Tanganyika. It is hoped to introduce this Ordinance at the next Session of Council after it has been referred to the other two Governments for their concurrence. A close examination of the preferential duties on certain articles was undertaken by the Economic and Finance Committee whose recommendation that they should remain for the time being unaltered has been accepted by Government.

The import duties reflect the general prosperity of the country, which depends so vitally on the value of its exports.

The prospects of the 1925 farming year are generally good though in some areas maize and coffee have suffered somewhat from drought.

The increase in the value of agricultural exports in 1924 over 1923 was equivalent to 62 per cent. and it is anticipated that the Agricultural Census, now being compiled, will show continued and substantial progress. The Director of Agriculture has estimated that the 1925-26 coffee crop is likely to realise £1,000,000. The progress of the maize industry is no less noteworthy and the opening of the new railway line to Turbo with its extension through North Kitosh and to Kitale will open up an extensive maize belt. Both from European and native effort a large increase in maize production and export is anticipated.

The sisal industry has now been established soundly and its success justifies further development.

Wheat-growing is steadily increasing and is benefiting by the introduction of rust-resistant varieties. The time is not far distant when not only Kenya but neighbouring territories may depend upon local production for their supply of bread.

In like manner imports of sugar to East Africa should shortly be displaced by production in Kenya and Uganda.

Flax-growing has not recovered from the check which it received some four years ago but it is a crop deserving of encouragement at the higher altitudes and steps have been taken to protect the industry by requiring that all flax exported shall be officially graded under the Agricultural Export Produce Ordinance.

In the production of oil seeds the exports of sunflower, castor and linseed are assuming larger proportions.

The needs of Kenya and Uganda in respect of dairying and bacon products are already supplied almost entirely from Kenya produce and it is believed that shortly when there is an improvement in marketing arrangements the Tanganyika requirements will also be met from the same source and that

the present surplus of dairy products for export will largely increase. To facilitate that trade and export the cold storage plant at the Coast will prove of great value. An indent was sent forward some months ago and every effort is being made to expedite its completion.

The Agricultural Department has shown considerable energy in many directions and in the Native Reserves improvement in the varieties of crops grown has been effected and several very successful agricultural shows have been held.

The well attended, well organised and well shown Agricultural Show held last month in Nairobi marks a stage in the agricultural development of the Colony. Unfortunately the season did not permit of the number and quality of the exhibits being up to the full standard which this Colony can reach, though they were sufficient to demonstrate to visitors the enormous potentialities of the country. The award of the prize for the best district exhibit to the display made by the Coast has called attention to the numerous products and industries capable of development in this area.

It is satisfactory to note the favourable reports received upon Kenya's display at the Empire Exhibition and that the high reputation which it gained in 1924 has been retained in 1925.

There has been a remarkable response by some of the native tribes to facilities afforded them for inoculation of their cattle against rinderpest. It was estimated that the sum of £19,000 would be collected during this year as fees under this head. About £18,500 was collected in the first six months of the year. It will be necessary to provide further for the purchase of serum but if the supply and demand are maintained the increase on this vote for 1926 may be anticipated at not less than £15,000. Steps are now being taken to increase the accommodation at the Veterinary Laboratories and the Veterinary Adviser has been asked to report on the production of serum in Kenya and Tanganyika, as at present we are obliged to supplement local supply by purchase from Tanganyika. There has been some difficulty in filling posts in the Agricultural Department and the vacancy for an Agricultural Assistant still remains unfilled. A committee appointed to advise the Secretary of State upon the supply and training of officers for agricultural departments has reported in favour of the adoption of the scholarship scheme for post-graduate study by selected candidates before they are appointed to posts in departments of agriculture. The Imperial Government has agreed to contribute one-third of the cost and this Government has decided to participate in the scheme at an annual cost of £600 for a period of ten years. In intimating the Colony's

agreement the request has been put forward that every effort will be made to select a local candidate if a suitable person is available and to allow him to return to a post in the local department.

An East African Agricultural Conference will be held here in the beginning of December to which representatives of the Governments of Uganda, Tanganyika, Zanzibar, Nyasaland, Southern and Northern Rhodesia, Mauritius, Seychelles, Sudan, Union of South Africa, Portuguese East Africa, Mozambique, and the Belgian Congo have been invited and it is hoped that non-official agricultural and commercial interests will also be represented.

It is considered that a large portion of the country may be further developed by irrigation and in order to secure an expert opinion on this point the Secretary of State has been asked to approve the temporary engagement of an irrigation engineer. The Governments of South Africa, India and the Sudan have also been approached.

It is possible that irrigation schemes may contribute to the development of large acreages if it is found possible to utilise the water supplies of the Thika, Tana, Athi and other rivers. It will, I am sure, be of immense value to this Colony to obtain authoritative opinion in this matter.

It is hoped further to extend the use of the timbers of this country if successful experiments in the use of a drying plant can be made. The Railway Department is now investigating the question and two drying kilns are, I believe, on order, which should afford material for a further expert inquiry as recommended to me by the Economic and Finance Committee.

The mining industry has been further stimulated by the introduction of the new Mining Ordinance. The Council will be asked to approve of the Mining Amendment Law, which has been published, and which it is hoped to introduce at this Session, further simplifying mining experiments in this country and putting the rates charged on a basis which should appeal to prospectors.

The Public Works Department has been severely handicapped by the lack of draughtsmen for the preparation of plans for new works. The appointment of two quantity surveyors has been approved, but hitherto it has not been found possible to fill these posts. One of the most urgent needs in Kenya is the provision of suitable accommodation in Government offices. Every visitor to Nairobi is struck by the inadequacy of the provision made in this respect. The present Supreme Court can only be regarded as entirely unworthy of the Colony and the inadequate and wretched provision made for the Education, Land, Agricultural and Medical Departments and for the Police

should be remedied as early as possible. A select Committee of Council will be appointed to investigate proposals for a central block of Government Offices, for the provision of new Courts and also of a Central Gaol which will relieve the great congestion at the present Nairobi Prison and it will, I think, be found necessary to make provision out of loan funds for these urgent services which I strongly commend to Council. It is not merely a question of providing buildings which will not offend sanitary and aesthetic requirements, it is the truest economy to house all these important Departments in suitable surroundings. These remarks also apply to the housing conditions for Government officers in many of the outstations. It will also be necessary to face the requirements of a municipal loan for the better provision of a water supply and roads for the town. The whole question of town planning both for Nairobi and Mombasa is urgent. The services of Mr. Jameson, the town engineer of Kimberley, have been secured to advise on the Mombasa Town Planning and the steps to be taken for the improvement of the Mombasa Old Town. He is expected to arrive here at the end of this month and it is hoped it will be possible to utilise his advice also in Nairobi.

Reference has already been made to the system of railways which is now being extended throughout the country. It is necessary that our roads and postal communications should proceed *pari passu*.

An important Committee (the Roads and Traffic Committee) was appointed to investigate the whole question of branch roads and traffic generally throughout the Colony. Their recommendations have been printed and will be laid on the table. Legislation is being prepared to embody the main proposals made by the Committee. Consideration is also being given to the question of a measure of local government with which will be connected the control and management of the roads in local areas. At the present time all proposals for the creation of new townships with their attendant liabilities in regard to communications come before the Central Government and the expenditure has to be met from the Colony's Revenue. The time has now come when local bodies should have a greater say and responsibility in such matters.

A widely distributed system of earth roads is now being constructed throughout the Native Reserves. Many of these roads form admirable means of communication for motor and stock traffic but are not fit for heavy cart transport. Considerable energy has been shown by Administrative Officers in the construction of these roads.

Postal Services show a gratifying increase in revenue and it is anticipated the excess over Estimate for 1925 will amount to nearly £12,000. The reduction in telegraph rates and postage on book-packets which was estimated to cost £5,800

has been found to have been considerably less owing to the increased use of these services. In view of these considerations it has been decided by Government to lower the rate of postage on printed matter—book packages, circulars, etc.—by 50 per cent., namely, from 10 cents to 5 cents per 2 ounces, with effect from the 1st October. The reduced rate, which is equivalent to a 3d. rate, will apply to packets sent overseas as well as inland. The concession will involve some sacrifice of revenue but it is believed it will help still further to stimulate trade and business.

There is room for considerable development of the telephone system throughout the country. Government is considering proposals for a telephone exchange at Eldoret and initial steps are being taken in the erection of a farmers' telephone system in the Limori District. The establishment of a houses-to-house service in the towns is one of the many services which are held up for want of a native staff with sufficient educational ability to be able to undertake the work.

During the past seven months considerable progress has been made in various schemes for the improvement of conditions in the Native Reserves and for the general development and advancement of the native peoples in this country. I have taken the opportunity while acting to visit the different Provinces with the Chief Native Commissioner and to make extended tours through the Nyanza and Kikuyu country, where I opened the first sessions of the Native Councils established in these areas. The greatest interest and enthusiasm has been shown by the natives, who recognise that these Councils afford them an opportunity for taking their share in consultation with their administrative officers in the discussion of proposals for the development of their districts. They also recognise that the Native Council is a stage towards their further participation in administration and that they have the opportunities of learning the duties and responsibilities of office in the discussion of ways and means. They have also been given the opportunity of electing their own representatives. It has been remarkable in how many districts the principle and idea of election has been readily recognised; numerous candidates came forward and the electorate was very well represented. The sums deposited to the credit of the Native Trust Funds are now being transferred to the Native Councils as they are established. It is believed that this allocation of funds will give the natives a fuller sense of appreciation of what is being done for them and a higher responsibility in regard to expenditure, as they will now be themselves responsible, with their administrative officers, for the spending of these moneys in their own districts. It is anticipated that the Native Councils will raise additional provision to supplement the amounts now to their credit; in one district already the natives have agreed to a cess of Sh. 1 a head which it is estimated will bring in Shs. 60,000—primarily

for educational purposes—to be collected and administered through their Council. In another district I understand that a cess of Shs. 2 a head has been agreed to by the Native Council.

In addressing these Native Councils on their establishment I emphasised the importance of their considering schemes which would be conducive to their social welfare and which would endeavour to combine what is good in their old tribal system with what is beneficial in the "new civilisation."

The establishment of hospitals and dispensaries, the recruitment of natives for training as dispensers and school teachers, the erection of schools, the preservation and planting of trees, improved methods of cultivation, inoculation of cattle, better means of communication and the establishment of native trading centres were recommended as subjects for these Councils to deal with. It was also put before them that they should use their influence in eradicating bad customs such as the circumcision of girls and in one district a resolution has been passed by the Council recommending that this practice be made an offence against native law.

The funds at the disposal of the Council will be considerably augmented by the transfer which you will be asked to make of the sum of £11,700 from revenue to the Native Trust Funds, being payment on account of rents, etc., of lands in the Native Reserves which have been leased. Further, the annual revenue which will be derived from these lands will now be paid into the Native Trust Funds instead of to general revenue. The allocation of these moneys represents a very important step in the recognition of native claims. The settlement which has been reached is, I believe, a fair one. The Chief Native Commissioner and the Commissioner of Lands have fully examined the history of each of these lands in respect of which it has now been definitely settled that they should be regarded as included in the Native Reserves to the purpose of payment to the Native Trust Fund of the revenues derived from their temporary alienation. It should be realised that in respect of these areas the payment of these sums in no way alters the original title. It is only an act of justice that all revenues derived by Government from these sources should be paid into the Trust Fund of the District in which the lands are situated, as is the invariable practice to-day in respect of all temporary occupation licences or leases of lands in the Reserves.

A further important step in the delimitation and settlement of the boundaries of Native Reserves is about to be taken. The Chief Native Commissioner and the Commissioner of Lands have, after careful examination, arrived at a general agreement with regard to the boundaries of the present Native Reserves and it is proposed to gazette these for consideration and for any

objections to be made during a term of months. After any such objections have been fully considered the Reserves will be definitely marked out as far as possible in such a way as will visibly proclaim the boundaries to the natives.

Honourable Members will thus be afforded every opportunity of studying the proposed boundaries before they are finally gazetted.

The recommendations made in the East African Commission's Report with regard to the establishment of a Trust Board in which all native land should be vested are now being fully investigated by Government. It is believed that there should be no difficulty in arriving at agreement on all these points, which should establish full security in the minds of the natives with regard to their lands. The steps which have already been taken will, I am sure, satisfy them and their representatives that Government is fulfilling its promise that the Native Reserves should be definitely proclaimed.

I am glad to take this opportunity to testify to the goodwill and loyalty displayed at all the Native Councils and Barazas which I attended. Every opportunity was given to the natives to express their grievances and the invitation to do so was almost invariably met by statements that they were doing well and generally satisfied with their conditions. Such few complaints as were made were in regard to purely local matters. The natives, however, are concerned that their land should be definitely proclaimed as early as possible and that they should know how they stand in regard to them.

I made inquiries during my tours in the different districts from which labour had been compulsorily recruited for the railway whether there had been any complaints from the natives on this score. I heard of none and I am satisfied that every possible care had been taken to recruit only able-bodied men. The medical examination of each labourer was severe and the requirements of the Ordinance had been strictly complied with.

I am glad to be able to report that compulsory labour is not at present required.

The pay and position of Native Headmen is a subject to which your attention will be invited in considering the Estimates for 1926. Representations were made on several occasions to the East African Commission at Native Barazas, in regard to the scale of pay drawn by the Chiefs. I think it will be generally agreed that as their work and responsibilities increase so should their emoluments. The numbers and rates of pay of Headmen vary considerably in different Provinces, and I could not recommend to Council that there should be an all-round increase. What is required is to establish a Native Administrative Service, which will afford opportunities for the more intelligent and capable Headmen to rise by grades and by

scales of salary. The number of Headmen fit for admission to such a service is, at present, limited, though as education spreads throughout the Reserves the numbers will certainly increase. It is likely that this Colony will then be faced with the problem in its Native Administration as to whether the Headmen should be drawn from the class of Chief with territorial influence, whose claim to office will be based on his authority over the natives in his Reserve and on his inherited position, or from the young men who have received an education at the mission school, and who have acquired a knowledge of Swahili and possibly of English. It should be our object to utilise both classes and find employment for them in Government service.

It is urgent that steps should be taken for the registration of native births and deaths. At present our information with regard to the birth and death rate, both amongst adults and children in the Reserves, is of little value. There should be no difficulty in obtaining these statistics through the Headmen, and it should be a condition of their advancement that they are able to give such information. It may be necessary to appoint Registrars of Births and Deaths, and supply native clerks for the Councils and bigger Chiefs. Openings will thus be afforded for the better educated native in his own district.

A very considerable economy in all branches of the Administration can be effected by the employment of natives where it is possible to do so. Unfortunately to-day the number of natives in this country who are able to read and write English, take a telephone message or write a report, even in Swahili, is very limited. It would be quite impracticable to attempt to give a higher education to all the natives, but by the establishment of central schools in the different districts the most intelligent amongst the scholars in the village schools can be taken a stage further in their education. The process must necessarily be very gradual.

The Administrative Officers generally report an increase in native production throughout their districts. This has been accompanied by an increase in the number of labourers on the estates. The rate of pay and conditions, both as regards housing and rations, have been considerably raised of late with, I believe, general advantage both to the employers and employees.

Great changes are taking place throughout the country in the housing of the natives. Bricks are being made in nearly all the districts and are being used in all types of houses. The erection of model dwellings in Nairobi by the Municipality and by the Railway has, undoubtedly, influenced the natives in the Reserves, who are beginning to see the advantages of a more permanent dwelling. At the Council meetings it was quite

common for a member to be introduced as the possessor of a house in which bricks, galvanised iron, cement, concrete, and tiles had been used.

The Committee on African Housing has now recommended the expenditure of £29,620 on the provision of houses for African employees of Government in Nairobi from loan funds. Their report will be tabled.

I have already referred to the increased expenditure in the interests of the country which must be faced in 1926, and it will be seen when the Estimates are in your hands—as I hope may be possible by the end of this month—that Medical and Educational Services demand considerable additional provision. The Medical Department has been far too long required to wage an unequal struggle against disease throughout the country—the staff has always been below normal requirements and has been quite unequal to dealing with the demands in the Native Reserves, which are increasing to a remarkable extent. It has not yet been found possible for the Medical Department to supply medical officers for the Masai Reserve, Kitui and the Coast, though provision has been included for these posts in the Estimates. Outbreaks of epidemics have called for the most strenuous efforts on the part of the Department—which have meant increased concentration on the affected areas. The outbreak of smallpox in Mombasa with the attendant risk of its spreading throughout the country necessitated a vaccination campaign which resulted in 230,000 people being vaccinated during the first six months of the year. There has been an outbreak of plague in the Kikuyu Reserve, which has necessitated an intensive investigation and special sanitary measures. The Medical Department has further taken active measures against the spread of sleeping sickness—fly surveys of the area on the Miriu and Oloach Rivers have been carried out and with the help of the Administration an area of approximately 1½ square miles of very fertile land has been cleared under the supervision of the Medical Officer and Entomologist and rendered available for cultivation. All these activities represent a considerable amount of additional work. If the problems of infantile mortality and sanitation and medical treatment in the Reserves are to be efficiently met it can only be by very considerably increased provision. Proposals which involve an additional expenditure of £35,821 for next year, which will further increase to between £70,000 to £80,000 per annum, have been put before the Secretary of State for his consideration and that of the Colonial Advisory Medical and Sanitary Committee, for inclusion in the Estimates for 1926. The report embodying these proposals will be tabled as soon as the Secretary of State's observations have been received.

The Colony has also to face the position with regard to medical services for all races. Tentative proposals have been put forward for consideration in regard to the European Hospital at Nairobi which merit full investigation. Government

does not in any way wish to avoid its responsibilities in respect of those who are unable to pay medical fees, but it is obvious that an arrangement must be reached by which the whole burden of the provision of medical facilities for all members of the community is not thrown upon the Government unless special provision is made for the purpose.

The necessity for additional educational provision for all communities has always been recognised by Honourable Members and it has only been due to the financial position of the Colony in the past that further provision has not been made.

The erection of the new European School is delayed at present in order that a design may be obtained which will at least give outward form to the artistic sense which it is hoped that the education given in the school will encourage. It is hoped to secure the services of the eminent architect, Mr. Herbert Baker, A.R.A., and that he will be able to pay a visit to Kenya and advise us as to the best style of architecture for East Africa.

The post of headmaster has been filled by the appointment of Captain B. W. L. Nicholson, D.S.O., who has had experience as an instructor at Dartmouth and in the training of naval apprentices. He is at present visiting schools in England and has been strongly recommended by distinguished educationalists in England. The post of science master at the European School, which has been vacant for eighteen months, has now been filled. In the meantime there is an increasing demand for admission to the European School in the country, and I have to ask for your approval in the Supplementary Estimates of provision of £2,120 for necessary and urgent extensions to the present Nairobi School; there are now thirty boys on the waiting list.

The European School at Kitale was opened on February 24th, and now has an attendance of 23 children.

It has been decided to appoint an inspectress of domestic science for the girls' schools and it is hoped that the post will soon be filled. The cost of the post will be met for this year by savings through not filling a post of assistant mistress. A Special Committee of ladies has been appointed to advise on the steps to be taken for the teaching of domestic science subjects in the schools.

Extensions are urgently needed for the Nairobi Indian School, at which there are 480 boys and 50 on the waiting list. The allocation of a sum for this purpose from the amount voted in the Loan proposals has only awaited the formation of an Advisory Committee on Indian Education, which has now been appointed, and whose recommendations are awaited.

In native education there have been considerable advances. I had hoped to have been able to inform you that the school for Jeanes' teachers for training native teachers—who will on completion of their training visit and advise native schoolmasters throughout the country—had been opened. There have, however, been delays on account of the buildings which have necessitated postponement. The staff and the majority of the teachers have been selected, and I trust that before the next Session of Council the school will be working.

I am glad to take this opportunity of acknowledging our gratitude to the Carnegie Corporation of New York for their grant of £7,500, to be paid in five annual instalments, towards the cost of this school, and also to the Phelps-Stokes Commission, who made such a donation possible by their advocacy and support. It is proposed to devote a sum of £1,500 of this amount yearly to the erection of permanent buildings which will raise the standard of living among the pupils. Approval has been asked for provision of £15,000 out of the Loan Funds for the erection of permanent buildings at the Kabete Industrial Training Depot, which has been well reported upon, and is now training 55 Africans in carpentry and masonry.

The industrial classes at the mission schools throughout the country have been visited and carefully inspected by Mr. Biss, Inspector of European Education, and Mr. Stubbs, Technical Instructor at Kabete. Each boy has been required to pass an individual examination. I am glad to take this opportunity of expressing the thanks of this Council for the gift of this table and chair from the school of Mr. V. V. Verbi, at Wusi.

The question of native education in this country has now reached a critical stage, and there is an increasing demand, not only for elementary education, but also that the education given in the village schools should be carried further. It is proposed to meet this latter demand by utilising the Alliance Buildings at Kikuyu, which were erected largely from subscriptions to the East African War Relief Fund, as a school where higher education will be given, to be managed by a Committee composed of representatives of Government, the unofficial community and the missions.

It is the desire and policy of Government to co-operate with the missions throughout the country in all branches of native education, on the understanding that all schools work in conformity with the courses prescribed by the Education Department.

The missions fully recognise the necessity for increased staff and improved methods. Our resources are, however,

limited and efficiency can only be reached by additional expenditure. I appointed a committee, under the chairmanship of the Honourable the Treasurer, composed of:—

The Acting Chief Native Commissioner;
The Director of Education;
The Hon. Capt. J. E. Coney;
The Hon. Rev. Dr. Arthur;
Mr. R. W. Playfair;
Rev. S. E. Swann;
Mr. A. E. Forrest;
with Mr. B. E. Biss, Inspector of Schools, as Secretary;

to advise Government generally on the system of grants-in-aid now in force and to make recommendations for the future. A valuable report has been furnished, which will be laid on the table of Council to-day. It will be seen from the terms of this Report that considerable increases in grants are recommended. Government is sympathetically disposed towards the extension of the grant-in-aid system and further provision being made to augment it, but only on the condition that increased efficiency is secured. The additional cost cannot be met from ordinary sources of revenue, and all communities throughout the country will, I think, recognise that some further assistance is required from them. It is, I consider, the duty of the Government to provide elementary education and to see that everyone gets the advantages of it. But when heavy expenditure is incurred by Government on the provision of industrial and higher education and on the cost of boarding the pupils, contributions for these purposes must be made by the communities benefited and further assistance must be provided for those who cannot afford school fees by the establishment of scholarships or bursaries at public expense.

The provision of additional revenue for medical and educational services to be contributed by all communities is now receiving the attention of Government and proposals will be put before you shortly with the Estimates for 1926, which will show how this increased expenditure is to be distributed.

I may mention here that the Government Schools in the Nandi and Lumbwa Reserves, for which provision was made in the Estimates, have now been opened. There are 50 boarders at Kapsabit and 37 at Kericho. The establishment of these schools is an interesting historical event in the education of two of the pastoral tribes in this country.

The Criminal Statistics for the first six months of this year show a marked decrease in serious cases compared with both half-yearly periods in 1921, especially in house-breaking cases, which had been common in Mombasa and which have now

been very considerably reduced. There is one unfortunate exception, viz., cattle thefts, of which there have been 98 reported for the first six months of this year and only fifteen convictions obtained. This serious state of affairs is now forming the subject of an inquiry by a Special Committee, whose report will be laid on the table as soon as received, and whose suggestions will, it is hoped, be such as can be early implemented.

Mr. R. G. B. Spicer, of the Ceylon Police, has been seconded for a period of two years as Commissioner of Police in Kenya. Steps are being taken for the proper organisation of a Criminal Investigation Department under the control of an experienced officer. At the present time it is found necessary to employ Europeans in police work which is elsewhere done by native sergeants and constables on much lower rates of pay, owing to the lack of education amongst the native subordinates. The establishment of a police school for the better training of these men is essential, and must result in considerable economy.

The overcrowded condition of the Nairobi Prison has caused anxiety for some time past, and the additional accommodation which has been approved this year can only be of a temporary character. An important measure will, I trust, be dealt with at this Session of Council for the provision of detention camps throughout the Colony. The object of the measure is to provide a form of detention which will not necessarily involve imprisonment in a gaol amongst prisoners convicted of serious crime. There are a large number of offences which, though they require to be dealt with by punishment by the State, do not at the same time involve the moral guilt which constitutes crime. The association of persons convicted of such offences with the criminal classes must be prejudicial to both; to the former through association; to the latter through the effect produced, which to some extent mitigates the disgrace of being in gaol. They regard all offences as receiving a like treatment, and the same view is likely to be held outside the prison walls. The establishment of these camps will not relieve to any extent the congestion at Nairobi Gaol, where only long-sentence prisoners are detained, but it should do away with the necessity for the provision of a number of goals in the outstations.

Steps have been taken to improve the technical education now given in the prisons by the employment of better skilled instructors.

Important events have occurred on the boundaries of the Colony. Its territory has been reduced by 36,740 square miles through the cession of Jubaland to the Italian Government on the 29th of June last.

I desire to express on behalf of this Government our cordial wishes for the prosperity of this Province under the rule of our ally, Italy.

Unfortunately, some weeks prior to the cession, a local disturbance between the Mohamed Zubair and the Herti, which threatened, through the provocative attitude taken up by the former, to become anti-Government, rendered it necessary to despatch a large military force to Kismayu. The military deserve special commendation for the celerity and ease with which the mobilisation was effected, the rapid transport of the troops and for their behaviour throughout. The cost of this expedition is considerable and supplementary provision is being asked for, amounting to between £5,000 and £10,000. The operations were completely successful in securing the result desired with very small cost of life. It was considered necessary to send a large force, as Government was advised that there was every possibility of the trouble spreading still further, which might have involved a difficult and arduous campaign on the Frontier at a season of the year advantageous to hostile tribes. Further, it was felt that it was a duty we owed to our Ally that we should ensure the country being handed over in a satisfactory condition and that all disorders should be promptly dealt with. It was also necessary that the force should proceed immediately to the spot and that it should be in sufficient strength to deal with the whole situation on arrival, as it was only a question of days before the rains broke, which would have rendered all operations for the time being futile. The effect of the despatch of so large a force on all the tribes along the Frontier has been excellent. The period of the cession was one which it was anticipated might be one of trouble throughout the Northern Frontier District. It has passed off satisfactorily which I feel is largely due to the impression produced amongst all the tribes by the despatch of a large military force and the confiscation of a very considerable number of cattle. It is also of the first importance that the transfer of stations now held by the military in the Northern Frontier District to the civil administration should take place under peaceful conditions. Arrangements are now being made immediately to replace the military by civil administration at Marsabit, Barsaloi, and Moyale and it is desired before the end of the year to complete the change throughout the Northern Frontier Province. It is proposed to extend the transfers to the Turkana Districts. These changes in administration must, at the moment, cause additional expenditure, but it is anticipated that they will lead to considerable savings in military expenditure in the future. I trust, too, that the establishment of civil administration will be accompanied by the recovery of taxation which will admit of much-needed expenditure in this Province on wells and in the re-establishment of a cattle stock trade.

One hundred and fifty police, who are to form the garrison at these posts, have now been despatched to the Frontier. The release of the military garrisons will give effect to the Inspector-General's recommendation that there should be further concentration of the military force in Nairobi, which will enable it to be utilised more expeditiously and effectively than has hitherto been possible.

A reduction in the military force of the Colony is being proposed next year. It is hoped that the early establishment of the Defence Force will also assist to this end. I have just been informed by the Secretary of State that it is not yet possible to give a final decision as regards the introduction of the Defence Force Ordinance, as it is to be considered by a sub-committee on the organisation of local forces in all the Colonies at a meeting in the autumn.

I am glad to be able to welcome the representatives of the Indians of Kenya at this Session and to congratulate this community on its withdrawal from the policy of non-co-operation. Mr. V. V. Phalke was appointed by me as a Member of my Executive Council on 3rd April last. As you are aware the Indians abstained from putting forward candidates for election in 1924 when the present Council was constituted and only a very small number registered themselves on the electoral roll. Deliberations took place in London last year between the late Secretary of State and the Committee appointed by the Government of India. Mr. Thomas informed this Committee that while he saw no way of offering a prospect of a common roll at any definite time or of increasing the communal system the fairest form of representation he was quite willing to adopt the expedient of the Indians being represented by the same number of nominated Members during the lifetime of the present Council as is allowed them by election on a communal franchise under the present constitution. This arrangement has now been accepted by the Indian community of Kenya without prejudice to their position in regard to the franchise and approved by the Secretary of State who has informed me that the Royal Instructions will be amended to provide for five nominated Indian Members. The Indian Congress has held informal elections at Nairobi, Mombasa and Kisumu. The names of five gentlemen were submitted to me for nomination. I have not yet received the amended Royal Instructions and in order to enable the Indian representatives to be present at this Session, after discussion His Majesty's approval which I obtained this morning. I earnestly hope that these Members who are nominated to represent the Indian community will prove themselves anxious to do all they can to promote the general interests of the Colony as well as those of the community they are appointed to represent.

I have endeavoured in the course of this address to bring before you in some detail the working of the different Departments of Government, and to give you some idea of the plans now in execution and projected for the future. These last seven months have been so pregnant with interest for the Colony that it is not possible for me now to refer at any further length to events which will be regarded in the history of Kenya as of lasting historical interest.

The visit of Their Royal Highnesses the Duke and Duchess of York, who were in this Colony up to the middle of February, will always be remembered with sentiments of affection and respect by all classes of this country. The gracious and encouraging letter addressed by His Royal Highness the Duke of York to the late Governor will be treasured in this Colony as an outstanding mark of the interests of His Majesty in one of his youngest Colonies as shown by the visit and appreciation expressed by his son.

The extensive tours of investigation made in Kenya by the members of the East Africa Commission and the Phelps-Stokes Commission have resulted in their very valuable Reports which must prove of the greatest assistance and help to the Government of this country. We feel, too, that from the members of these Commissions we have received not only the valuable recommendations and expert advice which we expected from them, but the sympathy, understanding and appreciation of Kenya which we believe will always be obtained from those gifted with the powers of observation and able to see the country and its people for themselves. I trust that we shall in unison work to the effective execution of the recommendations made in these Reports to which the programme of work which I have outlined to you to-day is largely intended to give effect.

We have had to deplore this year the death of our Governor and two Members of this Council—the loss of whose services to this Colony will always be recognised. We have also to express our regret at the loss of the services of Mr. P. H. Clarke, the Member for Mombasa, who has resigned his seat on the Council.

We have to-day to welcome five new Members to assist us with their counsel.

At your next Session you will extend a welcome to our new Governor, Sir Edward Grigg, whom we can all assure of loyal support and ready assistance from all Members of this Council in the measures for the welfare of this country.

It is proposed to print the Draft Estimates at the end of this month, if possible, and to circulate them to Members. They will be submitted to the Governor on his arrival, so that Council will have the benefit of his knowledge, experience and

advice in considering these Estimates in October when they will be submitted in final shape and as approved by the Governor for discussion in Council and submission to the Select Committee following past practice.

In conclusion, I desire to express my hope that the proceedings of this Council may, with God's help, tend to the further welfare and happiness of the people of this country.

PAPERS LAID ON THE TABLE.

1. Report of Select Committee on Native Housing.
2. Report of Committee on Grants-in-Aid.
3. Second Interim Report of the Roads and Traffic Committee.
4. Report of the Select Committee - on the Sugar Ordinance.
5. Financial Report and Statement for the year 1924.
6. Report of the Select Committee on the Native Industrial Depot at Kabete.

QUESTIONS.

CORRESPONDENCE WITH DISTRICT COMMISSIONER, KISUMU-LONDIANI.

HON. CONWAY HARVEY: I beg leave to ask the first question standing in my name on the Order of the Day:—

"Is it the case that in order to correspond with the District Commissioner, Kisumu-Londiani, it is necessary for the Honourable Colonial Secretary to send the communication through the offices of the Honourable Chief Native Commissioner and the Senior Commissioner, Nyanza?"

HON. ACTING COLONIAL SECRETARY: Instructions are being issued which provide that officers in charge of Non-Native Districts, which form an integral part of a Province, may correspond directly with the Colonial Secretary and Departmental Heads on matters which are not related to native policy.

RESIDENT NATIVE LABOURERS.

HON. CONWAY HARVEY: I beg leave to ask the second question standing in my name on the Order of the Day:—

"What penalty is provided in Ordinance No. 5 of 1923 for an employer or occupier who fails to employ for at least 160 days in each year all adult male registered natives who have entered into an agreement in terms of the above Ordinance."

HON. ATTORNEY GENERAL: By Section 17 of the Ordinance the occupier is made liable to a fine of £50 and two months' imprisonment in respect of each such native whom he fails to employ. The interpretation of the law is the function of the Courts.

BILLS.

PRISONS (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Prisons Ordinance, 1914."

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

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

REFORMATORY SCHOOLS (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Reformatory Schools Ordinance, 1910."

HON. F. S. F. TRAILL: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of the Bill at a later stage of the Session.

CUSTOMS TARIFF (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Customs Tariff Ordinance, 1923."

HON. COMMISSIONER OF CUSTOMS: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

CUSTOMS (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Customs Ordinance, 1910."

HON. COMMISSIONER OF CUSTOMS: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

WITCHCRAFT ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Consolidate and Amend the Law relating to Witchcraft."

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

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

BANKRUPTCY ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Consolidate and Amend the Law relating to Bankruptcy."

HON. SOLICITOR GENERAL: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. ATTORNEY GENERAL: I further beg to give notice that I shall move the suspension of Standing Orders to enable this Bill to be taken at a later date without notice.

VAGRANCY (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Vagrancy Ordinance, 1920."

HON. ACTING COLONIAL SECRETARY: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

ELECTRIC POWER (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Amend the Electric Power Ordinance, 1919."

HON. ACTING COLONIAL SECRETARY: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

SHOP HOURS ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance to Regulate Shop Hours and to Regulate the Employment of Shop Assistants."

HON. SOLICITOR GENERAL: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session, and further to give notice that I shall move the Suspension of Standing Orders to enable the second reading to be taken.

WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intituled "An Ordinance further to Amend the Widows' and Orphans' Pension Ordinance."

HON. TREASURER: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

MINING AMENDMENT BILL.

HON. ACTING COLONIAL SECRETARY: I beg leave to move the Suspension of Standing Orders to enable the Mining Amendment Bill to be taken without full notice having been given to Honourable Members, as required by the Standing Orders. I would explain that this procedure is unusual as there is no pretence of emergency here, and no certificate is being read to that effect. The sole object of moving to-day that the Standing Orders be suspended is to enable the business to be advanced to a certain extent. Otherwise it will be necessary to wait until the end of this month before this Bill and certain other measures appearing on the Order of the Day can be brought before Council. I think Honourable Members will agree—at least I hope they will agree—that this procedure is in conformity with the spirit of Standing Order No. 72, which reads:—

"In cases where no amendments whatever or only amendments of an unimportant nature shall be proposed to be made to a Bill, or in cases of emergency, after there shall have been laid on the table a certificate signed by the

Governor that such emergency exists and the ground therefor, and that in his opinion it is necessary or desirable in the public interest that the Standing Rules and Orders be suspended, it may be moved that the Standing Rules relative to the publication, reading and commitment of any Bill be suspended and if adopted by a majority of the votes of the Members present, the Bill may be carried through its several stages without due notice."

Although it is not specifically laid down there that Bills may be so introduced, as I say, it is in the spirit of that Standing Order that where non-contentious Bills which are not likely to be amended to any large extent are introduced, they may be introduced by a Suspension of Standing Orders, as is proposed to-day. I would, however, like to make it entirely clear that there is no intention whatever on the part of the Government to attempt to force any of these Bills upon Honourable Members if they are unwilling to deal with them at once. If any wish is expressed and supported by Honourable Members in this House that a full period should be allowed to elapse before these Bills are passed no effort will be made by Government to do otherwise.

In the case of each of these Bills a separate motion to suspend Standing Orders will be moved so as to enable each one to be considered. This will not be in the nature of an omnibus motion, but will be moved each time in connection with the introduction of each separate Bill.

I therefore beg to move the suspension of Standing Order No. 71.

HON. ATTORNEY GENERAL: I beg to second.
Motion put and carried.

THE MINING AMENDMENT ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move the first reading of a Bill intitled "An Ordinance to Amend the Mining Ordinance, 1925."

HON. SOLICITOR GENERAL: I beg leave to second.
The Bill was read a first time.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move the suspension of Standing Orders to enable a Bill intitled "An Ordinance to Amend the Liquor Ordinance, 1909," to be introduced and read a first time.

HON. SOLICITOR GENERAL: I beg to second.
The question was put and carried.

THE LIQUOR (AMENDMENT) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move the first reading of a Bill intitled "An Ordinance to Amend the Liquor Ordinance, 1909."

HON. SOLICITOR GENERAL: I beg to second.
The Bill was read a first time.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move the suspension of Standing Orders in order that a Bill intitled "An Ordinance to regulate the Sale of Methylated Spirits," may be introduced and read a first time.

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

RT. HON. LORD DELAMERE: On a point of explanation by the Government. Is it a new system the Honourable Attorney General is putting forward with these Bills? It has usually happened in the past for them to be put forward by somebody who has special knowledge of these subjects. Possibly the last two Bills but one are the case. I only wanted to know if there was any special reason for this.

HON. ACTING COLONIAL SECRETARY: It was more proper for the Honourable Attorney General to introduce these Bills and for them to be seconded by those who are chiefly acquainted with the subject matter of the Bill. I was not looking for the moment and did not see who seconded it, but the Honourable Commissioner of Mines should have seconded it. The Honourable Attorney General drafts the law and is backed up by the expert who will make any possible explanations required.

The question was put and carried.

THE METHYLATED SPIRITS ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move the first reading of a Bill intitled "An Ordinance to regulate the sale of Methylated Spirits."

HON. SOLICITOR GENERAL: I beg to second the motion.
The Bill was read a first time.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move the suspension of Standing Orders to enable a Bill intituled "An Ordinance to Amend the Criminal Procedure Ordinance, 1913," to be read a first time.

HON. SOLICITOR GENERAL: I beg to second the motion.
The question was put and carried.

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move the first reading of a Bill intituled "An Ordinance to Amend the Criminal Procedure Ordinance, 1913."

HON. SOLICITOR GENERAL: I beg to second.
The Bill was read a first time.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move the suspension of Standing Orders to enable a Bill intituled "An Ordinance to Provide for the Establishment of Detention Camps," to be read a first time.

HON. ACTING COLONIAL SECRETARY: I beg to second the motion.
The question was put and carried.

THE DETENTION CAMPS ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move the first reading of a Bill intituled "An Ordinance to Provide for the Establishment of Detention Camps."

HON. ACTING COLONIAL SECRETARY: I beg to second the motion.
The Bill was read a first time.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. TREASURER: I beg leave to move the suspension of Standing Orders to enable a Bill intituled "An Ordinance to Supply a further Sum of Money for the Service of the Year ended 31st December, 1924," to be read a first time.

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

The question was put and carried.

THE SUPPLEMENTARY APPROPRIATION ORDINANCE, 1925.

HON. TREASURER: Standing Orders having been suspended I beg leave to move the first reading of a Bill intituled "An Ordinance to Supply a further Sum of Money for the Service of the Year ended 31st December, 1924."

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

The Bill was read a first time.

HON. TREASURER: I beg to give notice that I will move the second reading of this Bill at a later stage of the Session.

THE MUNICIPAL CORPORATION (WAYLEAVES) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: I beg to move that Council resolves itself into a Committee of the whole Council in order to consider the Report of the Select Committee appointed to examine the provisions of a Bill intituled "An Ordinance to Confer Powers on Municipal Corporations to Lay Sewers, Drains and Water Pipes in Private Land."

HON. DIRECTOR OF PUBLIC WORKS: I beg to second.

The Council resolved itself into a Committee of the whole Council, His Excellency the Acting Governor, presiding.

In Committee.

HON. ATTORNEY GENERAL: The Select Committee suggest that in Clause 3 of the Bill the words "at any time" in the third line should be deleted and in their place should be substituted the words "after giving reasonable notice in writing to the owner or occupier." The result of that will be that a municipality cannot survey, etc., a line without giving reasonable notice to the occupier of their intention to do so. Since the Select Committee sat I have examined this clause carefully and compared it with the existing law in regard to wayleaves and I think the latter part of the clause that reasonable notice should be given ought apply only to the survey and

setting out and marking the line or for the purpose of laying the sewer, grain or water pipe but it is necessary that the Council should be able without notice to enter for the purpose of inspecting, repairing, etc., the surveyed line. I find that is the usual provision elsewhere. Accordingly I would propose that the words "or without notice at any time for the purpose of" be inserted in the clause.

HON. SHAMS-UD-DEEN: Your Excellency, I do not know whether all Honourable Members have been supplied with copies of this Bill, but I should like to have a copy of the Report of the Select Committee.

HON. H. F. WARD: I see that the new clause 5 only applies to work to be constructed without the municipality.

HON. ATTORNEY GENERAL: The clause we are dealing with at present deals with works within the municipality.

Amendment put and carried.

HON. ATTORNEY GENERAL: The Select Committee proposes the deletion of the existing clause 4 and the substitution of new clauses 4, 5 and 6, which will be found in the reprinted Bill. The effect of this is to make more provision for dealing with land outside the township, and to observe certain elaborate conditions. A municipality has first of all to get the consent of the Governor for the purpose of construction, it has to give three months' notice of its intention for the work to be done and an opportunity is given to the owners of private land in the area to raise any objections to the scheme that they may wish to make, and on such objections being received the Governor may appoint a person to make enquires on the spot. The Committee thought that where the municipality was given powers outside its own boundaries sufficient safeguards should be included.

HON. H. F. WARD: In section 5 as I understand the discussion

HIS EXCELLENCY: I think we had better deal with section 4 first.

Amended clause 4, as reprinted, put and carried.

RT. HON. LORD DELAMERE: Your Excellency, I meant to say something about clause 4 (1) and (2), but I did not follow what the Clerk was reading. I think that any particular operations carried on outside the municipality by the municipality should be surely the subject of a Bill? I cannot understand, with all due respect, why the Governor in Council—what position he has in this matter or his Council. Surely a matter of that sort should be brought up in the ordinary way as a Bill

empowering the municipality to go outside its area to do certain things and it is then competent for this House to hear objections from the other side. I am not satisfied this is the proper method of dealing with the matter and that just as much affects clause 4 (1) and (2). Any operation taken outside a township by a municipality of this sort which affects ownership of this sort should be a matter for a Bill and further to be passed in the ordinary way after going through Special Committee where evidence can be obtained on the whole subject.

HON. H. F. WARD: I wish to support the Right Honourable Member for the Rift Valley in his remarks. That was the sense of the discussion in the Committee, that everybody should be given the fullest opportunity of understanding exactly what the municipality proposed to do and how it affected the country and I see we have not got that in the Bill at the present moment. Not only that, clause 5 applies only to land outside the municipality. The purpose of this clause 5 was to try and give the same effect as would be given by a Bill to all taxpayers and ratepayers as well as owners of land. At the present moment it applies only to people outside the township where private land is going to be crossed or is interfered with in any way by the laying of pipes, etc.

RT. HON. LORD DELAMERE: There is this difference: that in one case the people involved have elected certain people to act for them. In the other case that is not so at all. I would like to propose that this matter, as it is the essence of this amended Bill, should be returned to the Select Committee for further consideration on this particular matter. I cannot believe this can meet with agreement in this House as it stands. After all what does it mean? It means that anybody who has got a case in the municipality goes to the Public Works Department and states his case, the matter is then put up to the Governor in Council and the Unofficial Members may be away and the matter simply put through as an ordinary thing. I cannot believe that is the right way of dealing with this matter. You may get a water scheme for the municipality for water which may be coming almost out of the next country and I am quite sure it ought to be the subject of a separate Bill. I would ask the Honourable Member for Nairobi North to have the matter dealt with when it is returned to the Select Committee. It rather complicates the position if we take the two things together because I cannot see that they are on parallel lines at all. In any case it does seem to me this wants going into further by a committee.

HON. ATTORNEY GENERAL: I quite understand the point of view taken by the Right Honourable Member for the Rift Valley, but what I do not understand is the opposition taken up by the Honourable Member for Nairobi North, who was on the Committee at the time and was present at the discussions

and received the draft report with the amendments made and agreed to. The reason, as explained to him in Select Committee, why the Bill takes this form is that it does not profess to lay down the law as to the powers enabling a municipality to deal with land outside its borders. What this Bill does is to regulate the procedure in accordance with powers conferred by a different Ordinance, namely, the Municipal Corporations Ordinance, 1922. Clause 2 of that Ordinance reads as follows:—

"All rules made under the said Ordinance and then in force in such townships shall (unless repugnant to the provisions of this Ordinance) be deemed to be bye-laws made under this Ordinance and shall continue in force in the municipality until altered, amended or repealed under this Ordinance."

That being the existing law which has not been challenged the Committee proposed to put certain restrictions in this Bill on the way in which the Council should exercise its powers conferred under its own Ordinance and the restrictions amount to this, where any such scheme is proposed it shall give notice in such a way that the people shall have plenty of opportunity of objecting and I would ask the Right Honourable Member for the Rift Valley to withdraw his opposition. I understand what he wants is that in every case in which the corporation wishes to construct any works outside its boundaries a private Bill should be necessary and that would require an amendment of the existing law relating to corporations. That raises a much bigger question, but at present the corporation does exercise certain powers outside its boundaries—it has a water line running outside its boundary and has sewage works outside its boundaries and if it wants to extend this in any way at present it can do so by getting the Governor's consent and what this Bill does is to protect the people over whose land the works pass and I would ask the Right Honourable Member for the Rift Valley to withdraw his opposition to the Bill as it is merely a restrictive Bill on the powers of the council.

RT. HON. LORD DELAMERE: As a matter of fact all I can do is to extend my opposition to the original Ordinance as well because it seems to me that when we are amending an Ordinance of this sort we should try to bring it into some sort of line with modern practice. I should have thought that when this Special Committee was considering this matter it would have been wise if they had gone into the question of the original Ordinance. Personally, I feel very strongly in this matter. We are getting to the time when big works may take place and be undertaken by the municipal councils; although I am not personally interested I do feel very much that people should be protected by these matters being done in proper form publicly. It does not make any difference in the municipality. If they have a good case they can get the scheme through just as well by a

Bill in this Honourable Council as in any other way; in fact, probably better, because if they get a certain number of people with some influence it may make it very difficult for the municipality to get their work done without the backing of this Honourable Council. I would like to see Government withdraw this amending Bill and introduce legislation amending both the original Ordinance and this particular Bill at the same time. I am speaking for myself, because I did not know that question was coming up.

HON. H. F. WARD: May I draw the Honourable Attorney General's attention to the fact that it is some considerable time ago since we discussed this matter and the report was drafted; and I may say that I was under the impression that notice was required in respect of the land inside the municipality as well as outside, and that is the only point that I have made so far.

With regard to the point made by the Right Honourable Member, whether I am a member of the Committee or not I consider I am perfectly entitled to support that suggestion, for the reason that when this Bill first came before this Honourable Council that was exactly the suggestion I then made, and pressed for it when it went into Committee. We adopted as a compromise this new clause 5, I giving notice that if there is ever any chance of making it necessary for a corporation to introduce a private Bill before it can construct the major works that recommendation will always have my support.

HON. ATTORNEY GENERAL: I think that if Honourable Members will examine clause 4 (2) they will see that there is a recital in that clause of the existing law in regard to the powers of the municipality. But there is nothing in that clause I think to prevent a sub-section amending the Municipal Corporations Ordinance, if such amendments should commend themselves to this Honourable Council, providing that certain classes of works are only to be undertaken in pursuance of a private Ordinance; and in the meantime the present Ordinance will prove useful as limiting the powers of the municipality in regard to the notice required before they do any work.

RT. HON. LORD DELAMERE: I am very sorry; I am going to vote against this, because I believe that if these things are done they ought to be done properly, and as far as I am concerned the only proper way to do it is to put powers in the proper place, and as far as I am concerned unless Government meets me on this particular point—I feel it is quite time all these things were put on a proper basis—I am going to vote against it. It is no use dealing piecemeal with a thing.

HON. PRINCIPAL MEDICAL OFFICER: I might say that this was taken direct from English law, and as far as I can remember the wording is almost identically the same. The substance of all the laws we could get hold of in the English law is in this procedure.

RT. HON. LORD DELAMERE : Does that mean to say that the English law takes the place of His Excellency the Governor in Council in this Bill?

HON. PRINCIPAL MEDICAL OFFICER : I think it is the Local Government or the Ministry of Health, as it is now.

HON. T. J. O'SHEA : I should like to support the views held and expressed on this side of the House, that the exercise of the powers contemplated in this Bill should be under direct parliamentary control. I say that despite the statement already made on the other side of the House that the exercise of such powers in other countries is not under direct parliamentary control. I speak subject to correction, but I am under the impression that in Great Britain and Ireland when a local authority has to go outside its own province in connection with the construction of large works direct parliamentary sanction has to be obtained. If I am incorrect, I shall be glad to be so informed.

HON. PRINCIPAL MEDICAL OFFICER : I meant to say that I was under the strong impression that this was the procedure in England.

HON. T. J. O'SHEA : May I add that my attitude is not entirely due to my impression that such is the case in other countries, but because I believe that such is a very necessary protection to the ratepayers involved in the expenditure of moneys on these public works. It gives them the only real effective protection against the local authorities embarking on ill-advised schemes.

HON. ATTORNEY GENERAL : The section under the English Public Health Act which deals with the matter makes provision that when a local authority intends to construct works three months' notice has to be given of the intention so to do; the Local Government meets the local authority and appoints an inspector to make an enquiry into the property or otherwise of the intended works, and to enter any objection, etc.

In this case it is not necessary to proceed in accordance with the Bill. But the reason I would ask that the Right Honourable Member would allow this particular Bill to go through is that it appears to me, it is entirely an opinion—if I may say so—that this section is entirely independent of this kind of sanction required to enable the municipality to construct these works. The section lays down that :—

“Where a Municipal Council has received the consent of the Governor given under Section 42 of the Municipal Corporations Ordinance, 1922, or under any law amending or substituted therefor for the construction without the municipality of works for the purpose of water supply and

where a Municipal Council is authorised by the Governor in Council to construct without the municipality works for the purpose of sewage, it shall have the same powers as to entry upon any land for the purpose of surveying, setting out and marking the line of any intended sewer, drain or water pipe or for the purpose of laying any sewer, drain or water pipe as it has for works within the municipality.”

I think that possibly a very slight alteration will make this Bill entirely independent of the law which lays down the conditions under which a municipality may apply for the construction of the works. The preliminary sanction is laid down in the Municipal Corporations Ordinance, which seems a very suitable and proper place for it, and which is in accordance with precedent, and an amendment of the Municipal Corporations Ordinance is an entirely separate thing from this Ordinance; and if such amendment is made no further amendment of this Ordinance will be required. This merely provides for the detail; the detail states the conditions under which the corporation can proceed to deal with the works after the preliminary sanction for the work has been obtained. But the initial reason for this Ordinance, of course, was that under the existing Municipal Corporations Ordinance it was not sufficiently clear that the municipal corporation could enter upon property, chiefly for the purpose of inspection. That was the first point brought forward by the Town Council—they said they had not sufficient powers to inspect drains, and they asked for additional powers, which it is intended to give them in this Bill.

RT. HON. LORD DELAMERE : Nobody could possibly have any objections to clause (1), which deals with the point the Honourable Attorney General has just brought up finally. What I object to is that it consolidates procedure by amending another Bill; it consolidates the procedure, which I think is quite absurd in a country like this. It is probably true that this procedure is followed in England, because England is a very complicated country. It is, however, only a few years ago that these things went to the House of Commons and were gone into, and I feel, Sir, strongly that these things should be done properly in order to protect the taxpayers who are affected, and the only way to do that properly is by doing it openly, after taking evidence in the ordinary way. I suggest that that Bill will probably only deal with major works up to a point.

HON. ATTORNEY GENERAL : In England a private Bill is passed and forms the culmination of proceedings of enquiry. A preliminary committee is appointed, which takes evidence, and then goes round, either directly or through the Local Government Board, and if it considers that a Bill is necessary in order to give extraordinary powers to a local body then a Bill is passed, after all objections have been heard by the Committee. But for ordinary works notice is given and an

enquiry is held if objections are raised by the inspector of the Local Government Board; and the Local Government Board thereupon decides whether the work should go on or not. We have here substituted the local council for the Local Government Board. These are the methods of proceedings that the Select Committee thought were the proper methods.

HIS EXCELLENCY: As the Honourable Members of this Select Committee do not appear to be in entire agreement, I think perhaps it will not be wise to discuss this matter, and I think the Bill had better be referred back to the Select Committee. There may be urgency in connection with this Bill, but on the other hand it may be urgently necessary that there should be some preliminary measure in order to put the thing right.

HON. ATTORNEY GENERAL: I beg to report progress.

Council resumed its sitting.

Progress was reported.

HON. ATTORNEY GENERAL: I beg to move that the Municipal Corporations Wayleaves Bill be recommitted to the Select Committee for further consideration.

HON. SHAMS-UD-DEEN: I would submit that an Indian Member should be added to this Committee, because I consider that the Indian community has a good deal to say on the subject, and I would submit for Your Excellency's consideration the proposal of an additional member being added to the Committee.

MR. HON. LORD DELAMERE: I beg to support the Honourable Member. I think the Indian community ought to be represented.

HIS EXCELLENCY: I am sure this Honourable Council will be glad to go into this question and to consider it further. I would ask for the approval of the addition of Mr. Shams-ud-Deen to the Select Committee, to represent the Indian community.

This Bill is now put back for further consideration, with the addition of the name of Mr. Shams-ud-Deen on the Committee.

HON. ACTING COLONIAL SECRETARY: The remaining business on the Supplementary Order of the Day I am afraid cannot be brought before the Council to-day, owing to the fact that the report has not been sent up by the Members.

In view of the fact that the time is precious, especially to the Honourable Members on the other side of the House, I would suggest, with the consent of the Honourable Members generally, that we sit this afternoon and take the Shop Hours' Bill, and other Bills of a non-contentious nature, if possible, and that Standing Orders be suspended so as to advance business. (Hear, hear).

HON. SHAMS-UD-DEEN: Did I understand the Honourable Acting Colonial Secretary to say that he considers the Shop Hours' Bill a non-contentious Bill; if so, I must oppose it.

HON. ACTING COLONIAL SECRETARY: In reply, I must explain that I did not refer to the Shop Hours' Bill as non-contentious.

Council adjourned till 2.15 p.m.

HON. ATTORNEY GENERAL: It has been suggested that the most convenient method of proceeding with the Bills is for the Council to take the non-contentious Bills first and to refer for fuller debate the larger measures such as the Shop Hours' Act, etc. I therefore propose to take the Reformatory Schools (Amendment) Ordinance.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move the suspension of Standing Orders in order that Council may proceed with the second reading of the Reformatory Schools (Amendment) Ordinance.

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

The question was put and carried.

THE REFORMATORY SCHOOLS (AMENDMENT) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: I beg to move that a Bill intituled "An Ordinance to Amend the Reformatory Schools Ordinance, 1910," be read a second time.

The Bill is a very short one and its provision is simple. At present boys up to the age of 15 can be put into a reformatory school and they can be kept there for a period which does not exceed two years. It has been considered by the Committee which sat on this matter and approved by Government that the age at which boys may be admitted to the school should be raised to 16 years and that the minimum term for which a boy should be sent to a reformatory school should be three years. It is considered two years does not produce the necessary amount of discipline and training which

is the object of this school and a consequential amendment is that the highest age at which a boy may be kept at such a school is 19 years. The Honourable Senior Commissioner, who has had a lot to do in connection with the reformatory school and who is seconding this motion will explain more particularly the reason which led Government to introduce this Bill.

HON. F. S. F. TRAILL: I beg to second the motion.

HON. J. E. CONEY: Arising on a point of order. I understood the Council was taking the Shop Hours Act this afternoon? Is that not going to be taken this afternoon? It is contentious and will occupy a good deal of time.

HON. ACTING COLONIAL SECRETARY: That was the understanding before the lunch interval. I spoke to the Honourable Mr. Shams-ud-Deen and he informed me that the Indian community had objections in principle to the Shop Hours Act and he hoped very much that that Bill would not be taken under suspension of Standing Orders when the principle alone would be discussed. I suggested we might take it as far as the committee stage, but he wished to have this principle discussed with the other Indian Members present. In conformity with the spirit I spoke of this morning that the Government had no objection on the part of Members I thought it would meet with all Members' approval if no progress was made with that Bill this afternoon. I apologise to the Honourable Members for not letting them know more specifically how Government intended to proceed. I trust the course I have taken will meet with Honourable Members' approval.

RT. HON. LORD DELAMERE: I should be very sorry not to hear the reasons put forward against the Bill in principle.

HON. J. E. CONEY: I must protest. Is it then established as a principle in this Council that if Members are unable to attend on a particular day and the programme has been arranged that everything can be altered? If that is so I should like to be able to study the convenience of myself and my friends in this Council.

HON. ACTING COLONIAL SECRETARY: No principle is intended. The Secretary of State's intimation of His Majesty's approval of the four Indian Members was only received this morning and there has only been time for the Honourable Mr. Shams-ud-Deen to be sworn in, but the other Indian Members will take their seats as early as possible and it must be regarded as a special occurrence.

HON. J. E. CONEY: I forgot the information had only been received this morning and I beg to withdraw my remarks.

HON. T. J. O'SHEA: May I ask when this Bill will be taken?

HON. ACTING COLONIAL SECRETARY: The Bill shall be taken on Thursday morning if that meets the approval of the Council.

RT. HON. LORD DELAMERE: I should just like to say I am entirely in favour of the principle in the amendment to this Bill. After all, one justification for a reformatory of the sort you have in this country is that when the boys go out of it they should have learnt a trade and it should not be necessary for them to go back to their bad habits. In the present condition in the unamended Bill there is not sufficient time for the boys to be taught a trade. Under the new conditions I imagine it will be possible for them to earn their living after they leave the reformatory.

HON. DR. J. W. ARTHUR: I also support this amendment because I do think it is going to improve the working of the original Ordinance. I think especially giving a longer period in the reformatory is a good thing as I think two years is too short to do much. The period being increased to three years is a great difference. In regard to the age extension to nineteen years I think many boys may have been put into the reformatory at the present time who were unable to be put in on account of the age. It is to the advantage of many boys that the age has been increased to nineteen years.

The question was put and carried.

HON. ATTORNEY GENERAL: I beg to move that Council resolves itself into a Committee to consider the provisions of this Bill.

HON. ACTING COLONIAL SECRETARY: I beg to second.

The Council resolved itself into a Committee of the whole Council, His Excellency the Acting Governor presiding.

In Committee.

HON. SHAMS-UD-DEEN: On a point of order I think it used to be the practice of the House to read the clauses one by one. If the practice has been altered I do not wish to question it.

RT. HON. LORD DELAMERE: I think when the Honourable Mr. Shams-ud-Deen was a Member that was the custom. It is simply by agreement that the present practice is pursued.

HON. ACTING COLONIAL SECRETARY: I think there is more in it than that. When the Standing Orders were revised the clause which stated that the Bill should be read clause by clause by the Clerk to Council was cut out and it was substituted the Chairman should call the number of the clause out instead.

HON. ATTORNEY GENERAL: I beg to move that the Bill unamended be reported to Council.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Reformatory Schools Ordinance, 1910," has passed through Committee without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the third reading of the Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move that the Standing Orders be suspended in order that a Bill intitled "An Ordinance to Amend the Customs Tariff Ordinance, 1923," may be read a second time.

HON. ACTING COLONIAL SECRETARY: I beg to second.
The question was put and carried.

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg leave to move that a Bill intitled "An Ordinance to Amend the Customs Tariff Ordinance, 1923," be read a second time.

The statement of objects and reasons sets forth the reasons why this Bill was introduced. It puts on the free list one or two classes of articles, specially those imported by boundary or special commissions for private use. It also includes works of art, paintings, sculpture and samples of no commercial value.

HON. COMMISSIONER OF LANDS: I beg to second the motion.

Rt. Hon. Lord Delamere: I did not hear what the Honorable Attorney General said. Samples which the Commissioner of Customs shall decide are of no commercial value? I heard him say something about sculptures.

HON. ATTORNEY GENERAL: The Right Honourable Member for the Rift Valley has got hold of the wrong thing. There was a mistake in the Bill as printed. The two Bills have been combined and printed as one.

Rt. Hon. Lord Delamere: I am a little puzzled by this. I see flags and official stationery and I suddenly see furniture. It does not seem to be the same sort of thing. It has rather altered the principle. I do not know who it is who is going to get furniture in free. I think we ought to have a Bill on the subject. I do not think it should be packed in between flags and stationery and we have had no explanation from the mover nor the honourable the expert who seconded and I should like him to explain how furniture has suddenly got into Table 5 of the Schedule supposed to be unamended. I should also like very much to hear from the honourable the official expert who these special commissioners are because I do not see any particular reason why they should come into this country and bring all their goods in free. I see also that under 63 it means that if people bring in these things free of duty we have got to have them on exhibition for ever. It seems a pity in a good many cases. We have had no explanation of this Bill given by anybody. The particular point I want to make is in regard to the furniture.

HON. J. E. CONEY: Before the reply is given may I ask whether he has considered the point made by the Right Honourable Member just now—as there are not many works of art in this country and surely everything should be done to encourage anybody who will import a work of art—that they should be on public exhibition. There is no proper building where such works of art can be exhibited. It should not make any difference even if they were going into private houses on the Trans Nzoia.

HON. COMMISSIONER OF CUSTOMS: On a point of explanation. The objects and reasons are given at the top of the Bill. In regard to furniture it is only furniture for consular officers which the Government specifies by notice in the Gazette. That does not alter the principle at all. As far as the boundary commission is concerned this is the instruction of the Secretary of State. It follows the customs in Tanganyika where it has been in force for 18 months and brings the Tariff Ordinance into line with Tanganyika. In regard to works of art, this has been considered by Government and it was decided there should be some limitation of works of art. It is very difficult for a person to say which is a work of art or not. If they are for exhibition they are for the general good of the community and not for a single individual.

Rt. Hon. Lord Delamere: As a matter of explanation as we have heard lately from the Secretary of State for the Colonies that Tanganyika has not been incorporated in the

British Empire and that it is still a mandated territory I think it would be better if Tanganyika Territory be brought into line with the adjacent British Colonies than the other way about.

HON. COMMISSIONER OF CUSTOMS: From a customs point of view it is quite obvious their goods should come in free as a boundary commission is constantly crossing the border and you cannot keep on collecting and refunding the duty payable. It just happened that Tanganyika Territory had this particular section in first. If we had had it in first they would have had to come into line with us.

The question was put and carried.

HON. ATTORNEY GENERAL: I beg to move that Council resolves itself into a Committee to consider the provisions of this Bill.

HON. COMMISSIONER OF CUSTOMS: I beg to second.

The Council resolved itself into a Committee of the whole Council, His Excellency the Acting Governor presiding.

In Committee.

MR. HON. LORD DELAMERE: I am not satisfied with the question of furniture. If you extend it to include furniture you can extend it to include personal clothes and drink, etc. I do not see why it should be extended in this way. I expect if the League of Nations is in charge of it, there must be a good many consuls.

HON. COMMISSIONER OF CUSTOMS: It is a reciprocal arrangement; if the one Government gives equal rights to British Consuls in their territory we give them equal rights in this territory and Your Excellency notifies the fact in the Gazette: Until that notification is in the Gazette the exemption does not operate.

HON. J. E. CONEY: Would this apply to personal furniture for the consul's house and what would he do with the surplus furniture in the house when he moved? He would probably sell it in competition with the local furniture makers.

HON. CONWAY HURRY: He also might have laid down a good cellar of port worth a thousand pounds which he brought in free of customs.

MR. HON. LORD DELAMERE: I am sure the Honourable Member who has just spoken looks upon port as furniture. The point is does furniture apply to private furniture as well as office furniture.

HIS EXCELLENCY: Does it not apply only to consular furniture?

HON. COMMISSIONER OF CUSTOMS: They go about from place to place and they cannot carry their furniture about with them.

HON. ACTING COLONIAL SECRETARY: It is imported in respect of the consulate and I do not think it can be taken to apply to personal furniture. I do not know whether my Honourable Friend the Commissioner of Customs agrees to that?

HON. COMMISSIONER OF CUSTOMS: Yes, in respect of any consulate, imported by a consular officer. It does not refer to his private house.

HON. J. E. CONEY: I believe we have one Honourable Gentleman on this side of the House who is a consul. Does it mean he can import furniture for himself personally or for his house? It may be a *padding* game to get a job as a consul!

HON. W. C. MITCHELL: Under the Standing Rules and Orders I am prohibited from taking part in this debate, having a financial interest in the matter.

MR. HON. LORD DELAMERE: As the Honourable Member is interested financially I think that answers our question.

HON. ACTING COLONIAL SECRETARY: The use of the words "its exclusive use" can only mean such furniture as is imported by a consul for use in his consular capacity?

HON. J. E. CONEY: This matter should not be treated as a joke. A consul in this country is appointed by his Government as a trade agent to encourage the trade of the nation he represents and I can quite well imagine a consul being able to sign any declaration to say he thinks it necessary to have a grand piano to entertain his customers, to sell a grand piano. I do not think it is a joke at all.

HON. ATTORNEY GENERAL: As the intention is that only such furniture should be imported as intended for official use I would suggest instead of putting the word "furniture" after the words "flags" it should come after the words "official stationery" or "official stationery and official furniture."

HON. ACTING COLONIAL SECRETARY: I do not think that will meet with the Honourable Member for Plateau North's objection. His objection is that a piano would be imported as a piece of consular furniture.

HIS EXCELLENCY: I think we might safely run the risk in this matter. The goods are being imported for the use only of the consular office.

HON. CONWAY HARVEY: Might we have a definition of the term "all goods", the first two words in line 10 clause 62. There is very great danger that a consular officer might bring in all sorts of things like scent, tobacco and other such like articles in very large supplies. I think it would be very unfair to traders in such a case as they have paid very heavy duty on articles of the same nature imported by them.

HON. COMMISSIONER OF CUSTOMS: All the goods are imported with the sanction of the Governor. I am a revenue collecting officer and my first duty is to safeguard the revenue, and hold up the articles till the Governor's sanction is obtained.

HON. J. E. CONEY: Why should a special commissioner coming into this country, who after all is a visitor, not be called upon to pay the taxes of the country? Why should he be permitted to bring in half a dozen cases of whisky free? I shall vote against this.

HON. W. C. MITCHELL: I think we cannot be too strict in considering the list of goods to be imported free of duty. Those engaged in trade pay very heavy sums annually in the shape of duty and there is a certain amount of protection to which they are entitled. Any boundary or special commissioners will probably be paid a sufficient salary to enable them to contribute to the revenue the same as anyone else.

RT. HON. LORD DELAMERE: The only argument put forward was that they were close to the boundary and that they could get on the other side of the boundary opposite to the country which challenged them. It does not seem to me to be a good one. I agree with the Honourable Member for Nairobi South. I can quite understand Tanganyika Territory trying to pacify a good many people.

HON. COMMISSIONER OF CUSTOMS: This is inserted by the Secretary of State. The amount involved is very small.

RT. HON. LORD DELAMERE: The Honourable Member has made my mind up—I am going to vote against it. The Secretary of State always wants to give us something we don't want. I cannot understand what right the Secretary of State—in custom he has the right—it is very bad manners on the part of the Secretary of State to tell or give orders to Council of this description as to how and what they are to do, and what courtesy they are to show to visiting people. The Secretary of State may well have told us we ought to have moved a vote of thanks to Mr. Ormsby-Gore in this Council when he left the country. I did not think of it myself or I might have done it.

HON. J. E. CONEY: The Honourable Commissioner of Customs has said the amount involved is small. There is the

principle involved and I think the Honourable Member for Nairobi South has stated the principle quite clearly.—I do not see how Government can force a thing like this through.

HON. COMMISSIONER OF CUSTOMS: The tariffs still differ from that of Kenya because Tanganyika Territory has got this in their tariff. Uganda has also accepted this. The position would be difficult if Kenya opposed it.

RT. HON. LORD DELAMERE: It seems to me an argument in the opposite direction. Tanganyika is receiving a very large grant from the British Government. It is a much more proper thing to tell a country of that sort that it has got to come into line with the British Colony next door to it whose business it is to see after these things themselves. I feel very strongly on this subject and what has got to be done is to ask the Government of Tanganyika to amend their law.—I imagine they would go a long way to find this sort of thing being done elsewhere.

HON. ATTORNEY GENERAL: May I point out to the Honourable Council that this sort of thing is not absolutely unprecedented in our Tariff Ordinance. We have had provision for a number of years allowing the Inspector General of the King's African Rifles and his Staff Officer to import baggage equipment and stores into the Colony and presumably one reason why those officers were allowed to import goods free of duty is because their visit is of a temporary nature. It is a hardship on these people if they have got to pay duty on the goods they import. There is an additional reason in the case of the boundary commission in that they are on both sides of the boundary and in strict law they would have to pay duty again every time they crossed the boundary. There does seem a special reason why boundary commissioners should be given that special provision.

HIS EXCELLENCY: It appears this Ordinance has been drafted in accordance with the International Convention of Geneva of 1923. The Secretary of State has not interposed in the affairs of this Colony. It is a Circular Despatch which comes from him and conveys to this Government the suggestions which were reached by this International Convention. I think the point should be deferred so that Council may be informed of the exact principle.

RT. HON. LORD DELAMERE: May I be allowed to withdraw what I said about the Secretary of State, but after all, the Members on this side of the House are in difficulties by reason of the new system whereby the expert seconds a Bill and does not give any explanation with regard to his point of view. I want to know what the cost of the Bill is and how it has arisen.

It would at any rate carry some weight, because it has been done by other people as well, and it might be unwise not to do it here. I should like to know what happened at Geneva.

HON. ATTORNEY GENERAL: The fact is that until half an hour ago it had not been settled which Bills were to be taken this afternoon, and I must apologise. I have been at a very great disadvantage because I had to take Bills which I did not know were coming up at all.

HON. J. E. CONEY: The explanation given this morning absolved the Honourable Gentleman, because he is not the expert. We have now wasted perhaps half an hour on this particular matter. Had we been given the information which was apparently in the possession of the Acting Colonial Secretary all this time would have been saved, and I think we ought to have been told, as justification for the introduction of this Bill, the reasons the Secretary of State gave.

With regard to the remarks of the Honourable Attorney General, I still do not think—in spite of Geneva, or in spite of the Right Honourable Secretary of State, or even in spite of the Inspector General of the King's African Rifles—that anybody should have the right to import such things as cases of whisky without paying duty, and so compete with the local retailer of that article. It is absolutely wrong, and I think we are right in protesting. I think if this point of view were put to the Secretary of State he would see it, and would agree that no case of whisky or anything else should be imported free for any particular person or any member of the community.

HON. ACTING COLONIAL SECRETARY: I hope that opposition on that particular point brought up by the Honourable Member who has just spoken will not stand in the way of the passing of this Bill. I trust Honourable Members will believe that the Honourable Commissioner of Customs will see that such things as cases of whisky and so forth are not imported *ad lib*. In any case the words "All goods imported with the sanction of the Governor" constitute a safeguard, and under that wording I think really that the revenue of the country should be fairly safe. It has to be remembered that the people in whose favour this section is introduced are people who visit this country on duty; they do not come from choice, but they are sent out here the necessities of life should not be taxed. In their case desirability of uniformity and reciprocity I hope will also weigh with Honourable Members.

RT. HON. LORD DELAMERE: What is the definition of the words "Special Commissioner"? Would the High Commissioner of Transport, who has just been appointed, be called a "Special Commissioner" in his capacity as Commissioner of

HON. COMMISSIONER OF CUSTOMS: A Boundary Commissioner is a Special Commissioner.

HON. ATTORNEY GENERAL: If the Right Honourable Member presses his objection, perhaps it will be better for me to move that we report progress on the Bill in order that I can make enquiry into the origin of this clause.

RT. HON. LORD DELAMERE: As far as I am concerned I am not going to push it, because after all we and everybody else in this generation are likely to be saddled with many of the things that have been done at Geneva, and as far as I can see it is so universal that it will create confusion if we oppose it. So, for that reason, I am not going to press it, but that does not prevent other Honourable Members on this side of the House opposing it.

HON. J. E. CONEY: May I go back to another matter? I am following the Right Honourable Gentleman this morning, and I am going to say that you are amending the Bill. I would ask, in spite of the remarks of the Honourable Commissioner of Customs, what he meant when he said it was very difficult to know what were works of art. I take it he has got to decide under this Ordinance, and in view of the fact that there are so few pictures of the kind in this country, would not Government consider putting all works of art under this head? Whether they go into my drawing-room or into a public exhibition they should all be admitted free.

HON. W. MACLELLAN WILSON: Concerning the question of all goods being allowed in duty free for Special Commissioners, I think we have had our say. In our hearts I rather think we all like to make Special Commissioners feel at home, such as the recent Parliamentary Commissioners who did us the honour of visiting this Colony, and I am very glad to hear that the Right Honourable Member does not intend to force his opposition to that so I will not say any more about it.

With reference to work of art, with all due respect to my Honourable Friend the Member for Plateau North, I think there are many things which it is more necessary to allow in free of duty to this country than works of art. When we talk about works of art for the furnishing of private houses, I think if the people are very artistic they can afford to pay for it.

I hope that the clause will stand as it is drafted in the Bill.

HON. J. E. CONEY: In view of the remarks of the Honourable Member I do not wish to raise a discussion on the Ordinance and I will withdraw my remarks.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that a Bill intitled "An Ordinance to Amend the Customs Tariff Ordinance, 1923," has been returned to Council unamended, after discussion in Committee.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move the Suspension of Standing Orders in order that a Bill intitled "An Ordinance to Amend the Customs Ordinance, 1910," be read a second time.

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

Motion put and carried.

CUSTOMS (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the second reading of this Bill.

The object of this Bill is introduced in consequence of the Convention at Geneva, which dealt with the matter of importation of travellers' samples. The samples of no commercial value we have already dealt with in the Customs Tariff Amendment Bill.

This amendment of the Customs Ordinance is required in order to enable the customs to allow into the country samples of goods which, in the opinion of the Honourable Commissioner of Customs, are no longer samples; and the way in which it deals with the samples is to allow them to be imported subject to security being given.

Sections 156 and 157 of the Principal Ordinance provide for re-export of goods to the country, but they do not provide facilitate that particular class of trade.

The other section of the Ordinance which has been amended is section 100, which deals with various spirits and other liquids in casks, and it provides for the duties to be levied on the amount of spirits or other liquor when it is taken out of bond; otherwise duty would be leviable on the amount which went into bond on the original importation. Well, it is a fact that such substances lose a very considerable portion of their bulk weight while they are lying in bond, and therefore it is not fair to ask the importer to pay on the quantity originally

imported. Section 100 provides that goods in casks can be charged on their weight when removed from bond, but it does not deal with what is a new feature in this country, viz: the importation of petrol and other spirits in bulk, and the amendment is simply to allow the same rule to apply to the importation of these in bulk.

HON. COMMISSIONER OF CUSTOMS: I beg to second the motion. The Honourable Mover of the Bill has explained very fully the objects of the Bill. There is only one point which I want to put, and that is in regard to articles imported for repair. At the present time there is a duty on importation for repair when the articles leave the country; and the duty cannot be refunded. This amendment provides that articles can be imported on payment of duty and that duty refunded when the articles have been re-exported.

With regard to clause 3, in the Principal Ordinance there is no such thing as bulk importation of petrol and kerosene. I understand that as far as petrol is concerned there is a loss of some seventy gallons of petrol a day from the storage tanks through evaporation. It is only fair, therefore, that some allowance should be made by not charging duty on that petrol which is lost.

Motion put and carried that second-reading be passed.

HON. W. C. MITCHELL: I should like to say, on behalf of the commercial community, that we welcome this measure very much indeed. It embodies principles for which the Chamber of Commerce have been pressing for some years past. The question of the duty on samples has been one which has been the cause of a good deal of friction between the members of the commercial community and the Customs Department on various occasions, and we shall be only too glad that a Bill of this kind should become law in order to clear the air and remove any of the disabilities under which we have previously suffered.

HON. ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole Council to consider the provisions of this Bill.

Motion put and carried.

In Committee.

The Bill was read clause by clause.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Customs Ordinance, 1910," has been through-Committee, and returned to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move the Suspension of Standing Orders to enable a Bill intitled "An Ordinance to Amend the Vagrancy Ordinance, 1920," to be read a second time.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

VAGRANCY (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: The object of this Bill is to deal with palmists and fortune-tellers, and people of that nature. They have been represented by the police as a growing nuisance in the towns and country. We have a Vagrancy Ordinance, but it does not affect people of this class. There is a very old Vagrancy Act in England, the Act of 1824, which does deal with this class of person, and the section embodied in this Bill reproduces the section of the English Vagrancy Act. Taking the words in the English Act, there are a very large number of decisions in the English Courts embodying what does and what does not amount to vagrancy when a person is doing palmistry or fortune-telling.

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

HON. SHAMS-UD-DEEN: With regard to this Bill I think that this Honourable House should not allow an Ordinance of this nature to be passed simply because one or two people have come into the country and annoyed some people with their presence. I do not know exactly what the position is in England, whether palmistry is considered to be no longer a science of telling; exactly the fortune of a man or his character. I am told that even to-day in England there are different kinds of scientists, phrenologists, and others who carry on their professions in the middle of the metropolis without the necessity of laws of this nature being framed. The wording of this Ordinance as regards the witchcraft seems rather vague and indefinite. I think, Your Excellency, that the time has not arrived when we should simply go to pass legislation of this nature, simply because one or two persons have come from other parts of the world and gone away again after staying a week or two. I think this should be postponed for an indefinite period to allow us to see whether there is really any reason for passing a Bill of this nature. I am personally against vagrancy by people who do not know anything about science, and of

their coming and asking people to be allowed to tell their fortunes, which I understand has been the case. I do not think, however, that this is the proper time to pass legislation of this sort.

HON. W. C. MITCHELL: Your Excellency, I think it would be a very great mistake if we were to base our opinion with regard to the merits of this measure on conditions as they obtain in England. This country is peculiar in that we have a teeming population of absolutely ignorant native peoples, who are possibly the easiest prey in the world to anyone possessing some slight knowledge of palmistry or other science which would enable them to prey upon the untrained mind of a native population. I think they are a very grave danger indeed if they are admitted throughout the reserves and in other parts of the country. My own personal experience has been that members of a certain class—these palmistry individuals—are the most persistent beggars that you can meet in the street.

HON. J. E. CONEY: I support the remarks which have just been made by the Honourable Member. I will just cite an experience I had myself. A few days ago I went into Eldoret and stopping outside a store was asked by an Indian whether he might be allowed to tell my fortune. I did my business, and on going to an office I found I had lost my boy. I went down to the native portion of the town to find him. I found at least twenty natives sitting around the same Indian, from whom he had extorted money, having their fortunes told. I think it is quite time something was done, and I do not know on what grounds the Honourable Mr. Shams-ud-Deen asks for delay. I think there are no grounds for delay in this matter.

HON. T. J. O'SHEA: I have much pleasure in supporting this motion. In doing so I should like to point out that it is entirely confined to providing the means for people who profess to tell fortunes. There is no question of its being a science like phrenology or other "ology"; it confines itself entirely to telling fortunes. Well, I do not think that any sensible person has yet produced any method of telling fortunes that is based upon science. I think Mr. Shams-ud-Deen is rather mistaken in his ideas. That these so-called fortune-tellers are a menace to this country I think there can be very little doubt, and it is much more advisable we should take steps to prevent the thing becoming a serious menace. It should certainly not be allowed to go on.

HON. ACTING COLONIAL SECRETARY: I hope that in seconding this motion I was not misunderstood in any way. I do not know anything about the Bill except the subject matter of it, but I think that Honourable Members will welcome the Bill judging by what has been said. Only one word has been spoken against it and, as one Honourable Member has said, the reason

for not thinking that the time has arrived was not disclosed by that Honourable Member, and no objection to the Bill itself, in principle was brought forward. I think it is unnecessary in the circumstances to say anything further.

HON. ATTORNEY GENERAL: I do not think I need say anything in reply. I would point out that the essence of the Bill is the fact that fortune-telling is done with the intention to deceive. If the Courts are satisfied that there is a real attempt to persuade people that they are genuinely having their fortunes told or that they are being imposed upon then that is an offence; otherwise the Courts do not interfere.

Motion put and carried that second reading be passed.

HON. ATTORNEY GENERAL: I beg to move that the Council resolve itself into a Committee of the whole Council to consider the provisions of the Bill.

Motion put and carried.

In Committee.

Clause 2.

HON. J. E. CONEY: I do not want to delay the passing of this Bill, but it is going to be very difficult to prove that there was intention to deceive in the case of people imposing on natives. I do not know how it can be done, and the only reason I am supporting this Bill is, as in the case I have quoted, natives are being induced to part with money on a statement that the future can be foretold. But it is going to be most difficult to prove.

HON. ATTORNEY GENERAL: Perhaps I went a little too far in saying that the actual intention in the mind of the person had to be proved. If the Honourable Member will look at the Bill closely he will see that it says "using any means by palmistry or otherwise to deceive" and that is the interpretation place, i.e., if it is naturally calculated to deceive.

HON. J. E. CONEY: Yes, quite!

HON. SHAMS-UD-DEEN: My point is simply this: we have got to decide if the science of palmistry is really no science at all to-day. If, on the other hand, a man who is an expert scientist in palmistry is prevented from following this science, I think it would be a great hardship to prevent him giving people the benefit of his knowledge, and being threatened with prosecution simply because the intention of this Ordinance seems to be that anybody pretending to be a palmist does so with the object of deceiving people. If palmistry is no science, if it no longer exists as a science in the world, then by all means go ahead, but I think if the words were left "professing

or pretending to tell fortunes" and leave out the word "palmistry" the Ordinance, in my opinion, would read quite reasonably, and not take one particular branch of the sciences which has been accepted as a definite science by which people can tell with a certain amount of accuracy the past and future career of the person.

HON. J. E. CONEY: May I ask the Honourable Member by whom palmistry has been accepted as a science?

HON. SHAMS-UD-DEEN: I have read several books written about it.

HON. J. E. CONEY: I should like to know by whom it was accepted as a science, as I understand the Honourable Gentleman to say it was accepted as a science.

HON. SHAMS-UD-DEEN: I do not propose to move that as an amendment; your Excellency, because I think the words "to deceive or impose upon any person" is sufficient safeguard, but I think the word "palmistry" is likely to hurt people who might profess a regular knowledge of palmistry.

Clause 2 passed, unamended.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that a Bill intituled "An Ordinance to Amend the Vagrancy Ordinance, 1920," has passed through Committee and returned to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move the suspension of Standing Orders in order that Council may take the second reading of a Bill intituled "An Ordinance to Amend the Electric Power Ordinance, 1919."

Motion put and carried.

ELECTRIC POWER (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the second reading of a Bill intituled "An Ordinance to amend the Electric Power Ordinance, 1919." The main purpose of the Bill is to repeal Section 137 of the Ordinance, which provides that certain licences have to be approved by the Governor in Council before

they are issued. The reason for repealing this section is that in any dispute which arises later between the licensee and some other person as to whether the licensee has in the agreement with the consumer made any undue preference the Governor in Council is appointed to judge in the dispute. It is therefore desirable that the Governor in Council should not pass any agreement which he may subsequently be called upon to decide to be invalid. There are other sections to be amended consequential on this, with the exception of one amendment which has been inserted at the suggestion of the Secretary of State, in order to remove an ambiguity in the original Ordinance.

RT. HON. LORD DELAMERE: This appears to me to come rather on the same footing as the Bill we were discussing this morning, about drains. I should say it would be very much better to delete from the original Ordinance the provision making the Governor in Council the judge. I do not understand how the Governor in Council comes to judge in these matters, and why they cannot be settled in court. I do not understand how nowadays the Governor in Council, who has probably twenty different things to settle in one morning, can possibly judge a case of this sort. It seems to me quite an impossibility. I rather think the proper place for a thing of this sort is in the courts. I do not quite understand what His Excellency's Council can have to do with a thing of this kind.

HON. SOLICITOR GENERAL: On a point of explanation, what this Ordinance aims at is to effect precisely what the Right Honourable Member for the Rift Valley requires. At the present moment, under the Ordinance, the licensees are entitled to enter into agreements with consumers in respect of lighting, and the licensee can take into consideration certain factors, such as whether it is a day-load or a night-load, or how long the current is required, and then it is directed in a further section that no preference shall be given to one person over another. Section 137, in my opinion, wrongly directs that all these agreements shall be approved by the Governor in Council. Once having approved these agreements, if it turns out that the consumer has been given preferential treatment, the Governor in Council then has, as the Ordinance is now drafted, to re-adjudicate and reconsider his decision, which appears to me entirely wrong. By deleting section 137 the licensee and the people who enter into agreements with the licensee are thrown on the court.

RT. HON. LORD DELAMERE: On a point of order, of course, I am not able to answer now. I shall say something further in Committee.

Motion put and carried that second reading be taken.

HON. ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole House to consider the provisions of this Bill.

HON. ACTING COLONIAL SECRETARY: I beg to second.
Motion put and carried.

In Committee.

RT. HON. LORD DELAMERE: With regard to Clause 2, the Honourable Solicitor General has said that he has met the case that I put forward, or rather that this amending Bill meets the case which I originally put forward, because it prevents His Excellency in Council judging his former judgment over again, that is as far as I understand it. My point was that this original Ordinance ought to be amended, so that His Excellency the Governor in Council should not be a judge at all in these matters. How is His Excellency going to decide between a supplier and a supplyee, and find out whether the supplyee has been properly treated by the supplier? The only way he can do it is by putting a Committee of his own Council on to the job. It could not be done in the middle of a long agenda in Executive Council itself, and I suggest that the Committee if approved should deal with these matters. These things should come up in the ordinary way when the supplyee should be able to bring it up in a court of law somewhere or other, and therefore, as this particular section only deals with the one side of the question I am going to ask, as in the case of the Bill this morning, that this one be also withdrawn, and that Government should so draft the amendment that both sides of the question can be taken into consideration, and by which it makes it possible for the supplyee to get his redress in the ordinary way through the Courts.

HON. ATTORNEY GENERAL: The suggestions made by the Right Hon. Member may be very good and more usual—I do not really know about it. The Ordinance as it stands was passed in 1920; it was drafted by an expert, and I understand it follows on the lines of legislation elsewhere. The amendment which we are proposing to-day really does not touch the question of whether the Governor in Council or any other body is the proper person to arbitrate in cases such as these. Perhaps I might read Section 70, which is more or less the section which deals with these agreements.

The only effect that the alteration has now is that these agreements will be valid without reference to the Governor in Council. That is all that is proposed.

RT. HON. LORD DELAMERE: I thoroughly understand that that is the case. What I want to ask the Honourable Gentleman—the Solicitor General—is whether, where there is any argument between the lessee, or the supplier and the supplyee,

does that go to His Excellency the Governor in Council for decision? That is what I understood the Honourable Solicitor General to say. I am only going on what I am told.

With regard to what the Honourable Attorney General said about an expert having drafted this Bill, I think if he looked back some of the old records on that subject I'm yes

HON. ACTING COLONIAL SECRETARY: As I understand it the Right Honourable Gentleman's point is that this Bill does not go far enough and, going once more on the principle I have enunciated more than once to-day, I trust the Bill will be put back for consideration in the light of the particular remarks which have been made. If I may say so I entirely agree that the Governor is absolutely overloaded and it does not appear to me desirable to give him judicial functions in this connection in addition to those he already possesses.

I suggest that progress be reported by the Honourable Mover and that we pass on to the next business.

HON. ATTORNEY GENERAL: If your Excellency wishes me to report progress at this stage I will do so, but if we are going to hold up all legislation until some other desirable legislation is introduced then we shall not get on at all. The amendment proposed will simplify the position, and clear away one real difficulty. It may be true that other amendments are required in this Ordinance, but they are all amendments of a far-reaching nature and very complicated. This is an extraordinarily technical Ordinance. It has got a great many sections. These sections dovetail into each other in a way which makes it an extraordinarily difficult thing to touch one section without touching others. The whole scheme is most elaborately worked out and it is very difficult, without taking the whole Ordinance almost to pieces, to deal with it. My friend, the Honourable Director of Public Works, can speak with greater authority than I can on this matter, because he is extraordinarily familiar with the working of this Ordinance. I think, however, he will corroborate me in saying that it is a very dangerous thing to touch any vital part of this Ordinance, and would require months of work by a Committee sitting for the purpose. Therefore, I would appeal to the Council that it should pass this very small Bill simply saying that they approve of the Governor in Council settling the agreements. I would ask Honourable Members to pass that small thing now, and to refer—if they so desire—the question of relieving the Governor in Council to some Committee to enquire into and prepare some elastic measure.

HON. DIRECTOR OF PUBLIC WORKS: I would like to explain that provision exists in the Ordinance for the delegation of the powers of the Governor in Council to a Power Board. The

Power Board has never been established, chiefly because it was not considered that there were sufficient matters to warrant the appointment of a special board; but the power exists when the Governor considers it necessary to appoint the board, and it can then be done.

RT. HON. LORD DELAMERE: Your Excellency, I cannot believe that it is beyond the powers of my Honourable Friend, the Attorney General, to do away with the Governor in Council as the outside authority without taking the whole Bill to pieces. It seems to me that a thing of that sort can surely be done without taking the whole Bill to pieces.

HON. ATTORNEY GENERAL: This Bill is really a very complicated Bill, and I do not think it should be gone into further. I think, however, the Honourable Director of Public Works has cleared up the matter very much, because he has explained that there is provision for a Power Board. I really think this work is done by the inspectors of the Board of Trade at home. The tendency is that it should be referred to a body of experts, and not to a court; therefore there is this provision to appoint this Power Board if the work gets sufficiently great to merit the necessity.

HON. SOLICITOR GENERAL: I should like to support the Honourable Attorney General in this, and I do hope that this Bill will not be put back. I should like, however, to correct one statement I made in my last speech, and that is I mentioned the court instead of the Governor in Council. The position, as I have already explained, is this: the licensee and a consumer enter into these agreements and, as the Ordinance stands at the present moment, under section 137 those agreements have to go before the Governor in Council. If, as I said before, it turns out that one consumer has got preference over another consumer then under section 72 (2) that difference has to be considered again by the Governor in Council. It seems to me it is far preferable to delete section 137 altogether, and then in the event of dispute the Governor in Council has an open mind, and, as the Honourable Director of Public Works has already pointed out, there is a provision, if the Governor in Council feels the responsibility too great, to appoint a Power Board to do what the Governor in Council does now. The powers given at the present time to the Governor in Council are those given to the Board of Trade at home.

RT. HON. LORD DELAMERE: May I ask the Honourable Gentleman who has just spoken whether there is any appeal from the Board of Trade in England?

HON. SOLICITOR GENERAL: I believe none whatever.

HON. ACTING COLONIAL SECRETARY: I would like to add that I propose the Bill should be put back for further consideration. I should also like to explain that I was not suggesting it should be dropped, but we are going through this legislation rather quickly, and it seems to be far more desirable to put the matter back for further consideration than to press for the Bills against the wishes of the other side of the House. On the other hand, what the Honourable Director of Public Works said has thrown a different light on the matter, and if that meets the views of Honourable Members on the other side I personally would drop my own suggestion that we defer discussion; but to continue it. If, however, it does not meet their case then I should prefer it should be put back.

HON. SOLICITOR GENERAL: This Ordinance consists of six sections. One is a material section. What we are discussing now is the deletion of section 137. Clauses 2, 3 and 4, of the Bill are consequential alterations.

RT. HON. LORD DELAMERE: Your Excellency, . . . just one moment . . . this is somewhat disturbing. . . I have got two Bills before me. I was told that the Ordinance we were discussing was an Ordinance relating to something else, and now I have got in front of me something else again. That is what I have been working on. I am now given another Bill, which is entirely different. If this has undergone this "careful consideration" by the Government why have we got two different copies of a different description?

HON. SOLICITOR GENERAL: The explanation of that is: the first Bill was printed, and on going through the files of a subsequent date I found that another amendment had to be made in section 42. That is the explanation of that.

RT. HON. LORD DELAMERE: I suggest this Bill should go to a Special Committee. I therefore beg to move that this Bill go to a Special Committee.

HON. J. E. CONRY: I beg to second.

HON. ATTORNEY GENERAL: I suggest the names of the Honourable Director of Public Works, the Solicitor General, Lord Delamere, Mr. Mitchell, and Captain Conry, to consider the provisions of this Bill, with the Attorney General as Chairman.

HON. SOLICITOR GENERAL: Do I understand that this Committee is being appointed to consider the principles of a Bill which has already passed its second reading?

HON. ATTORNEY GENERAL: I understand that the Honourable Member for Nairobi South has some information which might be useful to the Committee.

RT. HON. LORD DELAMERE: What is the position? The Honourable Solicitor General has brought this matter up that you cannot go into Committee on the principles of a Bill which has already had the principles passed.

HON. ATTORNEY GENERAL: What the Right Honourable Member has pointed out is something quite different precisely. He was talking about other possible amendments which were made in the principal Ordinance, and I would suggest that we might get on with the Bill and pass it, so that if there were no objections to the principal Bill we could appoint a Committee to consider the other proposals afterwards. That is the suggestion I made some time ago.

RT. HON. LORD DELAMERE: I have not heard anything about the Government appointing a Committee to go into the amendment of section 72.

If Government will give an undertaking that they will appoint a Committee to go into the question of the authority under section 72; then, as far as I am personally concerned, I will withdraw my opposition to this present Bill.

HIS EXCELLENCY: I think that is the best course to take. This section which the Right Honourable Member has spoken about raises the question of the Governor in Council dealing with matters which may in the ordinary course go to the courts. This is a peculiar principle which does not apply only in this Bill or to the Wayleaves Ordinance discussed this morning. I think it would be better that a point of that kind should be referred to a Committee, with special reference to this Bill and any other Bill which may be affected in the same way.

As regards this Bill the point has been emphasised by the Honourable Attorney General with regard to section 137, and it is a fact that the Governor in Council is not only the original authority but also the final arbiter, and that is a point which should really be cleared up as soon as possible.

Therefore, I think this Bill should be considered, and I undertake to see that other question will also be referred to a Committee to go into at a later date. (Hear, hear).

* Clauses 1, 2, 3, 4, 5, and 6 stand as part of the Bill.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report to Council that a Bill intitled "An Ordinance to Amend the Electric Power Ordinance, 1910," has been through Committee, and returned to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

Council adjourned to 10 o'clock, on Wednesday,
August 12th, 1925.)

12th August, 1925

WEDNESDAY, 12th AUGUST, 1925.

The Council assembled at 10 a.m. in the Memorial Hall, Nairobi, on Wednesday, the 12th day of August, 1925, HIS EXCELLENCY THE ACTING GOVERNOR (MR. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

His Excellency opened the Council with prayer.

Minutes confirmed.

OATH OF ALLEGIANCE.

The President administered the Oath of Allegiance to:—

MR. MANIBHAL AMBELAL DESAI, Nominated Indian Member.

PAPERS LAID ON THE TABLE.

1. Papers concerning the Draft Order in Council. (Notice was given to move the adoption of a new Draft at a later stage of the Session.)
2. Machakos Railway Economic Survey.
3. Annual Report of the Department of Agriculture.

BILLS.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move the suspension of Standing Orders to enable the second reading to be taken of a Bill intituled "An Ordinance to Amend the Prisons Ordinance, 1914."

HON. ACTING COLONIAL SECRETARY: I beg to second.
Motion put and carried.

PRISONS (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the second reading of this Bill. This is a very short measure, chiefly designed to provide for a change of titles of the prison officers. The Gaolers are now to be called Assistant Superintendents, and there are, moreover, other changes in titles. There is also provision for dealing with civil prisoners. Formerly civil prisoners were not required to do any labour; they were treated in exactly the same way as prisoners on remand. But it is considered desirable that, as at home, civil prisoners should be required to do a certain amount of work, and this requires an amendment to the Ordinance.

The other matter dealt with in the Bill is communications between prisoners and their friends outside. At the present time civil prisoners are also dealt with as prisoners on remand and are allowed extraordinarily free access to their friends, and extraordinarily free correspondence. In fact, they almost go so far as to provide that they shall be allowed daily communication. That is, I believe, peculiar to this country, and it is considered that in the case of ordinary civil prisoners—people who go in for refusing to pay civil debts—the discipline is too lax, and it is necessary to tighten it. The section, as amended, makes provision in that respect.

HON. ACTING COLONIAL SECRETARY: I beg to second.

HON. CONWAY HARVEY: There is just one principle involved in the contemplated change on which some of us would like a fuller explanation from my Honourable and Learned Friend the Mover of the motion. I allude to the substitution of the words "unconvicted criminal" for the terminology which was previously used. I realise that it is merely a definition of terms, and I feel certain that my Learned Friend can clearly and easily reassure us on this point. There does appear to be something ambiguous about the term "unconvicted criminal."

HON. J. E. CONEY: According to the printed paper that we have as to the objects and reasons of this Bill the principle object of the Bill is "to repeal in the Principal Ordinance the sections concerning the enlistment and conditions of service of subordinate staff which are better dealt with by Rules." It is a Standing Order of this Council that when any Bill is introduced the cost is estimated, and I would like to ask what the proposed alteration in the terms of this service is going to cost the country.

HON. SHAMS-UD-DEEN: After hearing the explanation given by the Honourable Attorney General I feel that I must oppose this Bill for the reasons that it is sought to make the present Regulations more stringent and more hard where civil prisoners are concerned who are generally sent to the prison for no criminal offence and probably through no fault of their own but through misfortune in the world. A man may be perfectly honest, and yet he may have to serve six weeks or six months in a prison as a civil prisoner, and I think the law as it exists to-day is perfectly in order inasmuch as all facilities for communication with the legal advisers of the civil prisoners and other facilities are accorded to them. I do not think that the Honourable Attorney General has shown us any reasons why the rules should be amended to create a hardship on a class of prisoner who really ought to be properly treated—all that is necessary is that their liberty should be confined; but they should have the fullest opportunity of enjoying the

ordinary amenities of life while they are in civil imprisonment. I think it is a question of principle that should not be violated. I do not know exactly what conditions prevail in England, but I think in a country like this the time has not yet arrived when civil prisoners should be treated in a manner worse than the ordinary criminal prisoners, and on those grounds I am afraid I must oppose the Bill.

HON. ACTING COLONIAL SECRETARY: With regard to salaries, I am informed by the Commissioner of Prisons that there will be no additional expenditure, but a saving is anticipated as a result of this Bill.

HON. ATTORNEY GENERAL: Your Excellency, I will take first the subject of the "unconvicted criminal." It has been raised by the Honourable Member for the Lake, and there have also been references to it to-day in the Press. The words "unconvicted criminal" are substituted for the words "all prisoners other than convicted", and the section will now read "all unconvicted criminal prisoners". That, I may explain, is the term used throughout the main Ordinance for what are usually called unconvicted prisoners on remand, and that is the term used throughout the Act on which this Ordinance is based. But, as a matter of fact, the difficulty I think will disappear because for other reasons I have an amendment to propose in this clause which will omit these words altogether.

The point raised by the Honourable Member for Plateau North has been, I think, met by my Honourable Friend the Acting Colonial Secretary. It is not anticipated that there will be any alteration in the cost of prisons arising out of this Bill. Certainly it does not arise out of the Bill itself. I did not mention the point of committing the regulations to the provisions of the Ordinance dealing with the discipline of the subordinate staff, because I am going to suggest, Your Excellency, that it might be well to omit this section from the Bill. At present these things are dealt with by Ordinance, and as it concerns the conditions of civil servants it might be advisable not to cut it out of the Ordinance without the previous sanction of the Secretary of State and I find that that matter has not yet been considered by him. I am going to suggest, Your Excellency, that this section of the Ordinance be dropped out and that that particular amendment should be left for future consideration in connection with the other and more general provisions in the Prisons Ordinance, of which a general review is required, and comparisons in regard to the latter should be made with the conditions of service in force in the King's African Rifles and Police.

As regards the objections of the Honourable Mr. Shams-ud-Deen that of course goes to the root of the Ordinance. The whole intention of the Bill—the latter part of the Bill—is that

civil prisoners should not be given the extraordinarily good time they are given just now. The provisions relating to civil prisoners in this Colony are very much more lenient and really lax than they are in, I believe, most countries. Certainly they are more lax than in England.

Motion put and carried that second reading be passed.

HON. ATTORNEY GENERAL: I beg to move that the House resolve itself into a Committee of the whole Council to consider the provisions of this Bill.

Motion put and carried.

In Committee:

HON. J. E. CONEY: Did I understand the Honourable Attorney General to say that the conditions regarding the terms of service are to be altered in this Colony?

I am not quite satisfied with the answers given as regards the cost of the Bill. I took it to mean that there might be additional cost arising out of the Rules which may be met under this Bill; and, if so, I think this Honourable Council ought to know what is going to be this cost.

HON. ATTORNEY GENERAL: I think as a matter of fact this point arises under section 4. I think I have Your Excellency's authority for saying that it does not involve any additional cost. The whole idea of section 4 is that whereas the conditions of pay, service and gratuities are laid down at present by Ordinance they should in future be laid down by Regulation. That does not mean that there will be any increase in emoluments.

HON. J. E. CONEY: I hope the Honourable Gentleman does not misunderstand me. I am not against any increase; in fact, it seems that an increase is justified. Am I in order in asking the question as to what is the position to-day with regard to the terms of service—what is happening about the local allowance, which affects the terms of service; whether the local allowance has been incorporated in the salaries of the Civil Servants?

HON. ATTORNEY GENERAL: This refers to the Asiatic staff; there is no question of local allowance involved.

HON. J. E. CONEY: Does this not affect the Europeans as well?

HON. ACTING COLONIAL SECRETARY: With regard to the local allowance, proposals have been put forward by Your Excellency, and also the Governors of Uganda and Tanganyika, which are now under consideration by the Secretary of State. No decision has, as yet, been arrived at.

HON. J. E. CONEY: That is what I want, but I understood that the proposal was that the local allowance should be incorporated as from the 1st July, and we are now in the middle of August.

HON. ACTING COLONIAL SECRETARY: A good deal has been done already, but no decision has been arrived at. If it comes in it will be retrospective as from the 1st July.

HIS EXCELLENCY: Perhaps it will be just as well, as this subject has been mentioned, to say, as the Honourable Acting Colonial Secretary has pointed out, that a despatch has gone to the Secretary of State, making recommendations which have been approved by the Economic and Finance Committee, and the latest information we have had on the subject is a telegram received only a few days ago from the Secretary of State asking if it would be possible to arrive at some agreement with the Governors of Uganda and Tanganyika on the subject, and we are now in communication with these Governments.

HON. W. MACLELLAN WILSON: As the Honourable Attorney General mentioned that there is a possibility of retaining clause 4 of the new Bill, with reference to certain sections, will it be necessary to include those sections under this clause 2 where the word "gaoler" or "gaolers" may occur?

HON. ATTORNEY GENERAL: I may inform the Honourable Member, in all sections where the word "gaoler" occurs.

Clause 4:

HON. ATTORNEY GENERAL: Your Excellency, I understand that it is intended that this clause should remain in the Bill, but if that is so I think there are two sections in the Ordinance which it is necessary to retain. I have discussed the matter with the Commissioner of Prisons, and he agrees that sections 38 and 39 do lay down the amount of the gratuities to which the subordinate staff are entitled, and therefore ought to remain in the Ordinance, and I propose an amendment accordingly.

HON. SHAMS-UD-DEEN: On a point of order, what the Honourable Attorney General is reading now is not before the Honourable Members. I think the practice has been in the past that all sections that are to be repealed or amended should be printed on the opposite page of the Ordinance. That is not the case so far as this is concerned, and I do not know at all how the proposed amendments just now mentioned by the Honourable Attorney General affect this Bill. For all we know he may be taking away certain privileges from the employees of the Prisons Department, or we may have to incur fresh expenditure. I therefore suggest that Honourable Mem-

bers should have before them the copies of the sections which it is intended to repeal, and that it should be kept back until to-morrow, so that we can have the fullest opportunity of seeing what is being done.

HIS EXCELLENCY: I think there is a point in what the Honourable Member has said with regard to this particular section, because it would be advisable to have this information on the other side of the Bill. At the same time, I think the Honourable Attorney General will be able to supply that information now.

HON. ATTORNEY GENERAL: At the same time, I would like to point out that the amount of matter which can be printed on the opposite page of the Bill is limited, and when it mentions extensive repeals I think Honourable Members may be asked to refer to and consult the original Ordinance. (*Explaining what these sections refer to.*)—These are the sections which have been put up for repeal.

HON. SHAMS-UD-DEEN: May I ask the Honourable Attorney General how it is proposed to substitute this section? They seem to be very important sections and should be retained in the present Ordinance. It seems to me the present Ordinance is an excellent one; it provides for different methods of treating the staff, and now that we are going to alter this it is going to defeat all the intentions of the Ordinance. How is it proposed to substitute them?

HON. ACTING COLONIAL SECRETARY: If the Honourable Member will refer to the statement of objects and reasons he will see that the principle of this Bill is to repeal in the principal Ordinance the section concerning the enlistment and conditions of service of subordinate staff, which are better dealt with by rules.

HON. SHAMS-UD-DEEN: Will these rules come before this House for approval? It seems very important matters are involved. I think such powers should not be given to the Governor without the Honourable House's approval of them.

HON. ATTORNEY GENERAL: Your Excellency, I propose that this clause be omitted from the Bill. The reason that I recommend it is that the Ordinance as it stands individually contains a great number of things which are better dealt with in the opinion of this Government by regulation. That will necessitate a fresh Ordinance dealing with the main principles only, and omitting certain things in the present Ordinance dealing with regulations. Our present Ordinance is on the lines of the King's African Rifles Ordinance and a certain uniformity between the different parts of East Africa in regard

to this is desirable, and it will probably be better before we proceed to delete sections of this kind to consult the Secretary of State for the Colonies. On reconsideration the Government is prepared, I understand, to agree to the omission of this section.

HON. CONWAY HARVEY: We do appreciate my Honourable Learned Friend's suggestion that we might make ourselves acquainted with the details of the many Ordinances by consulting them, but these Certificates of Emergency do force the pace to such an extent that time is insufficient for us to adopt the course he suggests. A suggestion I would make and one worthy of the most consideration is the establishment of a small library to which all members would have access and they can then put themselves wise with regard to the various Ordinances with a minimum of inconvenience to everyone concerned.

HON. ATTORNEY GENERAL: May I say I quite appreciate the point made by the Honourable Member for the Lake, and I understand it will be possible to establish such a library. It would then be possible for three or four copies of the Revised Laws to be furnished to the Council and be permanently placed in the building, which would be of enormous convenience to everyone.

HON. ACTING COLONIAL SECRETARY: I would add to the Honourable Attorney General's explanation that this Ordinance has been published for over a month, and members have had time to read it. The second reading is being introduced not under a Certificate of Emergency but under the suspension of Standing Orders.

HON. CONWAY HARVEY: I have been reading Ordinances for a month, and have not got to this one yet!

HON. SHAMS-UD-DEEN: I would point out that there are several new Indian members appointed to the Council within the last few days who have not yet seen the Bills, and are not in the same position as other members.

HON. J. E. CONY: I must protest against what the last speaker said. Government cannot take any notice of any alterations made in the unofficial side of the House.

HON. SHAMS-UD-DEEN: Your Excellency, I do hope the Honourable Attorney General will find us some better words to explain what is meant by the term "unconvicted criminal." It requires a lot of legal knowledge for a layman to understand what an unconvicted criminal is. We are going to take away

from the prisoners who come under the category of "all others committed for safe custody only," what is extended to all criminal prisoners. By this Ordinance we are going to give to the unconvicted criminal prisoners what we deny to the rest of the prisoners. He might be in the prison for a very temporary period on a mere imaginary charge, or may have been detained for a very serious offence. I do submit seriously for the consideration of this House that before we pass this we must alter the Ordinance in such a manner that unaccused people should be protected and not be treated worse than the remand prisoner.

HON. ATTORNEY GENERAL: Your Excellency, I do not know whether my Honourable Friend Mr. Shams-ud-Deen is referring to the term "unconvicted criminal prisoner." I have explained that is not a term introduced into this Bill at all; it is the term which exists in the clause of the Ordinance. It is not proposed in this instance to alter it. The term is used in the original Ordinance. Prisoners are divided into two main classes, civil and criminal; that is to say prisoners on the civil side and the criminal side are divided into those convicted and unconvicted. The object of this clause is to provide that the only people who are not required to do any labour are prisoners on remand. Whilst a man is on remand he is only in gaol for the purposes of safe custody. If he can raise the money he is entitled to go out on bail, and therefore he is not really under ordinary prison discipline at all. He is absolutely free in every way except that measures are taken to prevent his escape. If a man is put into gaol on anything of the nature of a sentence because he has done something it is only reasonable that he should be treated in a slightly different way and should be required to do a certain amount of work. That I believe is the case at home.

HON. SHAMS-UD-DEEN: May I ask in what category will political prisoners be treated? As unconvicted criminal prisoners or civil prisoners?

HON. ATTORNEY GENERAL: Perhaps the Honourable Member will tell me what he means by political prisoners.

Clause 6 passed.

HON. ATTORNEY GENERAL: I am afraid I find it necessary to propose an alternative to this clause 6. The old clause reads "All prisoners other than convicted prisoners shall be given all reasonable opportunities, daily, of communicating with their friends or legal adviser, and they may write or receive letters. . . ." The intention is that prisoners awaiting trial should be given all these facilities but other prisoners should be subject to somewhat stricter discipline. I would suggest

the clause should read as follows: omit the word "daily" in the second line and add before the words "they may write and receive letters" the words "subject to any regulations which may be made under this Ordinance," and the clause will then read: "All prisoners, other than convicted prisoners, shall be given all reasonable opportunities of communicating with their friends or legal adviser, and, subject to any regulations in this Ordinance, they may write and receive letters, etc."

Clause amended as suggested.

HON. ATTORNEY GENERAL: I beg leave to move that the Bill as amended be reported to Council.

The Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Prisons Ordinance, 1914," has passed through Committee with amendments.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

HON. SHAMS-UD-DEEN: May I ask, Your Excellency, that the protests of myself and the Honourable Mr. Desai be noted against the second reading of this Bill?

HIS EXCELLENCY: The second reading was taken and passed, but no division was asked for. You can always take a division on the third reading of the Bill.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg leave to move that the Standing Orders be suspended in order that a Bill intitled "An Ordinance to Consolidate and Amend the Law relating to Witchcraft" may be read a second time.

HON. ACTING COLONIAL SECRETARY: I beg to second. The question was put and carried.

THE WITCHCRAFT ORDINANCE, 1925.

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I do not think I need say very much on the subject, and what there is to be said will be said by the Honourable Acting Chief Native Commissioner. I think Honourable Members are sufficiently aware of the serious thing which witchcraft is. We have a short Ordinance dealing with it, but in several respects this Ordinance has proved insufficiently stringent to

from the prisoners who come under the category of "all others committed for safe custody only," what is extended to all criminal prisoners. By this Ordinance we are going to give to the unconvicted criminal prisoners what we deny to the rest of the prisoners. He might be in the prison for a very temporary period on a mere imaginary charge, or may have been detained for a very serious offence. I do submit seriously for the consideration of this House that before we pass this we must alter the Ordinance in such a manner that unaccused people should be protected and not be treated worse than the remand prisoner.

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Clause amended as suggested.

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deal with the cases which came before the Court. Most African colonies have Ordinances which deal with this subject in a more or less elaborate way, and this Ordinance repeats the provision we already had, and increases the maximum penalty which can be inflicted in certain cases, and also incorporates certain provisions which have been found useful in Nigeria and Nyaland.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, this is a Bill for consolidating and amending existing Ordinances, and does not differ from those laws in principle. It is, however, sixteen years since the first Bill was passed, and seven years since the last amendment, and it may perhaps be of some public interest if I give a brief account of the principles underlying the Bill.

If we ever think of the condition of Africa before we came here, it is probable that no very clear picture is presented to our minds. We have a somewhat classic picture of inter-tribal war and of bestiality in all human relations.

The real fact, however, is that from his birth to his grave, the African, even more than the European, is ushered through life by custom and circumstance. From the time of his circumcision or similar initiatory ceremony into the outermost circle of mankind, he passes by virtue of increasing years and various contributions into circle after circle, till at last he becomes one of those inner initiates from whose ranks the witch-doctors are mostly recruited, who again provide the innermost circle or so who are the dictators of the tribe. Witch-doctoring is the native form of administration.

In some cases witch-doctoring would appear to be hereditary only. In others it would seem to be the perquisite of an ancient Israel of a clan of Levites. Sometimes one man, like Mbatian and Lenana, will stand out as the high priest, but in each and every case the system is the same of strict control and government by prerogative curses or tabu.

The student of the system cannot but admire its simple effectiveness. It is desirable that the young men should not make over-tribal wars. The wisdom of the old controls the weather indications are favourable. The witch-doctor curses any who plant before the gods allow. There is a crop to be planted, a bit of string to be guarded; a skull on the end of a staff, a guard with the red and blue guild marks, will be far more effective and far cheaper than squadrons of mounted police.

It will be seen that in design the system is beneficent. Moreover, in that it lends itself to specialisation, it is progressive. You get the herbalist, a real medicine man; the

detective, who often appears to have uncanny powers; the hypnotist; the rainmaker, who, because he is also the rain-withholder, sometimes dies an unspeakable death in time of drought; and I met the other day a gentleman with a Harley Street reputation extending over a very wide area as an unbewitcher. All this is Uganga, or what we would call in England not so very long ago, white magic.

Unfortunately, however, the men who wield this really wonderful system of temporal power based on super-human pretensions are not always inspired by a real desire for the good of the people. The curse that will prevent a theft will also prevent any save the witch-doctor from marrying the girl the witch-doctor chances to select. The herbalist becomes an expert in sudden death. The hypnotist seems to have real powers of causing death by post-hypnotic suggestion though he too may be a herbalist; the rain-maker, whose profits in wet years fall off, seeks other methods of earning a profitable respect; the detective threatens to accuse of crime those who will not subsidise him; and even the unbewitcher causes battle and murder, as did a Nandi woman in Elgeyo the other day, by-enchelling out wizards.

The Bill in front of you, gentlemen, is of all our laws perhaps one of the hardest to administer, because the border between black and white magic, the distinction between the charm that is meant to harm and the charm that is meant to protect, is often impossible to define. It is necessary, therefore, to ask in it for somewhat wide discretionary powers to be vested in the magistrate, which, if it is your wish, I can explain as we go along. I will ask you first to approve of the principle of the Bill.

HON. J. E. CONEY: I hope the Honourable Member who has just spoken will not think it presumptuous of me to welcome him back in this Council, and to thank him for the explanation he has given. The Honourable Acting Colonial Secretary yesterday said that the Bills were being seconded by experts. In this case the Honourable Gentleman has certainly given evidence of his expert knowledge. May I suggest to Government that they should allow and encourage Heads of Departments to give explanations of Bills which are being introduced? I am quite certain it would save an enormous amount of time and we should not waste the Government's time as we do if explanations can be given on the same lines as that given just now. He has also promised as we go through clause by clause to give the explanation and the reasons for the different clauses. I am quite certain this Council will work more in harmony if that course is adopted. I think I can say, as far as Honourable Unofficial Members are concerned, and with the explanation that has been given by the Honourable Acting Chief Native Commissioner, that they will give the measure their support.

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HON. W. A. SMITH: I rise to endorse what the Honourable Acting Chief Native Commissioner said in support of the Bill and particularly of witchcraft, which I think is much more in evidence than most people realise. It is more so on the Coast, where I have had long experience of it, but I must confess I have never seen any of the rites performed. It is a very real danger amongst us. It leads to intimidation and blackmail and crime among natives themselves, and I therefore cordially endorse the principle of this Bill. I should like also to endorse the remarks made by the Honourable Member for Plateau North for the very able way in which this Bill was explained. Yesterday several Bills were introduced over which a lot of time was wasted. Bills introduced in the manner that this one has been would save the time of the House in asking for explanations.

The question was put and carried.

HON. ATTORNEY GENERAL: I beg leave to move that Council resolve itself into a Committee to consider the provisions of this Bill.

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

The Council resolved itself into a Committee of the whole Council, His Excellency the Acting Governor presiding.

In Committee:

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 2 remains unchanged except that in the old clause the term of imprisonment is one year, and in this clause we are asking for five years.

Question put and carried.

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 3 remains unchanged. Clause 4: There is a small omission in this clause which, I am sorry to say, I cannot explain. It was apparently put in as the result of some case. The old wording was "Any person who on the advice of a witch-doctor, or of his pretended knowledge of witchcraft, shall, etc." These words have been left out. I do not understand the reason for so doing.

HON. ATTORNEY GENERAL: I cannot explain, either, why they were left out. It had to do with a case put up to us by the Native Affairs Department.

HIS EXCELLENCY: Do I understand the Honourable Acting Chief Native Commissioner to say that these words should be re-inserted?

HON. ACTING CHIEF NATIVE COMMISSIONER: No, Sir. I am perfectly prepared to leave the clause as it is.
Question put and carried.

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 5: I should like to offer one explanation and that is that with the word "charm" we read the words "for the purpose of causing fear, annoyance or injury to another". There is no reason why Honourable Members should not retain mascots for their cars and the Coast natives wear their charms. The penalty for possession of charms is increased from two months or Sh. 300 to one year or Sh. 500, otherwise it remains unaltered.

HON. SHAMS-UD-DEEN: Your Excellency, I think clause 5 goes too far. I know of customs among Mohammedan natives who wear these charms referred to by the Honourable Chief Native Commissioner, and also the native Christians. They believe that if they wear a part of the Bible or certain portions of it and carry it about their body that it guards them from evil or from ailments. Although the belief might be a wrong one, it is there, and in making it an offence for natives to wear these "heresis" there is the danger that these people might be maltreated by the authorities for wearing charms for purposes they were never intended by the person concerned. I would submit that point for the consideration of the Honourable Acting Chief Native Commissioner.

HON. ACTING COLONIAL SECRETARY: Does the Honourable Member suggest that the "heresis" is used in the exercise of witchcraft to cause annoyance or injury to persons or property? It is outside my knowledge and that of the Honourable Acting Chief Native Commissioner.

HON. SHAMS-UD-DEEN: No, he does not do it for any of those purposes at all, but the onus of proof is on him to show he is not wearing it for such a purpose.

HON. ACTING CHIEF NATIVE COMMISSIONER: I did not read the section that way. It would be up to somebody to show he was using that charm to injure, etc., some other person.

HON. ATTORNEY GENERAL: If the particular kind of charm is a kind used for the purpose of causing injury, then it is up to the person accused using that charm to prove he is not using it for such a purpose.

Question put and carried.

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 6: Clause 5 is the last of the old clauses. One small clause has been left out of the old Ordinance dealing with proceedings

against chiefs, sub-chiefs and elders. The rest of the Ordinance is entirely new. In this particular clause the penalty of Sh. 500 or five years is provided for malicious actions of witchcraft.

Question put and carried.

HON. W. MACLELLAN WILSON: With regard to clause 7, is the side-note quite correct? It should be "criminal finder" in this case. Your Excellency, I am quite in favour of this clause for the purpose for which it has been drafted, but it will be within the knowledge of Your Excellency and of Honourable Members of this House that hypnotic suggestion has been used frequently for the purpose of finding criminals. I have seen the thing done, and it has its uses. I only call attention to the fact that as far as natives use it it is used illegally, and I understand the purpose of the Bill is trying to get the natives into proper line.

HON. ACTING CHIEF NATIVE COMMISSIONER: I suggest the words "employ of witch-doctor" would meet the case.

HON. W. MACLELLAN WILSON: That would hardly meet the case, as cases I have in mind generally a medium has been used and put into a trance, and I have in mind one case I saw in Ceylon where a certain robbery took place and some of the articles which had been handled by the robbers were put into the hand of this medium, and he gave a description of the robbers from contact with these articles. That boy would not be a witch-doctor.

HON. ACTING CHIEF NATIVE COMMISSIONER: The boy would have to be put in a trance by a witch-doctor.

HON. ATTORNEY GENERAL: I suggest the words "attempt to discover crime by witchcraft."

HON. ACTING COLONIAL SECRETARY: I would like to ask the Honourable Acting Chief Native Commissioner's opinion on the subject. As Honourable Members probably know there is a very common ordeal of natives in practice to clear themselves of a charge which is commonly thrown at them by their neighbours by some such form as in the case of jumping the body three times, etc. A very large number of these ordeals are not used for accusation but for clearing one's self of a crime. Anyone who has read Sir Charles Elliot's book will remember the description of the Wakamba there, and the terror in which they lived of these false charges, and how as the community gradually got to believe in these false charges the person so implicated was gradually abandoned by all his fellow creatures until ultimately a poisoned arrow was found in his back and he died in the bush in solitude. We all of us know of these

ways in which natives can relieve themselves of such circumstances. They are very frequently practised, and I should like to know whether this clause will remove the relief which so many natives have obtained to-day by the more or less harmless mediums to which they submitted themselves. I quite agree that the detection of crime by ordeal is not one which can be supported by Government, but to remove entirely this great measure of relief which natives at the present time find so useful and beneficial might, I think, be going beyond the intention of the Native Affairs Department.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I think that the whole Ordinance will have to be used with discretion by District Officers, and it may be necessary for a circular to be issued by headquarters, but this clause does not only deal with the question of crime.

HON. ATTORNEY GENERAL: In regard to ordeals. In the Ordinances consulted there were provisions dealing with the ordeals mentioned by the Honourable Acting Colonial Secretary, but these were not incorporated in this Bill because I understand that in this country the more harmful ordeals do not obtain here. At any rate the specific provision has not been inserted in the Ordinance.

Question put and carried.

HON. CONWAY HARVEY: I am sure the Honourable Acting Chief Native Commissioner can explain this (clause 9), but it does appear District Commissioners are being endowed with very big powers. I should like to know whether there is to be a judicial inquiry or an ordinary inquiry by the District Commissioner, and what appeal the accused person would have if he thought he was being treated unjustly?

HON. LORD FRANCIS SCOTT: Does not this section 9 conflict with section 2? It says "and having satisfied himself that the person so suspected". Would he not be satisfied under clause 2?

HON. ACTING CHIEF NATIVE COMMISSIONER: The question of the Honourable Member anticipated the explanation. Section 9 gives District Commissioners power to order these witch-doctors to live in any particular place. He may have been practising witchcraft and been imprisoned, and having served a sentence he can be ordered to live in a particular district not his own. Under section 10 he can be deported from his own district. Witch-doctors have been put in prison and have served their sentences and have come back to their districts in a sort of pantomime way of "Here we are again, having overcome the magic of the Government, and we have a large selection of new charms which we propose to begin

using by trying them on the people who managed to put us in prison." In order to preserve the peace of the district and ultimately preserve the people from taking the law into their own hands, we have to arrange where witch-doctors have to live.

HON. CONWAY HARVEY: Clause 9 says "when it is reported to the District Commissioner"

HON. ACTING CHIEF NATIVE COMMISSIONER: I had overlooked this question. As a general rule, no action is taken against a witch-doctor except on the repeated representations from the whole neighbourhood. Once he has got the neighbourhood up against him it does not matter whether he is a witch-doctor or not, if you are going to save his life he has got to live in another place so that no harm is done. We had to ask for rather exceptional discretionary powers for the District Officers. In actual practice any action of this kind would be endorsed by the opinion of the whole district. There would always be an appeal to the senior Administrative Officer who would hold an inquiry if necessary, but it is advisable that the gentleman accused should be asked to come and live in the boma and clear himself of these charges or at any rate wait in the boma until these charges have died down.

HON. J. E. CONEY: I think there is something in the Honourable Member for the Lake's question. As section 9 reads "if any person is reported to the District Commissioner that he is suspected of having practised witchcraft he may be moved to the boma". The Honourable Acting Chief Native Commissioner has answered that it would be at the request of the whole district, and that it is for the protection of the person concerned. The clause further goes on to provide for a heavy penalty if he does not come in. It is giving a District Commissioner very large powers and I cannot see any clause in the Bill which gives any right to appeal to a magistrate or other judicial body.

HON. ACTING CHIEF NATIVE COMMISSIONER: There is no right of judicial appeal specially mentioned because if there were judicial appeal revision would always be called for. There is in actual practice an appeal to the senior Administrative Officer. If Honourable Members would like that specifically stated in the Ordinance there is no objection. A few months pass by during which we do not get direct appeals against the District Commissioner. Only the day before yesterday a gentleman appealed to me against his deposition from the post of headman and endorsed his application with a large bag of money!

HON. E. M. V. KENEALY: No provision seems to have been made for any material or monetary loss which occurred to the man. In the penalty in clauses 1 and 2 imprisonment is imposed, but there seems to be no provision for collecting a loan from the witch-doctor himself.

HIS EXCELLENCY: We had better deal with that as a separate clause.

HON. CONWAY HARVEY: I do feel there is a great deal in what the Honourable Acting Chief Native Commissioner says in explanation of clause 9, but we should welcome an assurance from the Honourable Attorney General that it is strongly in accordance with the past traditions of British law.

HON. SHAMS-UD-DEEN: May I ask the Honourable Acting Chief Native Commissioner if the objection would not be met by incorporating in this clause 9 something to the effect that provided that such cases should be reported to and confirmed by the Chief Native Commissioner.

HIS EXCELLENCY: The point might be met that any order issued under this section should be reported by the District Commissioner issuing the same to the Senior Commissioner, who will confirm it.

HON. SHAMS-UD-DEEN: Does that mean a judge of the high court?

HON. ATTORNEY GENERAL: I take it the intention is the District Commissioner's order should not be operative until confirmed by the Senior Commissioner, because otherwise the order becomes operative, but must be reported by the District Commissioner, who can suspend or alter it. I do not know whether the intention now is that the order should not be operative until it is confirmed by the Senior Commissioner.

HON. ACTING COLONIAL SECRETARY: Practically all these cases are matters of urgency. I understand the Honourable Acting Chief Native Commissioner has no objection to putting in something to that effect, and it will meet the appeal point. I would suggest that we pass on and come back to this clause by which time the Honourable Attorney General will have had time to draft something. Otherwise we can report progress.

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 10 is simply to ensure where you get a group of witch-doctors making particular trouble they can if necessary be sent to live in some other district.

HON. J. E. CONEY: This is the first time the word "judge" appears. I understood this Ordinance was to be worked by the District Commissioners as District Commissioners and

not as magistrates. It refers to an inquiry and not a trial. Does it mean in section 10 that a man can only be deported by the order of the judge or a magistrate after a judicial inquiry? That same principle might be applied to clause 9.

HON. ACTING CHIEF NATIVE COMMISSIONER: Sections 1 to 8, as I understand them, are matters for the courts. In all these sections there is to be a definite trial and conviction. Section 9 refers to administrative powers coming under a different head. Under clause 9 you have got a man who is always being accused of witchcraft in his area and you call him into the boma and tell him to live there and stop worrying people. You can thus keep your district quiet and save his life. Section 10 is different. Once a man has been convicted of witchcraft and gone to prison and served a sentence there comes the question of his coming back to the district. If it is desired he should not come back to the district at all application is made under the Deportation Ordinance, 1923, but it is only a convicted witch-doctor who can be deported from his area.

HON. J. E. CONEY: May I ask the Honourable Acting Chief Native Commissioner whether there is any necessity that clause 9 should be different to clauses 1 to 8, whether they cannot also be under the authority of the magistrate and not under a District Commissioner holding an inquiry? I think that would meet the objection of the Honourable Member for the Lake.

HON. ACTING COLONIAL SECRETARY: I understand clause 9 to deal with the case where no definite charge can be proved against a suspected witch-doctor, but if the District Commissioner has every reason to believe that unless he takes some drastic action as suggested in the clause the rest of the tribe will find him guilty and carry out the sentence, and the man will be killed. It is really to save a man's life or to enable peace to be maintained in the district that these powers are given to the executive officer under clause 9. It would not stand in the way of a trial under the rest of the Ordinance. There are some cases which are so difficult that you cannot prove a court case where action is absolutely necessary in order to preserve peace, and it is for that purpose clause 9 has been inserted for the executive officers.

HON. J. E. CONEY: Your Excellency, this is a law we are passing and it seems so un-British. You are telling a man you may not be able to put up a case against him at all. He may be absolutely innocent, and if he does not obey the order to go to the boma he can be fined Sh. 150 or get two months in gaol. It strikes me as so un-British. I do not see the objection if the man's life is in danger, he will probably

know it far better than the District Commissioner, and if he is willing to risk his life, I do not think it is the duty of the District Commissioner to force him to obey.

HON. ACTING CHIEF NATIVE COMMISSIONER: I quite see the force of the Honourable Member's objections. The clause is of a most unusual character, and has only been inserted after very serious consideration of a number of instances. There are cases with which it is almost impossible to deal with by law. You merely know that a certain area in your district is in a turmoil. You know who is at the bottom of it. A native will tell you so-and-so is the cause of the trouble. If you bring that man before the accused he will not say a word. You must get plenty of evidence before you can convict a witch doctor. The trouble is it gives such an opening to other criminals. What we are asking you to do is in the interests of good order and discipline to give us rather special powers and to trust our District Officers that they will not abuse this power. It may be the case that in the interests of the population as a whole one man may suffer a certain amount of injustice. It will not be the first time that has happened in the history of the world, and I cannot see why this Council should not meet the position and say they are prepared to agree.

HON. J. E. CONEY: I am prepared to say it may be necessary for the community's sake for one man to suffer, but if that man is prepared to stand his trial he should have a right to appeal to the magistrate or any other judicial body or judge. I feel strongly on this point, and I shall vote against this clause.

HON. ACTING COLONIAL SECRETARY: The Honourable Attorney General has drafted an appeal to the clause now.

HON. J. E. CONEY: Appeal to another Administrative Officer?

HON. ATTORNEY GENERAL: Are we discussing clause 9 or 10?

HIS EXCELLENCY: We have gone back to clause 9. I think we should insert some sort of appeal and that appeal should be to a magistrate. The man charged should have that appeal and be able to take it before the magistrate, and I will ask the Honourable Attorney General to consider that with the Honourable Acting Chief Native Commissioner. We will continue with the other parts of the Bill and report progress.

Question put and carried.

HON. ACTING CHIEF NATIVE COMMISSIONER: Clause 11 deals with most of the cases of the trial by ordeal. If a man undergoes a trial by ordeal and dies it is merely treated as murder.

Question put and carried.

HON. ATTORNEY GENERAL: I beg to move that progress on this Bill be reported.

HIS EXCELLENCY: This Bill has been considered in Committee and has been put back for further consideration.

Council resumed its sitting.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move that the Standing Orders be suspended in order that a Bill intituled "An Ordinance further to Amend the Widows' and Orphans' Pensions Ordinance" may be read a second time.

HON. TREASURER: I beg to second.

The question was put and carried.

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended I beg to move that a Bill intituled "An Ordinance further to Amend the Widows' and Orphans' Pensions Ordinance" be read a second time.

The Bill is, I think, self-explanatory. If Honourable Members will read the second portion carefully they will see that it makes provision that where an officer did not pay a lump sum contribution to the fund he may apply to the Governor for special permission at a later period to make this contribution he may be allowed to increase that subsequently Ordinance as it stands it is not permitted, and it has been found in certain cases it has caused hardships on officers who have been able to make the contribution. It is similar to the West African pension scheme, and the Secretary of State has asked us to bring our pension scheme into line with the West African.

HON. TREASURER: I beg to second.

HON. J. E. CONEY: Your Excellency, can the Mover tell us anything about the cost to the State of this alteration? I would like to raise the point I have raised in this Council before and ask the Honourable Treasurer where this money

goes to—does it go into general revenue—and if he has had time to consider the pensions laws of this country and whether it is not possible to create a fund and pay this money into this fund and not spend the civil servant's money on making roads with an ultimate very heavy liability on this Colony?

HON. TREASURER: I think the records of this House will show that this question has been asked and answered on two previous occasions at least. I remember distinctly about six months ago explaining that the system of having a special fund for the Widows and Orphans, and having contributions invested and credited in the separate funds had been considered by the Secretary of State and that it had been the policy of the Colonial Office for some time to require the contributions to Widows and Orphans Funds to be paid into general revenue and the payments for pensions to be met out of general revenue. As regards the cost of this particular amendment it is quite impossible for me to say what that cost will be, but I do know this, the Widows and Orphans Pensions tables are based, as far as my recollection goes, on a scale which is worked out on an 8 per cent. compound interest basis, and as it is clear that that being so, if these contributions were placed in a separate fund and invested that Government would be contributing towards the pensions.

HON. SHAMS-UD-DEEN: I wish to record my approval of this Ordinance. All I have to say in addition is that I hope that at a not far distant date the same principle that is embodied in this Ordinance will also be extended to the widows and orphans of the Asiatic employees of Government exactly as it is done here for Europeans.

HON. ACTING COLONIAL SECRETARY: With regard to the cost of the Ordinance, I believe only one officer in the whole Service has availed himself of the opportunity of paying rather more than the ordinary amount, and it is not anticipated that a very large number—or that any at all—will avail themselves of this rule, but it is just to put it within their reach if they wish to do so. There is no need for Honourable Members to fear that a large cost will be entailed.

I would add that, with regard to what the Honourable Mr. Shams-ud-Deen said, proposals regarding the Asiatic Widows and Orphans Pensions Fund have been received from the Secretary of State, and are now under consideration by Government.

HON. ATTORNEY GENERAL: I might point out that both the original clause and this amendment deal only with officers who were in the service of the Government on the 1st April, 1921, and who have become contributors before the 1st of October, 1922. It is restricted to a small class and, of that

class, those who contributed a lump sum under the provisions of the original Ordinance are excluded, so it only applies to a very small number of people.

Motion put and carried; second reading passed.

HON. ATTORNEY GENERAL: I beg to move that the Council go into Committee to consider the provisions of this Bill.

HON. TREASURER: I beg to second.

Motion put and carried.

In Committee:

The Bill was read clause by clause.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance further to Amend the Widows' and Orphans' Pensions Ordinance" has gone through Committee and been reported to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move the suspension of Standing Orders in order that a Bill intitled "An Ordinance to Amend the Mining Ordinance, 1925" may be read a second time.

Motion put and carried.

MINING (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: This Bill is introduced in order to meet certain hardships which have been found to occur under the Ordinance which was recently passed at the last meeting of Legislative Council. It has now been decided that it is unnecessary to exact rents on claims, and further it was found that where people had a number of claims the Ordinance provided that separate transfer fees should be paid on each claim so transferred, and that was found to hamper the industry considerably, and put on it rather an excessive burden. This Bill, therefore, is designed to remedy that, and also there is another provision in regard to the export of minerals. At present the holders of claims are not allowed to export minerals and it has been found that in certain cases this is a hardship. This Bill allows claim-holders to do this as well as lease-holders.

I think the Honourable Commissioner of Lands will explain more fully.

HON. COMMISSIONER OF LANDS: I beg to second this motion, and at the same time to supplement the Honourable Attorney General's remarks.

This Bill is rather an admission of fallibility. These disabilities were not foreseen, and the public did not complain, but they have arisen since the main Ordinance was passed. The three points to be considered are: The question of rents on claims; the question of the export of gold at certain times; and registration fees.

I think generally speaking one may say that the object of Government, as far as present mining is concerned, is to do little more than charge for direct services rendered in regard to the pre-export period of mining, that is to say, that where transactions have to be registered some sort of fee naturally has to be charged and prospecting licences will be issued subject to a fee, and so on. After that stage, Government gets a royalty when actual mining is started.

Honourable Members will remember that first of all a prospecting licence is asked for; the area includes the whole country of course with certain exceptions, and a small fee is charged for that. On a prospector confining his search to a comparatively limited area he is then entitled to stake out claims and he pays a small fee and seriously prospects within a limited area. Having done so, and proved that there is something there, he takes out a lease and begins to mine in a proper way, and naturally wishes to export gold. Then Government comes in, and charges him a rent for his lease, and he exports gold, and a royalty is taken. Under the present Ordinance the trouble is this: In the case of considerable operations a very heavy rent is charged under the Ordinance per claim, that is to say, Sh. 20 per claim per annum. That is to say, if a big concern comes in and takes up several hundred claims it has got to pay Government in rent several hundred pounds a year at a period which must be very costly—the work is costly and is entirely unproductive. This I do not think was ever really contemplated by this Honourable House and complaints have now been made, and Government requested to put forward legislation which would correct that. Section 2 embodies the abolition of rent, and sections 4, 5 and 7 are merely consequential alterations.

The next point is in section 3, which legislates in respect of the export of gold. Normally speaking of course the period of exporting gold was usually the working period under the lease, but in practice the following will happen: during the negotiations for a lease the question of compensation will come up in which other departments are concerned; it may take

some time before issuing that lease. At the same time we do not want to hold up the actual working of the mine, and therefore the Commissioner of Mines proposes to allow something and to give a certificate allowing export during the interim period. That, Your Excellency, is provided for in section 3. The remaining two sections of the Ordinance deal with the registration of claims. At the present moment, as I say, claims have been held in large numbers, and must be held in large numbers if mining on a large scale is to be successful. A fee of £2 is charged in respect of each claim. As Honourable Members can see, that will be a very heavy burden where there are several hundred claims involved, and I am sure that is not the intention of the Select Committee. The actual service rendered in respect of this particular transaction consists really of registration. Where there was only one entry, the fact that there were 100 claims instead of one did not cost the Government any more, and the amendments under sections 6 and 8 are merely I think to put right and give effect to the original intention of this Ordinance and of this Honourable House.

With regard to the cost of the Bill, this is rather—what shall I say—a loss to the Government. It is rather difficult to calculate, as we are not getting monies where otherwise we might have hoped to get them. This means to say there will be a loss in respect of money we have not received. On the other hand the question of a refund will not arise, as the section in this connection will not be operative if this Ordinance is passed at once, and as regards the fees which we should have got, or might have received if this Ordinance were not introduced, well, I am afraid I cannot calculate that, and I think probably such calculation is not required.

Motion put and carried that second reading be passed.

HON. ATTORNEY GENERAL: I beg to move that the House go into Committee to consider the provisions of this Bill.

Motion put and carried.

In Committee.

The Bill was read clause by clause.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Mining Ordinance, 1925," has been through Committee and returned to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: Your Excellency, I beg to move the suspension of Standing Orders in order that the second reading may be taken of a Bill intitled "An Ordinance to Amend the Liquor Ordinance, 1909."

Motion put and carried.

LIQUOR (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the second reading of a Bill intitled "An Ordinance to Amend the Liquor Ordinance, 1909."

One object of this Bill—one amendment which is proposed to the Liquor Ordinance—is to prohibit the sale of methylated spirits by any holder of a liquor licence, and it is proposed to introduce a separate Ordinance to license the sale of methylated spirits. It has been represented by the police that there is a certain amount of drinking of methylated spirits among natives, and the amendment proposed is to bring the law of Kenya into conformity with the law of England in regard to the sale of methylated spirits. There, no holder of a liquor licence is allowed to sell methylated spirits. Probably the idea is, and it certainly is so in practice, that it is extremely difficult to keep a check on the drinking of methylated spirits if holders of ordinary liquor licences are allowed to sell methylated spirits. The other check is kept by licensing, at a small fee, anyone who is allowed to sell methylated spirits.

The other alteration which is proposed in the Ordinance is to alter the definition of "natives." That is a subject which has given rise to very great difficulty. As Honourable Members are aware, the Berlin and Brussels Acts, under which the general legislation of this country has proceeded for the last thirty years, forbid the sale of alcohol and spirits to natives, and of course it is one of the great merits of the Administration of Eastern Africa that they have combined to carry on on those lines, and it is a thing of which the Governments of the whole of Eastern Africa are justly proud—that we have had no traffic of spirits with natives, and that no profit has been made by the home country out of such revenue. The position in West Africa up to very recently, as Honourable Members are probably aware, was very different, but when the Eastern Territories were opened up all the European Governments were warned of what had happened in other parts of the world, and they laid down restrictions which have been observed ever since. But a little difficulty has arisen in

regard for our definition of the word "native" in the 1909 Ordinance. He is defined as "a native of Africa who is not an immigrant from a place where the sale of liquor to natives is allowed," and recently there was—I do not know whether Honourable Members noticed it—but in the police courts here there was a case of women from Italian Somaliland, who were arraigned on the charge of being in possession of liquor contrary to law, being given a certificate by the Italian Consul that, according to the law of Italian Somaliland, natives there were allowed to have liquor. Whether that is the case or not, I am not in a position to say, but the courts found they could not convict any natives from Italian Somaliland in possession of liquor. Accordingly it was found necessary to make some alteration in the definition of "native", and this is a matter which anyone with experience of trying to draw a line between "natives" and "non-natives" on the subject of liquor laws has found very difficult. The line ultimately adopted was to take the phraseology of the recent Convention on the subject in December, 1919, between various countries who assembled at St. Germain-en-Laye, which made a Treaty in regard to the traffic in alcohol in Africa, and they there laid down that the sale of spirits should, generally speaking, be forbidden in all countries in Africa, with the exception of certain specified parts, and the specified parts were: Algeria, Tunis, Morocco, Libya and Egypt. The Convention also included South Africa, but for certain reasons, on consideration, it was decided not to insert South Africa here, because the Treaty prohibited absolutely the sale of all liquor within a certain zone which excluded these parts, but left it to territories such as South Africa to make their own liquor laws and I am informed that in South Africa there are special regulations dealing with the sale of liquor to natives, and it was therefore thought that in regard to natives in South Africa it was better to exclude South Africa altogether, and allow the term "native" to include a person who was a native by racial extraction of South Africa to come under the ordinary definition of "native" in the Interpretation clause.

HON. SOLICITOR GENERAL: I beg to second.

HON. J. E. CONEY: There is only one point. I think it has something to do with the principle. The Honourable Gentleman has just said that in bringing in this Ordinance you are going to make the trader take out another licence and, although he foreshadows the licence fee is only going to be a very small one, he will remember complaints being made in this Honourable Council of the very high cost of these numerous licences in the aggregate to the storekeeper in this country. I do not suppose there is much profit in selling methylated spirits where a general dealer is concerned, and I think it is

going to be a very great hardship to have to take out another licence. Could not something be done in this respect without expecting him to take out another licence?

HON. T. J. O'SHEA: I should like to emphasise the point mentioned by the Honourable Member for Plateau North. There is not so much a restriction as a greater risk on these large numbers of separate licences, because, although the amount involved is not very considerable, in the aggregate they amount to a large sum, and a great objection is that the trader is very liable to overlook one of these numerous licences at the beginning of the year, and so be charged by the Police for having omitted to take out one of these licences. I had a case of that kind in my own experience the last year. After paying out something like £30 for ten different licences the police discovered later on in the year that we had omitted one, a matter of Sh. 20, because we stocked a small commodity, the presence of which we had almost forgotten about. I suggest, therefore, that more consideration may be given to the question of endeavouring to incorporate all these different items in one general trader's licence. That is to say, if a dealer has to stock a number of different commodities, each of which requires a separate licence, that one aggregate sum should include the whole lot.

HON. ACTING COLONIAL SECRETARY: This point will arise rather in the next Bill than in the one being considered now. I refer to the Methylated Spirits Bill.

HON. J. E. CONEY: I had that in mind when I raised this point. But if we agree to the Liquor Ordinance we will be forced to agree to the Methylated Spirits Ordinance.

HON. ACTING COLONIAL SECRETARY: Not necessarily.

HON. T. J. O'SHEA: I apologise; I am afraid I was misled.

HON. ATTORNEY GENERAL: I am afraid I am rather responsible for the Honourable Members opposite having talked about the Bill, because in my anxiety to give a full explanation of the position I had to refer to the other Bills in order to bring the whole matter of the sale of methylated spirits in conformity with the law elsewhere, but of course the question of whether any licence will be required for the sale of methylated spirits, and, if so, whether any licence fees should be charged, is a matter which will come up for consideration later. The only effect of the present Bill is that persons holding a liquor licence will not be allowed to sell methylated spirits.

Motion put and carried that second reading be passed.

HON. ATTORNEY GENERAL: I beg to move that the House resolve itself into a Committee of the whole Council to consider the provisions of this Bill.

HON. SOLICITOR GENERAL: I beg to second.

Motion put and carried.

In Committee:

Clause 4:

HON. W. MACLELLAN WILSON: Does not this Regulation somewhat confuse the term "native"?

HON. ATTORNEY GENERAL: The definition of "native" is given in the interpretation of the Ordinance. It is defined as meaning a native of Africa or a person of African extraction, not a Somali or a Swahili, and where you wish to include Somalis or Swahilis you have specially to include them. In this case the ordinary definition "native" would ordinarily include a native of Tunis, etc., and consequently under the Convention it is necessary to mention this.

HON. W. C. MITCHELL: Does this then include a half-caste?

HON. ATTORNEY GENERAL: The position of half-castes is a little complicated. It depends largely on a question of legitimacy as to whether they are classed as natives or not in certain cases.

HON. J. E. CONEY: I do think this point has got to be faced that such people have got to be included in this Bill, because I think they are far more liable to buy drink than most other natives of East Africa.

HON. T. J. O'SHEA: I must confess that I should prefer all reference to the question of half-castes being left out because this involves a very big issue if you start legislating for a mongrel people. On the one hand you have people who reckon they should be classed with the lower races involved in their inheritance; on the other hand quite a lot of people may, perhaps rightly, consider that it is very unjust indeed to classify them in the eyes of the law on a level with the lower races, and I think there may be many differences of opinion on the matter. I therefore suggest that it should be left alone in this Ordinance.

HON. J. E. CONEY: In spite of the remarks of the Honourable Gentleman, he will know what I mean when I say that there are a class of Africans in this country—he will have

seen them as I have seen them—transport wagon drivers on the Londiani Road, who certainly should not be allowed to indulge in the vices of liquor drinking, and if they are going to escape because they claim that they are not natives, and that it does not apply to them, I think some means must be found to include them in the Ordinance.

HON. DR. J. W. ARTHUR: I agree very strongly with what the Honourable Mr. O'Shea has said on the subject. It seems to me we are opening up a very big question in a minor Bill of this kind, and I think it would be a very great pity to include half-castes in this Bill until perhaps the subject of half-castes is discussed from the beginning. I feel very strongly that this is a matter of very great difficulty and I would be personally sorry to see the half-castes classed or included under the term "native".

HON. ATTORNEY GENERAL: Unfortunately, I have not the volume of Ordinances for the interpretation of "Natives" with me, and I should like to have that in front of me before answering that question. I may be able to get hold of that in time for Council to-morrow morning.

HON. CONWAY HARVEY: May I respectfully suggest reference to similar legislation in South Africa, where this problem does appear very prominently in almost every legislative measure.

HON. ATTORNEY GENERAL: I beg to move that progress be reported.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Liquor Ordinance, 1909," has been considered in Committee. Clause 4 will be considered again, and the Bill is reported to Council for consideration on this clause.

Council adjourned to Thursday, the 13th day of August, 1925, at 10 a.m.—

THURSDAY, 13th AUGUST, 1925.

The Council assembled at 10 a.m. in the Memorial Hall, Nairobi, on Thursday, the 13th day of August, 1925; His EXCELLENCY THE ACTING GOVERNOR (Mr. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

His Excellency opened the Council with prayer.
Minutes confirmed.

OATH OF ALLEGIANCE.

The President administered the Oath of Allegiance to:—

Mr. Mohamed Kassim, Indian Nominated Member.

Mr. Jagannath Bhavanishanker Pandya, Indian Nominated Member.

Mr. Ram Singh Nehra, Indian Nominated Member.

PAPERS LAID ON THE TABLE.

Report of the Committee of Legislative Council on the Readjustment of Electoral Boundaries.

MOTIONS.

HON. TREASURER: Before moving the motion which stands in my name on the Order of the Day, I have been asked by an Honourable Member to state briefly exactly what the difference is between the statement which the motion asks the House to approve and the Supplementary Appropriation Bill, which stands further down on the agenda paper.

Excesses of expenditure are of two kinds—excess of expenditure which can be met from savings on other sub-heads, and excesses which cannot be met that way and consequently cause excesses on the whole head of the Estimates. Excesses which cannot be met from savings under sub-heads, and which cause excesses on the whole head, are usually foreseen and provision included in the Supplementary Estimates, and temporary approval thus obtained. Finally, at the end of the year, those excesses which come under the whole head, when it is exceeded, require supplementary legislative sanction in the form of law. The statement now submitted preparatory to this motion covers to a very great extent the items which will subsequently have to be considered in connection with the Supplementary Appropriation Bill. Personally, I should very much prefer to have taken the Supplementary Appropriation Bill first, and then deal with the motion, if that were possible.

If it meets with Your Excellency's approval, I would suggest that this motion be allowed to stand over until tomorrow, and that I be given an opportunity first to deal with the Supplementary Appropriation Bill which comes up later on. (Hear, hear.)

BILLS.

COTTON TAX (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intitled "An Ordinance to Amend the Cotton Tax Ordinance, 1923."

HON. DIRECTOR OF AGRICULTURE: I beg to second.
Motion put and carried.

AGRICULTURAL PRODUCE EXPORT (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the first reading of a Bill intitled "An Ordinance further to Amend the Agricultural Produce Export Ordinance, 1921."

HON. DIRECTOR OF AGRICULTURE: I beg to second.
Motion put and carried.

SUPPLEMENTARY APPROPRIATION ORDINANCE, 1925.

HON. TREASURER: I beg to move the second reading of a Bill intitled "An Ordinance to supply a further sum of money for the service of the year ending the 31st December, 1924."

HON. ACTING COLONIAL SECRETARY: I beg to second.

HON. TREASURER: I do not think it is necessary for me to say anything, because the Bill explains itself, and when we go through the details I will be able to give any explanations that are necessary on the particular points.
Motion put and carried for second reading.

HON. TREASURER: I beg to move that the Council resolve itself into a Committee of the whole House to consider the Bill clause by clause.
Motion put and carried.

In Committee:

HON. TREASURER: Honourable Members have in their hands the explanatory statement in connection with the Supplementary Appropriation Ordinance. It will be remembered that last year, when the Bill for 1923 was before the House, the Right Honourable Member for Rift Valley asked that such an explanatory statement should be prepared, in view of the

fact that no fourth Supplementary Estimates are submitted to the House to earmark excesses as may have occurred since the passing of the third Supplementary Estimates.

RT. HON. LORD DELAMERE: I should like to hear the explanation again. To-day, for some reason or other, it appears extraordinarily difficult to hear again. May I ask the Honourable Treasurer for some further explanation of this very large increase in pensions and gratuities. I want to know why this was not foreseen at the beginning of the year. Surely it is possible to find out what is going to happen within a very much smaller sum than £14,000.

HON. TREASURER: I should like to explain that £12,000 of this amount has already been approved in the Supplementary Estimates of Expenditure which were submitted at the time. Of the £14,000 we have already, as a matter of fact, discussed and considered £12,000, and approved of it in the Supplementary Estimates. There is no doubt that it was an item which was not properly foreseen at the commencement of the year. On page 6 of the Financial Report for the year 1924 reference is made to it, and it is stated there that this is in regard to contributions for seconded army officers. That was not foreseen, but it should undoubtedly have been foreseen at the commencement of the year. However, the item has been explained.

RT. HON. LORD DELAMERE: Arising out of that, I do hope that Government is considering a more permanent form of military force in this country. It does seem to me that this method of seconding was quite a reasonable method so long as a very high standard of military proficiency was required with, we will say, the Germans next door. Now it does seem to me that it is much more important at the present time to get people in the military forces in this country who understand this country and the people. I understand that we run a considerable risk if, in operations such as those recently conducted in Jubaland, the troops are officered by men who have only been seconded a short time and do not understand African conditions. If you keep on seconding officers you may find it very difficult, at a critical time, to send somebody who understands the conditions in Africa at all, and I should have thought that it is quite possible that that particular matter would override the other one of having a very smart and up-to-date military force from the military point of view in this country now. Incidentally, arising out of this—I think it does quite fairly arise—I would like a statement—I will give notice later to the effect that I will ask for it—how far the present handing over of Jubaland is going to cut down the military expenditure, and therefore the amount of this vote, in future in this country; and also what is happening about the Defence Force of this country, and how far that again is going to

relieve us of other military expenditure? I think it is quite time that we had a statement on a matter of such importance to this country. This country quite voluntarily asked to have a compulsory Defence Force imposed upon it, and I should have thought that that would have been a thing which, in common courtesy, the Right Honourable Secretary of State would have given an answer on long ago. I cannot for the life of me understand how the matter was held up at all, and I think Government ought to go very carefully into the matter as to how far it is going to be a saving of money as well. I am willing to admit that the Defence Force is different from a striking force such as the K.A.R. in quality. After all it would only be called out on special occasions when the Colony is in danger, but it is there, and it must make a difference once it is there. It seems to me an extraordinary position that when the European population take upon themselves to ask to take part in the defence of this Colony that this issue should not be decided and decided favourably. It is a thing I do not understand at all. I think it is a great slur on the population of this country that that matter should not have been decided favourably long ago. I can understand the last Government in England not having agreed to it. They have a sort of constitutional objection to anything compulsory. The last Government at heart probably might have thought that a compulsory Bill ought to have a referendum to every man in this country, but that does not apply to the present Government at all and I do not understand the whole position. It entirely defeats me why this matter has not been dealt with long ago.

In going into the matter now I do so because it does seem to me to affect the pensions of seconded officers in the future, and also because I do intend to bring this matter up definitely on the Estimates.

HIS EXCELLENCY: With regard to the remarks of the Right Honourable Gentleman, I would say, regarding the savings effected by the cessation of Jubaland, a statement will be made when the Estimates are before Council.

With regard to the Defence Force, I would refer the Right Honourable Member to the remarks I made in my opening speech to the Council the other day, which gave the position as it stands to-day.

HON. J. E. CONEY: There is one other item which the Right Honourable Gentleman mentioned, and which you, Sir, mentioned in your address to this Honourable Council on the day it was opened. I refer to the handing over by the military to the civil authorities of the Northern Frontier District. Could a statement be made as to that? Your Excellency, I think, announced that it was being done. By the time the Estimates

are being considered in this Honourable Council quite a considerable sum of money will no doubt have been expended. It will be rather late in the day then to discuss something which has already been done, and on which public money has been spent. I therefore think a statement should be made before anything is done in the way of expenditure.

HON. ACTING COLONIAL SECRETARY: For the information of Honourable Members I would state that this question will arise in a day or two in this Honourable Council, when the Supplementary Estimates for 1925 will be taken into consideration. A vote is being asked there for certain preliminary expenses with regard to the taking over by the Civil Administration.

HON. SHAMS UD DEEN: I do not know whether I am in order in asking at this stage why the practice of holding the meetings of the Legislative Council at the Government House has been changed, and why they are being held here now. I understand that we have—

HIS EXCELLENCY: I think that question is out of order now. The Honourable Member can ask that question at another time.

RT. HON. LORD DELAMERE: With the greatest possible respect, although I have not the slightest sympathy with the matter brought forward by the Honourable Mr. Shams ud Deen, I must confess that it seems to me that I would like to ask Your Excellency's ruling again as to whether it is quite correct that this has nothing to do with this Bill.

HIS EXCELLENCY: It has nothing to do with this Head.

RT. HON. LORD DELAMERE: "Upkeep of Government House Furniture"?

HIS EXCELLENCY: Those chairs are here.

RT. HON. LORD DELAMERE: I think the Honourable Gentleman, personally, in my opinion, had a perfect right to bring this matter up. I do not wish to sit at Government House, but—well, yes!

HON. SHAMS UD DEEN: On a point of explanation, I was going to say that the rent that was paid for this room could have really been a saving if Government House had been utilised for the purpose of holding the meetings.

HON. TREASURER: The proper place to raise this question is under "Miscellaneous Services".

RT. HON. LORD DELAMERE: On this particular heading—I think it is quite possible Your Excellency will rule me out of order—but a considerable time ago this Honourable Council passed a resolution raising the standard of the Governorship of this Colony, and as far as I know we have had no definite answer. I have personally had letters from people in England—private letters addressed to me personally by people who happen to have heard something—which appeared to rather give one the idea that this matter had the complete sympathy of the Secretary of State. After all, this Honourable Council is a body of some considerable importance; it passed a resolution, and I should have thought that in common courtesy, directly a matter such as this is decided, some answer should be given to this Honourable Council as to what has been done on this particular matter. We do not know whether we shall have to go through the very undesirable business of discussing this matter when the new Governor is here, and I do really think that an answer ought to be given to this. Personally, I think that this Honourable Council ought to be able to pass it without any talk from anybody, but that is a matter of opinion. I do not think the Secretary of State ought to interfere in these sort of matters. They are purely domestic matters. I am not saying anything in a disagreeable sense, but I do think, as Leader of the Unofficial Members, I should like to ask Government what is the position with regard to this thing. The Estimates are now being made up, so that we must know what the position is.

HON. ACTING COLONIAL SECRETARY: Your Excellency, I shall be prepared to make a statement which will alter the whole position. I may say that the last mail which arrived the day before yesterday, or yesterday, brought the Secretary of State's answer, and I shall be prepared to make a statement for the information of Honourable Members of Council. I cannot remember the exact details, but the effect of the reply is that the total amount suggested by this Honourable Council is approved by the Secretary of State. (Hear, hear.)

RT. HON. LORD DELAMERE: The despatch has only just arrived! I would like, in view of that fact, to withdraw some of the things I have said. It may have been difficult, with the new Governor here, to ascertain his own wishes in the matter.

HON. CONWAY HARVEY: Might we be favoured with details showing the nature of the claim from the Government of Mauritius?

HON. TREASURER: That is the salary of Mr. Pickwood, who was transferred to Mauritius from Kenya. His salary was paid at the end of December and only appeared in the accounts for this year.

RT. HON. LORD DELAMERE: May I ask what this passage for Major Patterson refers to? I think he retired about twenty years ago? I am not suggesting there is anything wrong, but I want to know why it was specially sanctioned.

HON. TREASURER: I think the best thing I can do is to read the despatch from the Colonial Office on the subject. (Quotes despatch.)

Major Patterson was an Assistant Treasurer and served altogether 19 years, of which he was seconded for about nine years to the military, and when he was in England he claimed that he was entitled to a passage back to Kenya for his service with the military. Strictly speaking he was not entitled to that passage, but the Secretary of State thought there was some justification to grant him that passage.

HON. J. E. CONEY: This matter has been taken up by this Council before. I do not think it is right anybody should be able to go to the Colonial Office and get these things done. I think it is absolutely wrong. The Honourable Treasurer has made a statement that this gentleman was not entitled to this sum of money, and I think it is absolutely wrong anybody should be able to go to Downing Street and get these things done at the expense of the Colony.

HON. CONWAY HARVEY: May we hear what was the recommendation of the Kenya Government in this action, and if this is another case in which the Secretary of State has overridden the recommendations of the local Government?

HON. TREASURER: I ought to have read the despatch which went home on this subject. I will now read the despatch referred to. (Quotes despatch.)

RT. HON. LORD DELAMERE: I do not really understand this. I cannot understand why a man gets 42 days' leave, why he should get a passage as well. If this Government recommended that the War Office if they liked might give somebody a passage to which they are not entitled I cannot see why they should make this country pay it. The only reason for a precedent of this sort is that Major Patterson was refused leave at a time when he could have got the return passage to this country. That did not apparently occur to the writer of the despatch.

HON. TREASURER: It was with the full knowledge of this Government that he went to the Colonial Office to discuss this matter.

RT. HON. LORD DELAMERE: This Government is therefore responsible. If he is allowed to go to the Colonial Office to

discuss his passage to which he is not entitled I cannot understand on what grounds any special case is made in this instance. I have no feeling in the matter, as I do not know the gentleman concerned—nor do I wish to—but after all we must stick to some sort of rules. He had an enormous amount of leave due to him, and he had plenty of time to find something else to do, so why should he get the special concession of a passage? Why have a rule at all?

HON. ACTING COLONIAL SECRETARY: My recollection is—I speak without reference to the papers—that up to a certain period after the war, men demobilised here were allowed a passage to England and back, and I think this is an extension of that principle. These passages were paid out of Army Funds up to a certain period, which, it may be remembered, Sir Edward Northey extended, but the Army Council refused to pay for this extension, and I think it was on that analogy it was recommended the Army Council should give Major Patterson a passage back to this country on the ground he was not able to avail himself of the privilege when it was available to others. I think that was probable.

RT. HON. LORD DELAMERE: I think the Honourable Gentlemen representing the Government should have asked somebody to produce the facts why it was recommended this particular gentleman was given a passage to which he was not entitled as the Honourable Treasurer said. We want to know what special reason was put forward why the Secretary of State should give him a return passage or why he was allowed to go to the Colonial Office and talk about a return passage to which he was not entitled before it was put before this House?

HON. TREASURER: I will read a letter addressed to Major Patterson from Downing Street which will give the information asked for. (Quotes letter.)

RT. HON. LORD DELAMERE: I have nothing more to say on the subject, except that it seems a little mixed up. After all this gentleman was offered a passage in order that we should not have him back here amongst us!

HON. J. E. CONY: With regard to the Land Department, may we have some explanation of this from the Honourable Commissioner of Lands?

RT. HON. LORD DELAMERE: I think Your Excellency will remember we had trouble with this same Department over the question of explanations of expenditure. I propose this be put back until the Honourable Member in charge of the Department is present.

HON. TREASURER: I might explain perhaps to save delay. It will be noticed that everything has been covered by Supplementary Estimates, and this is merely a formal approval now required to put in the form of this Ordinance.

HON. ACTING COLONIAL SECRETARY: The Honourable Commissioner of Lands is absent on Government business at a meeting which will come up before this Council.

RT. HON. LORD DELAMERE: I was not suggesting he was not. In view of the fact these matters have been explained on the Supplementary Estimates, I have very little to say about it. The excess of the Supplementary Estimate is over the excess sanctioned, but I expect that is quite right. I withdraw.

HON. J. E. CONY: I hope I shall not be ruled out of order, but I want to raise one point, and that is the very great inconvenience that I and other Honourable Elected Members have suffered in the calling of meetings of this Council. A very important meeting was called only a few days ago to discuss the Draft Order in Council with regard to the Railway. I received a telegram 53 hours exactly before the meeting was to be held in Nairobi. It was an absolute physical impossibility for me to get down, and I protest that these things should not be done. If this were the first occasion and simply due to a mistake, I should not raise it now, but I have made protests to different departments, and I think it is about time the convenience of Unofficial Members who live some hundreds of miles away from here should be studied.

HON. TREASURER: I rather fancy the Committee to which the Honourable Member is referring is the Committee on Education Grants. I should like to explain that the same thing arose; the Honourable Member was unable to get down. The notes were sent out from Nairobi a week before the meeting was due and we expected it would give time enough to Members.

HON. J. E. CONY: One week is not sufficient for an office like Kitale.

RT. HON. LORD DELAMERE: I have never known business conducted in Committees so inconvenient for myself at any rate as it has been in the last few months or the last year or two. The particular Committee to which the Honourable Member for Plateau North has referred is the one with Uganda on the question of the Draft Order in Council. The Honourable Member for Nairobi North and myself were in Iringa when we got a wire to say it was going to be held four days later. It seems to me that this sort of constitution changes. The real question arises from the fact that neither end settles the business. It is a matter between the Council, the Government of this country and the Secretary of State, and the result

is that these things go on for months for the most infinitesimal items which have really nothing to do with the matter, and could be settled in five minutes. I cannot quite see why arrangements cannot be made to give proper notice of these meetings—some sort of reasonable notice. It has not happened before until the last year or two. It frees Honourable Members on this side of the House from any responsibility. They can say anything they like about these matters, and their opinion is quite worthless, as they can alter it and deny it when they come back into this Council. These things are therefore not settled properly. I feel very strongly about it. I appear to spend most of my time doing these things, but then I have nothing else to do! I think every Honourable Member who has interests must have time to make some proper arrangement as to when he can go to these Committee meetings. This country is not governed by the Official Members alone; it has a constitution, and it makes a farce of the constitution if a Member on the Trans-Nzoia gets a wire to say something is going to be held to-morrow. We never know anything. We used to be able to settle these things very quickly.

HON. ACTING COLONIAL SECRETARY: I am very sorry the Right Honourable Member for the Rift Valley and other Members feel insufficient consideration is given to these meetings. I should like to assure them that all consideration that is possible is given to them, and it is by no intention to slight them.

RT. HON. LORD DELAMERE: No, no; I quite understand that.

HON. ACTING COLONIAL SECRETARY: The particular meeting to which the Honourable Member for Plateau North has alluded is the Draft Order in Council. There were, I think, very urgent reasons why the meeting should be held as quickly as possible. Telegrams were sent out to the two Honourable Members in order to summon them if possible in time. I do not quite understand why it was that the Honourable Member for Plateau North got his telegram only 23 hours before the meeting, while the Right Honourable Member received his four days ahead at Iringa. Evidence shows that all the telegrams were sent out at the same time, and the fault does not lie in my office. The representatives of Uganda were here at the time, and it was desirable to get the meeting on while they were here, and also we wanted to get business through if possible before this Council met. I hope that explanation will be accepted, and further my assurance will be accepted that on all occasions the convenience of Honourable Members as far as possible has been and will be consulted in the future.

RT. HON. LORD DELAMERE: The real fact is that far too many of these things go home to England. After all, this particular meeting, there was no object in it. The thing to-day is exactly where it was before, and we need not have had this meeting as we have done nothing. The trouble is the Secretary of State coming into it. It comes to this, if this country is going to have an Honourable Council to govern it, if everybody is going to interfere with its business, the whole of the time of Honourable Members on this side of the House who are business people is going to be taken up by suddenly coming down to meetings to deal with some absurd despatch from the Secretary of State.

HIS EXCELLENCY: Order; I must call the Honourable Member to order.

RT. HON. LORD DELAMERE: I withdraw—a despatch from the Secretary of State which in the opinion of everybody must perfectly easily be settled with a little good will, and if the people of the Colonial Office did not come between the Secretary of State and the other people considerable time and trouble would be saved.

HIS EXCELLENCY: With regard to the remarks made by the Right Honourable Member, I feel it is only right—the particular matter to which he refers is the Order in Council—I think it is only right to say that on the last occasion when this was brought before Council the Right Honourable Member was the first to thank the Secretary of State for giving this Council the opportunity of discussing the Order in Council. The Secretary of State has given the matter further consideration, and these are the terms of the Royal Order in Council, and I consider the matter was an urgent one, and should be considered by Council. It is to be regretted that the Honourable Member for Plateau North was absent. It is the policy of Government in all these matters to give further time for consideration when Honourable Members ask for it. If Honourable Members get up and say they have not had time to consider the matter, Government will put it back if a case is made. The Honourable Acting Colonial Secretary in this matter had to expedite this meeting. The Chief Secretary of Uganda was here and it was urgent we should get the concurrence of Uganda in a matter of this kind which affects both Colonies, and it is a matter which was referred to by the Secretary of State.

RT. HON. LORD DELAMERE: I purposely did not bring up the matter as the Draft Order in Council. I am in entire agreement with Your Excellency, as I said at a former meeting, but I think that courtesy which the Secretary of State extended

to this Council has been rather spoilt by the subsequent proceedings in which very small details have been passed backwards and forwards, and the thing has been put on a different footing.

HON. J. E. CONEY: The matter is not cleared up yet. I do not know when I received the wire. The Honourable Acting Colonial Secretary said I only received the wire 23 hours before the meeting. I received it 53 hours before the meeting, but it was a physical impossibility for me to be present. I did not know how important the alterations were. I know I held a different opinion the last time it was discussed by the Unofficial Members, and I feel sure it may have been possible for my views to become reconciled to the others. I see on the Order of the Day we are to discuss this same Order in Council to-morrow. I asked this morning if I may be given a copy of the papers concerned, and I have got them, but as far as working to-night is concerned, I refuse to do so, as I consider Members of this Council should have the opportunity of considering such important matters before they are discussed here.

HON. ACTING COLONIAL SECRETARY: Government is always prepared to give more time, if asked, and I am entirely in the hands of the Honourable Council, and am prepared to discuss this Order in Council with regard to amendments this week or next week, just as Honourable Members wish. In the circumstances, I am prepared to take it on Monday, and I hope that Honourable Members will be ready. I would only add that there is notice given here with regard to this motion—it is the ordinary notice which is usually given when a motion will be moved.

HON. W. C. MITCHELL: With regard to Item 1 under Miscellaneous Services, while such expenditure was being incurred on such articles as cash safes and boxes, I rather wish that the excess had been a little greater in order that the necessary boxes could have been provided for the convenience of Unofficial Members or Official Members, so that they could have something in which to store their papers in connection with Legislative Council debates. It is a matter of considerable inconvenience that we have to provide small suit-cases—(laughter)—in order to carry our papers about with us and I would suggest that provision might be made under this heading.

With regard to the item "Loss on Sale of Hoes and Machetes," I see that the whole of the original expenditure of £7,213/5/23 has been written off, and I would like to know why the whole of this sum has been written off, and whether Government took into account the proceeds from the sale of such implements?

HON. TREASURER: With regard to the first point raised as to the charging under this head of cash safes and boxes, of boxes for Legislative Council Members, I do not think that would be a proper head for this purpose, but there is, I understand, an item in the 1926 Estimates under the head "Legislature," and I am told there is going to be provision made under this head, which is the proper one, for this expenditure to be incurred.

With regard to the second point, there is no sum voted at all. This amount represents the actual loss on sales, and this is the write-off. All the proceeds from the sale of the hoes will come under Revenue. This is only the write-off.

HON. CONWAY HARVEY: May we inquire what method of disposal of these surplus implements was adopted, because an item of £7,000 odd does seem a colossal sum of money to lose in connection with transactions of an article of common everyday use. I should like to know if they were put up to public auction, and if the firms who are identified with the particular class of business affected had an opportunity of bidding. A transaction by Government of such magnitude must almost invariably entirely dislocate the businesses of people who are dealing in that sort of traffic.

HON. DIRECTOR OF PUBLIC WORKS: These hoes were put in the stores of the Public Works Department as a matter of convenience, and ever since 1919 we have been endeavouring to sell them. They were purchased at a high price by the War Council. They have been advertised in the Uganda, Tanganyika and local Press, and we also tried to dispose of them, through the District Commissioners, to the natives. Eventually tenders were asked for, and the highest tenders were accepted.

HON. T. J. O'SHEA: Under this heading there is an item of expenditure "Commissions of Inquiry and Committees." May I suggest that Government may effect a saving and make these Commissions of Inquiry and Committees much more effective if they provide for a shorthand writer. I recently have had experience of one such Commission of Inquiry, and the absence of a shorthand writer made the thing much more expensive, and very much less effective. I think that really it is a great waste of money to appoint Committees of Inquiry unless they are provided with the necessary clerical assistance to enable them to collect their evidence and to submit reports to Council.

HON. TREASURER: I should like to say that there is nothing really that has not been approved under this head. Any excess that has been carried forward has been covered by the Supplementary Estimates.

HON. T. J. O'SHEA: I hope that that does not rule me out of order in drawing attention to the necessity of correcting the practice in future.

HON. J. E. CONEY: Has anything been done about the amalgamation of the Railway and Government Printing Presses?

HON. ACTING COLONIAL SECRETARY: There is a Committee just now which is reporting to Government.

HON. E. M. V. KENEMLY: In connection with the Military vote, I would like to draw attention to a case where the infringement of a principle by the K.A.R. has caused this unnecessary expenditure. The K.A.R. have started growing maize in competition with the farmers of the country.

HIS EXCELLENCY: That is a separate question, and does not arise on the Bill before the House.

HON. W. C. MITCHELL: May I ask what the present position is with regard to the embossing of stamps? It is a little disconcerting to see expenditure in 1924 of £237 for an over-embossing machine, and then, as far as I am aware, to find instruments to-day still being stamped in exactly the same way as years ago, with a loss, I am sure, of a considerable amount of revenue to Government.

HON. ACTING COLONIAL SECRETARY: We would ask the Honourable Member, in the absence of the Commissioner of Lands, kindly to put that question another day.

MR. HON. LORD DELAMERE: May I return once more to this question of business. I was too late to speak on the last vote. I think the only reason the Commissioner of Lands is away is because we were under the impression that the Shop Hours Bill was going to be taken—as promised by the Government—and as he did not want to hear about the Shop Hours Act he went away, and of course now we are taking entirely other business—and, well, now he is not here! I came here to hear all about the Shop Hours Act, not about this. I have got a lot of work to do. We definitely fixed a time this morning for the Shop Hours Act. I came here purposely to do that. I do not want to consider a thing which has already been passed three times by this Honourable Council, and when the particular Member in charge of the Department concerned it not here.

HON. ACTING COLONIAL SECRETARY: No definite promise of any hour was made as to when the Shop Hours Act would be taken. It is on the Order of the Day, and will be taken

to-day. The Honourable Commissioner of Lands is absent on other Government business, and not because he believed that the Shop Hours Act would be on, but because that particular business he is on is important.

HON. TREASURER: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intituled "An Ordinance to supply a further sum of money for the service of the year ending 31st December, 1924," has been through Committee and reported to Council without amendment.

HON. TREASURER: I beg to give notice that I shall, at a later stage of the Session, move the third reading and passing of this Bill.

HON. ATTORNEY GENERAL: I beg to give notice that at a later stage of the Session I shall move the second reading of the Cotton Tax Amendment Bill and the Agricultural Export Amendment Bill. I should have given notice of these readings before.

SHOP HOURS ORDINANCE.

HON. ATTORNEY GENERAL: Your Excellency, I beg to move that a Bill intituled "An Ordinance to regulate shop hours and to regulate the employment of shop assistants" be read a second time.

This Council is aware that the subject of making some regulations for shop hours and providing for the welfare of shop assistants has engaged the attention of this Government and also the attention of this Legislature for a number of years. Various proposals have been made and some years ago a very elaborate Ordinance was drafted providing for a great many details regulating the way in which shops should be conducted. In consequence perhaps of the Bill being overloaded with details it met with great opposition from various classes and communities in the Colony, and opinions on the merits of the Bill were so diverse that Government felt itself bound to withdraw the measure. Another attempt was made, and a Bill was drafted on the lines very similar to the lines adopted in England. The demand for such a measure seemed at the time to have died down—about three years ago—but the demand has recently revived, and a motion was passed for the appointment of a Committee to inquire into the matter. That Committee sat and its report has been presented to Council. The report was adopted by this Council; it went into a certain amount of detail, and the present Bill is based upon the recommendations made by that Committee. The Bill in the

main follows the lines adopted by the legislature in England. In one respect it is more elastic than the English Act. It provides for a certain amount of local option. It is not put in the form of local option; it is put so that it shall come into operation in towns and other districts as Government may by proclamation appoint. The reason why the Committee put this in the Bill is that such a measure is very experimental. The circumstances of different towns and areas differed very much. The Honourable Member for Mombasa informed us that it would be quite impossible for Mombasa to come under such a Bill. On the other hand, the Honourable Members representing Nairobi considered that the Bill was well adapted to the conditions of Nairobi. Accordingly it seems desirable that the Bill should only come into operation gradually, and if successful in one area it might be possible, with the consent of the inhabitants, to extend it to other areas. The other provisions of the Bill followed fairly familiar lines. They provide for conditions of employment of assistants, the hours at which shops shall open and close, and there is also a provision for closing of shops on Sundays. As the Bill is so experimental there is provision for the local authority to apply for exemption from these provisions. I do not think it is necessary for me to say much more about the provisions of the Ordinance. I assume, Your Excellency, that the measure will require further consideration in detail, and I shall propose, if the second reading is agreed to, that the Bill should be referred to a Select Committee for further consideration. Since the Bill has appeared in the Gazette various resolutions have been adopted by persons interested. The Workers' Federation is one, and various proposals have been made to include additional provisions in the Bill. These proposals, I think, should be carefully examined, because we want to make this Bill as useful a measure as possible; at the same time it must not be lost sight of that it is very easy to overload such a measure as this in its early stages. It is far better to pass a fairly loose and easy Bill and, if it is found unworkable, to strengthen it by amending legislation subsequently.

RT. HON. LORD DELAMERE: Your Excellency—

HIS EXCELLENCY: The motion has not been seconded yet.

RT. HON. LORD DELAMERE: Your Excellency, I was going to second it. I second it for the reason—not because I am an expert; the Honourable Member for Plateau South is in charge of the Bill as far as the Unofficial Members are concerned—that I wanted to show the Elected Members on this side of the House are entirely in favour of the principle of the Bill for regulating shop hours and the employment of assistants in shops, and therefore I thought it proper to try and second the Bill before the Government expert rose to his feet. There are one or two definite alterations which my

Honourable Friend for Plateau South will bring up later, but I think they ought to be touched upon on the principle. One is I think the Honourable Members on this side of the House are quite convinced that the Bill should apply to the whole country, and the districts should vote themselves out—not the other way round as in the Bill at present. We think that if a particular district wants to show why it should not come into line with the rest it should give some good reason for not doing so. The question which has puzzled Unofficial Members on this side of the House is the question of native shopping. It is a matter which is difficult to settle and the Members on this side feel that something should be inserted into this Bill allowing for one late night in the week on lines taken in parts of London and other towns where people who work during the week want to shop late on Saturday night, and I believe it will be moved by the Honourable Member for Plateau South that one night in the week in the district which wishes its shops to be open to, say, 7 p.m., in order to enable natives to buy stuff, because at present the natives have been buying on Saturday afternoons and Sundays to a large extent. Another point Honourable Members on this side feel is that it will stultify the Bill if clause 10 remains as it is. Clause 10 gives the power practically to the occupiers of shops to settle whether closing should take place or not. The Shop Hours Act in certain parts of the world would be opposed by the owners of shops to a certain extent, and I personally feel, and we are all agreed, that that particular method of dealing with that would be a pity. The Honourable Member for Plateau South will move an amendment accordingly. Honourable Members on this side of the House went into the question of offices, and we finally came to the conclusion it would be better to allow the Bill to stand as at present for the present before including officers where work has to be done to meet ships, or mails going out, etc. That is all I have got to say except to congratulate Government at having at last brought in this very long-wanted measure, and as far as I am concerned—I am not now speaking for all Members on this side—I hope it will go a certain way to meet the case of those gentlemen who want to alter the time, who vote for daylight saving every year, because Members on this side think that shops ought to close not later than 4.30; that is one of the amendments they have got for proposal.

HON. M. A. DESAI: I do not know whether I am in order or not because the Standing Orders have not yet been supplied to us, but I would like to move an amendment that the consideration of this Bill be postponed to the next session. I do not state that by way of complaint, but I beg to state, that we have not yet received copies of this Bill, and we are asked to consider it straight away. This is very unfortunate and unfair to us. There is no demand for legislation of this kind from Mombasa to Kisumu. The Honourable Attorney General

has informed us the Honourable Member for the Coast is against it. It cannot be applied to Mombasa. I must admit there is a section of the community of Nairobi and other places who are in favour of this Bill. The whole country is against it as the conditions of the Colony are such that it is not suitable. The Honourable Attorney General has told us there is such a law in England, but the conditions in a country like England are different from a Colony like this. Your Excellency will realise our difficulties. We want to consult our constituents and our trade opinion on the Bill. There was no time for criticism or revision of this Bill. I understand that the Standing Orders lay down that 28 days' notice should be given to Members, but this Bill was considered to be a Bill of a non-contentious nature. I beg to submit any legislation brought before this Council which can be considered legislation of a contentious nature I suggest the Shop Hours Act is one, and I also beg to state that if the opinion of the whole country is taken the majority of that opinion will be found to be against the Shop Hours Act. I know in the past much correspondence has appeared in the newspapers on the subject of profiteering, and a Profiteering Commission was appointed. When the Profiteering Commission investigated the report submitted stated there was no profiteering, and there were no complaints and no evidence, and I beg to submit—

HON. CONWAY HARVEY: May I submit, Your Excellency, that the proposed amendment is entirely out of order. No provision exists in our Standing Orders for an amendment on the lines which have been proposed.

HON. M. A. DESAI: If Your Excellency rules me out of order—but I beg to submit I am in order. This is to pass legislation which is going to affect the community I have the honour to represent here, and if Standing Orders are suspended and if you are going to rush legislation of this kind, I beg to submit Your Excellency will extend special consideration to our request.

HON. R. S. NEHRA: I beg to second the Honourable Member who has just spoken.

HIS EXCELLENCY: The principle of this Bill is being discussed at present. I take it the last speaker is speaking on the principle of the Bill and in stating the point of view of his community he is speaking against the Bill because he is not ready to deal with it?

HON. M. A. DESAI: I plead for permission to move an amendment. My amendment is that the consideration of this Bill be postponed to the next Session of Council, which will enable the members and the country to offer criticisms. It will

also give us a chance to investigate and obtain the opinion of bodies which have not had sufficient time to consider the matter.

RT. HON. LORD DELAMERE: On a point of order, Your Excellency, I do not think Mr. Desai is in order.

HON. M. A. DESAI: I am awaiting Your Excellency's ruling as to whether I can move an amendment or not.

HIS EXCELLENCY: This Bill has been proposed and seconded, and I now put the question to the House that the Bill be read a second time. It is then open for the Honourable Mr. Desai to move an amendment that this Bill be postponed for a further period, and for his amendment to be seconded and for the amendment to be put to the House.

The question was put and carried.

HON. M. A. DESAI: I formally beg to move that the consideration of this Bill be postponed to the next session of this Council to enable Honourable Members in this House to find out the public opinion and criticisms and to enable the different bodies in the Colony to make representations on the subject.

HON. R. S. NEHRA: In seconding the proposal I beg to say a few words. This Bill is of vital importance for the welfare of this Colony because it affects trade and trade is the essence of development in any young Colony like this. If this Bill is passed in a hurry it will not be fair as the public in this Colony has not had ample opportunity to give its opinion, and it would not be fair of the legislature to bring in this sort of Bill which puts restrictions and obstacles in the way of traders, merchants, shopkeepers, etc. The one essence of civilisation is trade, and even the smallest shopkeeper who has got something to sell does add to the raising of the standard of civilisation, and the supplying of wants directly or indirectly tends to the development of the country. This Bill, as suggested by the Right Honourable Member of the Opposition, is a very important Bill, and as has been admitted by the Honourable Attorney General that this country is not in the same state of civilisation or in the same developed state as England is it is obvious there is no justification for the Council to consider this Bill as so necessary or urgent as to rush it through without giving Members who have got anything to say against it the opportunity to find out the public opinion. We have had no chance to say definitely whether we would be in the Council this time, and we are not definitely prepared to state our views fully and present the public opinion which we represent at this stage, and it is obvious and well known to all the Honourable Members that there is a majority of petty shopkeepers in this country and very few large merchants.

It has been suggested by one Honourable Member that this Bill should be applicable to the whole of the Colony, and that districts should be allowed to vote themselves out of it. I suggest the Bill should remain as it is, and that the various districts should be allowed to come under its operation when they want the provisions to apply to them, and not before. This Bill will only hinder trade and put restrictions and obstacles in the way of shopkeepers, and I submit the Colony is not quite ready for the Bill to be applicable everywhere, and in view of what has been said I submit there is no object in rushing this Bill through in the way suggested.

RT. HON. LORD DELAMERE: Your Excellency ruled that this amendment is in order, so I think Your Excellency will agree the last speaker cannot possibly have been in order if this amendment is in order. He was speaking purely against the principles of the Bill as against the principle put forward by this side of the House, as for instance in the case of districts having to vote themselves out of the Bill rather than the other way round. He hoped the Bill would stand in that particular. I do not quite know how to deal with this situation and it is quite new to me. I would think it is absolutely out of order from the beginning.

HON. SHAMS UD DEEN: Is the Right Honourable Member speaking to the motion? I understand he can only speak once.

RT. HON. LORD DELAMERE: I am speaking to the amendment.

HIS EXCELLENCY: The question has been put and an amendment has been moved, and on that amendment the Right Honourable Member is right in speaking, but on the amendment only.

RT. HON. LORD DELAMERE: The Honourable Mr. Desai started by saying the Honourable Indian Members should have had the Bill in their hands for 28 days. As they only took the oath yesterday, I do not understand how they can have the Bill in their hands. I understand the amendment is that the Bill should be put back. The Honourable Gentleman states the reason is that he should go and consult his constituents. He has only just been elected, and one of the most important matters which he would have decided with his constituents is whether he should vote for a Shop Hours Act. Notice has been given of it time after time, and for that reason I hope this House will proceed with this Bill. The Honourable Member also stated it should go to the whole country. I did not know the system of referendums had been introduced here.

HON. J. B. PANDYA: Your Excellency, I do not think the Right Honourable Member for the Rift Valley has made out a case of urgency for this legislation. I should like to say that if this measure was supposed to be so very urgent as to require immediate legislation at this stage, we would perhaps have been in a position to drop the amendment, but as all Honourable Members are aware this legislation has been under consideration for the last five years, and there is therefore no urgency for it, and there is no necessity to put it into motion immediately at this stage. The only case we wish to make out is this: As there is no urgency of this legislation that time may be given to us to further study the matter and put the facts before our constituents, and give us the opportunity to put these views before the Council next session when we meet.

HON. T. J. O'SHEA: Your Excellency, speaking against the amendment, I should like first of all to deal with the question of urgency. No attempt has been made by Honourable Members on this side of the House to rush this measure. It is many years ago since representations from this side of the House urged Government to introduce legislation of this nature. It was done, but no Bill was passed. At the last session a motion was introduced, debated, and passed to the effect that at the earliest possible date Government should introduce another Shop Hours Bill, and in accordance with the promise given by Government that has been done, and it is certainly no fault of ours the Honourable Members on the cross-benches on my left have not studied the subject. The report has been made that they are not ready and prepared to consider this. I must express my great surprise that they should assume their place here so unprepared for these responsibilities. They have had ample evidence; public opinion was greatly agitated on this question. They have an organ of their own in which their constituents can ventilate their views on the subject. They have seen correspondence in the European Press on the subject and they have seen in the Press it was contemplated introducing this measure at this session, and if they come unprepared to discuss this motion I regard it as a grave reflection on the manner in which they propose to do their duty.

HON. ATTORNEY GENERAL: I only wish to clear up one point. Honourable Members might have gathered by the speech of the Mover of this amendment there was some irregularity about the proceedings. The procedure followed is strictly in order. The Bill has been published for the 28 days and Standing Orders have not yet been suspended in respect of the Bill. It has been before the country and has had the additional publicity of the Press to a very considerable extent.

HON. M. KASSIM: Your Excellency, in support of the amendment, I state that this Bill if it is passed is being rushed through the Council. Most of the shopkeepers who are

trading in the country are Indian shopkeepers, and they do most of their trade with the natives. Previous to yesterday there were no Indian Members on this Council to make representations on this Bill, and that is why it is essential this Bill should be postponed to the next meeting of Council, as it affects mostly the Indian community of this country, and not the others.

HON. J. E. CONRY: Your Excellency, I do hope the House will not be swayed by the eloquence of the Honourable Indian Members. I fail to understand their point. They have said on many occasions that this is a Bill which affects their interests more than any other community in the country. I cannot accept the statement that they are not prepared for this Bill. They are making a great deal of the fact that they have not been in this Council. They cannot blame this Council for their absence. I do not understand their position here to-day. If they were not elected at the General Election I do not understand how they have been allowed in. Has there been another Order in Council? If this Council were to accept the suggestion they make now and get this matter put back as they did not avail themselves of the right to sit in this Council you are going to find a very difficult position. Any Honourable Member on this side, if a by-election is held, could say his constituents were unrepresented at the time certain Bills were introduced, and they should be put back. The system of referendum has been referred to. We have no such system in this country, and I hope we never shall have. Their grounds for opposition really amount only to obstruction. It is simply obstruction of a Bill which is demanded for the social welfare of this country, and they have no right to claim that it affects them more than anybody else. It affects the whole of the country equally.

HON. ACTING COLONIAL SECRETARY: Your Excellency, the last speaker has dealt with what is really the main point with regard to this amendment. I can only regard it as a contradiction of terms to describe a Bill which has not only been published in the Gazette but has been under discussion in this country for five years as being rushed through the Council. As it is on these grounds that the amendment has been raised I have to say that Government is unable to accept the amendment. There are one or two other points I should like to deal with as they were raised. The Honourable Mr. Desai said his objections were purely on the grounds there was no demand for the Bill and that there was a great difference between this country and England. If he was aware of the correspondence on Government files here he would have good reason to change his mind on that point. But even if there was no demand there is the principle which has to be considered, and is upheld in more civilised countries that the employees will receive a certain amount of consideration and rest. That principle is

equally applicable to Kenya and to England. No real objections have been raised to the Bill, and no clause has been raised in the Bill which would really necessitate the postponement of consideration to-day, and I trust the Honourable Members who raised this amendment will agree that there is nothing in the Government's action in not accepting this amendment.

HON. W. C. MITCHELL: I should like to make an appeal to the Indian Members who have opposed this motion and spoken in favour of the amendment. The suggestion has been made that their action savours of obstruction. Without saying their action is obstruction, I would suggest to them that it is inadvisable so early after their entry into this House that they should run the risk of creating the impression in the minds of Members that they are out to deliberately obstruct. They have mentioned in the course of their remarks that no public expression of opinion has been voiced that there is a demand for this Bill. I would refer them to motions which have been passed unanimately by Chambers of Commerce of this country for the Shop Hours Act to be introduced as early as possible. The Workers' Federation has also spoken in favour of a measure of this kind. There may be certain amendments in this Bill which the Indian representatives may wish to introduce, but in principle they are agreed with the Bill, and I wish to speak most strongly against the amendment that it should be put back. It has been published in the Gazette, and ample opportunity has been provided for considering the measures suggested.

HON. SHAMS UD DEEN: I would also like to say something on the question of obstruction. As to obstructing the Bill on the part of the Indian members, well, the best way for them to obstruct it would have been to vote against it. I think that the Honourable Elected Members are really inviting obstruction by insisting upon the Bill being passed at this stage. The Indian members have not, so far, expressed themselves as being against the principle. They want time to consider the Bill, and also to further consult the country. It is true, that the Indian members could have come to this Council on the 11th of this month, but, as Your Excellency knows, the Royal Instructions were only received the day before, and therefore they could not have an opportunity of expressing their views on any subject. Your Excellency, I wish to appeal to the Honourable Elected Members, and to ask them not to force this point, if they want this legislation to be representative of the real views of the country. In my humble opinion this is the first time that a real attempt has been made to make this Honourable House as representative of the whole country as is possible. What has been the constitution of the Honourable Council in the past? There were the Government Members on one side, in the majority, and

there were on the other side the Elected Members, who represent, I take it, the European community. The Indian Members even to-day have got very very inadequate representation, but still it can be said, with a certain degree of justification, that the House, as it is constituted to-day, represents the whole country; that is to say, the Europeans are represented, and so also are the natives, the Indians and the Arabs. I do not know whether the Honourable Member who represents the native interests also has agreed with the Right Honourable Member when he said that all the members on the right-hand side of the House were in favour of the Bill.

RT. HON. LORD DELAMERE: On a point of explanation, I was careful to say the "Elected Members".

HON. SHAMS UD DEEN: I am very glad to know that, because I am sure that the Honourable Member who represents the natives in this country must be the first man to oppose this Bill as much as he can, because this country is not to be compared with conditions in England. I think we are ignoring a great factor, that is to say, the native population. It will be many many years to come before the natives get accustomed to that method of shopping and trading.

HIS EXCELLENCY: Are you speaking on the principles of the Bill or the amendment?

HON. SHAMS UD DEEN: I was simply going to say that the Indian Members who have moved the amendment are not obstructing the Bill at all. If they were doing so they would allow the Bill to proceed and oppose it or obstruct it. I think the House is losing a very good opportunity of getting the same unanimous decision on the Bill that they would get if the Indian Members had an opportunity of fully considering it. The position is not such that there is any desperate hurry about this Bill, and it is one of those Bills which have been waiting for the last five years, and therefore can go on waiting for another three or four months.

As regards the criticism in the Press, I have seen the criticisms in the Press—the European Press—and I wonder if the Honourable Elected Members have seen the criticisms in the Indian Press. It appears that the whole community is so undecided on the point that they really cannot make up their minds. I have consulted my constituents, but there seems to be such diversity of opinion in different quarters that I honestly think we ought to have more time, so that we can get our constituents to tell us exactly—in a decided manner—whether they want to support the Bill or to oppose it. I think, Your Excellency, it would be a great mistake if this opportunity were lost, because I think that by holding a meeting—a private meeting—of Europeans, natives and Indians, it is just possible

we might be able to come to some sort of workable decision. I hope that the Honourable Elected Members will not oppose this, and that the Bill will not be taken to-day, but be put back until the next session. I have a lot to say on the principles of the Bill, but, as Your Excellency has quite rightly pointed out to me, I must confine myself to the amendment. I submit no case has been made out for the Council to pass this Bill to-day.

RT. HON. LORD DELAMERE: Before this Honourable House is subjected to this obstruction, I would like to ask how the Indian Members came to be sitting in this Honourable House to-day. I have no recollection of any amending legislation to the Legislative Council Bill having taken place, enabling Nominated Indian Members to take their seats in this Honourable House. I would like to ask the Honourable Attorney General for his opinion on this point. I personally have always thought that it is a calamity that people who do not understand the constitution—(interruption).

HIS EXCELLENCY: This is out of order at this stage. The Right Honourable Member may ask this question at a later stage of the Session.

RT. HON. LORD DELAMERE: Your Excellency, I have a perfect right to ask this question at any moment. They are not really members of the House, so why is the time of the House being taken up by these people?

HIS EXCELLENCY: Council has already been informed of the reasons why the Honourable Members who have spoken are members of this House. They are entitled to speak in this House, as they are members of this Council, as has already been explained to the House at the opening of this Session.

RT. HON. LORD DELAMERE: I understand that His Majesty's Government did put forward an Order in Council by which this Legislature had the power to amend the Legislative Council Bill in such a way that Nominated Indian Members could come on this Honourable Council, but I have heard nothing about it. I want an opinion on this subject.

HON. M. A. DESAI: I beg to submit that the time for the Right Honourable Member to challenge—(interruption).

HON. J. E. CONEY: I must support the Right Honourable Member on the point he has raised this morning. I would like to ask for a ruling from the Honourable Attorney General in this connection; if it is so that a despatch can come out by cable to say that so many men may be nominated on any day and any time to this Honourable Council for any purpose of the Secretary of State or the Government of this country?

HON. SHAMS UD DEEN : On a point of order, this has nothing to do with the amendment.

HIS EXCELLENCY : This has been raised as a point of order in this debate, and I will give a decision on that point of order. The decision is that these Members are in order in being in this House. The explanation is that they are here under Royal Instructions, which provide for five Nominated Indian Members being in this House, if there were no elected Indian Members on the communal basis. That has been laid down, but if Honourable Members wish to raise that question for a subsequent debate, they can do so, but the ruling is that the Indian Members are in order in taking their seats in this House.

HON. H. F. WARD : After the speech made by the Honourable Mr. Shams-ud-Deen I do submit that no case has been put up by the Indian Members for the postponement of this Ordinance. Mr. Shams ud Deen has sat in this Honourable Council before, and he must be well aware of the procedure of the Bills passed through. If he is opposed to it in principle, as appears to be the case from his speeches and those of other Indian Members, he cannot want time to consider the Bill further. If it is a matter of details—the working of the Bill—Indian Members have ample opportunities of expressing their views in this Honourable Council. As Indian Members must know, this Bill goes to the Committee stage, where major alterations can be effected and, if they are not satisfied with the Bill, they have a perfect right to press that the Bill should be put to a Committee of this Honourable Council, and in the Committee they can press and urge for improvements in working.

The Honourable Member says that the Indian Members did not speak against the principle of the Bill. Well, from the speeches I have listened to, that is all I understand and I think it is necessary to speak of the obstruction, because of the lack of arguments against the principles of the Bill. There was only one real knock, and that was that in the interests of trade and commerce it is permissible, presumably, to ask employees to work under any conditions, and for any hours, and without any restrictions. Well, that is not in accordance with Western ideas.

Another mistake I think that Indian Members have made is this : they refer to the Shop Hours Act and Ordinances of a similar nature being applicable only to England, and I think I am right when I say that there are a great many parts of the British Empire that have Ordinances of that nature.

Finally, I do suggest to the Honourable Members who have spoken against the principles of the Bill that their community has on a great number of occasions urged that they

were just as ready and able to develop schemes for progress and reform as any other community in the British Empire, and it is a great pity that the very first time they appear in this Honourable Council they should be opposed to a very ordinary and a very normal measure for progress.

HIS EXCELLENCY : I should like to say one thing from the point of view of both sides of the House. Honourable Members have talked about the Members on my left pressing for this Bill being put through this Session of Council. This Bill has been introduced as a Government measure after due notice and after due publication in the Gazette, and after very full consideration throughout the country. I do not suppose there has been a Bill which has been brought before this Council which has been more fully and freely discussed than this Shop Hours Bill which is now before the Council. I would commend to the Indian Members who have spoken the remarks which have been made by the Honourable Members for Nairobi North and South with regard to this matter. It is the privilege of the Chair to admit an amendment at any stage. This amendment is readily admitted at this stage. It is a matter which must come up in connection with the discussion of this Bill. The question is before the House, and the amendment has been brought forward, and the amendment is in order; but no opportunities for discussion of the question as to whether sufficient time has been given for this Bill to be considered can be allowed. I think the remarks that have been made by the Honourable Attorney General, the Honourable Acting Colonial Secretary, the Right Honourable Member for the Rift Valley, and other speakers have conclusively satisfied Government and everyone else who is interested in this Bill that it has had the fullest consideration, and that there are no grounds for not taking this Bill now. I informed Council this morning in another matter that it was the policy of Government to give the fullest possible consideration to the expression of views of any individual member if he has not had time to study a Bill. In this case the Bill has been before the country, it has been published and printed, and there are no grounds for accepting any statements of the kind made by the Indian Members. I therefore put it to the Indian Members that this amendment which they have put before the House is not one which the House can accept as a body, and they would be well advised, speaking as the Chairman, to withdraw their opposition in regard to the discussion of the Bill at this stage. Government is going to appoint a Select Committee to consider further any points in this Bill.

HON. M. A. DESAI : Your Excellency, I believe I am entitled to reply to the debate.

HON. CONWAY HARVEY: On a point of order. From time immemorial we have always understood that the only speaker who had any right whatever to reply was the Mover of the original motion.

HIS EXCELLENCY: There is an amendment before the House.

HON. M. A. DESAI: Your Excellency, as regards the question before the House, I beg to assure Your Excellency that we do not want to protract the sittings of this House. We have come with a spirit of co-operation, and we are going to co-operate. At the same time I would make an appeal to other Honourable Members—(interruption).

HIS EXCELLENCY: You are out of order in your remarks.

HON. M. A. DESAI: Your Excellency, it is with a sincere desire to find out what is the public opinion on this subject that I am speaking. I was not here when the first reading was moved. The whole question is this: whether this country is ripe for such a law? If the country is not ripe for such a law, Your Excellency, I beg to submit that we should consider this question very seriously, as my Honourable Friend Mr. Nehra has found out—(interruption).

HIS EXCELLENCY: You must confine your remarks to the amendment.

HON. M. A. DESAI: Yes, Your Excellency, if you think I am out of order, I am sorry, but I am just trying to reply to the statements made by the Honourable Members on my right. Mombasa is the commercial city—(interruption).

HIS EXCELLENCY: Are you referring to the remarks with regard to the points raised by you originally in respect of your amendment, that this Bill should not be considered at this stage? I shall rule you out of order unless you deal simply and solely with the amendment, which is to the effect that this Bill should be put back for a month, and the points which have been raised in regard thereto.

HON. M. A. DESAI: Well, if that is the attitude, Your Excellency, I do not propose to take up any more time.

HIS EXCELLENCY: The amendment moved is that the consideration of this Bill should be postponed until next Session of Council.

HON. SHAMS UD DEEN: I am sorry to interrupt, Your Excellency, but if you will give us just half a minute to ask the Honourable Mover if he will withdraw his amendment, I shall be obliged.

HIS EXCELLENCY: The amendment is now before the Council.

HON. SHAMS UD DEEN: I am sorry, Your Excellency, we cannot withdraw.

HIS EXCELLENCY: The motion before the House is an amendment which has been moved and seconded that further consideration of this Bill be postponed until the next Session of Council.

The motion, on being put to the vote, was lost.

Ayes: 6; Noes: 30.

HIS EXCELLENCY: Does any Member wish to address the House on the principles of the Bill?

I will put the motion before the House that this Bill be put before the House.

Motion put and carried.

HIS EXCELLENCY: I have to report that an Ordinance intitled "An Ordinance to regulate shop hours and to regulate the employment of shop assistants" has passed the second reading.

HON. ATTORNEY GENERAL: I beg to move that this Bill be submitted to a Select Committee to consider in detail.

RT. HON. LORD DELAMERE: May I be allowed to suggest to Government that as there are one or two almost new principles involved in the amendment it might be better to put this before a Committee of the whole House before going to a Select Committee. I do not know whether that is possible. It is only a suggestion, Sir, but I think it would be better.

HIS EXCELLENCY: Would it not save time if it went to a Select Committee?

RT. HON. LORD DELAMERE: If it goes first to a Select Committee and they do not know the feelings of the House, it might take us a lot more time. That is the only thing I was thinking of.

HON. ATTORNEY GENERAL: Your Excellency, the difficulty about it, if we put it before a Committee of the whole Council—I should think the Right Honourable Member's feelings would be the same—is that there is a good deal of talk, and one does not get very far on with it, because one knows what one does and says is not intended to be final, as it ought to be.

Whereas, if we appoint a Select Committee it is possible for the Select Committee to ascertain the views of other Honourable Members.

RT. HON. LORD DELAMERE: I withdraw.

Motion put and carried that a Select Committee be appointed as follows:—

- The Honourable Attorney General (Chairman).
- The Honourable Chief Native Commissioner.
- The Honourable Senior Commissioner, Ukamba.
- The Honourable Sheikh Ali bin Salim.
- The Honourable Members for Nairobi North, Nairobi South, Mombasa, Plateau South.
- The Honourable Rev. Dr. J. W. Arthur.
- The Honourable Mr. Pandya.
- The Honourable Mr. Mohamed Kassim.

HON. T. J. O'SHEA: If I am in order in doing so, I beg to move that it be an instruction to this Committee to report in time for the Bill to be taken at a later stage of the Session.

HIS EXCELLENCY: Yes, that is desirable.

It is moved that a Committee as constituted with the names read out by the Honourable Attorney General be appointed to report on this Ordinance.

Motion put and carried.

METHYLATED SPIRITS ORDINANCE.

HON. ATTORNEY GENERAL: As it is now near one o'clock, I propose to move a small Bill. I suggest that there is just time perhaps to deal with a small Bill controlling the sale of methylated spirits.

With Your Excellency's permission, I will now move that this Bill be read a second time.

The purpose of the Bill, I explained incidentally yesterday when we were discussing the Liquor Amendment Ordinance. The main object is to control the sale of methylated spirits so that unauthorised persons may not purchase it for purposes of which it is not intended, and allow it to get into the hands of natives for consumption.

HON. ACTING COLONIAL SECRETARY: I beg to second.
Motion put and carried, second reading passed.

HON. ATTORNEY GENERAL: I beg to move that the Council resolve itself into a Committee of the whole House to consider the provisions of this Bill.

In Committee:

HON. T. J. O'SHEA: Your Excellency, may I suggest that it is quite unnecessary and very undesirable to make a charge of Sh. 10 for the issue of a licence for the sale of methylated spirits. I think it is extremely unlikely that any individual will engage in the sale of methylated spirits entirely as a business of itself. It is much more likely—in fact, I think it will be entirely confined to people who are already engaged in trade, and already paying for a trading licence, and the privilege of selling methylated spirits should not be made a case for the charging of an additional Sh. 10. I suggest, therefore, that clause 4 should be amended to admit of a trading licence being so endorsed as to allow of the sale of methylated spirits.

HON. J. B. PANDYA: I support that, and in doing so would say that methylated spirits are generally sold by those firms who already hold a liquor licence, and as the liquor licence is very heavy I think no charge should be made for a licence for methylated spirits.

RT. HON. LORD DELAMERE: I suggest that whatever you charge it should be a separate licence, and not an endorsed one, if it can be helped, because I think it is very important that this thing should be made a special thing, in a way. As will be seen, one Honourable Member already looks upon it apparently as liquor!

HON. J. B. PANDYA: I only meant the wholesale liquor licence.

HON. TREASURER: As I understand it this Bill is not intended to be a revenue measure, but a protective measure against the sale of methylated spirits, and I suggest that if a licence is issued at all there should be a small fee attached to it. I think the fee might be even so low as Sh. 1 or Sh. 2.

HON. J. E. CONEY: This is not a question of a fee, but I think the Honourable Member for Plateau South has raised this before, and it seems it is the difficulty of remembering how many of these licences one has to take out that is the trouble. An ordinary tradesman has so many licences to take out, and if he by accident forgets one—and it is quite likely that he would forget a small licence like this—he is liable to imprisonment or a fine.

HON. TREASURER: Surely the object of a licence in this case is to enable a proper control to be kept, and if you allow every man who has a trading licence to sell methylated spirits it means that every shop will be able to sell it without any records being kept.

HON. J. E. CONEY: I have not heard it suggested that that should be done. I understand the suggestion is that it should be endorsed on the man's present licence.

HON. SHAMS UD DEEN: I should like to be enlightened exactly as to what the object of this Bill is. Is the object to control the sale of methylated spirits? You cannot do that by compelling the man to take out a licence and by prohibiting the sale of liquor in a bar. I think if it is meant to control the sale there should be some obligation on the person who sells the spirits to keep some sort of records to enable the police or the authorities to find out the people who are buying the spirits, and have some sort of check, otherwise the only object is to make a man pay Sh. 10 or Sh. 2.

HON. TREASURER: I do not quite see the point of the Honourable Member for Plateau North about the difficulty of a man knowing whether or not he has to take out a licence. If you have it endorsed on a trading licence you are just as liable as when you are taking out a separate licence. You have to have a memory of some sort, and the thing is, if you have taken out a licence one year, you will know that you have to take out a licence again the following year.

HON. T. J. O'SHEA: I think the point we have in mind is that if you have one licence on which there are several endorsements it would be very much better than having to get out the whole series of licences. After all, at the present time, because there are some references in the Press about the passing of this Act, people who are engaged in the sale of methylated spirits will remember about the licence, but next year there will be no talk about the sale of methylated spirits, and your own administrative officers even will not be aware that people are compelled to have a licence. I have myself been fined for not having a licence for a certain article, and the magistrate of the district did not even know that it was necessary to have a licence for the article in question before he summoned me for not having it!

HON. TREASURER: I do think it is a mistake not to have a specific licence where you are licensed for a specific purpose. You may have all your trade, but you will get into a hopelessly complicated position if you have to endorse on one licence a number of other licences.

HON. ACTING COLONIAL SECRETARY: I should like to get one point clear—whether the feeling is in favour of getting a licence at all, or whether it is against the additional payment.

RT. HON. LORD DELAMERE: I think in fact it is an objection to having a lot of different licences instead of one trading licence which has endorsements. Is it not that?

HON. T. J. O'SHEA: As I understand I have been asked to make my position more clear, the objection is twofold: Firstly, having to take out a number of separate and independent licences; secondly, to having to pay out sums of money for all these series of licences. If a man has paid £20 or £30 for a trading licence it should cover all these minor affairs—it is just a matter of detail.

HON. TREASURER: It is not entirely a matter of detail. We must have certain revenue safeguards, and one of the best safeguards in respect of the revenue collections for licences is to have the value of a licence issued for a specific sum printed in the body of the licence. Then you know that when you have a certain number of forms torn out there must be a certain sum of money accounted for. If we do not have this method the check on the revenue is going to disappear. I think myself it is a very important thing.

HON. T. J. O'SHEA: May I point out that under the present arrangements there is a considerable loss of revenue under the heading of these licences, because administrative officers in the different districts are not aware that these licences have to be taken out, and if, instead of the present practice of issuing separate, independent licences, there was a comprehensive trading licence under which each individual trader who is taking out his licence can have endorsed thereon the different classes of trading in which he is intended to engage, you would collect all your revenue.

HON. ATTORNEY GENERAL: May I suggest that this discussion does not really arise out of the terms of the Bill. The exact form in which the licence can be issued is a Treasury matter.

HON. W. C. MITCHELL: As far as I understand the intention of this Ordinance it does seem to me the case can be met by substituting for clauses (3) and (4) the words "no native or person licensed to sell intoxicating liquor for consumption on the premises shall keep or cause to be kept for sale methylated spirits without a trading licence."

HON. R. S. NEHRA: That will allow even a native who has got a trading licence to get a licence for the sale of methylated spirits.

HIS EXCELLENCY : I think I might point out to the House that licences are not entirely to be taken out merely from the point of view of revenue or necessarily adding to the number of licences in the country. The object, in this case, is to call attention to the fact that persons are not allowed to sell methylated spirits unless they are approved of, and it also enables the revenue officers to find out what number of persons are licensed to sell methylated spirits. It is really a check over the persons who sell methylated spirits, and enables the officer who collects the revenue to find out if they are entitled to do so. Perhaps the Honourable Members' point will be met if Government agrees to consider how far co-ordination and amalgamation of separate licences is possible.

HON. T. J. O'SHEA : In view of that explanation I suggest that the amount be reduced to Sh. 2.

HON. TREASURER : I beg to second the motion.

HON. ATTORNEY GENERAL : I am prepared to agree.
Clause 4 amended accordingly.

HON. ATTORNEY GENERAL : At the request of the Commissioner of Police I wish to insert an additional clause, No. 12. This is a clause providing for awards to informers, which exists in other Ordinances, and which the Police say is most necessary. The new clause is copied from existing Ordinances, and I suggest to Council, Your Excellency, that this is a very useful provision.

HON. W. MACLELLAN WILSON : I object to any legislation that is going to bring in to this country anything in the way of blood-money to informers. I hope it will not be passed. We have it in the Arms Ordinance, we have it in the Game Ordinance, but they are slightly different. When you are dealing with the case of methylated and other spirits the principle is not sound, and I must vote against it.

HON. TREASURER : Will the Honourable Member please tell us the grounds for his objection?

HON. W. MACLELLAN WILSON : On the same grounds upon which it has been considered necessary to suggest such a thing. You cannot get people to do right and to carry out their duties as citizens by making such evils known throughout the country—asking them to make these evils known because their own evil natures will be bought by payments. It is the simplest thing all over the world to make a business of this sort of thing. I am absolutely against such things as awards in dealing with methylated spirits and liquor.

HON. SHAMS UD DEEN : Apart from supporting the last member who has spoken, I strongly object to a paragraph being inserted in an Ordinance like this which has just been read by the Honourable Attorney General. The least we consider should be done is to supply us with a copy, so that we can consider it very carefully.

HON. T. J. O'SHEA : I should like to support the points brought forward by the last two speakers. I think the only justification for bringing in the principle of blood-money is when a number of members of the community combine together to defeat the efforts of the Administration to carry out the laws. I do not think we should bring in such a very obnoxious system, which will only lead to grave abuse. I should like to support the Honourable Mr. Shams ud Deen in his objections to the bringing in at the last moment of alterations in the Bill.

HON. ATTORNEY GENERAL : We were discussing a new clause. I understand there is considerable opposition to this clause being put in, and as the offence of selling methylated spirits to natives is not very widely spread and does not require extraordinary measures, I am prepared to leave this clause out of the Bill.

HON. COSWAY HARVEY : Your Excellency, I should like to say I am extremely sorry the Honourable Attorney General has decided to withdraw this particular addition which was originally contemplated. The opposition is by no means universal, and I do seriously disagree most respectfully with the last three Members who addressed the Council from this side. I feel it is utterly useless—

HIS EXCELLENCY : There is nothing before the House.

HON. COSWAY HARVEY : I should like then to propose its reinsertion. I was leading up to that, Sir. I do definitely propose the reinsertion of the amendment withdrawn by the Honourable Attorney General, the reason being that I feel it is utterly useless passing legislation which the police are utterly incapable of dealing with. We have numerous precedents for this attitude on the part of Government, and it is not a new subject which does not necessarily require any long period of consideration. We have discussed it for years and I do personally accept the statement of the Commissioner of Police that it is absolutely essential to have this system of rewards if the provisions of the Ordinance are to be applied at all.

RT. HON. LORD DELAMERE : Your Excellency, on a point of order, has not this Honourable Council got to meet in Council again after an adjournment?

HIS EXCELLENCY : No; only after an adjournment for the day.

HON. T. J. O'SHEA : The Honourable Member for the Lake has thought fit to suggest the inclusion of this offence clause. I have not yet heard that such a clause exists in the Liquor Ordinance. If the police consider it necessary that such a clause should be inserted in the Methylated Spirits Ordinance I should have thought they would have pressed for the inclusion of such provision in the Liquor Ordinance. It seems to me unfortunate that it should be necessary for the police to enlist the assistance of an army of spies for the administration of this new Ordinance when they have not found it necessary to ask for the assistance of an army of spies for the administration of the Liquor Ordinance and, inasmuch as the consumption of ordinary spirits is much greater among natives than methylated spirits, I think the case for the inclusion of this clause in this Bill breaks down entirely. I can understand it is necessary on occasions to have provision such as this in certain Bills, as when you find a large mass of people which combines together to defeat the police for the administration of the law; then there is some justification to offer the man in the street some reward if he feels inclined to help the police as an informer. It has been recognised in western European countries that the efforts to reward the general public in assisting the police have been so abused that they should only be resorted to on special occasions. I am myself a member of the Committee which inquired into a different matter recommending that any amending legislation dealing with the cattle thieving some such clause as this should be included, because it had been brought to their notice that people in this country are banded together for the purpose of a particular crime, and the police cannot cope with it, but no evidence has been brought forward that methylated spirits is on the same lines. This practice of bribing people to assist the police is open to such abuse that this Honourable Council is not acting wisely to allow its inclusion in this Bill.

HON. R. S. NEHRA : Your Excellency, I strongly oppose the amendment proposed by the Honourable Member for the Lake and it is only inflicting a big evil on the public to cure a small evil. There is nothing to stop anyone who can buy a bottle of spirits somewhere from taking it to some store and concealing it and then informing the police there is a bottle of spirits lying in that particular store. There is some inducement in the compensation offered, but merely giving an information which can be created by any member of the public by no means is desirable. It has been admitted by the Honourable Attorney General the sale of this spirit without a licence is not so widespread and the introduction of such

legislation as is proposed in the clause will throw discredit on the police indirectly as it will show that the police have not the capacity to administer the law by their own unaided efforts.

HON. CONWAY HARVEY : Your Excellency, in reply to the last speaker I shall suggest there are plenty of laws in existence which will enable the authorities to bring to heel anyone who attempted to exploit this particular situation. With regard to what the Honourable Member for Plateau South said, I suggest there is no comparison whatever between the Liquor Ordinance and the Methylated Spirits Bill, inasmuch as those who acquire liquor licences have to pay a very considerable sum of money for the privilege of these licences and these are very sparingly distributed and only given out in close proximity to police supervision. The Honourable Member has suggested that the licence for the right to sell methylated spirits should be purely nominal, which means that practically every seller of anything will ask to have his licence endorsed with the right to sell methylated spirits. That being so, it is obviously quite impossible for the police to keep track of what is going on with the distribution of methylated spirits unless something is done on the lines indicated by my amendment.

HON. ATTORNEY GENERAL : I should like to explain that one is very loath to bring forward an amendment like this at the last moment, but these things do happen occasionally, especially when one gets a note from someone or other suggesting an amendment for consideration, it seems that amendment should be forthwith put to Council. One does not want to do that more than is advisable, but at the same time it is occasionally absolutely necessary. In this case I received a letter from the Commissioner of Police, which I will read. *(Quotes letter.)*

As the last Honourable Speaker has said, the licence is a very small one and the offence is not one about which complaint is going to be made by either party. It is one of those things which may take place and go on for a long time before the police know anything about it, and the only method by which information is likely to be obtained is by an informer, and in cases of that class it is certainly not unusual to have some provision as that suggested.

HON. ACTING COLONIAL SECRETARY : Your Excellency, I would only say Government has no strong feelings at the present moment as regards this particular clause. The clause was introduced by the Honourable Attorney General and therefore is a clause which is marked with the approval of Government. At the same time there is no strong feeling in the matter, and the Government is prepared to leave it to Honourable Members on this side of the House to vote according to their conscience.

HON. W. MACLELLAN WILSON: The Honourable Member was a bit too previous in his reply. I intended to say something about it. Most of the points have been dealt with by the Honourable Member for Plateau South, and also by my Honourable Indian Friends in the cross benches. There is, however, one other point not touched upon. If our trusteeship of the natives means anything, surely we are responsible to some extent for their moral uplift? I cannot think of anything which is so much inclined to make for unmorality as to raise in a man's heart the desire should be encouraged by cupidity. That, I think, is the main reason I have against any such suggestion as payment of informers. It makes for a spirit of uncertainty amongst people, and it makes for a spirit of enmity as between people and people, and if a man is going to be informed upon by some other individual, say his next-door neighbour, and he is getting money for it, you are very likely to have more trouble in future. If this spirit is encouraged you will get no spirit of forgiveness as between native and native. On the other hand if one gives information of the breaking of a particular law and one is getting no reward for it one extols that individual for having a high conception of his duty as a citizen. I do not think it is a good thing for the natives that anything like this should come amongst them as a principle or a practice.

HON. CONWAY HARVEY: I am afraid, Your Excellency, the last speaker does not understand the frailties of human nature, and I would suggest to his consideration that individual enmity must invariably yield to the welfare of society as a whole.

HON. DIRECTOR OF AGRICULTURE: May we have some information as to the extent of the use of methylated spirits in this illicit manner that is indicated? There are many aspects to this matter. We have had no information on this point.

HON. ACTING COLONIAL SECRETARY: The Honourable Attorney General explained that, as far as the abuse of methylated spirits by drinking was concerned, it was not extensive in this country. We have no statistics on the matter.

HON. E. M. V. KENEALY: Your Excellency, I do not think it reasonable to suppose the country is divided into two camps over this discussion—a large camp of potential sellers of methylated spirits and a large camp of potential sellers of drinkers. I take it the section of the community concerned is a small one, and this is the time to prevent it. The police have told us co-operation is necessary, and this Legislative Council should give it.

RT. HON. LORD DELAMERE: There are very few people involved, and I imagine the people who consort with people in this matter of methylated spirits are probably the people who want a reward for the uplift of natives, and if this was a thing which applied to the natives of this country I should vote against it. It is almost impossible for the native to prove a case, but in the case of people who have licences for selling methylated spirits they are people quite able to take care of themselves, and I can see no particular reason for not helping the police in this particular matter.

HON. DR. ARTHUR: Your Excellency, I am opposing this amendment for the reason which has been given that there are probably comparatively few cases that may occur on a charge of this kind. I think it would be a great pity to bring in legislation of this kind along the lines which have been suggested because of the reasons put forward by the Honourable Member for Kyambu. I do not think it is a matter of perhaps general principle in regard to this matter that I might not agree with it in certain cases, but in regard to this Bill as there are not likely to be many cases I think it is a pity to introduce legislation of this kind.

HIS EXCELLENCY: I will now put this amendment to the Council. The vote on it will be an open one, and is only withdrawn because the House has said it has not had time to consider it, but from the speeches made by Honourable Members it appears they have given it very careful consideration.

HON. DIRECTOR OF AGRICULTURE: Does it mean that it is public knowledge as to who the informer is when the Court makes the award? If that is so it is most undesirable that the knowledge should be public as to who the informer is. Great difficulty would be experienced in getting anyone else to come forward with information.

HON. ATTORNEY GENERAL: The name of the informer will not be disclosed. The Court will simply make an order.

HON. TREASURER: Does the Honourable Attorney General mean that the money will be paid out on some summary voucher. If that is so we must have a certificate from the magistrate that he has paid it away.

HON. CONWAY HARVEY: There is a special item in the Estimates of awards and gratuities. Surely this will come under that head?

HON. TREASURER: These vouchers are passed through the Treasury publicly. There is another course where the Governor signs a voucher—

RT. HON. LORD DELAMERE: I suggest this is a question of the working of this Ordinance.

HON. ATTORNEY GENERAL: I understand this will follow exactly the same course as in other places where the procedure is the name of the informer is not divulged in Court. What happens to the Treasury voucher I do not know.

The amendment was then put and lost by 21 votes to 14.

HON. ATTORNEY GENERAL: I beg to move that the Bill as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to regulate the sale of methylated spirits" has passed through Committee with certain amendments and is reported to Council.

HON. ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

THE BANKRUPTCY ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Your Excellency, I beg leave to move that a Bill intitled "An Ordinance to consolidate and amend the law relating to Bankruptcy" be read a second time.

As Honourable Members are aware bankruptcy is a privilege which is granted to insolvent debtors whereby they are enabled to get clear of their liabilities and to start afresh on a clean footing. It is therefore of the greatest importance that the conditions under which the privilege is given should be carefully limited. The legislation in which should present-govern the administration of bankrupt estates is the Indian Provincial Insolvency Act. I might explain at this point there are in India two separate laws governing bankruptcy, one of which applies to large towns and the other applies to the other parts of the country. Some of the East African Dependencies, notably Zanzibar, have adopted the Presidency Town Act, which is an elaborate measure and approximates more or less to the law of bankruptcy in England. This country, for some reason or another, adopted the Indian Provincial Insolvency Act, which was more adapted to country districts, and to possibly what I might call the rough and ready administration of small estates, and that is the law we have had here for the last fifteen or twenty years. There have been repeated complaints from the commercial community, and from the lawyers who, as the agents of the community, have had to assist in administering this Act, that it allows far too great latitude to insolvent debtors

and has the effect of encouraging fraud. The precise particulars in which the Act is proved to be deficient are very numerous, and I do not propose to attempt to enumerate them at present. It may be sufficient to state broadly that no early provision is made in this Act for getting hold of the estate of an insolvent person—getting it out of his hands—so that he cannot deal with it. That is the most important provision and the lack of any such provision has given rise to very great complaint by creditors in this country. It has been found repeatedly I understand that by the time an adjudication order can be made and the legal processes gone through there is no estate left to hand over to the administrator. Another respect in which the Presidency Insolvency Act is deficient is that it contains a very short list of offences which may be committed by a fraudulent debtor. That is to say a great many things may be done more or less with impunity by a debtor which he could not do under a more elaborate system. The law which is incorporated in the present Bill is to all intents and purposes the law of England. We had the choice between adopting the Presidency Towns Act, which contains a number of provisions which are in the English law, or adopting the English law *in toto*, and on very strong representations both by the commercial community here and by the law societies it was decided to adopt the English system. The English system is slightly more elaborate than the Indian system, because the latter law provides for the administration of all estates by a Government officer direct, and cuts out private trustees altogether. The English system does not go so far as that. It puts the general control of bankruptcies under the Court. The Court is the supreme adjudicator. After the Court comes the Board of Trade who have a number of people who are called "official receivers," and they take over the estate in the preliminary part of the work and hold the estate until the creditors meet and appoint a trustee, and thereafter the official receiver has certain supervisory powers and he may on his own initiative or at the request of the Court exercise control for the trustee appointed by the creditors. It is also his duty to bring before the Courts any information which comes to his notice. You have a Government official whose duty it is to bring directly to the members of the Court any fraud on the part of a debtor. We have circulated this Bill to the adjoining territories. The Zanzibar system is founded on the Indian system whereby there is a Court administrator in every case, and it has notified to us that it does not propose to depart from that. Tanganyika some time ago said they were preparing an Ordinance rather on the lines of the Indian Presidency Town Act, but I have not heard what has become of that. In the meantime the law in Tanganyika is the law of England. The law of England is administered in Uganda. I have seen the Attorney General of Uganda lately and we discussed this Bill, and he is satisfied this Bill can be introduced into Uganda without any amend-

ment and he is confident it will satisfy all requirements. There is one point on which Council will probably require some assurance and that is the process of adjudicating a person bankrupt in one of the territories in East Africa will make him bankrupt in the other territories. We have done as much as we can in this Bill to facilitate that. There are only two ways in which that can be brought about. One is by an Order in Council which should apply to all the territories but if it can be arranged otherwise that is not a very desirable method of procedure. The other method is that each territory should pass a short clause such as we have in this Bill providing that the Court in the territory passing the Bill will recognise bankruptcies adjudicated by the courts of the other territories. That is the provision made in this Bill, and we hope the same provision will be made in the other territories. This Act contains a very long list of offences which may be committed both before and after bankruptcy by a debtor who is adjudicated bankrupt under this Bill.

HON. ACTING COLONIAL SECRETARY: I beg to second.

HON. J. B. PANDYA: I have great pleasure in supporting this bankruptcy law. The commercial community have more than once advocated that the bankruptcy law in this country was not sufficiently vigorous. We want in this country a very sound trade. The trade is always the backbone of a country, and I am very glad to see that after a very long time the Government have seen the necessity of bringing this Bill in its present form. More than once in the Chamber of Commerce and the Associated Chambers of Commerce we have brought this to the notice of the Government, and I am glad to see that the Government, recognising the necessity in this respect where the commercial community is concerned, have thought fit to include the Bill in this Honourable Council. I am very strongly supporting it, and I think that other Honourable Members will also strongly feel on the subject.

HON. R. S. NEHRA: In supporting this Bill I must express the view that this is one of the long-delayed Bills, but it is also one of the most urgent measures that the Government could bring in. During the past many years the bankruptcies and cases of people going insolvent have been ridiculous, and of course the individual in some cases loses, but the country also loses. I do think that there will be hardly anybody who will not be willing to pass this Bill and make it as stringent as possible to safeguard the trade of the country.

Motion put and carried, second reading passed.

HON. ATTORNEY GENERAL: This is a very long, complicated measure, I think it would probably be the feeling of the House that it ought to be referred to a Select Committee.

I am quite prepared to take the Bill as it stands if the Council so desires, but it is usual, in a Bill of this magnitude, and where there may be minor alterations which will have to be made, to refer it to a Committee, and I wish to make that proposal.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I propose that the Select Committee consist of the following:—

The Attorney General (Chairman).

The Solicitor General.

The Commissioner of Customs.

The Members for Nairobi North, Nairobi South, and Mombasa.

Mr. R. S. Nehra.

Motion carried that the Committee be appointed accordingly.

CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE.

HON. ATTORNEY GENERAL: I beg to move the second reading of a Bill intitled "An Ordinance to amend the Criminal Procedure Ordinance, 1913."

This Bill is introduced to correct a small ambiguity which occurs in the Criminal Procedure Ordinance, and which has been pointed out by the Chief Justice. It occurs in connection with the question of summoning assessors to assist the Court. At present all persons are liable to serve as assessors, and all non-natives have to be placed on a list of assessors. Natives, of course, are not placed on the list. It is quite impossible to compile a list of all natives liable to serve, but the section which is now sought to be amended provides for the summoning of persons named in the list only, and from that some doubt has arisen as to whether it is possible for natives to be summoned as assessors at all, and this short amendment is devised to make the meaning of the Ordinance clear.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried, second reading passed.

HON. ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole Council to discuss the provisions of this Bill clause by clause.

In Committee:

The Bill was read clause by clause.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to amend the Criminal Procedure Ordinance, 1913," has been through Committee and been returned to Council without amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the session.

DETENTION CAMPS ORDINANCE.

HON. ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill intitled "An Ordinance to provide for the establishment of Detention Camps."

The recommendation of the Committee, which was appointed in 1921 to consider the question of native punishments, was that some substitute should be found for imprisonment in connection with certain classes of cases. The class of cases to which the Committee directed attention was what might be called more or less technical offences which do not imply any degree of moral turpitude; that is to say, offences contrary to Regulations and various Ordinances. The Commissioners felt that imprisonment for any technical offences was a great mistake; that fines should ordinarily be imposed and care should be taken to see, if possible, that they are collected, but that in default of fine periods of detention be inflicted, the detention to consist of an obligation to live in a place allotted for the purpose and to work, not as a prisoner, surrounded by guards, but on parole for a Government department. They said they believed that this plan would be practicable in out-stations, but possibly not in large townships such as Nairobi and Mombasa, and that its result would be to render such convicts free from any chance of contamination through association with criminals in gaols.

The present Ordinance has been framed to carry out as closely as possible the recommendations of the Commission. It has been considered by a Committee, of which the Honourable Acting Colonial Secretary and His Honour the Chief Justice were members. It provides for detention camps and for sentences of detention to be imposed upon those who are convicted of the offences set out in the schedule, which includes Ordinances of a technical character. As the number of such Ordinances may from time to time increase it seems desirable that ready powers should be given to add to this list of Ordinances at any time, and therefore power has been given to the Governor in Council to make rules for the government and discipline of these detention camps. There is also provision that in case of misconduct by a detainee in a camp he may be sent to prison to complete his sentence.

HON. ACTING COLONIAL SECRETARY: I beg leave to second this motion. The Honourable Attorney General has taken the Honourable Members through the main features of the Bill, which is in itself, I think, self-explanatory, and there is no great necessity for me to dwell on the principle. I would point out that legislation of this special nature is the outcome of the impingement of a higher civilisation upon a lower. The higher civilisation has a care for propriety, health, convenience and safety which has not occurred to the lower, and it makes many and various regulations according to its own view. It is not unnatural that the lower civilisation coming up against these regulations will, therefore, through ignorance—almost entirely through ignorance—create breaches of those regulations, which cannot be entirely overlooked by the State, and for which the State, generally, has laid down the punishment by fine, there being always the ultimate penalty of imprisonment in the case, let us say, of a labourer who is unable to pay the fine through having no money, but who has committed a breach of the regulations. On the other hand, upon the native to whom the whole idea of offences against the State and imprisonment for such offences, is foreign, the effect upon such a native is, I think, disheartening and bewildering. Contrary to the beliefs of some people, it is the case, and I am sure those who come in contact with the natives will support the view, that imprisonment is extremely repulsive to the native, whose sense of proportion is never very high, and who, if he find himself imprisoned for petty offences where he had no intention of offending, will certainly have his moral uplifting retarded. It is, therefore, for these reasons that this *via media* has been sought by Government, by which the ideals of a higher civilisation may be accommodated to the crude but often sound thoughts of the lower.

There was another argument, I think, in favour of the Bill. In a country such as this where only the minimum accommodation exists for prisoners the semi-criminal is brought into direct contact with the habitual criminal, and a certain amount of deterioration necessarily follows. The Bill is designed to prevent that deterioration, and I think it may be said in trying to make the punishment fit the crime it is trying to safeguard native society as well.

There is a schedule at the end of the Bill which is capable of extension, as the Honourable Mover has pointed out. For the time being it has not been extended because the Committee thought that the measure was to a certain extent experimental, and it was as well to proceed by degrees.

With regard to the financial aspect, so far as I can foresee there should result ultimately a very considerable saving by the passing of a law of this nature. I think it will be found possible in many of the smaller stations of this country to do

away with the prisons, save in name, and to detain at the smaller stations only a few natives of that locality who have been sentenced to shorter sentences of detention.

RT. HON. LORD DELAMERE: May I be allowed very heartily to support the Bill before the House. Many of us know that for a number of years a great deal of harm has been done by the imprisonment of natives in this country who have broken rules for which they must be punished if this form of higher society is to be carried out—by shutting up those natives with criminals who have committed crimes. The only remark I would make is that I think it is a pity, considering the Committee sat four years ago, that we have been so long in bringing this thing into law.

There are one or two points I would like to make. Some people have suggested that this is merely a device for getting camps for labour, but we are getting so accustomed to criticisms of this kind that they do not affect us very much.

* Another point is that if registration had not been in vogue—that Registration Bill which we have heard in some quarters a lot about—to its detriment—it would have been impossible to put a man on parole in this way. I myself think that it would be a splendid thing if you could do it, and I should like very strongly to support this Bill, and say how much it could do for the native population of this country.

HON. R. S. NEHRA: As the Bill stands at present I suppose it is understood that the object of the Government is to improve those petty offenders and not to allow them to get mixed up with the real criminals in those camps which will be established under these Rules. I would, however, like to ask if some sort of education—moral or otherwise—will be given, and will provision be made afterwards by the Government in that direction, because at present the Bill does not give us any other idea except that detention camps will be provided for and that they will be established under this Bill. Will the Honourable Attorney General perhaps enlighten the House on that point?

HON. ATTORNEY GENERAL: I am sorry; I cannot hear what the Honourable Member said.

HON. R. S. NEHRA: My point was to ascertain if it is the intention of the Government to provide any kind of moral or other education for the natives in the detention camps, because the present Bill, as it stands, provides only for detention camps and nothing more, at present. I suppose the Honourable Attorney General did not understand what I said.

HON. CONWAY HARVEY: Is that diagnosed as one of the principles connected with the introduction of this measure?

HON. ACTING COLONIAL SECRETARY: I understand the Honourable Member is asking whether this Act is based on the reformatory principle; because, if so, I would inform Honourable Members that the Act is not so based.

HON. DR. J. W. ARTHUR: Your Excellency, I would like first of all to congratulate Government on introducing this measure. I am strongly in favour of the principle of the Bill because I believe that it is going to do a tremendous lot for the native peoples of this country. I think everyone of us in this House has felt that in some way or other the present system of law in regard to these particular things is wrong and was bringing injustice upon the native people. The subject has been discussed from time to time between various communities in this country, and, personally, to me it has been a pleasure to know that in this matter there has obviously been general agreement, and that the various communities were desirous of bringing in something that would improve present conditions. There are many people who have criticised certain laws in this country as acting hardly on the native peoples, and I am convinced that this Bill which is now being introduced will help towards the removal of that criticism.

I am glad, too, that in the bringing in of this Bill the schedule has been made sufficiently wide to include those offences that are not, as the Honourable Gentleman has said, wrong in the nature of moral turpitude. These clauses have been made as wide as possible so as to make the thing a help to the native people and not hinder them. There are certain points in the Bill that I am going to speak on, but I am going to say that I am strongly in favour of this Bill, and would congratulate the Government on introducing it. (Hear, hear.)

HON. ACTING CHIEF NATIVE COMMISSIONER: I should like to explain my own position with regard to this Bill. I was a member of the original Punishments Commission on whose recommendations the Bill is based, and while in principle I welcome and support the Bill very strongly, I do not consider that it is giving full expression to the intention of the original Commission. My point is this—I expressed it to you, Sir, in writing, and I also brought it up in Executive Council. The point was, what we wanted was the division of the natives into two classes, based purely on psychological principles. You want to keep away from the professional criminal the man who is not in any way a criminal, and who has never been a criminal. He may, perhaps, have done a criminal act. I can, for instance, imagine circumstances

under which a raw Turkana who, in accordance with native custom, had killed a man to blood his spear, but who was not by intention or mind a criminal; and it would be a very great pity to make him one by bringing him into contact with professional criminals. On the other hand there are certain circumstances under which a man may be convicted of riding a bicycle on the wrong side of the road, and it would be a pity to put him into a detention camp because he would corrupt the morals of that camp. The distinction must be, to my mind, psychological. On the one side you have the raw native who commits a crime because he does not know what it is, and on the other side you have got a man who deliberately breaks some regulation which he knows about. In that respect alone do I differ, and at the proper time I shall ask Your Excellency's permission to have the Bill sent to a Select Committee.

HON. W. MACLELLAN WILSON: In supporting the principle of this Bill, I should like to associate myself with the remarks made by the Honourable Acting Chief Native Commissioner. I remember particularly when the Commission sat that that was one of the points we brought forward. To put it succinctly, the first offender should not be put alongside habitual criminals. It is not provided for in this Bill, and I trust Your Excellency will take steps to see that some arrangements are made by which this point can be met. The whole idea of this is to hinder or to make it as difficult as possible for natives and others to become habitual criminals, and, as has been said, so many offences against our laws are technical offences which perhaps warrant and merit detention but certainly not rigorous imprisonment with criminals.

There is one point made by the Acting Colonial Secretary. In speaking he said there was always the possibility of a fine, and he mentioned the penniless labourer who would not be able to pay that fine. Well, as a matter of fact, the labourer is generally the man who has got the money. But there are many people who many not be able to pay their fines, and this meets their cases, by putting them into detention. While it must be in a sense on the Reformatory Act principle, I see here under the Bill that the Government is prepared to make rules for the control and discipline of these detention camps. Now, I think that the very first step to be taken in any reformation of a character is discipline, and I am perfectly certain that it will have beneficial results in the detention camps if the disciplinary measures are carried out in a proper way.

HON. T. J. O'SHEA: There would appear to be general agreement on the principle of this Bill and congratulations generally made to Government on its introduction.

Listening to the classification of the natives of this country by the Prisons Department, I gather that they are roughly divided into professional criminals and technical offenders, and I got the impression that when this Ordinance is brought into force the whole of the professional class will, in all probability, get the benefit of these detention camps. If any such policy were adopted I should think there would be an outcry in this country against this measure before very long. As I understand the native of this country, there is a very small proportion indeed who may be classified as professional criminals, but on the other hand, because of their uncivilised state and their complete inability to understand what social obligations are they are to be made criminals unnecessarily—made criminals in a good many cases because of their inability to comply with the regulations of the civilised Government working in an uncivilised country. I am not sure that I have expressed myself very clearly, but if you take the number of Ordinances mentioned in the Schedule, as for instance the Master and Servants Ordinance, that is an Ordinance under which a good many natives are sent to prison from time to time. Now, if it is intended in the application of this Ordinance that unless a native can be more or less classified as a professional criminal that he has got to benefit by these detention camps, I should think a very serious situation indeed will arise, and I suggest in the administration of this Ordinance we shall discover whether it is really as good as on the surface it would appear to be. I can quite understand the necessity of making provision for the first offender. On the other hand, I think we are going to extremes if we so slacken the system of punishments in this country as to give rise to the idea that unless one is in the nature of a professional criminal one may get the benefit—I am speaking about a native now—of our very advanced ideals on the reformatory system.

HON. ATTORNEY GENERAL: Your Excellency, to meet first the point raised by the Honourable Mr. Nehra, whether the Ordinance provided for moral and educational benefits to the native, I would point out that the Ordinance is a very general one providing for the establishment of these camps, and that the discipline of these camps is left to rules to be made under the Ordinance, and no doubt it is a question whether and what instructions, if any, it is possible to give in these camps.

With regard to the point raised by the Honourable the Acting Chief Native Commissioner, I have looked at the report of the Commission very closely indeed, and so far I have been unable to find any recommendation by the Commission for the treatment of natives who are convicted of serious crimes—what we consider serious crimes—who were to be treated in a different way on account of their more or less savage state

It is obvious that any such legislation introduces a new element altogether in the treatment of crime, and it would require extraordinarily careful investigation to see whether it is possible to make special provision for these people at all, and if it is possible so to provide that it apply to one man and not to another; but I cannot find that any such recommendation has been put up by the Punishments Commission. I think it would be extremely difficult to take a Masai who looked upon a little bloodshed as an ordinary way of showing that he has reached manhood, and put him opposite a man who is convicted of riding a bicycle on the wrong side of the road. I do not know whether it would be possible to extend the detention camps idea so as to admit of that. At any rate, such a very complicated thing would require an additional Bill really, and would have to be dealt with in an additional Bill.

I am not quite sure that I understood exactly what the Honourable Member for Plateau South said, or that I quite understood his interpretation of the Ordinance. As far as I can understand it, it was that the Bill divided natives into two classes. Firstly, there was the man who offended against small Ordinances and, secondly, the man who offended against the more important ones; and to call the one a professional criminal and the other a technical offender. Well, I do not think really that this is necessarily the way the Ordinance was put up at all, because the question of whether a native goes to a detention camp or not is a matter for the discretion of the magistrate, within the limits of the Ordinance. That is to say, if a native is committed on what is purely a technical offence, it is then for the magistrate to consider in all the circumstances of the case whether he ought to be sent to prison or whether the detention camp is sufficient, and I think it will be fairly obvious that in the case of an offender who has committed several offences under the Master and Servants Ordinance, and so on, the magistrate very soon comes to the conclusion that he must go to prison, and that it is the proper place for him. But this is really in order to give these technical offenders some sort of chance to start again, and give them just a warning that Government does not allow that sort of thing and that they ought to be a little more careful.

HON. ATTORNEY GENERAL: I beg to move that the House resolve itself into a Committee of the whole Council to consider the Bill clause by clause.

In Committee:

Clause 4:

HON. R. W. B. ROBERTSON-EUSTACE: Under this clause, may I ask if Visiting Justices will be appointed to visit these camps?

HON. ATTORNEY GENERAL: The answer is in the affirmative. Under clause 14 rules can be made for Government visitors.

HON. ACTING COLONIAL SECRETARY: I should like to thank the Honourable Member for the suggestion. It is very useful.

HON. DR. J. W. ARTHUR: May I ask whether the control of these camps will be under very much the same supervision as the prisons—with warders and so on?

HON. ACTING COLONIAL SECRETARY: The idea—and we hope it will eventuate—is that they should be under the control of the station headman or some other native of that type with some knowledge of discipline. We shall try it anyhow on that basis first.

HON. DR. J. W. ARTHUR: I think that is the point. I rather read from this that it was going to be under prison conditions, and I think it would be very much better if it were not.

Clause 5:

HON. W. MACLELLAN WILSON: I am not quite sure what will happen in a case like this: When a male native is convicted there is just a possibility that a female native might also be convicted of a technical offence. I see difficulties in the way of having them in the detention camps—I refer to the females. I do not know whether the point has been considered by Your Excellency's Government in putting the Bill forward.

HON. ACTING COLONIAL SECRETARY: I think the point is that it is only the male native who may be detained in the detention camp. At present until this Ordinance is enlarged the female native is subject to a fine or imprisonment, but she could not be sent to a detention camp.

HON. W. MACLELLAN WILSON: That being so, the female is sent to consort with habitual criminals?

HON. ACTING COLONIAL SECRETARY: The actual case is that female offenders against these Regulations are extremely rare at the moment, but this Ordinance can always be enlarged at a later date if it is considered necessary.

HON. W. MACLELLAN WILSON: I am satisfied.

HON. SHAMS' UD DEEN: I want to ask the Honourable Attorney General if he can give any reasons as to why the schedule attached to this Ordinance cannot be made a more general one—instead of saying "convicted of an offence against

an Ordinance" say "has been convicted of an offence" or "has been convicted of any offence"; that is to say, there should be given to the Courts wider powers, so that when a magistrate is satisfied that a person has been convicted of some offence, and that the circumstances have proved that there was no real intention of criminality on the part of the accused, that he should be also given an opportunity of being sent to a detention camp instead of to prison, as in the case of a first offender. I know there is a section in the Criminal Procedure Ordinance which gives a magistrate powers to give an accused a warning to appear before the Court when called upon to do so, but those powers are very rarely exercised. I should like to see that the magistrate should also be allowed discretion to send any offender to a detention camp of this nature.

HON. ACTING CHIEF NATIVE COMMISSIONER: This is precisely the point I raised, and I was going to ask that the schedule be referred to a Select Committee, and that the Select Committee should then consider the extension of the schedule. But in dealing with this section, Your Excellency, I think I should like to move definitely that the word "males" be deleted so as to give the Court discretion in case it wanted to send a female native to whatever is regarded at the moment as a detention camp. I can imagine circumstances where it may be very much easier to deal with a female offender—to send her to work in the boma—than by sending her to prison. I therefore definitely move that the word "male" be deleted.

HON. ATTORNEY GENERAL: On behalf of the Government I am authorised to agree to the deletion of the word "male".

The difficulty I see about the Honourable Member's suggestion—the Honourable Mr. Shams ud Deen's suggestion—is this: It was considered by a small Committee which sat in connection with the Bill, and it was thought that it would defeat the whole intention of the Bill if offenders convicted of serious crimes were allowed to mingle with the people for whom this Ordinance is specially devised; that is, purely technical offenders who are not in any sense criminals. As the Honourable Member himself pointed out there are other methods of dealing with first offenders: They can, under the Criminal Procedure Ordinance, be released on probation, or they can enter into a bond, or in more serious cases, where the offender is youthful, he can be sent to a reformatory. But it is really outside the scope of this Bill to extend the privilege—it would defeat the whole purpose of this Bill if natives convicted of any offences were to enter these detention camps.

HON. R. S. NEHRA: Is it the intention of this Bill that if a native has committed one of these offences that he should be sent to a detention camp, even if he were convicted five or

six times of the same offence previously? If a man is accustomed to committing a breach of that Ordinance, and it is done intentionally and wilfully, is it still the intention of the Legislature that the man should still be sentenced to the detention camp?

HON. ATTORNEY GENERAL: I think the Bill leaves that really to the common sense of the magistrate.

Clause 6:

HON. T. J. O'SHEA: I understand from a statement which has been made by the Attorney General that really the introduction of this Bill is for the benefit of the first offender. That is what it amounts to. Well, in that case, I do not see why, if the magistrate, in the light of his legal knowledge thinks fit to impose imprisonment, that the Supreme Court should have the right to turn that man into a detention camp.

I am inclined to feel that they are carrying out the provisions of that Ordinance to an extreme, with the result that punishment administered for crime in this country would give rise to a situation which is at present not contemplated. In that case I should not like to see the Supreme Court with the power to turn over a term for imprisonment to a term at the detention camp.

HON. ATTORNEY GENERAL: This is one of those clauses which is put in to preserve the ordinary powers of revision of the Supreme Court. It may happen, as in fact has been foreseen by some Members who have spoken, that some magistrates—not the ordinary magistrate, I hope—but some magistrates may continue to send men almost automatically to a detention camp time after time in circumstances where they should undoubtedly have been sent to prison, and in such cases the only body which can correct any such practice on the part of magistrates is the Supreme Court. The function of the Supreme Court in matters of this sort is to keep a sort of level throughout the whole country. It does not interfere arbitrarily with functions, but it sees more or less the principle established and intended by the Bill carried out by the magistrates in different parts of the country.

Schedule:

HON. T. J. O'SHEA: May I ask whether it is under the Adulteration of Produce Regulations of 1901 that a person can be tried for adulterating-milk sold for human consumption?

HON. ATTORNEY GENERAL: Your Excellency, I believe that under the Adulteration of Produce Regulations, 1909, it is an offence to put water into milk.

HON. T. J. O'SHEA: In that case, I beg to move the deletion of the Adulteration of Produce Regulations from the schedule. I certainly think it would be a scandalous thing

if we made a law in this country that a person could engage in the adulteration of such an article as milk for human consumption and be sent to a detention camp. It is a most serious matter, and I think that it is certainly a thing that should not be allowed to come within the scope of this schedule.

HON. ACTING COLONIAL SECRETARY: I hope the Honourable Member will agree that there are other measures mentioned in the schedule which may also be ruled out on these grounds. Take the Native Liquor Ordinance or the Master and Servants Ordinance. I can quite imagine crimes under all those for which sentences of detention would be entirely wrong, but at the same time I do not think we should shut the door to the magistrate in a case where there was no intention of creating a criminal offence in that direction, and I personally am in favour of widening the schedule as far as possible.

HON. ACTING CHIEF NATIVE COMMISSIONER: I am sorry to add to the work of the House by moving that the schedule should go to a Select Committee, but I really cannot accept the Honourable Attorney General's statement that it would entirely alter the character of this Bill to widen the schedule very much, and I do think it should be widened to allow of raw natives who unwittingly have offended against the legislation of this country being allowed to be sent to the detention camps. I think possibly you might limit the power in regard to certain magistrates, but I do think in out-stations—in distant out-stations—where the criminal law is unwittingly broken, the magistrate should be able to use his own discretion and send a man—where he thinks it would be better to do so—to a detention camp.

HON. ATTORNEY GENERAL: It cannot be done as an amendment under this schedule. This schedule is a statement of the offences committed under certain Ordinances by which any native may be sent to a detention camp.

HIS EXCELLENCY: I suggest, for the consideration of the Honourable Acting Chief Native Commissioner and others interested in this matter, that clause 13, which reads—

“The Governor in Council may by rule amend the schedule hereto by adding thereto other Ordinances, sections of Ordinances or other laws, or by removing therefrom any of the Regulations, Ordinances or sections of Ordinances therein contained.”

allows of the schedule being extended later on, and that this Ordinance may now go through on the undertaking that this point will be considered.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, the Attorney General has just told us that that cannot be done. If it can be done at any future time then it can be done now.

HON. ATTORNEY GENERAL: I do not think the Honourable Acting Chief Native Commissioner's proposal could be met under this Ordinance because in the Ordinance as it is drafted you have got to set out the Ordinances or sections of Ordinances for breach of which any native may be sent by a magistrate to a detention camp. What the Honourable Acting Chief Native Commissioner wishes to do is to divide natives into different classes in such a way that one class shall go to a detention camp for certain offences and another class would go to prison, or something of that sort. That sort of thing is not contemplated in this Bill at all. It cannot be done.

HON. ACTING CHIEF NATIVE COMMISSIONER: That is not my intention at all. What I want is that the magistrate should have discretion—to send raw natives who have not come into contact with crime to a detention camp and not to a prison. It is the intention if he is not, in essence, a criminal, even though he has accidentally committed a criminal act, that he should, I think, go to a detention camp.

HON. ATTORNEY GENERAL: May I point out that in that case section 143 of the Criminal Procedure Act would meet the case.

HON. T. J. O'SHEA: The Honourable Acting Chief Native Commissioner has very clearly put a state of mind that I am very much afraid of in dealing with this Bill. If any large section of the officers administering justice in this country adopt his frame of mind, and this comes into operation, well then I should think this country would have something to be very sorry for in the passing of this Bill. He initiates the ideal that it is not what the native does that should weigh with the magistrate in deciding the punishment, but what type of mind the native is possessed of. If he is a raw native who has not come into touch with civilisation he has to be treated as an unfortunate innocent, no matter what his crime is, and he may be sent to a detention camp. Well, I am pretty certain that if such an attitude becomes part and parcel of the judicial policy of this country we will be very sorry indeed.

HON. ACTING COLONIAL SECRETARY: I should say that this point was very clearly considered by the Committee who considered this Bill. I myself held the view which the Honourable Acting Chief Native Commissioner put forward, but three members of that Committee were definitely averse from the suggestion—the Chief Justice, the Attorney General and the Chief Native Commissioner himself—at the time Mr. Maxwell; and after putting that point of view, I bowed to their

views, and Government I may say accepted those views for the time being. But, as Your Excellency has pointed out, in clause 13 there is power to vary it on consideration by the Governor in Council, and I hope, in view of that, the Honourable Acting Chief Native Commissioner will not press his point further. The reason why that Committee which framed the Bill turned the suggestion down was that the Bill was experimental. We had had nothing of the kind in this part of Africa before, and they wanted to see how it worked in a modified form first before advising the expansion of the principle to any wide extent, and I think perhaps that is the better policy to adopt for the time being, it always being possible to extend the schedule on the lines suggested by the Honourable Acting Chief Native Commissioner.

HON. ACTING CHIEF NATIVE COMMISSIONER: I was not aware that Mr. Maxwell had taken an opposite point of view to myself in this Bill, and I think, under the circumstances, I have no option but to withdraw my proposal that it should go to a Select Committee. I was told before I should have an opportunity of expressing my view before a Select Committee.

HIS EXCELLENCY: I should like to say that the view that was put before the Committee by the Honourable Acting Colonial Secretary was no doubt put forward as his own point of view, and I can assure him that this matter will be further considered, but I think the point to-day is that this is a provisional measure—we want to see how it works. It is only of an experimental nature. We have to see how the Bill works before we extend it. But there is power under clause 13 for the Governor in Council to consider the matter further.

HON. ATTORNEY GENERAL: I beg to move that the Bill be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to provide for the establishment of Detention Camps" has been through Committee, and is returned to Council with slight amendments.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

*(Council adjourned to 10 a.m. on Friday,
August 14th, 1925.)*

FRIDAY, 14th AUGUST, 1925.

The Council assembled at 10 a.m. in the Memorial Hall, Nairobi, on Friday, the 14th day of August, 1925, His Excellency the Acting Governor (Mr. EDWARD BRANDIS DENHAM, C.M.G.) presiding.

His Excellency opened the Council with prayer.
Minutes confirmed.

PAPER LAID ON THE TABLE.

Second Supplementary Estimates, 1925.

NOTICES OF MOTION.

HON. ATTORNEY GENERAL: I beg to give notice of the following motion:—

"That the Report of the Committee of this Honourable Council appointed, to consider the re-adjustment of Electoral Boundaries be adopted."

HON. TREASURER: I beg to give notice of the following motion:—

"Be it resolved that this Honourable Council approves the adoption of the Report of the Committee on Grants-in-Aid for Education in Kenya."

HON. ACTING COLONIAL SECRETARY: I beg to give notice of the following motion:—

"That the Report of the Select Committee of this Honourable Council appointed to consider the Housing of Native Employees of Government be adopted."

QUESTION.

HON. H. F. WARD: I beg to ask the question standing in my name on the Order of the Day:—

"1. Will Government please state whether it has received an Interim Report by the Committee appointed to consider the Terms of Service for Civil Servants, on the subject of Anomalies in Salaries of Civil Servants?

2. If so, what action has been taken?

3. May a copy of the Interim Report be tabled for the information of Honourable Members?"

HON. ACTING COLONIAL SECRETARY: No Interim Report has yet been received. A sub-committee has reported to the main Committee on this matter.

In view of the recommendations by Government to the Secretary of State that all salaries which carry the present local allowance shall be increased by 20 per cent. in replacement of that local allowance Government has decided to take no further action in this matter until the future position is clearer. For this reason the Main Committee has not again been summoned to complete its consideration of the sub-committee's report.

MOTIONS.

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

"Whereas it was found necessary during the quarter ended the 31st of December, 1921, to incur expenditure amounting to £82,379-1-38 for which no provision was made in the approved Estimates for the year 1921, as more particularly set forth in the statement laid on the table of the Council, this Council approves that part of such expenditure which has not already been approved in the 1921 Supplementary Estimates."

If it is the wish of Honourable Members to go into Committee to consider this Statement of Unforeseen Expenditure for 1921 in detail I will move to that effect, but yesterday we passed the Supplementary Appropriation Ordinance, which covers all the excesses for the year 1921, therefore it may not be necessary to go into Committee, in which case I will simply move the adoption of the motion.

HON. ACTING COLONIAL SECRETARY : I beg to second.

If I may be allowed to do so, I should like to take this opportunity of correcting a statement I made yesterday. Speaking from memory, I said that my recollection of the despatch with regard to the new salary for the Governor in this country was £8,000. That was correct. I also stated that that was the amount recommended by this Honourable Council; that was incorrect, and I must apologise for the misstatement. The amount recommended by this Honourable Council was £8,500. Giving the details as to how the amount of £8,000 is arrived at, they are as follows :—

Salary, £1,500; Duty Allowance, £2,500; Salary as High Commissioner of Transport, £1,600. (This £1,000 would count as salary during leave.)

Rt. Hon. Lord DELAMERE : Before this motion is put to the vote, I understood the Honourable Treasurer to say that as these monies have all been voted there is no object in going into the Statement, but I understand from this motion that this Honourable Council approves that part of such expenditure which has not already been approved of in the 1921 Estimates.

HON. TREASURER : Supplementary Estimates! Yesterday a Statement—an Explanatory Statement—which was submitted in connection with the final Appropriation Ordinance, took the place of a 4th Supplementary Estimate. It gave full explanations of excesses which had occurred in the last quarter of the year, and it is for that reason that I suggested, having passed the final Supplementary Appropriation Ordinance which practically included the 4th Supplementary Estimates, that it might be unnecessary to go further into detail with regard to this statement, which in any case does only refer to excesses within the last quarter of the year.

Rt. Hon. Lord DELAMERE : As this was passed yesterday, there seems no point in going further into the matter.

Motion put and carried.

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

"Whereas it was found necessary during the quarter ended the 31st of March, 1925, to incur expenditure amounting to £5,670-19-67, for which no provision was made in the approved Estimates for the year 1925, as more particularly set forth in the statement laid on the table of the Council, this Council hereby approves that part of such expenditure which has not already been approved in the 1925 Supplementary Estimates."

and I suggest that the House resolve itself into a Committee of the whole Council to discuss that statement item by item.

HON. ACTING COLONIAL SECRETARY : I beg to second.

Motion put and carried.

In Committee.

HON. ACTING COLONIAL SECRETARY : As I undertook yesterday to give a preliminary statement on the cost to Government of the transfer of the administration in the Northern Frontier District from military to civil administration, and of the cession of Jubaland, I will do so now. The figures must be taken as somewhat approximate at the moment, as I have only got them out roughly :—

Net decrease in expenditure between General Staff and Military	£13,310
Decrease in the combined Administrative, Police, Port and Marine and Prisons Departments	500
Total decrease	£13,810

Against that there must be set off the revenue from Jubaland, which was £56,051 last year. The cost of the Customs and Port Office has been set off against the revenue derived from those services and is not shown on either side.

HON. W. C. MITCHELL: May I ask whether the charges made for telephone services as between Government Departments is on the same scale as the charges made to the public?

HON. POSTMASTER GENERAL: The charges are on exactly the same basis.

HON. TREASURER: I beg to move that the motion be reported to Council.

Council resumed its sitting.

Motion put and carried.

RT. HON. LORD DELAMERE: Your Excellency, I beg to move the motion standing in my name on the Order of the Day—

That this Honourable Council is of opinion that a General Census should be taken on the first of February, 1926.

I may start by saying that the 1st of February is a date which approximates to the date that I think Honourable Members on this side of the House wished to put up. I will explain that later on.

It will be noticed that in this motion it is asked that Government institute a general census. I think Honourable Members on this side of the House, and I think everybody in this House, will feel that since 1921, when the last census was taken, a great many changes have taken place, and it is very desirable that the country as a whole should know what changes have taken place in the populations of this country. With regard to the European inhabitants of this country, I understand—I am open to correction on this, but it is only what I have heard—that the recent report sent home, on the general condition of this country, by the Government of this country, stated that the European population had not increased since the last census. I understand that the report for 1924 which was sent home to the Colonial Office gave that to be understood from the Government as to the true facts. If that is so, I cannot believe myself that it is a correct thing. In any case, in order to know—we are all anxious to know about it—what our own European population is, what children there are coming on for educational purposes, and so on—what is actually the case, we think a census should be taken, and we should start afresh.

With regard to the Indian population, I do not want to say very much about it, excepting in so far as I would say that certain policies in this country are conditional on a certain control of the immigration of those people, and that up till

now this Honourable Council has not been in a position to know what the facts are. We do not know, since the census for 1921, what increases there have been, and so on. I do not want to bring forward this at all in a contentious way—I am simply saying that at the present moment the facts are so. Nobody knows what the position is at all, and the Secretary of State and others make statements based on entire ignorance on the part of this country of all facts.

I am sure that a great many Members on this side of the House will put forward other arguments in favour of having a census of the non-native population taken in this country.

With regard to the natives, I personally think it is very necessary that we should make an effort to get as good a census of the native population of this country as we can. There are a great many reasons for this. First of all, if we are going to take up—as I hope we are—the health question among the natives of this country, we want to know, before we start, what people there are, and the proportions there are of men, women and children, and so on, before we begin, and so that at the end of a period of five years or so we shall be in a position to say what the facts are, more especially with regard to the children.

Honourable Members will remember that in the Report of the East African Commission it was said by the Majority Report that the native population of East Africa is not increasing rapidly, far less rapidly than the native population in the Union of South Africa. Of course, Honourable Members, I am sure, will agree with me that this must be so. It stands to reason that where you have a very large highly civilised population—like in the Union of South Africa, who are looking after the health and sanitation of the country, the health of the people in it, and so on, their birth rates and death rates are on an infinitely better basis than in a country like this or in countries under a system of native chiefs. That is my opinion, for what it is worth, and I do not believe that anybody will ever be able to contradict it. But as far as this matter is concerned the Commission says that the population is not increasing quickly. That is as far as they can get. They say further on, referring to vital statistics regarding the native population, that there is a lack of such statistics, excepting in the Kingdom of Buganda, where they are kept by the native government, and I entirely agree with that; it is very improbable that in the whole of East Africa there are any reliable native vital statistics. The Minority Report does not agree with that, apparently from a political point of view. In the Minority Report by Mr. Linfield he says he does not agree with the Majority Report. Mr. Linfield goes on to say: "I understand that my colleagues are unwilling to quote the

statistics compiled locally on the ground that they are untrustworthy. For my part, I am satisfied that the margin of possible error in them is small, and that they are certainly sufficiently accurate for comparative purposes."

I think everybody who has lived a great many years in this country will be of the opinion that any statistics of the sort which have been taken in the past cannot be taken as accurate in any degree at all, and my own opinion is that it is the same in all these East African countries. I do not see how it can be otherwise. It simply so happens that in this country we have never taken any census of the native population, and we do not pretend that the statistics of the number of natives are accurate, and the result is that it is open to people like Mr. Linfield to say that this country is behind other parts of Eastern Africa which, of course, personally I do not agree with at all. But this is another reason why I think we should try, as far as we possibly can, even if it costs a little money, to clear up this question of the vital statistics of the native population from every possible point of view. We have one great advantage in this country, and that is native registration. After all, it does start in the case of most of the tribes from a point where you can accurately know, under the Registration Law, the number of adult males in each Reserve. It may not be correct to the last unit, but if we took total counts in the different Reserves of the proportions of men, women and children, it ought to give us, even if we are unable to count all the people, something on a basis which can be taken as comparatively accurate, and enable us to compare the figures with a future census.

I have really nothing more to say, except that I do feel very strongly that a census should be taken.

Regarding the date, we originally put down the first of January, 1926. We then came to the conclusion that—I am speaking for Elected Members on this matter—as the first of January was a holiday it would be a very unsuitable time to take a census, and so we put it down for the first of February. We do feel that some such date is the right time to take a census, because it is before the big rush of people from this country to Europe who are going away to spend their holidays in England.

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

HON. ACTING COLONIAL SECRETARY: Your Excellency, I wish to take an early opportunity in the debate to welcome this motion on behalf of Government, and I may do so with greater ease as the Right Honourable Member for the Rift Valley has not tied us down to the date of February 1st. There is no doubt that such a census will be of immense value to the country. The only difficulty I foresee is getting all the

preparations made by so early a date. I am going to ask the Honourable Director of Agriculture to tell us how far his Committee, which Your Excellency appointed recently on statistics generally, has progressed, and what views they take with regard to a census. These views will be of value to this Council. It will, of course, be necessary to pass legislation to take this Census and that will necessitate as usual the sanction of the Secretary of State. It has to be borne in mind that the British Empire takes a decennial census, but Your Excellency sees no reason to think that will be in any way a bar to there being an interim census next year. I therefore undertake on behalf of Government that legislation will be framed and the Secretary of State's permission will be sought to introduce the measure. I hope we shall hear from the Honourable Acting Chief Native Commissioner his views with regard to the census of natives. The Right Honourable Member has made an extremely interesting suggestion in regard to the registration law, but I do not know how it will work out, as there is a large number of the population not registered. I am not convinced myself that an actual census will not be possible in certain areas. We have not a high number of educated natives to help take a census. It will be worth while to try it though in the Kikuyu and Kavirondo and other large reserves. The census will give us also a good strong point for the registration of births, deaths and marriages of natives, which we hope will be a matter very shortly of accomplishment here. They are statistics of the very greatest value to us. It may be necessary perhaps to take a double check of the natives, as the figures based on the 1921 census were arrived at by a multiplication of some mystic number by the huts in the reserves, but that will be only for the purpose of checking, and that should not be the main basis of the census. I am not aware at the moment of what was said in regard to the European population in the report last year.

HON. J. B. PANDYA: Your Excellency, I am in sympathy with the principle of taking this census, but I do not think I can support the arguments which have been put forward by the Honourable Mover of this motion. The arguments behind the motion are three. The first argument is in regard to taking a census of the Europeans to prove an increase has taken place. The second argument in regard to the Indians to justify an increase has taken place in regard to immigration, and the third argument in regard to natives in order to find out whether more labour is available. I am very sorry, whilst I support the principle of the intention of a census, I maintain it must be only to record the progress of the country as a whole and not to serve certain objectives. I support this motion on this principle only that this census ought to be taken in the interests of the country as a whole to show what progress this Colony has made in regard to the population, education and social welfare. I strongly support the motion

from that point of view, and I have made this explanation so that it should not be misunderstood that we agree to the arguments advocated by the Honourable Mover of the motion.

HON. T. J. O'SHEA: I beg to support the motion. Had I spoken at an earlier moment, I should probably have explained my support by emphasising the advantages of having the census asked for, but in view of the fact Government has accepted the motion that is not necessary. In view of the remarks of the last speaker perhaps it would be better if I satisfy the Council that we have no ulterior ideas in the back of our head for this census. What we want to get down to are the facts. Statistics are being sent out from this country which purport to be statements of facts when they are not facts. They are a complete misrepresentation of facts. May I say it has not been emphasised that the cost of taking the census will be as a flea-bite compared with the advantages to the country of having reliable statistics. Time after time we are up against a lack of accurate information. The compiling of statistics will probably be a big item, but it will enable this Council to get on with its work better. The last speaker seems to think we are doing something wrong in asking the Government of this country to make itself aware definitely of the number of Europeans in the country. Looking at the matter from the political aspect may I say we, the European settlers of this country, are heartily sick of listening to and reading of a handful of nine or ten thousand people. We are positive that the European population of this country is considerably in excess of nine or ten thousand, and we want to ascertain what is the increase. We believe there is considerably more than that to-day, and inasmuch as the number of the European population in this country seems to carry great weight both here and overseas, we want to get any advantage there may be in having fourteen or sixteen thousand Europeans in this country. The last Honourable Speaker appears to be concerned that we want to know how many Indians there are in this country. It is of considerable importance that we should know how many Indians there are for future development. It has been laid down time after time by people more particularly interested in the native welfare of this country that the Indian influx in this country must be kept within such bounds as will not interfere with the material development of the natives in this country. A very large proportion of the natives in this country are engaged in classes of work that we consider could be undertaken by the natives in this country if their education and other developments were fostered and that is, I understand, the policy of this country, that the intellectual development of the natives shall be fostered in such a way as to enable them to take their place in the economics of this country. That being the case, it is of material importance to the Government of this country that it should be aware of the number of

Asiaties in Kenya. In connection with the discussions which led to the White Paper in 1923 we on this side of the House were given a promise that an Immigration Law would be introduced that would control the influx of Asiatics into Kenya. That promise has not been fulfilled. It has not been fulfilled because we were not in a position to prove our contention that Indian influx into this country is not desirable in the interests of the natives in this country. I have no hesitation in asserting that we want that information that the influx of Asiatics into this country is in excess of what it ought to be in the interests of the natives of this country.

As regards the third aspect—the census of the natives. It is the most important of the lot. Ten or fifteen years ago it was the popular practice to refer to the native population of this country in vague terms, and the terms were vague in millions. We got statement that the native population was three, three and a half, four or five millions. The basis for these statements I have not the remotest idea. They were based on the very vaguest of information, and consequently the idea got abroad that the native population of this country was somewhere in the neighbourhood of four and a half to five millions. Later on when the administration of the country permitted of something like more accurate counts being made, the figure was brought down, and to-day when we have a system of administration which permits of reasonably calculating, the figures show that the population is so low to what it was fifteen years ago that the impression is created that the native population of this country is decreasing as a result of disease, and the administration of this country has been challenged that it is not doing its duty by the natives and we are to some extent being held responsible for the policy which is supposed to decimate the native population. In view of that we should get some accurate figures of the native population and then in five or ten years' time we shall be able to show that the administration of this country is benefiting the natives and the medical services in this country are such that they are materially helping the natives.

There is another aspect and that is the desirability of framing the legislation necessary to have it carried out in such a way as to ensure returns being strictly accurate. I am aware that some people think it no great crime to falsify the returns in connection with this. The law will have to be strengthened and made a punishable crime if that is done. I have heard people say they contemplate tearing up the forms; others say they are not going to fill up their returns at once as if they do they will be immediately subject to taxation. I think that is a point of view the Honourable Treasurer ought to bear in mind. There is a very large proportion of the non-native population in this country who are avoiding their taxation, and this census should bring a great proportion of them to book. As regards the day on which it should be held

I heard the Honourable Acting Colonial Secretary say that the machinery may not be in order by the first of February next. I consider that so far as the European population is concerned it certainly should be taken in the early part of the year, otherwise we shall have a large number of absentees, probably some 1200 to 2000, and I certainly should not like to see the census of the European population inaccurate to the extent of that number.

HON. DIRECTOR OF AGRICULTURE: Your Excellency, I had not expected to be called upon to speak to this motion, and I only do so in response to the request of the Honourable Acting Colonial Secretary. The Committee which you appointed a little time ago has made a study not only of the position in respect of statistical work in this Colony but the manner in which services of this kind are rendered in the Dominions and Crown Colonies generally, and while we found that there is a mass of data and figures of a statistical kind prepared and obtainable in this Colony we found that much remains to be done in order to co-ordinate and interpret them properly. We have also taken into consideration the recommendations made by the British Empire Statistical Conference of 1920 to which the Secretary of State drew the attention of this Government. It will be interesting, I think, to Honourable Members on both sides of the House if I intimate shortly what some of these recommendations were and with particular regard to the motion before the House. Dealing with the general census, which I take it the Right Honourable Member has in mind, in particular a population census, the recommendations in that connection were that in the opinion of the Conference a decennial census was insufficient for modern statistics and administrative purposes, and such a census should be taken at intervals of not more than five years. Further, the Conference recommended that all censuses throughout the Empire should be taken in the same year. Further that the range of variation in respect of the several census dates should be limited to a period of two months before or after the 15th of April. The reason for that will be understood by Honourable Members because it is very desirable from the Empire point of view that the statistics of each dominion or colony or each dependency in the Empire should be prepared in some uniform manner and should be taken at approximately the same time, so that the Empire statistics as a whole may be properly prepared. Inasmuch as the last population census of this Colony was taken in April, 1921, it seems to fit in, not only with the ideas in the Right Honourable Member's motion, but with the recommendations of the Empire Statistical Conference, if we take a census in 1925 shortly before the 15th of April, and I quite agree with the Right Honourable Member that having regard to the conditions of this Colony it should

be taken before April the 15th and not after April the 15th. I do not know how far I ought to anticipate the recommendations which your Committee will make to you—let me add, it expects to report within the next few days—but speaking generally I would say this, that we find that it is not necessary wholly to centralise certain statistical work now being done and properly done in the Colony, but we are of opinion that it will be necessary for Government to appoint a properly qualified and properly trained statistician. We have in mind not a man who is merely capable of making so many arithmetical calculations, but one who is trained in statistical work and economics generally, who would properly co-ordinate and interpret the whole of this statistical work of the Colony, including that statistical work which is being done to-day by three Departments in particular. It is contemplated also that that particular officer would be responsible for the population census, for the vital statistics and for statistics of a general kind which are not covered to-day by Departments whose statistical work is of a specialised kind. We considered very carefully this important question of vital statistics, and while difficulties may exist in respect of obtaining accurate statistics of the native population, we are not without hope that some considerable improvement can be effected. In respect of vital statistics again we considered that a start should be made on the registration of births, deaths and marriages, which, except in the case of Europeans in this Colony, is not satisfactory. We think a start should be made by requiring that the terms of the Ordinances in respect of the native population should be compulsory in townships, and we hope that at no far distant date circumstances will allow the same action to be taken with the squatter population in the alienated areas. We consider further that if the work were organised along the lines about to be recommended by the Committee that the statistician would render valuable service to Government in the preparation of the figures for the Blue Book, for the Annual Report of the Colony, and in particular he would and should compile an official Year Book for the Colony, a deficiency which exists to-day. Honourable Members may think perhaps that your Committee will be advising Government to expend a considerable sum of money. It is not so. We consider these services will not cost a large sum. As to the important question, which has been referred to, of immigration statistics, your Committee has again looked into that matter, and while some arrangements are in force—I think, satisfactory on the whole—in respect of immigration, there is no data of value with regard to emigration, and we consider that it may be necessary to back it up by legislation, and having invoked the assistance of the shipping companies in the matter, to lay down rules affecting the emigration of the population, whereby statistics of that kind can be kept.

I do not know that I can give any further information on the point of particular interest to Honourable Members at the moment except perhaps to add that the Statistical Conference referred to recommended that in the Crown Colonies there should be established a comparatively small Statistical Council of an advisory kind. I think my colleagues will support me in the recommendation that a Statistical Council of this kind should be formed in this Colony, and that the statistician should be secretary to this Council. In that way it will be hoped that the statistical work done by the Central Office and the statistical work which should be done by different Departments will be brought into line. On the merits of the motion itself I would express my opinion in just a few words. I hope very much that in all quarters of the House it will be regarded as a non-political matter, and one calculated to be a benefit to the Colony from the economic point of view and for the social and moral welfare of the community.

HON. W. C. MITCHELL: Your Excellency, I am very heartily in favour of the motion standing in the name of the Right Honourable Member for the Rift Valley, and I welcome the assurance from Government that they also are in sympathy with this motion, and I have listened with a very considerable amount of gratification and interest to the remarks of the Honourable Director of Agriculture, indicating the advance of every kind for the information of those interested in this country. I do not wish to take up the time of this Honourable House in speaking at length on a subject upon which apparently we are all practically agreed, but there are one or two points that I feel I would like to make. In the first place I wish to endorse the remarks of the Honourable Director of Agriculture in regard to the political—or rather the non-political—aspect of this question, and I deplore the remarks of the Honourable Member for Plateau South, which to my mind have a grave tendency to introduce not only political issues, but racial ones as well. I look upon the question of a census purely as an economic matter. Practically every question of economics comes down eventually to a question of population. I think we can say that the whole world is agreed on the principle of a census. It is a universal practice, and the Statistical Conference for countries which are in a more stable condition than ours, makes it obvious that it is still more necessary in a country such as this is, which is advancing so rapidly from year to year. I think, Sir, the success or otherwise of our legislation can be gauged to some extent by the changes which take place in our population. I am not now speaking entirely of European, Indian or native peoples, but of the population as a whole. To give as an instance of that there is a general feeling in this country to-day that one of the crying needs is for better medical services in the

Reserves. If we are likely to be called upon to vote large sums of money for medical services in the Reserves, then I think it is certainly apparent that we have a decided need for a reliable figure as a basis on which we can start. We shall then be able to gauge four or five years hence whether we are wasting money or whether we are voting money to some purpose.

With regard to the date, a resolution was passed at the last session of the Association of East African Chambers of Commerce, recommending January 1st. At the same time, however, the Association did not feel that they were really tied to that date in any way. They were merely endeavouring to indicate that time of the year, as they considered that it would be most advisable to hold a census about then. Although I am, and would be in favour of possibly carrying out the census on February 1st, I would regret any tendency to postpone it to a very much later period. (Hear, hear.) As far as my information goes, there is a distinct movement of the population of this country which sets in somewhere about the middle or end of February, and whilst we have no desire, in wishing for a census, to go in for unnecessary window-dressing, I think we have to be just to ourselves, and although there may be 500, or 1,000, or even 1,500 of our population out of the country later on in the year it does not mean that their domicility in this country is in any way diminished, and I think we should certainly have our census taken when we can be certain that the majority of the inhabitants of this country are resident in the country. (Hear, hear.)

HON. R. S. NEHRA: I want to associate myself with the motion whole-heartedly, because I feel that a census is one of the vital things for the development of a country, and more especially so in this young Colony, because at present from many points of view we are not in a position to know how we stand with any degree of certainty. Of course the principle of a census in itself does not necessarily take cognisance of any racial prejudices, because it is merely an economic matter, and whatever the opinions or conclusions of the people in this country may be, that is an entirely different issue. But I do submit that a census of this Colony should be taken, and as suggested by the Honourable Director of Agriculture a Statistical Department, in which an expert should be employed, ought to be established in this country. Of course, as regards the time of taking the next census, I endorse the remarks of the Honourable Member who spoke last, and I submit that, as suggested by the Honourable Director of Agriculture, a sort of census should be taken at intervals of not more than five years. I also submit that the suggestion that there should be a Committee—a Statistical Committee—established for this very useful purpose is also a very good one, and a practical solution

of the problem. We will then always know what the condition of the country is in this respect. So I therefore submit that the census should, if possible, be as full as possible, and it should be taken; if not every five years, at least every seven years, because ten years is too long an interval for a young Colony like this which is developing, and which we hope will develop at a fairly good speed. With these few remarks I strongly support the motion that a census should be taken early in 1926.

HIS EXCELLENCY: I should like to say, with regard to the motion before the House, that it is one that particularly appeals to Government, and is one that I think we can give every possible support to. There are certain points, and I am speaking from personal experience, which have to be very carefully considered. We have to consider the time it takes—it does take a considerable amount of time to take a census—and I propose to telegraph to the Secretary of State and ask for his approval of this being done before taking this census early in 1926. It would of course be useful, I think, if a census were taken in the adjoining territories as well at the same time, because there are people going to and fro in these different territories. But that is a point for further consideration.

With regard to the Statistical Committee which was appointed by me, and which, I am glad to hear from the Chairman, has been taking a lot of care and paying much attention to the question of accurate statistics, a report will shortly be before you, which I am sure will be of great use to this country.

The taking of a census itself I think should not hold up the question of the appointment of a statistician. He is very useful in making up the statistics once they are received, but it is advisable that the census should be supervised by someone who is well acquainted with every race of this country. We have to be very careful indeed with regard to the details and arrangements. I know of a census taken in another country which was entirely spoilt because they chose a date which was regarded by the natives as extremely unlucky. Another day it had to be changed because they fixed a date coinciding with the new moon, which was also regarded by another race as prejudicial.

There are several points of that kind which have to be taken into consideration in connection with the taking of a census, and the person best able to deal with these matters is a man who has a good knowledge of the native customs and habits in this country, and who also knows the country territorially, and is able to make the best arrangements possible to supply an absolutely accurate census.

I should like to congratulate the Members generally who have spoken on the uses of this type of census. I think the main object is to get accurate statistics and get facts with regard to the country. There are many people who have different views as to what they want a census for, but those persons' views and those persons' aims and aspirations will be entirely misplaced if they want to prove their case by statistics which are not correct. The whole purpose of a census should be to give accurate statistics, and it is in the interests of Kenya as a whole that a census should be taken, and it has the strong support of Government. (Hear, hear.)

HON. ACTING CHIEF NATIVE COMMISSIONER: I have listened with great interest to the arguments put forward by Honourable Members, but there is one point which I should like to direct attention to, which has not been touched upon so far as I can see. I think we are all agreed that accurate figures are necessary for all sorts of purposes in our lives, but we have all rather leapt to the conclusion that the only way to get those figures is by a census. I am not quite certain whether that is the only way of getting those figures, or that it is the most accurate way of getting them. We have set to the world in general an example of a new form of legislation by introducing our Registration Ordinance—the registration of natives. That enforces the registration of natives only, but I should very much have liked to have seen the registration of other races in this country as well—even if it would only be once in a man's life he should take out a registration paper. That registration paper would be valuable, as I think has been touched upon by one speaker, in all sorts of ways—in the matter of collecting revenue. To gentlemen as familiar as yourselves with the machinery of Government I need hardly point out the value it is to police and various other people! (Laughter.) And in the matter of immigration you would always have at your hands a reliable set of figures of people coming into and leaving the country, and they would be figures which could be so arranged as to give the different trades and professions of the people in this country. This is another thing that we badly want. I do think—I am not saying anything against the census; it may give you a good kicking-off point—that probably in the long run it would be cheaper to get down to some system of registration by which you have a continual census, as it were, than to have a rather expensive census every five years, which in twelve months' time is somewhat out of date.

With regard to this census which is contemplated, I should be failing in my duty to the House if I did not say right off that it could not be a complete, exhaustive or accurate census. There are certain areas in this Colony—the Northern Frontier District, for instance—in which it would probably not be possible to carry it out without armed intervention. In a

great many of the native reserves there is still that ancient Semitic superstition which abounds in all countries in which the Semites have ever played a ruling part, that if you number the people at all a plague will follow and wipe them out! You may remember that David got into trouble over the same thing!

RT. HON. LORD DELANERE: He got into trouble over a good many things. (Laughter.)

HON. ACTING CHIEF NATIVE COMMISSIONER: The question of registration of births and deaths has been touched upon. I should just like to say that the Administration is slowly feeling its way towards this, but we also feel that it is a thing which has rather to come from inside the reserves than be superimposed on the people. You cannot really get at figures of that kind except from the people themselves, and it would probably have to be done in a very simple way at first. Probably the best way to do it would be to appoint a clerk under a headman, who could collect the figures from his own knowledge of the people, and possibly a small fee could also be charged for the registration, which could go to the headman or clerk. This may stimulate the getting of more accurate figures.

RT. HON. LORD DELANERE: The more he counts the more he gets? (Laughter.)

HON. ACTING CHIEF NATIVE COMMISSIONER: The question of the registration of marriages is rather a different one, and will probably come up for discussion under the revision of the East Africa Marriage Ordinance, which is likely to be taken before very long. On all these points regarding the possibility of a census at all I should like more time to consult the Senior Commissioners. One is not in as close touch in Nairobi as one would like to be with various matters in the country, but in certain areas I think it might be possible to do this; in others I think quite definitely it would not be possible. However, in all the areas we have figures of that kind in connection with the collection of hut tax, which I believe are as accurate as any you will get by a census at this stage, and I think you should really consider taking advice on the point as to whether it is worth your while spending money to get more accurate figures than you have got already.

HON. DR. J. W. ARTHUR: Your Excellency, I should like to speak to this motion. I am in favour of it from the point of view of the native people. I think it is absolutely necessary that we should have accurate statistics in regard to our native population. I have always considered that any endeavour to come to any conclusions on the statistics that we have in our hands at the present time is an impossible one. The Right

Honourable Member has mentioned the report of the East African Commission, and the two opinions given in that Commission's report. My own opinion is that it is impossible to take the figures given in 1911 and to compare them with the population to-day. Undoubtedly the figures given to-day are far more accurate than they were at that time, but the effect of the diminution of the native peoples during that time, I think, is not due to the diminution of people actually, but to a far more accurate system of counting the native people which we have to-day. I also believe that certain statistics got up during the war are also inaccurate. After all, we passed through a war which naturally took a great toll from the native peoples in the way of life, and following on that war there were very severe epidemics—amongst others the influenza epidemic. There was also at the same time a famine in this country. All these things naturally will not give us accurate figures as to whether the people are really increasing or decreasing. I think that probably we have got down to a minimum of the native population, because our statistics are fairly accurate at this time, which enables us to know the population that we have to deal with. At the same time I do think that there is undoubtedly an increase in the native population of this country. I cannot personally believe otherwise from having seen the efforts made for their social, medical and educational improvement. Undoubtedly the numbers are greatly on the increase, and I think these facts are borne out by the knowledge we have of the natives to-day. Now we find that amongst the educated natives to-day there are families that have four, five, six, seven or eight children; whereas before there were only two children. These facts in themselves must lead to an increase in the population of this country. I would also like to point out, further, from the health point of view it is necessary to deal with this subject properly—that we should have accurate statistics. Not only is it necessary to have medical treatment for the native peoples, it is also as important to have education, in order that the medical side of things may be helped by the educational side of things. I think the question of the increase of the population is a matter of the social well-being of the people, and of the improvements that are taking place in the native life.

I agree with the Honourable Chief Native Commissioner that it will be impossible to take accurately the native population in certain Reserves by a census of this kind. On the other hand, I think it would be quite possible to take a census among some of the tribes here—and those are the larger tribes in this country. I think it would be an excellent thing to take this census because, after all, I think it would be a check on the statistics which have already been got out, and will also enable a comparison to be made. I am convinced that in any census taken

of this kind the Government can rely on any help from the Missionary bodies that it is possible for them to give, and I think the Missions could help very considerably in this respect. We have a very large number of native teachers to-day, who, with careful instruction, would I think be quite capable of taking very complete statistics in certain reserves, and I may say that the Missions would gladly co-operate with the Government in a measure of this kind.

Another point — a very important one I think — is the question of the fixing of a date. Your Excellency has referred to the question of the moon phase in the Native Customs. On the other hand, I think the moon phase may be a very important point of view in the getting of an accurate census in the Native Reserves; for instance, I have been making a calculation of the day. I find that the 1st of February is a Monday, and that the full moon is on the 26th January. I think it is very important that if a census is to be taken in the native reserves it should be taken some time when the moon is full, in order that the natives may know about it; but frankly I do not think that one day would be enough for an accurate calculation to be made. I think there would be more satisfaction among the native peoples if a week, say, were given, to make the calculation as accurate as possible.

I do very strongly support this Motion, as I think it is extremely important to have these statistics accurate, for our own information, and also for the information of the world in general. (Hear, hear).

HON. SHAMS-UD-DEEN: Your Excellency, I have listened very carefully to the arguments in favour of the proposed Census and I must say that after hearing all these arguments I do not find myself in agreement with the principle or necessity for a Census to be taken at this stage. The real crux of the whole thing is that a Census has its statistical value, as Your Excellency has remarked, but you have got to see the ulterior motive which has actuated the framing of this Motion. We began with the point that because some information leaked out from some of the Government Offices as regards the contents of a despatch which went home. . . .

HIS EXCELLENCY: I must impress upon the Honourable Member to adhere to the Motion. The ulterior motives have not been put forward.

HON. SHAMS-UD-DEEN: Leaving that alone. As has been said by some of the Honourable Members, the Census should be for statistical and not for political purposes. We have got to consider whether at this stage the country is in a position to be saddled with very heavy costs for taking a Census and whether there is really need for a Census at this time.

Reference has been made to the East African Commission Report where they say that the statistics are not available and in the interests of the welfare of the native community such statistics are necessary. Even if it is decided to take the Census in Kenya Colony what would be the value of it unless the adjoining territories do so as well? The most practical and most reasonable suggestion to my mind has been put forward by the Honourable Director of Agriculture when he said that the Empire Statistical Conference proposed a method by which the Census should be taken throughout the Empire at one period and I think Your Excellency we ought to wait for the formation of that scheme when we can fall into line with the rest of the Empire and the statistics can then be taken on these lines. It is not even five years when the last Census was taken and no Honourable Member has put forward good grounds for taking a Census of the non-native population within this short period. I do not want to refer to the reasons why this Census has to be taken on political grounds, but if some people are anxious to prove their numerical strength they should wait and see if this luxury of a census can be afforded at a future time. As regards a native census we must not forget this is the first time we are going to have a counting of the heads of a primitive people to whom the thing is entirely new, and I think we are treading on dangerous ground in having a census of the natives of Kenya Colony alone at this period which the Honourable Acting Chief Native Commissioner has informed us is looked upon with superstition by certain tribes. I am not wrong in saying that in certain sections of the native population there has been trouble when it was necessary to count the heads of their cattle. It is not only against their superstitions but it is liable to create all sorts of suspicion in their minds. Again I say if the welfare and health of the natives only was in view other methods have been suggested by which a gradual statistical record can be compiled and we need not necessarily inflict what is a modern method of preparing these records on primitive people like natives of this Colony. I am afraid I cannot allow to go unchallenged certain remarks which have been made by Honourable Members on the right-hand side which are very unfortunate because this is a place where speeches are made and if they are allowed to go unchallenged they are taken as accomplished facts. I want to contradict the Honourable Member for Plateau South when he said that the presence of Indians in this Colony is inimical to the interests of natives. . . .

HON. T. J. O'SHEA: I never made such a suggestion.

HON. SHAMS-UD-DEEN: He may not have used those exact words but he did say the influx of the Asiatic population was standing in the way of the development of the natives.

HIS EXCELLENCY: The Honourable Member was only dealing with the matter from an economic point of view and I do not think he referred to it from any other aspect.

HON. SHAMS-UD-DEEN: I want to refute that. That is not the case. I do not know what Europeans or Asiatics have got to do with this Colony. This is a British Crown Colony and every British subject has the right to be in this Colony as far as it is proved that his presence is not inimical to the interests of the natives. If the presence of any section of the community is inimical to the welfare of the natives I would say that it is the European settler in this country.

HIS EXCELLENCY: I must call the Honourable Member to order in this matter.

HON. SHAMS-UD-DEEN: I think these remarks were made and are on the records of this House and I have no opportunity to refute them. As far as the remarks of the Honourable Member who represents the natives about the Missionaries helping in the taking of the census are concerned, I feel that his remarks only refer to a very, very limited sphere of the native population. The native population is large and there are large areas where the Missionaries have not been able to penetrate and it will be an extremely difficult job to have a really reliable statistic taken of the natives, and I think that the costs involved will certainly not be proportionate with the value of such a record that we can reasonably expect to obtain.

HON. M. A. DESAI: In supporting the views expressed by the Honourable Mr. Shams-ud-Deen I must state that I listened to two statements by the Honourable Mover of this Resolution. He says that because a certain statement has been made by the Government on the subject of the European African Parliamentary Commission Report, simply to contradict these two statements the Right Honourable Member asks this House to vote for going to the expense of taking a census of the whole Colony.

HON. H. F. WARD: No.

HON. M. A. DESAI: It may be found out after taking the census that the statement made by the Government was correct and thus the expenditure incurred in taking the census would be in vain. The census was taken in 1921 and will be taken again in 1931 when I believe the census of the whole British Empire will be taken. I do not think by taking a census we will have a count of a substantial character, and simply to contradict these two statements when we want to keep down the expenditure of this country as low as we can

possibly keep it is waste of money. Your Excellency, I also listened to the speech of the Honourable Member for Plateau South and I understood him to say that natives should be trained to take the place of Asiatics. It will be a bright and a glorious day for the school to which the Honourable Member belongs if the native of this country instead of taking the place of the Asiatic takes his place on the elected side of the House.

RT. HON. LORD DELAMERE: Hear, hear.

HON. MACLELLAN WILSON: Your Excellency, I find most of the observations which I might have passed on this Motion have already been observed. I agree entirely with the Motion for the reasons namely that we want to be up-to-date and know where we are. I am not quite sure if my Honourable Friend for Nairobi South showed exactly what it meant to the commercial community in regard to the population and the number of mouths for which we can cater. I am concerned in this census with the Natives, especially after what the Honourable Acting Chief Native Commissioner has said. It may be that it might be a good thing if we all had to give our finger prints on arrival and a description taken. I have no objections to the thing at all but it would take a long time. In taking a census of the natives we all realise the great difficulty apart from the Semitic feeling, of which I might say now in my opinion many of these natives are getting away from the horrors of counting their wives and children and cattle owing to their contact with the European. The present idea of counting the natives is to allow so many heads per hut. That presupposes the enumeration of heads as correct, but that is not always the case, not only because the counters are perhaps only half literate but because also there are many huts which may not be seen by those responsible for the counting of huts. I was out at Ngong the other week-end and went through a portion of the Masai Reserve—by the way I had not got a permit and was presumably breaking the law—and saw a great piece of land there which had been forest and I understand that that particular place had been tenanted by Kikuyu and they had been there long enough to cut down I do not know how many acres of forest of the Masai Reserve and had planted it up, but it may be fairly estimated that they presumably never paid any taxes. I would not like to say that this goes on in other parts of the country, but the point I wish to make is that the system of counting huts is far from perfect. I do not say that any new methods will be more effective but I want to make this suggestion. It has been mentioned we are getting now quite a number of intelligent educated natives. We are also getting native Councils, in the bigger districts and in the more thickly populated. I quite realise in the Northern Frontier District it may be very difficult to take a census by enumeration, but I do not say there will be the same difficulty, in fact I believe

with the co-ordination of efforts of native chiefs of Councils it is quite possible to have proper enumeration of natives in these large districts. There is another point. I quite realise that getting ready for a native census is going to be a more complicated business than getting ready for a census of the European or Asiatic population in this country and it might meet the case if the European census and the Asiatic be taken somewhere about the 1st of February. The native census might be taken at a later date when full preparations have been made for it, but I cannot agree with the Honourable Dr. Arthur that it can be taken in a week. If it is going to be taken it must be taken in one night.

RT. HON. LORD DELAMERE: Your Excellency, I would like just to alter the wording of this Resolution if this House has no objection. It is pointed out to me that a general census might mean other things besides the population census. If I may I should like to include the words "general census of population." It is only qualifying the resolution as it stands. The alteration of the wording does not in the least mean I am in any way against the recommendations put forward by the Honourable Director of Agriculture, but this particular resolution for a population census is only a part of the work to be done by a statistical officer and I entirely agree there are many things want doing and if they can be done as well as the Agricultural census is done they will be of the greatest value to this country.

There appears to be rather a difference of opinion on the cross benches and I may say it does not appear to me they are right as far as the Indian community is concerned, to accept this Motion. The Associated Chambers of Commerce passed a resolution unanimously at Mombasa and Kisumu at which there were Indian representatives and voted for this particular motion so that I may be allowed to say it is probably not the unanimous wish of the Indian community this census should not be taken. It has been said the census has to be taken for economic and not for political purposes. I must agree it is taken for all purposes. What use people make of it afterwards is a matter for them to decide. The Secretary of State told us that an accurate census should be taken of the number of Indians before any policy could be taken with regard to them. I personally do not say that; the Secretary of State said that. I plead guilty to wishing to know what the number of the European population is in this country and how far they are entitled to a say in the affairs of this Colony, and I cannot imagine that anybody can say that is an improper wish on the part of the Chairman of the Elected Members of this House.

With regard to the details, the Honourable Acting Colonial Secretary said there was a decennial census in the Empire generally. I think that has been answered by the

Honourable Member for Nairobi South, but in a new country where things are altering every day it is absolutely vital you should have censuses (or censii or whatever it is called) more often than you do in the older countries where these things are worked out on the average of past censuses.

HON. ACTING COLONIAL SECRETARY: I only mentioned the point that fresh legislation would be necessary.

RT. HON. LORD DELAMERE: Another point arises over the date. I agree with Government that there should be a certain amount of latitude but I think it would be a calamity if the date suggested by the Honourable Director of Agriculture is taken, which is somewhere about the 1st of April (an appropriate day by the way) or the 15th of April, because I may point out the rains break out in this country on the 20th March and there is no time in the year during which it is impossible to take a census except this.

HON. DIRECTOR OF AGRICULTURE: Perhaps this misunderstanding is due to the bad acoustics of the House. The Empire Statistical Conference recommended that within a period of two months either before or after the 15th April a census throughout the Empire should be taken.

RT. HON. LORD DELAMERE: I think the Honourable Gentleman went on to say before the 15th of April?

HON. DIRECTOR OF AGRICULTURE: My further remarks did not indicate it should be on the 1st of April or the 15th April. My general remarks indicated that in my opinion a census should be taken within that period of two months before the 15th April and not after.

RT. HON. LORD DELAMERE: If the Honourable Member meant two months before that I naturally thought he meant in April. I withdraw. Whatever Government does in this matter they must hold this thing in February and not later than the 1st of March, because the rains break early and directly the rains break it is almost impossible to take a census in the country. On the other hand I should have said there was every possible reason why the census should be taken before the rains came. I am not going to answer the various things said by the first and the last two speakers on the cross benches, the Indian members. The Honourable Member who spoke first said that I had said, or given the House to understand that we wanted to take a census of the natives for labour purposes. That did not enter my head at all and it had nothing whatever to do with the fact of registration. The Registration Bill gives us all we want to know and it does not come into the argument at all. I only say that as it may be twisted elsewhere.

With regard to the other East African territories everybody must agree that if accurate statistics can be got from these other East African territories, and with the greatest possible respect I have great doubts, with the exception of Uganda, it would be of advantage to compare these with ours and if the Secretary of State can persuade these other Governments to hold a census so much the better, but I feel most strongly that our census should not be held up for anything of the sort. We all know what happens when it is proposed to make these things general between the East African territories. Some one of the territories says it is not ready and they want to do it next year and not this, and by the time it has gone backwards and forwards between the Secretary of State fifteen times everybody has forgotten about it, and as far as my motion is concerned it means this Colony should have a general census of the population of this country, if possible, in February. With regard to falsifying returns and non-filling up of returns; I entirely agree with the Honourable Member for Plateau South that there are people in this country who are unpatriotic enough to require compulsion to fill these forms up. People refuse to put their names on the voters' roll because they would have to pay the poll tax, because that is the only way the Honourable Treasurer can collect it. The Honourable Acting Chief Native Commissioner has asked that before this matter should be agreed to—although I may be mistaken—he should be able to consult the Senior Commissioners. It reminds me of the Honourable Member on the cross benches who spoke yesterday. This matter has been so long before this country that I should have thought the Senior Commissioners who do occasionally meet would have long ago gone into this matter and would have recommended to the Chief Native Commissioner as to the best way of getting at the number of the natives in this country. If it is not so, I think it is very wrong of them. I must agree it is possible that some modification of the ordinary methods of taking a census among Europeans may possibly have to be taken in certain districts. A census presumably means the counting of the peoples and the best way of counting the peoples is the best way you can do it as accurately as possible.

I am grateful to Government for accepting this Motion and I hope it will show that, apart from all other points, that the prosperity of this Colony as a whole has very much increased.

HON. J. B. PANDYA: Your Excellency, I should have explained at the time. A reference was made to the Associated Chambers of Commerce. I would explain that I was not then representing the Indian interests. I was there on behalf of the Mombasa Chamber of Commerce where the majority of the Members are Europeans.

HON. SHAMS-UD-DEEN: Your Excellency, may I ask if this is going to be a free vote?

HIS EXCELLENCY: I have announced from the Chair that the Government is going to accept this Motion and there is no reason why it should not be a free vote.

Motion put and carried by 32 votes to 3.

(Noes: Messrs. Desai, Kassim, Shams-ud-Deen.)

BILLS.

HON. ATTORNEY GENERAL: I beg to move that the House resolve itself into a Committee of the whole Council to consider the provisions of a Bill intituled "An Ordinance to Consolidate and Amend the Law Relating to Witchcraft."

Motion put and carried.

In Committee.

HIS EXCELLENCY: Progress was reported to consider further Clause 9 of the Witchcraft Ordinance.

HON. ATTORNEY GENERAL: I have consulted the Honourable Acting Chief Native Commissioner on this clause, and we are of opinion that a very slight amendment ought to meet what is wanted. The idea of the clause is that in certain cases where you cannot prove a definite offence against a person who is supposed to be a witch—it may happen that the person is either suspected of being a witch and is in danger of his own life, or the fact of his presence causes terror in a certain area—well, in such cases I believe it has not been unusual, although it is not sanctioned by the Law, for the District Commissioner to allow such man to reside at the Boma, and to tell him that he has got to stop there. This is an attempt to legalise that practice, which does seem rather useful, both for the protection of the man and of his neighbours.

In the clause as it now reads it is intended that the District Commissioner may for reasons to be recorded order the person so suspected to reside in any locality, etc., and that he shall forward his order, with such reasons recorded, to the Senior Commissioner, and thereupon it is always open, of course, to the Senior Commissioner to take any action he pleases, but he has also got to report the matter to the Chief Native Commissioner, or to the Governor, for a revision of his order. It is a matter which has been put up by the Native Affairs Department, and they did urge very strongly that this administrative action is very necessary and useful.

HON. J. E. COXLEY: Before the Honourable Acting Chief Native Commissioner replies or speaks, I have read this clause two or three times, and tried to study it; and I think the case I tried to make a day or two ago is very much stronger now than before. I think if the Honourable Attorney General will read this clause again he will agree with me when I say that it is absolutely un-British, and it is a violation, in my opinion, of a fundamental British law. I cannot believe that the Secretary of State would pass this clause; I cannot believe that he would allow it to go through, because it is interfering with the liberty of a subject. Apparently the native is ordered, after an enquiry by a District Commissioner as the Administrative Officer, to come and reside at the Boma. The case is decided against him—already the District Commissioner has said "you have got to come to the Boma." If he refuses to obey that order it is an offence, according to the wording of this clause. Therefore, although he is only suspected, and although he may be perfectly innocent, and although he has no desire at all to go to the Boma, if he fails to obey the order he has committed an offence. So how possibly the Honourable Attorney General can say that he has a right of appeal, I do not quite understand, because the very disobeying of the order given by the Administrative Officer is an offence under this clause. I can quite well imagine he would probably be the same District Commissioner who gave the order when trying the case for refusing to obey in the first instance, and if he is the Magistrate under the section his decision would in all probability go against the native.

RT. HON. LORD DELAMERE: I should like to ask the Honourable Gentleman before he replies for what reason this has been inserted. Apparently the District Commissioner would have in any case to take evidence on this subject. He could not possibly make a man live at the Boma without convicting him in some way on evidence; if he has got that evidence why cannot that man be convicted in the ordinary way by law, in a court of law? Owing to the fact that hardly any of our officers know the natives in their district—that they are ignorant of their district—I suppose that is the reason why they have to take these things on trust. That is the only thing I can think of. Perhaps the Honourable Gentleman will explain why this very peculiar provision should be put in a Bill in this way. After all, if the District Commissioner gets his evidence, why then, having got that evidence, cannot he give it in a court of law? If it had stated in this Bill that when a man suspected of witchcraft, and who is unpopular in that district, wished the protection of the Government, well in that case the Government could then allow him to live in the Boma—that is an entirely different thing; but I cannot for the life of me understand this particular provision; it entirely defeats me. What reason is given for it?

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I have considered this clause very carefully, and I have been through the papers in connection with it, and I have to press that these powers are still given to the Administration. I want each Honourable Member in this House to put himself in the position of a District Commissioner. You have a handful of district officers in the middle of a native population. The district is divided into locations. In each location there will be a witch-doctor, and the majority of these are ordinary professors of white magic, who are the effective police in the locations. But there will also be in one or two cases a man or a family of doctors, who are professors of black magic. They begin deliberately to set themselves against the authority of their headmen, who are appointed by the Government. You must remember that we are trying to train these headmen in the British way—we are trying to get them to refer every disputed case to Native Tribunals, and we are trying in every way to introduce law and order, education and sanitation into those areas. You get a man of the black magic kind who sets himself up to oppose everything that the Government wants. He opposes education, he opposes any authority, any innovation; he opposes every order that is given. He interferes with the collection of taxes, he destroys your revenue, he destroys your labour—in fact, he destroys everything in that area. All this may be allowed in countries with more claims to civilization, and may be tolerated, but when people who disobey his orders begin to disappear, when they are found dead, when their cattle die of mysterious diseases, and when all sorts of abominable practices are going on and you cannot stop them, what are you going to do? You cannot find anything out. You probably will not be able even to prove that that man has definitely opposed your headmen. You are all employers of native labour; you all know of the subtle ways in which an African can upset everything when once he sets out to do it? You have got three or four officers among a very very large population of natives, and these men are natives fighting natives, and there is practically nothing that they will stick at to get their own way. Now, how are you going to deal with it? You go down and try to get evidence. If you can get evidence, as the Honourable Members have said, you do not want this section. You can deal with it under the other sections of the Ordinance; but if you cannot get evidence, what are you going to do? There is the whole of the population in that area saying that this man is responsible for the disorganization. Are you entirely going to disregard that public opinion? The native has learned to expect from a British Officer common sense, and to respect his common sense, decision and strong action. He is totally unaware of the fetters of law under which that officer is working. He merely sees that on the one hand is complete disorder in the district; on the other hand is a way of putting a stop immediately to that disorder, and the officer stands or falls by whether

he puts an end to that disorder or whether he does not. If he does not, it is not only in that location that his administration will be in danger; it is in the whole district. Well, Sir, I can tell you the district officer very seldom lets us down and allows this turmoil to continue. If the law does not support him he has to go outside the law. The district officers are constantly having to go outside the law for the powers that are necessary to keep this country as peaceful and as quiet as you find it to-day, and all I am asking you to do is to take that on your own shoulders—not to allow that officer to continue to get into trouble by being forced to do things that are necessary, without the authority which the law is hesitating about giving him.

I should like to read you one section of one law. It is the Frontier Crimes Regulations in force in the Northern Frontier of India—the Frontier Crimes Regulations of 1901, Section 36 of which reads:—

(Section read.)

The Honourable Gentleman who spoke second has said that it is hardly reasonable that the magistrate who gave the order originally should also punish the native for the breach of the order. I should be perfectly prepared to admit an alteration under which the magistrate who heard the case for breach was not the magistrate who gave the original order; or, if it is necessary, that it should go to the Senior Magistrate or Senior Commissioner; but I would ask you, Gentlemen, to give these powers to District Officers, because, as I have said, they have got to have them, and if they are not going to get them, there will still arise circumstances under which they will have to exercise those powers.

HON. W. MACLELLAN WILSON: The Honourable Acting Chief Native Commissioner has asked us to put ourselves in the position of the District Commissioner out in the District, and what we would do. Personally, I must say I would do just exactly what it is said some District Commissioners do. I would act first, and ask for authority afterwards. I am perfectly convinced that there is such a necessity. I am more convinced from my own experience of natives that occasions do arise when a strong stand has to be taken. I do submit that it is hardly fair to ask a single individual to take upon himself all the onus of responsibility in connection with any action he may have to take. There are many occasions in dealing with natives when we have all realised that the law does not meet every individual case of the native. The law never does meet every individual case of anyone; it only gets you to a certain limit. But in this case we are not dealing with people who are keen in reasoning. In that section quoted by the Honourable Acting Chief Native Commissioner from the Northern Frontier of India Act it appears that fanaticism is a thing which is

apparently very much extant among a lower race of the people. The lower races in intelligence have to be protected from the evil influence of one who may be the cause of dissension and disorder. If one were faced with a mad dog one would shoot it first and enquire afterwards whose dog it is. So in the case of suspected witchcraft the witch doctor would be brought under control until enquiry can be made. In this instance all that is asked for is that a District Commissioner should have power to call an individual in who may be at the root of all the trouble in the district, and keep him under his eye. I am thoroughly in agreement with that, and as the Honourable Acting Chief Native Commissioner has raised the only point that I have in connection with this, I refer to the question of apparently the same District Commissioner and Magistrate trying the case for disobeying the order, and as it appears that can be got over in some way or other, I have nothing further to add.

RT. HON. LORD DELAMERE: I am going to withdraw my opposition to this section, as far as I am concerned, because it is perfectly true what the Honourable Acting Chief Native Commissioner says, that you do get this form of opposition set up by these sort of people in the Reserves, and I do not quite see how you are going to find any other method of dealing with it.

If the Honourable Member who introduced the Bill, and who is in charge of it, had mentioned this at the beginning of the debate we should have done away with all this talk, as far as I am concerned.

HON. J. E. CONEY: I am sorry that the Rt. Honourable Gentleman is going to support this Bill, and I am very sorry that I am not able to do so; in spite of the explanations given by the Honourable Acting Chief Native Commissioner I think it is still wrong that a man, without a trial, can be punished. It is far better that ninety-nine guilty men go free than that one innocent man should be put in prison, which would be considered the case if he is compelled to reside in the Boma.

HON. ACTING CHIEF NATIVE COMMISSIONER: I must take exception to that. There is no question of "imprisonment" or anything else. It is merely a formal punishment. We all can remember the days when we were told "If you are not a good boy you will have to come and sit by me," and that is all the District Commissioner says!

RT. HON. LORD DELAMERE: And quite enough, too. (Laughter.)

HON. J. E. CONEY: I suggest that if I am compelled to reside where I do not want to reside, I am in prison.

HON. ACTING COLONIAL SECRETARY: It would be a very useful contribution from the Honourable Member if he would indicate how the situation is to be met. His opposition at the moment is flat, because there is no instructive suggestion for a remedy.

HON. J. E. CONEY: On a point of order, may I point out that I suggested that the whole case would be met if these men were tried by a magistrate. I said that two days ago.

HON. ACTING COLONIAL SECRETARY: There is full provision throughout the Bill for trial by magistrate, where such trial is possible. I myself have been in these situations, and I have no doubt the Honourable Acting Chief Native Commissioner has been in them, too. I have had to arrest an old witch-woman in Kisii, who was seeking for my life. I had to take that old lady and put her away for a week in the Station, and I must admit that it did not do very much good, because she got me in the end with a spear. I do believe, however, that I did save the lives of one or two policemen and a hut-counter by doing it, and I am not at all sure that if I had been allowed to keep her there a very considerable campaign in this country would never have taken place at all. What I want to point out is that these conditions do not only exist in the Northern Territories. It is only a short time ago since something of the sort happened in the Kyambu District, and although we honour his motives in opposing, I do think the Honourable Member should go so far as to admit there must be some way out of it.

With regard to appeal—there is always an appeal. It is not a judicial action to introduce the matter of appeals formally into the section. But there is always an appeal, however, to a Senior Officer of Government, to the Head of Government, who is the Governor himself, and any District Commissioner who is acting under this section—and while I hope that it will not be found that such action will need to be taken frequently—I am perfectly sure will be sufficiently fair-minded to inform the native that he can appeal to the Senior Commissioner and will be willing at the same time to help him to make that appeal, if necessary. I do not think I can add anything to what the Honourable Acting Chief Native Commissioner has said as regards the absolute necessity for some such section as this in this country, unless you are going to drive your District Commissioners and Officers to take a course in the interests of the country which is at the same time opposed to law.

HON. R. S. NEMBA: The arguments advanced by the Honourable Acting Chief Native Commissioner in favour of the Bill seem to me to be very limp. First of all he has stated that there may be a public opinion, and it may not

be given in evidence. It is very peculiar that if there is a lot of people believing in a certain thing, and who know that such practices exist by such witch-doctors, why should they not come forward and give evidence? What is evidence after all? It is simply people coming forward and saying "I believe this and that thing." Well, if there is public opinion, that is evidence in itself. With regard to the remarks of the Honourable Acting Colonial Secretary about the right of appeal—I submit that where a person is committed and is punished, it does not matter what the punishment is—how can there be any appeal to the Senior Officer if the District Commissioner himself cannot get evidence and is only acting on hearsay? There will be no facts on the file for the Senior Officer to judge!

HON. E. M. V. KENEALY: I submit that we are dealing with a practical matter from an academic standpoint. The situation in that event would be impossible. It has been suggested that evidence is not available. I submit that evidence is available, but it is inarticulate, and it will not become articulate until we make it so—by which I mean, enabling the District Commissioner to use his discretion and bring that man under his control. I submit to Your Excellency that it would be an exceedingly dangerous thing to prevent, by a judicial limitation of powers, a District Commissioner from using his own discretion in a matter where he can prevent a situation developing into an exceedingly dangerous one. I think he should be given discretionary powers, and lasting powers, to cope with any such situation as has been suggested.

HON. SHAMS-UD-DEEN: I do hope that by giving an illustration I will clear the matter up. I entirely agree with the Honourable Member for West Kenya: Only a few years ago a case was tried by the Supreme Court here where an old woman who was suspected of being a witch was murdered by some of her tribesmen. They had a conference and they decided that if one person was put up to murder her he would be hanged. As a result of that, fourteen men took part in the murder by tying a rope round the old woman's neck. She was a very old woman, and they dragged her to death. The result of that was that all the fourteen men were tried in the Supreme Court and were executed. Now you have got to consider, on the one hand, the possibility of sacrificing a principle which is really applicable to very highly civilized society, and on the other hand you have got to consider the lives that could be saved by a very small matter—by giving powers to a District Commissioner to use those powers in case of emergency. I think it is really a matter which ought not to be debated on any longer.

HON. DIRECTOR OF AGRICULTURE : It may be of interest to Honourable Members to learn that those powers—within my knowledge—were given to a District Commissioner in the neighbouring territory of Tanganyika—powers along these lines. On a recent visit to Tanganyika I was shown a small island in Lake Victoria where the District Commissioner placed and confined witch-doctors, and he informed us that that was a very good place for them. They were close enough to his Boma to be kept under his eye, and they were secured against harming their own people—in their own interests as well as in the interests of their people confinement of that kind seemed appropriate.

HON. ATTORNEY GENERAL : The clause now proposed is :—

9. (1) When it is reported to a district commissioner that a person is suspected of practising witchcraft, the district commissioner, after due inquiry and having satisfied himself that the person so suspected causes or is likely to cause fear, annoyance or injury in mind, person or property to any other person by means of pretended witchcraft, may for reasons to be recorded order the person so suspected to reside in any locality within his district to be named by the district commissioner and alternatively or in addition to report at the office of the district commissioner every seven days or at longer intervals until further orders.

(2) Any order issued under this section shall with the reasons therefor be forthwith reported by the district commissioner issuing the same to the senior commissioner of his province. Every such report shall be accompanied by a record of the inquiry. The senior commissioner shall have power to suspend, reverse or alter any such order and shall report such order and the action taken thereon to the Chief Native Commissioner, who shall also have power to suspend, reverse or alter any such order, and any such order shall at any time be subject to disallowance or variation by the Governor."

Clause 9, as amended, passed.

HON. J. E. CONEY : I wish my vote recorded against this.

HON. ATTORNEY GENERAL : I beg to move that the Bill as amended be returned to Council.

Council resumed its Sitting.

HIS EXCELLENCY : I have to report that a Bill intituled "An Ordinance to Consolidate and Amend the Law Relating to Witchcraft" has been through committee, and has been returned to Council, after amendment.

HON. ATTORNEY GENERAL : I beg to give notice that I shall move the Third Reading at a later stage of the Session. (Council adjourned to 10 a.m. on Monday, 17th August, 1925.)

MONDAY, 17th AUGUST, 1925.

The Council assembled at 10 a.m., in the Memorial Hall, Nairobi, on Monday, the 17th day of August, 1925, His Excellency the Acting Governor (MR. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

HIS EXCELLENCY opened the Council with prayer.

Minutes confirmed.

PAPERS LAID ON THE TABLE.

1. Annual Report, Prisons Department.
2. Abridged Annual Report of the Forest Department.
3. Abridged Report, Post and Telegraphs Department.
4. Annual Report of the General Manager, Uganda Railway.
5. Annual Report, Port and Marine Department.
6. Annual Report, Public Works Department.

QUESTIONS.

HON. R. W. ROBERTSON EUSTACE : I beg leave to ask the question standing in my name on the Order of the Day :—

"In view of the great importance of opening communications between the Northern Frontier and the Coast, whether provision may be made in the Estimates for the making of a road between Wajeir and Lamu."

HON. ACTING COLONIAL SECRETARY : No specific provision is being made by Government in the Estimates for 1926 for a road between Wajeir and Lamu. Government is, however, making inquiries of the officers in charge of the areas concerned as to the possibilities for a stock route from Wajeir to the Coast in British territory.

HON. W. MACLELLAN WILSON : Arising out of the answer, is it possible to take produce from Wajeir along the stock route by motor transport?

HON. ACTING COLONIAL SECRETARY : No, but there never has been any motor transport from Wajeir hitherto. It has hitherto been carried by camel transport, and the stock route would be capable of taking that traffic.

HON. J. E. COXLEY: On behalf of the Right Honourable Lord Delamere I beg leave to ask the question standing in his name on the Order of the Day:—

1. Whether the attention of the Government has been drawn to the report of the debate in the House of Lords on the 8th July, 1925, on the subject of the Uganda Railway.

2. Whether the statements made regarding the profits of the Uganda Railway, and other statements made at the same time, are correct; if not, what the actual results of working have been since 1921 and how such profits as have been made are used.

3. Whether the line and lake services are in a fit condition to carry the increasing traffic, and if not, why not. What action has been taken and what expenditure has been incurred from various sources to extend and improve the transport facilities, equipment, etc.

4. Whether there is delay in placing orders for material and equipment, and whether there is delay in England in complying with orders. What are the powers of the General Manager in placing orders.

5. How many senior European railway officials are stationed in Uganda, and what changes in organisation are proposed. Have the powers of the General Manager been extended in staff matters, and, if so, to what extent. Has the working expenditure of the Railway been increased sufficiently to cope with increased work.

6. What were the causes of the congestion referred to; has there been damage to traffic, and how is it proposed to improve matters in this respect.

7. What is the position in regard to the future control and development of the Port and performance of the landing and shipping work?

HON. GENERAL MANAGER, UGANDA RAILWAY:

1. The answer is in the affirmative.

2. Some of the statements made were based on inaccurate or incomplete information and the "profits" stated were incorrect. The figures quoted as profits were actually the balances left after deducting from gross earnings, ordinary working expenditure, before allowing for contributions for depreciation and for interest on capital.

The actual results of working since 1921 have been as follows:—

In 1921 the year's working resulted in a net loss of £8,870, with no allowance for depreciation.

In 1922 there was a nominal profit of £56,785, without any allowance for depreciation. The working for 1922 would have shown a loss if railway construction material had not been carried at high rates, thus inflating revenue at the expense of capital.

In 1923 there was a credit balance of £300,910, which, after contributing £140,455 to the Renewals Fund, left £160,455 as profit. This amount was paid into the Betterment Fund.

In 1924 there was a profit of £438,139, paid into Betterment Fund, after allowing £169,579 for depreciation.

The whole of the amounts paid into Renewals and Betterment Funds are available for use in renewing, improving, and extending railway facilities, and to a large extent have been or are being, so used.

3. The answer to the first portion of the question is that a greatly increased traffic is being carried, but not without great difficulty at times. There has been an improvement on the line in recent months, but the Lake piers are still so full as to cause anxiety. Working generally should steadily improve, but difficulties will be experienced from time to time until the large renewal, betterment and extension programme now in hand has been completed.

The reason for the line and Lake services not being in better condition is that prior to the 1st April, 1921, most inadequate provision was made for renewals and betterments, and the line, equipment, etc., depreciated considerably.

In 1921 there was a loss in working, while in 1922 the nominal profit was small. In 1923 earnings increased simultaneously with substantial reductions in expenditure, and it then became possible to set aside large sums for renewals and improvements. 1923, therefore, was the first year in which a large improvement programme could be embarked upon. In 1924 the £3,500,000 loan was sanctioned. From this loan the extension of the line to Uganda was authorised and further sums allocated for improvements.

In response to the second portion of the question, I am laying on the table a statement showing the actual and estimated expenditure against Capital Account and Betterment and Renewals Funds to the end of 1926.

The works included in this statement comprise:—

(a) Major works in hand and rolling stock on order on 1st January, 1923;

(b) Works and rolling stock authorised from January, 1923, to date;

(c) Anticipated expenditure in 1925; and

(d) Estimated expenditure for 1926 and thereafter on works already authorised or now proposed.

The total expenditure incurred and proposed, it will be observed, amounts to over ten millions sterling under the following heads:—

New Lines	£5,365,618
New Deep Water Berths	1,437,943
Rolling Stock	1,285,002
Renewals and Improvements on Existing Lines	1,813,154
Renewals and Improvements, Lake Services	383,154
Total	£10,284,851

4. Everything possible is done to avoid delays in placing orders for material, etc., and it is apparent that the Crown Agents for the Colonies, through whom all orders are placed, realise the importance of expediting the fulfilment of orders. In this respect the position has greatly improved this year.

In regard to the powers of the General Manager in placing orders, the position is that in the early part of 1923, when special arrangements had to be made in connection with funds, references from the General Manager to the Government and from the Government to the Colonial Office were necessary before undertaking special expenditure, but for some time past the General Manager, in the matter of authorising works, purchases of rolling stock, etc., has acted on his own initiative, referring to the Government only when re-allocation of loan money has become necessary. The Regulations governing the use of renewals and betterment funds allow re-allocation by the General Manager within the totals shown in the Estimates. Within the limits of funds available, the General Manager has not been restricted in placing orders, either by the Government of Kenya or by the Colonial Office.

5. (a) There are five senior European officers and nineteen other European railway or marine officials in Uganda.

(b) It is proposed to reorganise the work by arranging for the Transportation Department to take over the control of the pier work on the lakes hitherto exercised by the Marine Department. An Assistant Superintendent will be stationed at Kisumu to control the pier work there and all piers on Lake Victoria, except those at Port Bell and Jinja. A Divisional Superintendent will be stationed in Uganda to co-ordinate all the services in Uganda and control everything except the actual running of the ships on the lakes and the civil and marine engineering work. The Divisional Superintendent will control all the Railway work in Uganda, all the pier work at Port Bell and Jinja on Lake Victoria and all the pier work on the other two lakes, as well as the motor service between Masindi Port and Butiaba.

(c) About three weeks ago authority was received from the Secretary of State to give the General Manager extended powers in regard to junior staff, their rates of pay, increases, etc. The new Railway control proposals, which were recommended in January, 1923, should be approved and introduced as soon as practicable. The new system of working will allow of much wider business powers to the management. Such powers are desirable.

(d) The working expenditure this year has increased considerably. For the first six months of the year the expenditure of the Transportation Department was £216,880 as against £161,691 for the same period in 1924—an increase of 34.13 per cent.; while the working expenditure for the Lake Marine Department was £90,177 as against £56,040 for the same period of 1924—an increase of 60.9 per cent.

In the Transportation Department the bulk of the increase was due to the cost of fuel, which was £78,955 for the first six months of this year, as compared with £43,460 for the same period last year—an increase of 81.63 per cent.

In the Lake Marine Department the increase was due to a large increase in staff and substantial increases in the cost of labour. The work of handling on the Lake piers—which is work done entirely to the break in the railway chain—cost £19,344 for the first six months of 1925 as against £7,174 for the first six months of 1924, or an increase of 169.6 per cent.

No effort has been made to adhere to the Estimates, and everything necessary and possible to cope with the increased traffic has been authorised regardless of whether or not provision existed in the Estimates.

6. Serious congestion occurred at Port Bell and Kampala in April this year. This was due primarily to prior labour troubles at Kisumu, resulting in an accumulation of traffic there. When the traffic could be moved there was a temporary stoppage of traffic to Port Bell, owing to a cause beyond the control of the Railway. Thereafter traffic was sent into Port Bell and Kampala too rapidly, and congestion, damage, and pilferage resulted. Since this trouble was overcome the traffic as a whole has moved much faster than in any previous year. There has never been any breakdown.

The traffic carried on Lake Victoria during the first six months of this year amounted to 73,204 tons as against 54,433 tons during the same period in 1924, 37,890 tons during the first six months of 1923, and 24,494 tons during the first six months of 1922. In other words, in three years the traffic on Lake Victoria has increased by about 200 per cent. In the same period the carrying capacity on the Lake has been increased by about 30 per cent., and even allowing for the fact that in 1922 some boats were idle, it is suggested that the

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increased tonnage which it has been found possible to carry by the steamers and lighters on the Lake is astonishing. An additional tug and a number of additional lighters will be on the Lake by the end of the year, but as all steamers, tugs and lighters have to be built in England, sent out and up to the Lake in parts, and re-erected there, there are limits to what it is physically possible to do to increase the carrying capacity on the Lake in the time available before the line will be through to Uganda.

It is proposed next season to prohibit the export of cotton seed until the end of May, so as to allow the cotton from Uganda to be cleared first. Strong representations have also been made that a system of godowns should be introduced in order to regulate better the export traffic in Uganda. The Railway, in any case, proposes to regulate its acceptance of the traffic next season, so as to secure more expeditious working and so as to avoid piers becoming congested, with consequent delays and serious risk of damage to the traffic. While damage does occur on the railway, much damage occurs before the railway accepts the cotton, as the result of dumping outside railway premises. The railway accepts it as an obligation to move the traffic reasonably quickly. It cannot accept it as an obligation to allow its piers to be used for financial reasons in a manner which delays, and causes damage to, traffic.

7. This matter is under the consideration of the Secretary of State for the Colonies and a decision has not yet been given.

A clear line must be drawn between the control of the Port and the actual performance of the landing and shipping work. A recommendation has been made that the Railway Administration should control the Port. It is understood that this is under consideration, as well as an alternative suggestion that there should be a Port Control Board. The performance of the landing and shipping work is a different issue, and a recommendation has been made that this should be the subject of an enquiry, i.e., whether the authority in charge of the Port piers to wharfage companies is the soundest method of working or the wisest under existing conditions; whether, if so, more private companies can be induced to come in so as to secure more competition; how, with the consequential division of the sheds into compartments for use by several companies and by the Railway, the best use can be made of the space available on the wharves and in the sheds; whether existing charges are fair and reasonable, and how they could be reduced and regulated; how the interest charges on capital expenditure are to be raised, etc.

In the matter of development, definite recommendations have been made for extension of the deep water berths, and these recommendations are under consideration.

Before shouldering further interest liabilities, however, regard must be had to the sources of revenue of the authority in charge of the port, as the present practice of requiring the Government Railway to bear the interest while the main sources of revenue are in other hands, and the profits on handling go to private companies, cannot be maintained without modification unless development is to be jeopardised.

The wharfage companies probably realise this, and if they wish to retain the work they should consider offering terms acceptable to this Colony and Uganda. (Hear, hear).

HON. LORD FRANCIS SCOTT: I beg leave to ask the question standing in my name on the Order of the Day:—

(1) Has Government read the Supplementary Memorandum to the Report of the East Africa Commission by Mr. Linfield in which he states that 20,000 to 40,000 head of cattle of the Wakamba died of starvation?

(2) Do Government consider this statement correct, and if so, how were the figures obtained?

(3) Is it not a fact:

(a) That calves born on the Yatta Plains if removed to the Ukamba Reserve would be susceptible to East Coast Fever, and so have a heavy death-rate.

(b) That at the time mentioned there was an outbreak of Rinderpest.

(c) That the price of hides at that time rose by approximately 50 per cent. and consequently many hides were put on the market which had been held back for a long time owing to the bad market.

(4) If Government do not consider Mr. Linfield's statement correct have they so informed the Colonial Office?

HON. ACTING COLONIAL SECRETARY: The answer to the first part of the question is in the affirmative.

(2) The statement is not in accordance with the facts as subsequently ascertained.

(3) (a) East Coast Fever is enzootic in the Ukamba Reserves and there is reason to believe that this disease is not prevalent in the Yatta Plains; if such is the case, cattle born in the latter area, on removal to the former, would be susceptible to East Coast Fever and a temporarily abnormal death rate would result.

(b) The answer is in the affirmative.

(c) There was a marked rise in the price of hides during these three months.

(4) Yes. By a despatch dealing with the whole question dated April 23rd and by a further despatch with reference to the statement referred to by the Honourable Member, dated June 27th.

HON. E. M. V. KENEALY: I beg leave to ask the question standing in my name on the Order of the Day:—

"Will Government state what has been done or is proposed to be done in connection with the suggested opening of the Northern Frontier District to the movement of male horned stock southwards to settled areas."

HON. DIRECTOR OF AGRICULTURE: In view of the fact that pleuro-pneumonia is not now reported from the Northern Frontier District, it is hoped that it will be possible for the trade in cattle between that district and other parts of the country to be resumed shortly.

It will, however, first be necessary to confirm the reports that the area is free from the disease mentioned.

HON. J. E. CONEY: On behalf of the Honourable Conway Harvey I beg leave to ask the question standing in his name on the Order of the Day:—

"Will the Honourable Director of Public Works be pleased to make a statement indicating what has been done in connection with the construction of a road from the Lake to the goldfields?"

HON. DIRECTOR OF PUBLIC WORKS: Reconnaissance surveys for alternative roads from Karungu and Mohuru Bay, respectively, have been prepared. The map and report have just come in and are under consideration by the Government and the Railway.

HON. W. C. MITCHELL: I beg leave to ask the question standing in my name on the Order of the Day:—

"Will Government state when they will be in a position to give effect to the provisions of the Weights and Measures Ordinance, 1912, and the subsequent amendments thereto."

HON. ACTING COLONIAL SECRETARY: Government has under sympathetic consideration the insertion of the appointment of an Inspector of Weights and Measures into the Estimates for 1926.

It is not possible at the moment to give any assurance that this provision can be so made.

HON. J. E. CONEY: I beg leave to ask the question standing in my name on the Order of the Day:—

"Will Government lay on table all papers in connection with the retirement from the service of Lieut.-Colonel F. W. Bell, V.C., late District Commissioner, Ngong?"

HON. ACTING COLONIAL SECRETARY: Government has no objection to laying on the table such correspondence as the Secretary of State may approve for publication. The approval of the Secretary of State to such action must, however, in the first instance be obtained.

RT. HON. LORD DELAWARE: May I be allowed to say one thing in explanation of the question I am going to ask? It is asked purely from a constitutional point of view, in exactly the same way as the question about Mr. Grant was asked by me some time ago, and not for any other reason.

The question is this:—

"How the Nominated Indian Members have been allowed to take their seats in this Honourable Council without any amendment of the local Legislature which constitutes this Honourable Council under Orders in Council."

HON. ATTORNEY GENERAL: The Legislative Council of this Colony is constituted by Letters Patent issued in 1920.

Article VIII of the Letters Patent provided that there shall be a Legislative Council in and for the Colony constituted in such manner as His Majesty shall direct by any Instructions under His Sign Manual and Signet and as may be provided for by Ordinance.

The Royal Instructions provide *inter alia* that there shall be five Indian Elected Members, but provided further that until such Indian Elected Members have been elected there shall be five Nominated Indian Unofficial Members.

Provision for the election of five Indian Members has been made by Ordinance, but although every facility for election was afforded by Government no Members have in fact been elected.

In accordance with the Royal Instructions five Indian Members have been nominated.

MOTIONS.

HON. T. J. O'SHEA: Your Excellency, I beg to move:—

"That in the opinion of this Honourable Council when inquiries into the working of any Department are appointed by Government on a motion of Council the Head of the Department concerned or any officer directly concerned by the inquiry should not be appointed to the Committee."

I sincerely trust that it will be possible for Government to accept this motion. I am painfully aware that its acceptance may possibly make it more difficult for members on this side of the House in future to get such Committees of Inquiry appointed. I am afraid that is a risk we have got to take, but it is much more important that any such Committees, when appointed, should command the confidence of the country, and they are most likely to achieve the purpose for which they are constituted if this course is taken. Government as a whole are, as a rule, reluctant to appoint Committees of Inquiry of this nature. The Government of this country is just as reluctant as any other, but on recent occasions they certainly have shown themselves willing, when a case has been made out, to appoint Committees of Inquiry, with Members on this side of the House forming part of the personnel of such Committees, but I think it is of the utmost importance that the constitution of these Committees should be such as will command the entire confidence of the people interested in the inquiries. Such committees are never agreed to unless Government is satisfied that a real grievance has been ventilated. That being the case, I think the first object of such Committees of Inquiry should be to satisfy the public that Government has done everything possible to permit of a free and entirely impartial inquiry. That being the real object of these committees, I do not see how it is possible to give them full scope when you have included in the personnel the Head of the Department which is particularly concerned in the inquiry. In connection with the appointment of a recent committee of this nature, not only was the Head of the Department concerned, but also one of the officers of that Department particularly concerned by the inquiry, appointed to the personnel of the Committee. The result has been that people on whose behalf that inquiry was to be held have absolutely no confidence whatever in that Committee, and the main purpose for which it was formed is destroyed. One of the grounds on which action in that case is intended to be justified is that it was a departmental inquiry. In this particular case the departmental inquiry was taking place at the time that the motion was moved in favour of an inquiry on a broader basis, and I respectfully submit that if Government considers that a departmental inquiry is sufficient to meet the requirements of the case, no Committee should be set up in which people outside of that department form part of the personnel. But having agreed to the necessity for an

inquiry, then the first object in view in appointing the personnel of the Committee should be whether that personnel will command the confidence of the public. That being the case, Your Excellency, I sincerely hope that in future it will be possible to constitute these committees on a different basis from that which has previously been the case. I have just referred casually to the Committee, the constitution of which has given rise to this motion, and at the present stage I do not think it is necessary to refer to it further. If Government should be unable to accept this motion then we shall have to reconsider the matter.

RT. HON. LORD DELAMERE: I beg to second the motion put forward by the Honourable Member for Plateau South. I think the chief point in this motion, in my opinion, is embodied in the words "on a motion of Council" into the workings of any Government Department—presumably the Honourable Member means by some public agitation. Now, Sir, I think the point is this, as far as I am concerned. Nobody can possibly object to a departmental inquiry being instituted by the Head of the particular Department concerned, to go into a particular thing which has happened, and which only affects his department; and nobody can possibly say that he, as Head of the Department, or its sub-head—as in the case of the Veterinary Department—has not a perfect right and is not a perfectly proper person to institute any inquiry—in fact, I think they ought to institute such inquiry, but after a very long wrangle has taken place between the Head of the Department and the public, and an inquiry has to be instituted—a public inquiry—then I think it is quite improper for those people to keep that inquiry from coming about; I also think that they are quite improper people to be put down as members on the particular Committee of Inquiry which is formed. There is no doubt about it that the Honourable Director of Agriculture and the Honourable Chief Veterinary Officer have been trying to get at the bottom of the matter, but the fact remains, where these things have been delayed—things which have been brought forward by motions in this Honourable Council—it does create suspicions in the minds of people—such as in the Usin Gishu Inquiry, where the Head of the particular Department concerned is on that particular inquiry. It is not that anybody objects to Honourable Heads of Departments, or any other persons, instituting any inquiries they like. But once—at any rate in the public's opinion—an apparent attempt has been made to stifle an inquiry—and I say that without any meaning—when I say "apparent" I mean when an inquiry is delayed until a demand is made by the public; once you get to that stage then it does seem to me that you have got to have an outside inquiry—outside the Department altogether, and I suggest that in these sort of cases it is proper that the particular Head of the Department concerned, or whoever is interested

in this matter, should be present, and naturally hear the evidence given, but not be a member of the Committee of Inquiry.

HON. ACTING COLONIAL SECRETARY: I am glad to note that the import of the motion is not perhaps exactly equivalent to the actual terms of the motion. The actual terms of the motion, were it to be accepted, would in future preclude Government from ever appointing a Head of a Department on to any inquiry into the working of his own Department were a motion to be moved in this Honourable Council. Such a motion, Your Excellency, it would not be possible for Government to accept. The Honourable Mover and the Honourable Seconder have, however, explained that the intention of this motion is rather that in certain circumstances the Head of the Department concerned shall not be appointed on such a committee, and on that explanation I think all Honourable Members will agree that there cannot be a very wide gap between the point of view on this side of the House and on the other side. In other words, the Government will, as it always has in the past, I believe be guided by the merits of each individual case in considering any motion of this nature. Government, of course, regards it as its duty to listen to every representation that is made by Honourable Members in this House in respect of the working of any Department, and to have the fullest investigations made up in any point which appears necessary for inquiry. Ordinarily, when some point is raised in this Honourable Council as to the working of a Department, I do not think it will be denied that the proper course is for Government, first of all, to institute a Government inquiry, and on such a departmental inquiry it goes without saying the Head of the Department will be represented. Such a departmental inquiry having been held, I may undertake—I have Your Excellency's permission to do so—on behalf of Government, that any Member of this Honourable Council who is interested in the report of that departmental inquiry, shall be made cognisant of the terms of the report, and if that report is in any way unsatisfactory, and is not sufficiently complete, and does not meet the demand made for it, an opportunity will immediately arise in this Honourable Council for a motion to be moved that a further inquiry be instituted. It is at this stage that one comes to the motion which is being moved by the Honourable Member for Plateau South, and even here it is not possible for Government to preclude itself from the appointment of a Head of a Department. My own view is that in a very large number of instances it is very highly desirable that the Head of a Department shall be on such an inquiry, even if it is against his Department. The Honourable Mover said that a fuller scope would be given to the Department were the Head of the Department not there. Now, I am quite unable to see that particular point. It seems to me that the more people there are on the Committee of Inquiry who are

conversant with the many aspects of each case, the more likely is that inquiry to be full and complete, and therefore the wider will be the scope that committee will have. I am unable to believe that in any British Colony any member of any committee is going to be debarred from asking any question just because the Head of a Department is on the committee. I do not see either that any wish to spare the feelings of the Head of the Department is going to debar any member of that committee from doing his duty. I cannot see in any way how the Head of the Department's presence on a Committee of Inquiry can affect or limit the scope of the inquiry, unless that inquiry is into the actions of the Head of the Department himself. I can see the point in circumstances where the person about whom the inquiry is being made is on the committee.

Now in the particular case referred to and which is under consideration there was no allegation that the Honourable Chief Veterinary Officer was in the dock. The whole case referred to certain inoculations by a subordinate officer of his Department, and my own view is, it was and it still is—that the inquiry would have been assisted by the presence of the Honourable Chief Veterinary Officer on that inquiry, and in mentioning the Honourable Chief Veterinary Officer I include the Honourable Director of Agriculture.

I think Honourable Members will agree that if Government were to accept this motion, or were to act on the terms of this motion, that in many cases the exclusion of the Head of the Department from an inquiry into the working of his Department—would amount to a pre-judgment of the case, and I think that is another argument why this motion as it stands should be either amended or withdrawn after full discussion has taken place. I trust that Honourable Members will agree that Government is trying to regard this question as sympathetically as possible, and they do believe that there is only one interest at stake as far as both sides of the House are concerned, and that is the interests of the country generally, and the proper administration of the services.

I think the Honourable Mover further stated that there would be a greater confidence throughout the country if the Head of the Department concerned was not on the Committee. Well, I think that that point is dealt with on the same lines as I dealt with the scope of the inquiry. I believe myself that the wider the inquiry the greater confidence there will be in the report, and as I have already said, I believe that the committee will be assisted, and the scope of the inquiry widened, by the presence of the Head of the Department.

Referring for a moment to the particular case in question, I believe sincerely that there was a double misunderstanding. I have discussed this matter with the Honourable Mover, and I have no hesitation in saying that I believe he had nothing else in his mind but to say that a committee of this Honourable

Council with that Head of the Department be appointed. So certain was he of his own intention that he never disclosed it in his speech in moving this motion.

I would ask Honourable Members to accept my assurance that I had no other idea in my mind but that the Honourable Mover intended that a departmental inquiry, assisted by Members of this Honourable House, should be instituted. The Honourable Mover believes that, and I trust that everybody else will believe that that was the impression in the mind of the Honourable Director of Agriculture, and I will go so far as to say that in order to obtain a Committee which would meet the views of the Honourable Mover, the Honourable Director of Agriculture went down one afternoon to meet the Honourable Mover to arrange with him as to who would be the most suitable people to put on the committee, and he did so at my request. I may be speaking outside my scope when I say "the other Members of this Council." I may say at this stage whether they were to be members of this Honourable Council, or gentlemen from the areas affected, that, I do not think, affects the case, or comes into question at all. My point is that no other thought was present in my mind but that this was intended to be a departmental inquiry, and that it was also in the mind of the Honourable Mover. Had any such thought crossed my mind I must have raised the question and been unable to accept the previous motion on behalf of Government.

I trust that what I have said will clear up any thought that is in the mind of anybody in or outside this Honourable Council that Government has committed a breach of faith in its action with regard to that motion. Government has endeavoured to meet the interests of the gentlemen interested as far as it possibly can, and is still endeavouring to do so. They have offered to accept the names of four gentlemen from the District Committees, so as to enable a majority report to be put in if it was necessary for them to find in opposition to the Official Members.

We have assured the gentleman in the area concerned, through the Honourable Mover, that the Honourable Chief Veterinary Officer's seat on this Committee of Inquiry will in no way debar him from going into the witness box and answering any questions; and the Honourable Director of Agriculture has asked me to state that he will be willing to give every assistance in his power. I am sure that Honourable Members on the other side of the House will believe as firmly as do Honourable Members on this side, that every head of a department who is worth his salt has had at heart the interests and the good working of his department (hear, hear), and I do assure the Honourable Mover that it is still the fact that Government is convinced that this inquiry is best held with the Honourable Director of Agriculture and the Honourable

Chief Veterinary Officer present, and sitting thereon. I think it is scarcely necessary to add that no impediment of any description will be placed in the way of this inquiry by the presence of those officers.

That, Your Excellency, I think is the attitude which Government must adopt with regard to this motion. I am afraid it is quite impossible to accept the motion as it stands. Government cannot preclude forever Heads of Departments from sitting on committees. Government can only give an assurance that every case will be judged on its merits, and that where in the opinion of the Government the Head of a Department should be, for any reason, excluded from sitting on a committee, that Head will be so excluded. At the same time I must repeat that ordinarily the Government's view will be that the Head shall be present, and I think it will be exceptional rather than otherwise that he will be excluded.

HON. T. J. O'SHEA: Your Excellency, the introduction of this motion has been fully justified.

HON. J. E. CONY: I thought the Honourable Member was going to reply. I entirely agree with almost everything the Honourable Acting Colonial Secretary has said, but I think the only point which was made by the Right Honourable Member is that rightly or wrongly the opinion is very general in the part of the country to which the particular inquiry which has been referred to in this Council has reference that the particular Department concerned delays the appointment of an inquiry and opposes the appointment of an inquiry until it was forced upon them by this Council. That is the opinion. I was not present when this motion was brought up in this Council before by the Honourable Member for Plateau South whom I think undoubtedly voiced the opinion—I might almost say the unanimous opinion—of the people up there when he asked for this inquiry. My own view is that the Honourable Director of Agriculture should quite rightly be a member of this committee, but I do think the case is rather altered in the case of the Veterinary Department, where the action of the chief and one of his immediate subordinates is in question. I think also the Honourable Member for Plateau South is quite right when he says there is to-day an absolute lack of confidence in this Committee of Inquiry because of the way the action was taken. It is quite unnecessary for the Honourable Acting Colonial Secretary to remind us of that; we realise that, but I do think a very bad impression has been created up on the Plateau.

HON. DIRECTOR OF AGRICULTURE: I do not propose to traverse the merits of this motion because the matter has been fully dealt with by the Honourable Acting Colonial Secretary. But inasmuch as so many remarks have been made by more than one speaker to the constitution of this particular Com-

mittee and to myself I feel that I ought to make one or two points clear. It has been mentioned by the Right Honourable Member and by the last speaker that the inquiry referred to was delayed. I should like to say that as far as I am concerned immediately the matter was brought to my notice I gave instructions for the facts of the case to be investigated and a statement to be presented to me on the matter so that I could report to Government. Having regard to what took place it necessarily occupied some time. Before it was complete the other proposal was made that an inquiry of the kind desired and indicated by the Honourable Member for Plateau South should be held and for that reason and for that reason only, the departmental inquiry was not completed and a departmental report was not presented to Your Excellency. I would just like to say this, and I feel sure that I speak the views of my colleagues when I say that any worthy Head of a Department is desirous of welcoming the fullest and careful investigations in his department and I do not conceive, and never have conceived, that it is the duty of the Head of the Department to shelter his own Department and the officers in it. It is his duty to see that the officers in his Department get fair play; beyond that he must institute full inquiry with regard to the functions and the activities of his Department. As far as I am concerned I have welcomed at different times all the observations and criticisms of Honourable Members on the opposite side of the House on my Department and I approach this case in the same spirit. Again, in support of the Honourable Acting Colonial Secretary that Government should not be tied down in any other case to do what the motion says, I can conceive a case in which technical knowledge is required for the better carrying out of the inquiry and you may find that that technical knowledge is possessed by the Head of the Department concerned and I submit in cases of that kind you will get the fullest inquiry and the best inquiry and the best results if officers with technical knowledge are present. I was reading a day or two ago of a case which seems to me rather analogous. There was a public agitation—Euse the word of the Honourable Member—with regard to what certain officers of the public service did to a member of the public. It fell in the Home Secretary's Department. What did the Home Secretary do? He instructed the Head of the Department to make a full inquiry into the matter and report to him. Take another case, perhaps not quite so suitable because it is not the case of the service of public officers, but let us assume another point. Supposing a servant of a business house of the Honourable Member's district does not do his duty to the public. In that case who takes the inquiry into his actions? Surely the manager holders. I hope the Honourable Member for Plateau South will be content with the assurances given by the Honourable Acting Colonial Secretary and not press for the acceptance of this motion as it stands before this House.

RT. HON. LORD DELAMERE: As seconder I would ask my Honourable Friend to see his way to amend or withdraw his motion.

HON. T. J. O'SHEA: With the permission of this Honourable Council I would like to amend the motion as follows:—

"That in the opinion of this Honourable Council when inquiries into the working of any Department are appointed by Government on a motion of Council the Head of the Department concerned should only be appointed if in the opinion of Government it is essential he should be a Member of the Committee, but no officer directly concerned by the enquiry."

Before I say anything more I should like to know if the amendment is acceptable to Government.

HON. ACTING COLONIAL SECRETARY: "But no officer directly concerned." The Honourable Mover means some officer who is directly charged?

HON. ATTORNEY GENERAL: May I suggest an alternative amendment? It is to strike out the words "Head of the Department or" and leave the motion as follows:—

"That in the opinion of this Honourable Council when inquiries into the working of any Department are appointed by Government on a motion of Council any officer directly concerned by the inquiry should only be appointed if in the opinion of the Government it is essential he should be a member of the committee."

RT. HON. LORD DELAMERE: I hope my Honourable Friend will accept that. It meets my case because as far as I am concerned directly a Head of a Department starts to stifle an inquiry he is directly concerned. Further, if a Head of a Department does not agree to an inquiry I do consider then that he is directly concerned. I apologise to the Honourable Director of Agriculture for misunderstanding his speech. I may say his speech, very nearly made me not withdraw the motion. His speech entirely supports what we said ourselves.

HON. T. J. O'SHEA: In case there is any doubt on the point I may say that I am perfectly agreeable to accept the amendment suggested.

HON. ACTING COLONIAL SECRETARY: In so far that the Head of the Department is necessarily affected by any action of a subordinate I will ask the Honourable Mover if he will accept the word "impugned" in the motion and that it be amended to read as follows:—

"That in the opinion of this Honourable Council when inquiries into the conduct of any Department are

necessitated by moving a motion in Council any officer whose conduct is directly impugned by the motion should not be appointed to the Committee."

HIS EXCELLENCY: Does that motion as read meet the approval of the Honourable Mover?

HON. T. J. O'SHEA: That is quite acceptable to me.

RT. HON. LORD DELAMERE: The Honourable Mover has accepted it and I have nothing to say. You do not impugn a man's character because he injects the wrong blood into an ox? That is how I read it. The object of the motion has been gained and I do not propose to say anything more.

HIS EXCELLENCY: His conduct is impugned.

RT. HON. LORD DELAMERE: His conduct to the ox?

HON. T. J. O'SHEA: Your Excellency, first of all I should like to say I think justification for introducing this motion is found in the very frank statement made by the Honourable Acting Colonial Secretary and a promise has been given that in future when any complaints are made into the working of any Department that a proper departmental inquiry will be made by the Head of the Department concerned. If this had been done on the particular occasion which we have been discussing there would have been very much less friction than there has been. This departmental inquiry is very long drawn out and has not come to any conclusion yet. I think it is only necessary for me to say I hope responsibility in this matter is not entirely mine for the unfortunate misunderstanding in regard to the confusion of that particular committee. It was justifiable for me for not understanding a departmental inquiry was intended. I was informed a departmental inquiry was being held and there was no object for me to introduce a motion of this sort and take up the time of the Council. I accept the assurance of the Honourable Acting Colonial Secretary that it was a complete mistake and there was no ulterior motive in mind. The motion in its amended form having been accepted by Government it is not necessary to labour other points now that this motion has reached a happy conclusion.

The amended motion was put and carried.

HON. W. C. MITCHELL: Your Excellency, I beg leave to give notice of the following motion:—

"That this Honourable Council requests Government to proceed immediately with an enquiry into the working of Kilindini Port and the Commission appointed for this purpose to include in its personnel at least one expert from outside this Colony."

HON. ACTING COLONIAL SECRETARY: I will not take up the time of this Honourable Council to any great extent in moving the adoption of the recommendations for the Order-in-Council. It may be of use to Honourable Members if I say briefly as possible recapitulate the recent history of this matter. The Draft Order in Council was sent home under cover of the late Sir Robert Coryndon's despatch of the 15th of January and was replied to by the Secretary of State's despatch of May 30th. These despatches are in the papers in pages 45 to 74. The Secretary of State's reply dealt with a considerable number of minor points, several of which were accepted on the recommendations of this Honourable Council and on other points where the Secretary of State felt himself in necessary disagreement he gave very strong reasons for not agreeing. Three major points stood out in the despatch of the 30th May. The first two arose over clause 4 (2) and clause 31 of the old Draft Order in Council. These two clauses will be found in the first and second footnote on page 74. The third major point was the policy clause in old clause number 22. On receipt of this despatch Your Excellency called the Honourable General Manager, the Attorney General and myself and discussed the reply very thoroughly and fully and we selected certain points which it was felt necessary to refer back to the Secretary of State once more. In the meantime the Uganda Government in the first place intimated their full agreement with the Secretary of State's second Draft Order which has been circulated to Members, but on receiving a telegram from Your Excellency on the points which Your Excellency was referring back to the Secretary of State, the Uganda Government in a telegram of July 24th asked that a further Joint Conference might be held on July 31st when two of the Uganda Members would be present and the others would join them. I only mention this point because I do trust that Honourable Members will believe that every effort was made to consult them and that was the chief reason that Conference had to be held at that time and it was felt highly desirable to get these discussions over so as to be able to bring it up at this Session of Council. Turning to the three clauses on which a debate has subsequently arisen and taking the first of them, clause 4 (2). The Secretary of State visualised that clause as enabling a local legislature to alter the terms and vary the interpretation of the Order in Council. In Your Excellency's telegram of July 20th (page 84) the point was stressed rather that the intention was to secure the validity of any Ordinances which might be passed dealing with matters of that nature, such as the liability of the railway as common carriers, undue preferences, and so forth. In his reply of July the 25th, the Secretary of State suggested an addition to clause 25 in the new Draft Order. However, Your Excellency once more, by

the advice of the Joint Committee which meanwhile sat, referred that point back to the Secretary of State in the following terms:—

"The Joint Committee Kenya and Uganda has met and accept all alterations proposed in your despatch including omission of clause 22 with following suggested modifications. Legal advisers of both Kenya and Uganda attach great importance to retention of old 4 (2) to be inserted as 3 (2). They point out that in view of unrestricted powers given to Commissioner by 3 (1) question arises whether it is consistent with Order to pass any Ordinance dealing with the services which in any manner directs the High Commissioner how he is to exercise his powers of control or management of Railway. Clause 25 even as proposed to be amended does not clear up this point. If 4 (2) is inserted suggest 25 becomes superfluous. It should be placed beyond doubt that powers of High Commissioner are to be exercised in conformity with local laws not inconsistent with other provisions of the Order."

"That was the real issue that the High Commissioner should be bound by such local laws as were not inconsistent with the Order. The Secretary of State replied as follows:—

"In view of your representations I will not further oppose retention of this clause as proposed but following should be inserted after "with provisions of this Order"

Certain words are quoted which now appear in the Draft Order which in no way affects the intention of the Joint Committee and, I trust, of this Honourable Council. Turning next to Clause 31 I take it it is bound up with clause 4 (2) as will be seen from the way the Secretary of State cables their discussion together in the despatch of May 30th (page 14).

Honourable Members who were present when this Council discussed the previous Draft Order in Council and were present at the first Joint Conference will remember the emphasis laid on the necessity for this clause and it is on record in the despatch published how the late Governor stressed the point. It will be observed the Secretary of State takes up a strictly constitutional point of view and observes to the effect that no local legislation would have the power to detract from the powers of an Order in Council. He had pronounced very strongly that should any such point arise in future or any such set of circumstances come into existence as were in your minds that the very fullest consideration will be given to any revision. On the other hand many members of the Joint Committee felt equally strongly that the Order must contain some clause, and contain it from the time of framing, which would indicate that Kenya had foreseen the possibility, and wished to provide for the possibility, that either side may wish to terminate the

Order. Further representations were made by Your Excellency with the result the Secretary of State has now ceded the point and has accepted a suggestion made by the Joint Committee and this now appears as clause 28 in the paper printed and laid before Honourable Members. That clause reads: "His Majesty, His Heirs and Successors in Council may from time to time revoke, alter, add to or amend this Order, and nothing in this Order shall limit the right of the Legislative Council of Kenya or Uganda to petition His Majesty through the Secretary of State for the termination of this Order or any provisions of this Order." There we have the temporary evidence which Honourable Members sought to be included.

The third clause, the most important, is clause 22 (on page 77 footnote), and is known as the policy clause. The effect of this was to render it necessary that the transport services should be so administered for the benefit and improvement, with due regard to agricultural and industrial development, of Kenya and Uganda, by means of cheap transport and that this was to be accomplished by allotting the earnings of the railway to meet working and maintenance contributions to renewals and betterment funds, interest and sinking fund charges on loans and costs, compensation and damages awarded against the High Commissioner. The clause appeared in the first Draft Order which came out to this country, but when an attempt was made to amend it by inserting the clause which added such costs, compensation and damages as may be awarded against the High Commissioner, the Secretary of State, as will be seen from sub-section (f) came to the conclusion the policy clause should not be included in the Order itself. Your Excellency put this clause strongly back to the Secretary of State and in reply the Secretary of State refers to further arguments why such a clause should not appear. The Joint Committee gave lengthy consideration to the point and ultimately decided not to press further for its inclusion, but the Honourable General Manager made a condition of his agreement that this policy should be laid down in some other place and definitely. The Draft Order is now before this Honourable Council and I hope, for final discussion. Before I sit down I should like to say on behalf of Your Excellency's Government how gratefully we recognise the opportunities which His Majesty has given us through the Secretary of State to consider fully the details of this vital legislation. If I may venture to advise Honourable Members it is that they will now adopt the attitude the Honourable General Manager is prepared to adopt and sink any minor objections they may have to the details of the Order in Council in the main effort to get our Railway on to its new basis. I omitted to state that the Government of Uganda has intimated their entire concurrence with the new Draft Order.

HON. ATTORNEY-GENERAL: I beg to second.

RT. HON. LORD DELAMERE: Your Excellency, I think all Honourable Members on this side of the House will be disappointed that the Draft Order as put before this Honourable House has been whittled down to the extent that it is in regard to the last section of the Order. I think myself that it is a great point gained over the original Order that in this last draft before the House now it is clearly laid down that the intention is that this Order should not be irrevocable and that His Majesty and his Successors do recognise under certain conditions it may be necessary to amend or do away with this Order and as far as I am concerned—although I am not satisfied with that—I do think the main issue is that we must get on with the work and until we get the Railway under some method of control which enables things to be done quicker than they are to-day we run risks of congestion and other things which may have a great effect on the future of this country and Uganda and as far as I am concerned I am going to vote for this particular draft for that purpose. I am not satisfied that this matter might not have been adjusted to our complete satisfaction without in any way entrenching on the powers and prerogatives of His Majesty in Council. I think that if somebody at the other end in England had taken this matter up to put into this Order in Council something on the lines originally proposed by Unofficial Members that it could have been done but the fact remains that it has not been done and we cannot go on as we are and I think under the circumstances the only thing to be done is to vote for this Order as it stands and get the thing passed. With regard to the policy clause I am in agreement with the Honourable General Manager's remarks that that clause ought to have been included in this Order. I think that we are running a risk that if we get an extravagant High Commissioner of Transport as we have in the past had extravagant Governors or if we get a policy forced upon us from home in regard to the port, I think we are running the risk of money being taken from the railway and being put to other purposes. After all, it was the Secretary of State himself who, with the advice of Colonel Hammond—although I do not agree with what Colonel Hammond proposed—yet it was the advice of Colonel Hammond and the insistence of the Secretary of State which took out of the hands of the Treasury and the Council on directions of the Secretary of State the spending of money which should properly be spent on the upkeep of the Railway by the Colony and in these circumstances it is a little difficult to understand how the Secretary of State agreed a policy clause of this sort should be left out of this particular Ordinance which would prevent in the future anything of the sort happening again in the case of the High Commissioner of Transport being short of money at the time, but the greatest danger is faced from a financial point of view. If it is decided—and I sincerely hope it will not be decided—that a Port Trust is formed at the Coast and they find it is incapable of running the port without more money, I think money will be taken away from the Railway to

meet the requirements of the port, simply because it is not being properly managed. I think it is the greatest danger we run at the moment but there again the Honourable General Manager has in his own mind decided that the real issue is the getting on with the work of getting this Order passed so that the control of the Railway may be in definite hands and the two Colonies and the Railway brought together under the one head so that the work can get on more quickly and effectively than has been the case in the past. As I said before although I am very sorry this last section of the Draft Order has not been modified to meet opinions of Honourable Members on this side of the House as far as I am personally concerned (I have not had the chance of discussing it with other Members) I am going to vote for this in order to get on with the work.

HON. J. E. CONEY: Your Excellency, the Right Honourable Member has made it quite clear he is speaking for himself because he has had no opportunity of consulting with other Elected Members. This Blue Paper was handed round a few days ago and there has been no time for Unofficial Members to get together to discuss it. I am very sorry that the Right Honourable Member has spoken because I think that this Council has got to give a little more consideration to the act which it is proposed by Government it should do to-day than it has been possible to do in the very short time we have known the desire of the Secretary of State. Your Excellency, I would like to appeal, if I may, to this Honourable Council to pause and think what they are doing and I would like to ask you, Sir, to encourage, if you will, Official Members to help us to-day with their views no matter how you may direct their vote, to help us so that we can have the experience they must have gained in this Colony to help us in the vote we have to give. I hope I am not taking an alarming view, but I take it this Honourable Council has not had such an important matter to deal with, except perhaps one constitutional change took place in this Council two or three years ago, it has not had such an important matter before it for many years, if ever. I have tried to study the papers which I do most heartily thank Government for having given to Honourable Members to guide them in their decision. I have studied these papers and the more I study them the more I am sure that the Right Honourable Member is wrong and has taken a mistaken attitude, and that this Colony will very deeply regret ever having given consent to this Order in Council. Your Excellency, I do not want to take up the time of this Council by repeating many things I said when the last Order in Council was before this House but I do want to, if I may, ask for special consideration of what we are doing. The Order in Council, I take it, is the act of the Monarch, with the advice of his Privy Council. I raised a warning when the last Order in Council was being discussed and I said then that I cannot believe that an Order in Council by His Majesty the King can ever be varied by this

Council. It was then that clause 31 was put in on the very strong recommendations of the Unofficial Members to safeguard this Colony and it was believed and accepted by Government that such a clause could be inserted. My opinion then and to-day is that if to-day you pass this Order in Council, on the day that Order in Council comes into force in this Colony, Kenya Colony is parting with the Railway. And once this Order in Council is passed there is no means by which this Colony can ever regain control of her Railway. If that is correct (I may be wrong and I only wish I could have been proved to be wrong as several months have elapsed since the matter first came up) if I am right, it will be admitted that it is a very grave issue we are facing to-day. The Honourable General Manager when he introduced the first Draft Order or when he spoke to the first Draft Order made it, or tried to make it, a big fact that ownership of the Railway was not affected. I would like to ask the Honourable Attorney General for some definition of ownership because I cannot help thinking this Order in Council does immediately and for once and for ever deal with the question of ownership. The Honourable General Manager on the 8th of October says: "There is no question of transfer, ownership remains precisely as at present. What will be vested in the High Commissioner will be control, management and working." Again the late Governor, Sir Robert Coryndon in his despatch to the Secretary of State referred again to the question of ownership and emphasised that.

If it is a fact—I do not know as I am not in the position to say who the Uganda Railway belongs to to-day—but if it is a fact that this Colony is parting with any ownership it has in the Uganda Railway by this Order in Council the Right Honourable Member will be the first to admit that it is a very grave thing we are doing. The position to-day as I understand it is that the Uganda Railway is a Department of the Government of Kenya Colony. The Honourable General Manager of the Railway is a servant of the Government of Kenya Colony, subject to the Secretary of State the whole Colony is, but by the Order in Council this is to be taken from the control of Kenya and be vested in a new power, the High Commissioner, who is to be created under this Order in Council. It is quite clear to me that all responsibility is being taken away from this Colony for ever. The very property as I see it is vested now in a new body and is no longer vested in the Colony of Kenya. She has no part whatever in the property of the railway. I want the Right Honourable Member or anybody on behalf of Government to prove that I am wrong in this view because I would be far more delighted to be proved wrong in this and matter is discussed—I wonder there is not far more public discussion than there is—but the more it is discussed amongst some far thinking people the more convinced I am the view I

hold is correct. If this Order in Council is passed if this Government desires to legislate it cannot do so unless it is in conformity with the Order in Council which is being set up. Therefore it must be, quite rightly, the Order in Council must be supreme and the governing body of this country has no authority whatever. I want to be proved I am wrong. I cannot find it in the Order in Council or in any of the papers or explanations which are given that this Colony, if she so desires, would ever have the right to regain possession of something which is hers in my view to-day and which she is parting with. The Right Honourable Member said in his speech on the first Draft Order that this was a self-denying Ordinance. It is far more self-denying than I think he realises. The Honourable General Manager in his speech on the first Draft Order also said that although we were losing direct control we still retain indirect control. But in the face of this Order I see that the Government, as the Government of Kenya, have no direct or indirect control. I would like to ask the Honourable General Manager whether we have any control whatever? I have wondered often why this Order in Council is being put into force. Why this great change? Why this great hurry? The Right Honourable Member, although he says he disagrees with it, says "let us get on with the work and apparently we cannot get on with the work without an Order in Council and the Honourable General Manager said as one of his reasons that the Order was to facilitate the working of the railway by the General Manager. I suggest that is no reason at all. I do suggest there are other means and I do suggest these means are being found for the better working of the Railway without an Order in Council because in reply to a question which the Honourable General Manager answered to-day he said that he had quite recently in connection with the junior staff been given extended powers without an Order in Council. It therefore shows that something can be done. It shows that if a case can be put up to the Secretary of State from this Government or perhaps if a case is put up to this Government something can be done, and although the Honourable General Manager makes a point that this is only the junior staff who are affected I suggest there are ways which can be found of giving him powers, with safeguards, if it were necessary, with the senior staff. I have been accused in this Council quite rightly that my criticism is destructive. I perhaps understand that it is up to this side of the Council to put up always constructive criticisms. If it were my duty I would study some means of doing what the Honourable General Manager desires without giving away what I believe to be the only real asset that the Government of Kenya Colony possesses or certainly the greatest, but I do suggest that a way can be found by extending the powers of the General Manager as has been done already in some matters, extending them with certain safeguards, which would have to be insisted upon and with regard to the railways outside this Colony something on the same lines as the agree-

ment which the Honourable Postmaster General has concluded with the Uganda Government would meet the case. I said a moment ago I was very sorry the Right Honourable Member had already spoken because before he spoke I wanted him at least to listen to one thing. I believe myself that clause 31, which is to my mind the most important constitutional section of the whole draft Order in Council does safeguard this Colony so soon as it gets any control of its own powers. That is a quotation from the speech of the Right Honourable Member when the first Draft Order was introduced and further he says: "I am quite sure Honourable Members on this side of the House would be quite unanimous in throwing out this Order in Council if it were returned by the Secretary of State with section 31 cut out and I think that should be insisted on because as far as I am concerned I should never have voted for the Order in Council or any resolution unless there were some method by which this Government could get out of the agreement such as is made by this Order in Council." I remind the Right Honourable Member of these remarks of his and I do suggest he has here to-day stated he is going to vote for this Order that he has not had time to consider the effect of his vote and I say further to all Elected Members of this Council that in view of the attitude which they took when the first Order in Council was introduced and in view of the acceptance by Government of clause 31 and in view of the fact that the acceptance of the Order in Council so depended upon clause 31 and also, as in my opinion at least, they are giving up the assets of this Colony by this Order in Council (by agreeing to it) I suggest to all Honourable Elected Members that they have no right to-day to vote for this Order in Council without first consulting their constituents. The right Honourable Member will answer me, I am sure, by saying that our safeguards are in the new clause 28, which gives this Council a right to petition His Majesty, but I would like to ask the Honourable Attorney General whether this Council without clause 28 does not possess that right to-day. I would like to ask if whether I, as a subject of His Majesty the King, have not the right and therefore I would like to ask the Honourable Attorney General what is in this clause at all? I say there is absolutely nothing. We possess that right—every British subject does—and this is not worth the paper on which it is written. I do believe that in the appeal I make to Honourable Elected Members I am right. I think if this case were put before the electors of this country they would agree with the Right Honourable Member, but I think at least they should be given an opportunity; it should be pointed out to them quite clearly for what they do to-day they can never undo and having parted with any right to recover their property; there is no time stated or implied during which they have the right to give notice that they desire to recover their property. I say by that act alone the day they consent to this they part with the biggest asset of the Colony of Kenya. There is one question which I would

like to ask the Honourable Attorney General. I am very sorry there is not, as the Honourable Member for the Lake said, a Library in this Council, as there are many papers to which Honourable Members wish to refer. I would like to ask the Honourable Attorney General if, when the first public loan was issued in London (perhaps the Honourable Treasurer is better able to answer this) what were the assets of the Colony which were offered as security to the bondholders of Kenya? Was the property of the Uganda Railway included and if it was included how can it possibly part with one of these assets?

HON. W. A. *SIR: The Right Honourable Member has stated he is going to vote for the Order in Council in order to get on with the work. I think this Honourable Council should pause and consider whether it is not paying far too high a price to get on with the work. I regard the proposals of this Order in Council in the nature of a form of partnership as between Kenya and Uganda in which Kenya gives most valuable assets and Uganda gives nothing in return. Uganda is most anxious this deal should be sealed, signed and delivered; for obvious reasons as she is gaining at our expense. We are all here to safeguard the interests of Kenya and Kenya should expect a fair deal in this matter. Kenya gives everything and receives nothing. The ownership of the Uganda Railway to my mind is no question as there is no doubt whatever as to who is the owner of the Uganda Railway. I would remind Honourable Members the Uganda Railway was not built for Uganda but for the purpose of controlling the Nile head waters, and Tanganyika Territory might also claim to have an interest in it as well. I think we are all here—I regard myself here—to safeguard the interests of Kenya and I strongly oppose this Order in Council. Many things have been said in regard to the working of the Railway and the powers of the Honourable General Manager and I agree with it that the General Manager should be given increased powers. It has also been stated there is no question of ownership but we are parting with the benefit which is equally great. Your Excellency, in your very interesting opening address you referred to the possibility and practical introduction of new taxation for increasing the revenue. I urge the Uganda Railway is one of our chief assets. In the past we got nothing from it, but under the present management I see no reason why, with reasonable railway rates, it should not show a good profit in the future. The question of the port is mixed up with this question. The commercial community at the port who are interested in this matter are very strongly opposed to the control being given to the Uganda Railway. They feel that the interests of the port will become subservient to those of the Railway. They consider it will be best if the port control be vested in a Harbour Board. That has been suggested by the Parliamentary Commission. This Harbour Board will then see that there is fair play between the Uganda Railway and the public. I associate myself with the Honourable

Member for Plateau North in opposing this Order in Council and I think Honourable Members would do well to consider very carefully the results that will accrue from the passing of this Order. It is a very vital question, indeed, one of the most vital in Kenya.

HON. SHAMS-UD-DEEN: Your Excellency, I thought this morning that I would be the solitary Member to raise a voice against the passing of this Order in Council. I thought we were only here this morning to discuss certain amendments and deletion of clauses. I am very glad to see that there is more than one Elected Member who also thinks the same way as I do. I think that the basis of the whole structure on which this Order was framed was entirely due to wrong information which was placed before the Secretary of State for the Colonies. In the despatch from the Secretary of State, dated the 30th May, he says:—

"The South African precedent which Sir Robert Coryndon quoted in paragraph 8 of his despatch related directly to the grant of Responsible Government to the Union of South Africa. In the document, however, (Cmd. 1922) in which His Majesty's Government announced, in July, 1923, its decisions with regard to the Indian question in Kenya, the view was expressed that the grant of Responsible Government to Kenya could not but be regarded as out of the question within any period of time which need now be taken into consideration."

Now I think that cuts off the ground from underneath the structure of this Order in Council, on which it is based. I think it was based on an idea of future self-government and all sorts of ideas about Federated East African States, which have altogether fallen to the ground. Besides this, you will find in the last telegram of the Secretary of State that it appears that certain references have been made and the Order in Council has been strengthened on certain ideas, which the Secretary of State informs us are entirely wrong. For instance, in the telegram of the 29th July, he states:—

"Clause 22. I have not found similar provision in Union Act and I fear that insertion of vague provision as in first part of Clause 22 will give rise to trouble later."

Now we come to the crux of the whole thing, leaving alone the consideration on which the real foundation of the whole Order in Council is based. Although I think it is an extremely dangerous thing to refer to the speeches of Honourable Members, because one can hardly hear in this House, and you do not know whether you are referring accurately to speeches or not, or whether you get the speeches correctly reported in the papers—but as I understand it, the Honourable Member for Plateau North asked why this thing was done, and I would also like to repeat the same question. To my mind this Order

in Council aims at amalgamating something like five different Departments. One is the Port at Mombasa; the second is the Railway in Kenya—which I think should be legitimately called the "Kenya Railway," and its name changed accordingly; the third is the pier at the terminus, Kisumu; the fourth the Lake services and the fifth the railways in Uganda Protectorate. To my mind there is no more justification for amalgamating all those different establishments and placing them under one officer than there is for putting the Veterinary Department and Agricultural Department under one officer, nor Your Excellency, is there, in my opinion, any justification for amalgamating the two railways in the two different Colonies. At present, in spite of the explanations that have been given to us by the General Manager the fact remains that there is a good deal of confusion, chaos and congestion on the railways. We have seen in the past that people who have got legitimate cause for complaint, in Uganda, before they get any replies to their complaints, find that immense damage is done to the trade and commerce of Uganda. It is all due to the fact that the officer who is administering these railways sits in Nairobi, and it is physically impossible that he should attend to all these complaints if he is in Nairobi. My opinion is that the whole administration of railways in Uganda should be handled by Uganda having its own General Manager, and this Colony having its own separate General Manager. There should perhaps be an agent appointed who should be the servant of Kenya Colony as well as of Uganda Colony, and whose salary should be apportioned accordingly, but as far as the administration and working of the Railway goes, it should be on an entirely different basis. Again, the port control should be an entirely different department; it should be under the supervision of a different body, and the Railway should have nothing to do with it, because otherwise it is just as well that we may expect to have one officer to see that our goods are loaded on a boat in London, and also the same officer to be responsible for these goods being properly handled, and being delivered in any part of Uganda. We have to divide all these things up into different departments. Then again the provisions of this Order in Council are themselves in doubt. You want to embody in the Order in Council something which is very unusual in the Constitution of the British Empire. It is going to have the effect of King's Order in Council, but we want to embody in this a provision to the effect that although His Majesty's Order says so and so, we shall also have the power to alter it by giving two years' notice if we think it necessary.

I think some Honourable Members have said that this Order in Council is calculated to give extended powers to the General Manager as regards his staff. If we want to give extended powers to the General Manager there is nothing to prevent our doing so. I personally think that at the present moment he has already got more powers than he should possess.

especially with regard to the junior staff. I think that all sorts of rules have been introduced in the Uganda Railway, without reference to this Honourable House, such as salaries of the Asiatic staff, which have been cut wholesale, without the same having been approved by this Honourable House. I think it is about time that we curtailed the authority of the Honourable General Manager. All that we want is that the whole system should be put on a basis by which everybody in the commercial community, especially, and other communities concerned generally should have satisfaction, and I respectfully submit that it can be done without any Order in Council, by a mutual local arrangement between the two Governments.

Government is going to expend an additional £1,000 a year, which is going to be paid to the High Commissioner, who will be the officer administering the Colony of Kenya. I take it that that officer is not expected to possess any technical knowledge of the running of railways. It will simply be unnecessary expenditure, and an unnecessary burden on an officer who has already got many problems to deal with, and so much work to do.

I do not want to enter into the question as to who is the owner of this Railway. As far as my information goes the Railway was built at the cost of the British taxpayer, for a much higher and much nobler purpose than most of us think. The British taxpayer spent very large sums of money for the Railway, and I take it that the Railway was originally built for abolishing slavery and although it has also been built for strategic purposes, its present use should be for the uplift and advancement of the natives of the country—that I think is the policy of His Majesty's Government.

That I think should be the object of the Railway, instead of embodying in the Railway Order in Council clauses which the Secretary of State says have no precedence elsewhere.

On these grounds I hope that this Honourable House will agree that there is no necessity for introducing an Order in Council which is bound to lead to all sorts of confusion.

HON. H. P. WARD: I have listened with great interest to the speeches made by the Honourable Members for Plateau North, and Mombasa, and I do deplore the fact that those two Honourable Members, though they gave us the benefit of their views, did not offer any alternative solution to our present railway problems, because without that I do not quite see how anybody can suggest that a better proposal can be made than the present one, in the interests of all concerned. Before touching on that, I also wish that the Honourable Member for Mombasa could have checked the statements made to us the other day by the delegates of Uganda in giving the history of the Uganda Railway. One point of information was correct. I

believe it was in the year 1902 that the boundaries of Uganda ran through Nyanza. In order that the control of the Railway should be left in the hands of Kenya the boundary of Uganda was moved back to its present site. If the Uganda Government at the time had not given up a very considerable stretch of territory that has proved of considerable use to this country, the Honourable Member for Plateau North would be sitting at Entebbe and not in Nairobi!

Then the next development of the Railway position was passed in the stage of less strategic and more commercial and economic, when the influences of the development of Uganda made themselves felt on the Uganda Railway system, and the point reached was that each country became entirely dependent on the other. Uganda, for obvious reasons, was dependent on us to maintain that Railway once it was built, and we all must admit that to a large extent we were dependent on bulk production at the head of the Railway, and when that point was reached it seems to me there at once was created a sort of co-partnership business interest.

The phase reached after that was in the nature of considerable railway extensions in Kenya and Uganda. I take it we have only just begun to see the beginning of the extension of those railways to the north, and probably through the centre of Uganda, up to the Western Nile Province, and the linking up of our system with the trans-continental system—north and south. Well, having reached that stage I cannot see how the question of proper machinery for the proper representation of the various interests involved and the proper control of the various interests of the country in the Railway can be avoided. Surely it can only be done in one of two ways—either by the introduction of legislation acceptable to both Governments, or by the introduction of a Railway Order in Council, but if you do it by legislation, or if you do it by an Order in Council, surely the machinery as to detail would be practically the same in both cases? With regard to control, I cannot see that that has entered into the argument, and we have had the most definite assurances that Kenya's interest in the control of any assets are amply protected and that the Railway Order in Council is merely the provision of the machinery for the effective working of the Railway.

I do think that there is one point the Honourable Members who spoke against the motion overlooked, and that is, that the central factor is to obtain efficiency and economy in working, and I cannot conceive how under this machinery it will be ever possible for the Railway Administration and the Harbour Administration to become inefficient or extravagant. I believe also that the machinery provides most ample means for allowing every interest to bring its weight to bear on the Railway and on the Railway Administration, and I do believe that this

Honourable Council has, and will always have, ample means of enforcing its wishes through its Members in this Honourable Council.

HON. T. J. O'SHEA: The issues involved in this motion are so grave, that I think it is necessary, in order to discharge my responsibilities to my constituents, that I should cast a vote on this motion, and I think it is equally necessary that I should voice the views on which I base that vote. I have not consulted my constituents. At the same time my constituents had the opportunity of consulting me, had they wished to do so, and the fact that they have not done so leads me to think that the issues involved are so highly technical, that they relied on my judgment in doing my best with regard to the technicalities.

I should like to express my gratitude to the Honourable Member for Plateau North for having initiated the opposition of the minority. I think he has done the country a service by taking his crutch in both hands and voicing the views he has. At the same time I think he made it perfectly clear that he was really voicing fears rather than definite opinions. If he had been in a position to state the ownership of the Uganda Railway was affected by this contemplated Order in Council I should have been much more impressed by such a statement.

HON. J. E. CONEY: On a point of personal explanation—I have asked the legal adviser to this Honourable Council to give a definition, and I have not yet had it.

HON. T. J. O'SHEA: My position on this point is this: we have an assurance from Government, an opinion from the Honourable General Manager of Railways, the same opinion expressed by the Right Honourable Member for Rift Valley, the same opinion expressed by other Honourable Elected Members in this Council, who are on Your Excellency's Executive Council—that the ownership of the Uganda Railway is not affected by this contemplated Order in Council. As against that we have merely an expression of fear on the part of the Honourable Member for Plateau North that such is not the case. The matter being so technical, I must confess that I am compelled to fall back upon the weight of evidence. I am prepared to accept the assurance that the ownership of the Railway is not affected by this Order in Council, and that being the case I am in a position to support the motion.

The motion deals with the control of the Uganda Railway. It is one that will vest the control in a High Commissioner, who is acting on behalf of the two Colonies of Kenya and Uganda. The justification, therefore, for it must be that the interests of these two Colonies demand it. I am at heart and by upbringing—I will here use a political term to describe myself—"a Nationalist." Looking at the thing from a

political point of view I would have, by instinct, the greatest objection to the taking away of the control by this country of such an important arrangement as this Railway system. I am not inclined, by instinct, to support the motion, but I feel compelled to when I consider the mutuality of the interests of the two countries concerned. (Hear, hear). While I should resist by every possible means in my power, as a Member of this Honourable Council, any effort to take away from this Honourable Council the ownership of the Uganda Railway, I do agree that it is necessary to consider the interests of Uganda so far as the control of the Uganda Railway is concerned.

The Honourable Member for Mombasa has raised the issue: What has Uganda to give in return for what Kenya is giving? So far as the ownership is concerned, Kenya is giving nothing. So far as the question of assets in the two countries is concerned, Uganda, during the present time, is giving less in proportion and will, on the extension of railway to Uganda now under consideration, I consider that Uganda in a very few years time will be offering at least as much as we are offering in the way of railway assets. Then again we cannot forget that at the present time the railway service is not given through this country to such a very large extent as it is given in the case of the railway passing through from Uganda. We have a number of routes which Uganda does not possess—we have one of the finest ports on the East Coast of Africa. So an extreme Statesman but one may be inclined to say that that is some of the things we ought to do with it; but I do not think that at the present stage of commercial development we can afford such a thing as that, and politically, certainly not so. If we consider for a moment what will be the position were Kenya and Uganda under two separate Governments, we will see that the possession by Kenya of the port of Mombasa would tempt Kenya to enter upon a friendly understanding with Uganda regarding the administration of the port of Mombasa, and to be up against the Indian Government. It is not that we should have some of the complications which are in the case of the East Coast, regarding certain ports. There is no doubt whatever that there is some reason to be found in the present order, but they find in certain references to the Government of an agreement with the countries that control the port of Mombasa, that Uganda is likely to have arrangements made in connection with Mombasa, and perhaps other ports, which would be to the disadvantage of Kenya. They suggest the agreement of the two Governments in regard to the port of Mombasa, and a number of other ports, which would be to the disadvantage of Kenya, and which would be to the advantage of the Government of the Indian Government. They suggest the agreement of the two Governments in regard to the port of Mombasa, and a number of other ports, which would be to the disadvantage of Kenya, and which would be to the advantage of the Government of the Indian Government. They suggest the agreement of the two Governments in regard to the port of Mombasa, and a number of other ports, which would be to the disadvantage of Kenya, and which would be to the advantage of the Government of the Indian Government.

next twenty or thirty years the railway system will be such as will enable Uganda to find another outlet to the sea. I think that is a position that we should not forget to contemplate.

Finally, looking at this very important motion, I am quite satisfied that if at any time in the future this Honourable Council thinks fit to look for some alteration in the position as at present contemplated, that we shall be in a position to have our view carried out, if it is based upon a reasonable policy, not a selfish one, but one which will safeguard the interests of Uganda as well as of Kenya. I am not afraid of the future, and therefore I shall support this motion. I have been told that in the matter of assets Uganda has not given anything—I would explain that as we have not given away the ownership of the Railway as it passes through our country. Kenya has not given away anything either.

HON. R. S. NEMA: In spite of the fact that the Right Honourable Member has suggested and advised Members to pass this and vote for it, and not waste any time, as I have some strong feelings in this matter I must add a few words. First of all, one Honourable Member has suggested there is no alternative in constructive proposals in reference to this Ordinance. I would like to point out that in other countries in the world situated in the same circumstances that we are, a satisfactory agreement has been come to. Take the case of India. It is a much larger country than this. There are State-owned railways there, as also railways owned by railway companies, and the different provinces are as near to each other as Kenya and Uganda. Perhaps in certain ways nearer, because there is nowhere such a big lake as in this country, and I submit that efficient arrangements and provision have been provided in that country. You can even take the case of England herself. There are very many railway companies there. So many different railways have been devised, and they have managements in different territories, so therefore I say there is hardly any necessity for any Honourable Member here to state that there are no alternative proposals to overcome the difficulty suggested here, but there are ample instances in the world from which you will find there is ample provision for the railway management of Kenya and Uganda. I would like to know how the mere appointment of an inexperienced High Commissioner at £1,000 per annum can increase the efficiency of the line. As Governor the High Commissioner could not be sued; as High Commissioner he can be sued in both territories; is that a desirable position for a Colonial Governor? Ownership is useless without control of the assets. I see no justification for Kenya giving her assets out of her control, and I will therefore vote against the adoption of this Order.

HON. ATTORNEY GENERAL: Perhaps I might take this opportunity of giving an opinion on one or two questions which were raised by the Honourable Member for Plateau North. The Honourable Member raised the question of the assets which were placed under the first specific Loan Ordinance. I think if the Honourable Member examines the Ordinances which have been passed on that subject and also the present Order in Council he will see in that respect the bondholders are guaranteed. The General Loan and Inscribed Stock Ordinance which governs the issue of this Loan provides that the stock is charged and payable out of the general revenue and assets of the Colony of Kenya and the Investment in Kenya Government Securities Ordinance provides that if at any time an Ordinance is passed which appears to the Imperial Government to alter any of the provisions of the Government securities to the interests of the bondholders that Ordinance will probably be disallowed. The Honourable Member will notice that that refers only to an Ordinance, this is an act done by the King in Council and if the Honourable Member will refer to Article 19 of the proposed Order in Council I think he will see this case is amply provided for. The article reads: "The Railway and Harbour Board shall be liable for all Loans including all charges connected therewith raised or borrowed or to be raised or borrowed by the Government of Kenya or the Government of Uganda or by both Governments jointly for the purposes of the Services and expended for those Services. The High Commissioner shall pay out to the Treasurer of Kenya or Uganda, as the case may be, such interest and sinking fund contributions as may be required to meet the obligations of the Colony or Protectorate under the Ordinance raising the Loan." Consequently bondholders in addition to securing the security of the Government of Kenya have security over the assets of the Railway. That covers the point raised.

The next point raised by the Honourable Member was in regard to Clause 28. Clause 28 speaks for itself. As regards the very difficult question of the ownership of the Railway assets. Of course, it must be remembered to begin with that all public assets are Crown assets. They are not His Majesty's assets and it is really a question who is the trustee appointed for the control of these assets. By the Order in Council the Instrument which governs the Colony, the Governor has all land in the Colony vested in him on behalf of His Majesty and this Order does not interfere with that but it is found desirable occasionally that a Government Department should have assets vested in it and for the purpose of having assets vested in it the department is created a corporation sole which enables that department to sue or be sued without the ordinary procedure of a petition of right against the Governor and that is the intention in regard to the Railway. It would, of course, be very difficult if the Uganda Government as such had a claim against the Railway; it would be very difficult for it to prefer

its claim against the Kenya Government in the law courts, whereas by the provision of Article 1 of this Order it would be possible for the Uganda Government to appear on one side and the Railway to appear on the other.

HON. J. E. CONEY: Your Excellency, may I rise on a point of personal explanation? The Honourable Attorney General has explained that under the first loan issued the liability rests on the Kenya Government and he says clause 10 of this Order in Council safeguards that. I am not a bit worried about the security of the bondholders under that loan, in fact, the security is borne by this Colony and vested in the High Commissioner. I would like to ask him this. Can a body lose the rights to recover possession without losing the right of ownership? As I understand this Order Kenya Colony has no rights under this Order in Council to recover possession of the Uganda Railway and in agreeing to that does she not agree to part with ownership?

HON. ATTORNEY GENERAL: I think I said that the Colony of Kenya still remains liable in respect of the Railway Loan. This Order does not divest the Colony in respect of this loan.

HON. J. E. CONEY: Your Excellency, I do ask the Law Officer of the Colony for an opinion. As law adviser to this Council I think I was entitled to ask him. I will ask him again. Can anybody lose the right to recover possession of something without losing the ownership of that? In this Order in Council we are deliberately giving away the right to recover the possession of the Uganda Railway and by that act we are giving up ownership.

HON. ATTORNEY GENERAL: I explained at the outset that the question of ownership in strict law does not arise. The ownership of the Uganda Railway lies in His Majesty.

HON. J. E. CONEY: The Honourable Attorney General is entirely biased on the fact that in his opinion the Uganda Railway was never owned, or any part of it, by the Kenya Government. That I must challenge.

HON. COMMISSIONER OF LANDS: Your Excellency, it seems to me there is some possibility of confusion in the minds of the Honourable Members. I imagine the point is whether the Uganda Railway, with all the land attached thereto, is to pass out of the possession, not of the Crown, but of the administration of one trustee to another and I do not think the Honourable Attorney General meant that trusteeship passed from this Government, or the Government of this Colony, to any other trustee whatsoever.

HON. J. E. CONEY: Would the Honourable Attorney General support that?

HON. ATTORNEY GENERAL: Of course, it is rather difficult to give off-hand opinions. It is a complicated subject. The broad elements are, that any order to effect transfer of immovable property attached to the land some further instrument would be necessary than this. This Order does not in itself transfer the trusteeship which is vested by the Order in Council of 1902 and again of 1921 to the High Commissioner, but it would enable that to be done by legislation by ordinance. It can be transferred to the High Commissioner, who is created a corporation sole which would allow him to hold land as trustee.

HON. J. E. CONEY: How can we say that we have got ownership when we have not got control and we have no right to recover? That is the point.

RE. HON. LORD DELAMERE: May I suggest to the Honourable Attorney General that possibly the Honourable Member for the Plateau North is mixing up the question of control and running of the Railway with the question of assets.

HON. E. M. V. KENEALY: Your Excellency, we seem to have been swayed in this discussion by motives of fear and elements of fiction. The fear seems to be the Railway will cease to be a negotiable asset when it passes from the control of this Council. It will so increase in value through the control of a Railway Council that it will become of infinitely greater national value to Kenya under its present constitution. Although it may cease to be negotiable as a Kenya asset, from a national point of view it will be infinitely greater. In regard to ownership—that is a fiction. Ownership in this is a fiction unless it implies beneficial use to the owner and it has been hampered and is limited by transferring the control to a board of trustees. That board will be infinitely more capable of deciding matters from a balance point of view without interference or political matters intervening which would happen in a Council like this. Those Honourable Members who are opposing the adoption of this report appear to be swayed by motives, not the protection of the Railway, but all interference of the Railway. At present there is no limit. The General Manager is unable to repel any attack on his cash box. He has demonstrated the necessity for it and we should support it because we realise it is so.

HON. GENERAL MANAGER, UGANDA RAILWAY: Your Excellency, I have been rather astonished at the number of objections against these proposals raised this morning, and still more astonished at the somewhat incomplete information which some Honourable Members seem to possess as to what these

proposals really are and mean. I am not referring at the moment to the objections of the Honourable Member for Plateau North. It is quite evident his objections are based on principle; he does not like the principle of the Order and is protesting against it. Some of the other Members, however, might have been a little bit better informed if they had read the Order a little more carefully. Perhaps, Your Excellency, in view of the remarks of some Members, the best thing for me to do would be to just briefly set out the position as I found it in connection with these railways when I took over the control in January, 1923. I took over the management on the 1st January, 1923. I found in existence a Report by Colonel Hammond reflecting very seriously on the management of the Railway. I found that there was very strong feeling in Uganda against the manner in which the Railway had been controlled by the Government of Kenya, more especially in connection with the financial arrangements. It was quite true the old system had been changed in April, 1921, but the feeling was still there and the people in Uganda still felt unsafe. I found the Railway position was most unsound. I have been much criticised lately, especially in Uganda, because there seemed to be an impression that Railway profits were not being used to the extent they might be for betterment and renewals expenditure. I realised immediately after I came to this country that there was going to be an enormous development and that the Railway was unfit to cope with it because of past policy. I set to work to change the organisation and to reduce expenditure and retrench. I had to do it, and in many respects the task was most unpleasant. I set to work to explore the financial position with the object of finding money to improve and to better conditions generally, to renew what should be renewed, and to extend facilities. But I also came to the conclusion that the system of control was fundamentally wrong and I submitted proposals for a better form of control. I submitted these proposals on the 23rd January, 1923, or exactly three weeks after I took over the management of the Railway—they are still under discussion in August, 1925! Much requires to be done before they can come into complete operation. Some supplementary legislation is necessary, and regulations are necessary. I regret it should have taken so long to get the Order through. Perhaps it would be well if I traverse very briefly what I said at the time I recommended the new system of control, because in all the time I have been here nothing has happened to change my mind in the slightest respect in connection with these proposals. In a report on the 23rd January, 1924—and I may say I sent in my report in response to a request from the late Sir Robert Coryndon, who asked that I should examine the position immediately—I suggested that a very important thing which seemed to be overlooked in discussions in Kenya was that the Uganda Railway and Lake steamers serve not only the Colony of Kenya but also the Protectorate of Uganda, and, to some extent also

(through the Lake Services) the mandated territory of Tanganyika. So far as Kenya and Uganda are concerned, I pointed out that port facilities and efficient rail and lake steamer transport are vital to development, and that it is essential that the control of those services be placed on a sound footing. I emphasised that any form of control which subordinates port and railway development and management to the interests of either Kenya or Uganda would be harmful to both countries. I said that in some respects the position here to-day is similar to that which existed after the Boer War in the Transvaal and Orange Free State, where for some years there were two separate Crown Colonies with one Railway Administration common to both. The problem here being somewhat similar, I suggested that it should be dealt with accordingly. I would ask the Honourable Mr. Shams-ul-Deen to take special notice of this. In the Transvaal and Orange Free State during the Crown Colonies period the Railway Administration in both territories was vested in one local authority, *viz.*, a High Commissioner, who was also the Governor of the Transvaal, but who controlled the Railway Administration independent of Transvaal and Free State Government Departments, but with the assistance of an Inter-Colonial Council and a Committee of that Council representing both Transvaal and Free State interests. I suggested it as a fundamental principle that the Railway and Marine services in Kenya and Uganda be vested in one local authority, and that authority I recommended should be a High Commissioner. I urged that the High Commissioner must be given extensive powers in the matter of transport control. I said: "The Railway is expected to pay its way, or, in other words, the inhabitants in these territories are expected to pay enough in rates and fares to keep the Railway solvent, but, notwithstanding local financial responsibility, reference to the Colonial Office is required to an extent which cannot but have a paralysing effect on any business concern." That a railway is a business undertaking—and a very difficult business undertaking at that—is beyond question. A railway can be administered only by the adoption of business principles. Any attempt to treat a railway like a Civil Service Department and to control administration and management from a long distance must inevitably result in inefficient, uneconomical and generally unbusinesslike methods of working. I reported that I found the difference between the powers exercised in the Transvaal and the Free State during Crown Colony period, and the powers exercised locally in the administration of this Railway astonishing. I further said that unless the development of the territories served is to suffer, the local representative of the Crown should be given full administrative powers in all matters of transport control, and the General Manager of the Railways the widest executive powers. All appointments, discharges of staff, rates of pay, leave, privileges, conditions of service, etc., should be settled here, with due regard to local conditions and subject only to

Imperial or other pension rights of individual officers transferred here being respected. I advised that both administration and management should be assisted, advised, and checked by a suitable board on which the users of the Railway in both territories should be represented. Further, I stated that while local control is essential it is wise not to overlook the need for guarding against the intrusion of political influences upon questions of railway policy and development. Such influences have had serious consequences in other countries, and can be counteracted more effectively by the existence of a partially representative Railway Board so constituted as to be, as far as practicable, politically independent. I cannot understand, Sir, why our Asiatic Members of this Council . . .

HON. SHAMS-U-D-DEEN : British Indian Members !

HON. GENERAL MANAGER, UGANDA RAILWAY : . . . British Indian Members can possibly take exception to a principle which is designed partly to remove the Railway from political influences in both Kenya and Uganda. I should think that would be welcomed by them. I am very sorry indeed that the Secretary of State has decided to delete the clause dealing with the policy to guide the Railway in the matter of administration and management. I am very sorry indeed. The original clause I suggested was that the Railway should be administered on business principles, due regard being had to the agricultural and industrial development in Kenya and Uganda by means of cheap transport. In other words, business principles were laid down as the guiding factor. It was really a Charter suggested in connection with railway administration and management. It has been advanced that such a policy clause should not find its way into a law. A similar principle has found its way into law in other countries. The argument has been advanced here that those concerned with the administration of the Railway could be trusted to see the same principle is adhered to. The same principle exists in other colonies. It was laid down elsewhere in respect of Government railways only because it was found to be absolutely necessary to establish it firmly. It is in existence to-day in South Africa, has been recommended for Australia, and I believe for Indian railways. Most Government railways will, in my opinion, arrive at the same sound policy.

In regard to Kenya and Uganda, I have in mind what happened with Railway revenue prior to 1921, and I sincerely trust the policy, the expression of which has now been excluded from the Order in Council, will be laid down in the supplementary legislation necessary.

In regard to ownership—and particularly land matters—I do not know whether the clause I submitted, and which I think I am at liberty to say the Honourable Commissioner of Lands has agreed to, has been accepted yet; but my intention is to try and arrange for the supplementary legislation necessary

in both Kenya and Uganda to include clauses dealing with the vexed question of Railway land. As I drafted it, all land and other property assets in Kenya would be vested—and I trust this can be arranged—in the name of the Government of Kenya; and in Uganda, in the name of the Government of Uganda. The position to-day is ridiculous. I had recently to buy a house in a certain centre. I am always having it impressed upon me that we must have more staff on Lake ports and elsewhere, but, of course, they must have houses to live in. I was so hard put to it for accommodation in a certain centre that when I found I could buy a house on reasonable terms, I bought it. Having bought that house, I was told I could not get it transferred. One suggestion was that the house should be transferred to myself personally! The whole matter of the registration of land and property should be put on a sound footing. All immovable assets in Kenya should remain vested in the Government of Kenya, and those in Uganda in the Government of Uganda. Then, if there is ever a separation, the position would be in order.

I have never quite understood what the Honourable Member for Plateau North really proposes should happen in connection with the control of this Railway. He states that Kenya is handing over an asset, a very valuable asset. Kenya is certainly handing over the control and the working of this section of the Railway; but what method of control, what method of management, does the Honourable Member really want? He seems to forget that a large portion of this Railway exists in Uganda and not in Kenya, and it is quite absurd to think that the Government of Kenya is to-day actually controlling the Railway in Uganda. The Government of Kenya cannot do it and is not attempting to do it. Who is doing it? I say no Government is controlling the Railway as a whole, and the General Manager is left to struggle as best he can with difficulties that arise. What is the General Manager's position as between these two territories? The Government of Kenya has no control in Uganda. You must have a High Commissioner who is recognised by both Governments. It is clear to me that there are only two alternatives for the future. You have either got to introduce a system something like this and have one control, or you will soon be forced to separate the management in the two territories with separate Governments. I say do not separate. I believe separation would create such trouble that there would soon be almost a feud in connection with transport work between the two Colonies. I believe also that the Post Office system, with a division of revenue and expenditure, is unsuitable for railway purposes, and I decline absolutely to fall into line with one suggestion made by a British Indian Member that the betterment fund should be carefully divided up so that Kenya gets what it is entitled to and Uganda gets what it is entitled to. I resolutely decline to adopt that policy. It is one railway

service and one lake service, and the betterment and renewals fund moneys will be spent fairly where required. I have argued in Uganda that it is, for example, as much for the benefit of Uganda as of Kenya that the main line is being relaid, and they accept that as the case.

The question of loans has been dealt with by the Honourable the Attorney General. That question should present no difficulty. Similar systems have been in operation elsewhere and no difficulties have been experienced. I regret that it has not been found constitutionally possible to accept the notice clause, but I agree entirely with the Right Honourable Member in his point that the wording agreed to at least implies that the Order is not unchangeable and that it may possibly be necessary to consider termination at some future date. I cannot help thinking that is the correct point of view.

In regard to the remarks of the Honourable Member for Mombasa, it seems to me that the Honourable Member has got the matter of control of the port in his pocket, very much like some King Charles's head which will pop out on every possible occasion. I think I have been fair in what I have said in regard to the control of the port and the wharfage work. I have always drawn a line between control and working. I have always contended for my view that the control in this country must be vested in some Government Department, but I have also said that if it is considered necessary, and found possible, to have a Port Trust, I would be the first to work loyally with that Port Trust; but I have implored the Government and everybody else concerned not to impose on the country and the Railway a Port Trust unless that Trust is made financially responsible. It would be monstrous for the Railway to have to pay the loss when the control is in other hands. In regard to the landing and shipping work, I would like to state publicly that I have reported that the Railway would agree to do the work only if the country wants the Railway to do it; if it is the Government policy for the Railway to do it; if the General Manager be given full powers to select his own staff at such rates of pay as he deems necessary, to discharge them if inefficient, to take action in connection with claims, and generally to do everything required in a businesslike way. I have also said that the Railway is not out to do the work. I feel I have quite enough to do, but the Railway is prepared to do the work if the country wants it to and if all concerned will give it the necessary business powers and a fair chance. I have suggested that the matter should be the subject of an inquiry. I have also said that if the wharfage companies honestly think they can do the work more efficiently than the Railway they should prove to the public, by their charges and otherwise, that that is the principle really guiding them, and they should agree to control and regulation, because under present conditions there is no control, there is no licensing or any other form of regulating charges, etc. There must, of course, be central control,

but, from a working point of view, whether that is in the hands of a Port Trust or the Railway does not matter, providing the controlling authority carries the financial responsibility. The Honourable Member for Mombasa has made a most astonishing statement. He said Kenya is parting with one of its most important assets in the Railway, and he objects strongly. In the past he said this asset has contributed nothing to the Government. He also said something about requiring from the Railway a substantial dividend to the Government which might be set off against other liabilities. He must surely be aware (I am telling him now, in any case) that the Uganda Railway actually paid into Kenya Government revenue before 1921 no less than two million pounds, and that is exactly what is the cause of the trouble to-day. If that £2,000,000 had been spent on betterments and renewals it would not only be a totally different railway, but the General Manager would have a much easier time. I sincerely trust that the argument raised recently at the Coast, that the proper thing to do is to allow the wharfage companies to retain their profits and to require the Railway to make good the loss out of betterment funds, will not carry much weight.

With regard to certain remarks made by the Honourable Mr. Shams-ud-Deen, let me state first of all that the decreases in Indian rates of pay made some time ago were made with the full approval of the Secretary of State. They were not made on my sole authority, as he seems to think. What the Honourable Member does not know is that where there has been really good work on the part of Indian servants of the Railway, I have made exceptions. When I say good work, I refer to work such as, for example, work done by the station master at Kampala and the pier clerk at Port Bell during the period of congestion. In such cases I have made special exceptions. I have no objection to paying for good work, but that is totally different from paying all and sundry high rates of pay. The Honourable Mr. Shams-ud-Deen also referred to a despatch from the Secretary of State contained in this blue book and he said that it is obvious that what we said about the position elsewhere was wrong, and that, therefore, in his opinion, the Order in Council should fall to the ground because the precedent had been wrongly quoted. The Secretary of State referred not to the whole Order, but only to the one policy clause. We informed the Secretary of State this policy clause was embodied in the South African Act. Some doubt was thrown on that, but it was clearly proved the clause was there. The Honourable Member has been out of touch with the matter lately, so I cannot blame him, but the fact is he has read the Secretary of State's remark on one clause as if it applied to the whole Order.

The only other point I would like to deal with is this. The Honourable Member for Plateau North referred to a remark I made when this Order was last before this Honourable

Council in regard to indirect control. The Governments will be better represented on the new Council than they are now. The provision here is for a High Commissioner, a strong High Commissioner, who acts as advised by a very comprehensive Railway Council fully representative of Governments and public—a much more comprehensive and representative body than the present Railway Council—which should be of more assistance to the Colonies and High Commissioner. Not that the present Council has not done its best, but it is a non-statutory, non-articulate body at present. The position in Uganda would have been much better this year if this new Council had been in operation. The position in Uganda to-day is that most unfair criticisms are sometimes made against the Railway Department—not consciously unfair, because that is the last thing these people want to be. Quite a large proportion, if not practically all concerned, are out to assist, but they do not *know*. The Estimates are introduced here and not in Uganda, and in Uganda, therefore, they know nothing about the Estimates. In future Uganda will have on the Council two Official and two Unofficial Members, and all minutes will go through a central High Commissioner, who will be able to keep in touch with the Governments of the respective Colonies. The Estimates will be introduced not only here, but also in Uganda, and will be subject to full criticisms in both Legislative Councils. I believe myself when this system is brought into full operation it will be a great improvement on the present system. At the same time I would be the last person to suggest that these proposals are perfect. They will be subject to evolution, and are a tremendous advance on what exists to-day, and they will, I feel, serve as an excellent foundation for the future.

HON. M. A. DESAI: I am quite prepared to support this motion provided the Government moves the following additions to clause 5 (2) . . .

HON. J. E. CONEY: On a point of order, Your Excellency, can a Government make any additions to an Order in Council?

HIS EXCELLENCY: We are discussing the Order in Council as it stands.

HON. M. A. DESAI: I am offering it as an observation as Your Excellency has asked for the observations of this Council on the draft recommendations.

HIS EXCELLENCY: I think you can make your remarks as regards the Order, but it is not a case of amendment. No amendments can be proposed.

HON. M. A. DESAI: I am submitting these by way of observation. In regard to clause 5 (2) I suggest that the staff should be selected from among all British subjects, irrespective

of colour or creed and I suggest that the two Unofficial Members of each country should be increased to three by the addition of an Indian Member in each case. Subject to these observations I support the motion.

HIS EXCELLENCY: I should like to say I feel we are all indebted to the Secretary of State for putting this Order in Council before this Colony for further consideration, but I feel on behalf of this House that the matter should be brought forward and the full explanation should be given with regard to this Clause 31 as the Right Honourable Member has pointed out and as other Honourable Members have referred to in this House that point was made a condition of agreement by the Unofficial Members in the first discussion which was held in this Council with regard to this Order in Council. I believe, and we all feel sure that the Honourable Member for Plateau North in his uniform objection to this Order which he expressed on the last occasion when it was discussed, is guided only by a most earnest desire of what he considers the best interests of this country. If we shared his fears many others here would share his views. There is no doubt that he has been only actuated by the very highest motives for Kenya and we are all agreed with him if we had that same fear. I do not think there is any real ground for that fear. The Secretary of State has said in his despatch that it is always open to the Elected Members of the Legislative Council to press for amendments or to urge for a change. I do not think anyone can imagine if the whole opinion of Kenya is such that they consider the Order is unworkable, that it is being worked in such a way by the General Manager or the High Commissioner that it is not in the interests of the country and it should not continue or if strong feelings are expressed in this House, the Secretary of State would not give the same weight in respect of this Order in Council in regard to any other measure enacted for the benefit of this country. It is believed by the Secretary of State to be in the interests of this country that it is enacted and I believe it can be worked properly and if it cannot be worked properly we must justify the position and the Secretary of State will, and should, give full weight to the views of this country in the matter. It only remains now to put the motion before the Council.

Motion put and carried by 31 votes to 4.

NOES: Messrs. Coney, Sims, Shams-ud-Deen and Nehra.

BILLS.

HON. DIRECTOR OF AGRICULTURE: I beg to move the second reading of a Bill intitled "An Ordinance to Amend the Cotton Tax Ordinance, 1923."

Honourable Members will recall that the Principal Ordinance was introduced in order that Kenya should conform with the practice in Uganda, otherwise considerable difficulties

principally in regard to the movement of cotton, would be created. Since that time there has been rather unexpected development of cotton growing on the borders of Tanganyika—on the Kenya side, and also at the Coast, and this Bill, with its one simple clause, is intended to confer powers upon the Governor in Council to exempt any area, any district or districts in the Colony from the application of the Ordinance. It was felt that inasmuch as Tanganyika has no tax at present—no cotton tax, that ginners on the Kenya side had reason to complain of unfair competition. Then again in an area, for example, like the Coast, where the quantity of cotton grown is comparatively small, the costs of ginning should be cut down as low as possible, and this is a tax which is paid directly by the ginner. It is a simple measure, and I do not think that there is much more I can say on the subject, except that a good deal of sympathy was expressed on this side and on the other side of the House for the views of Honourable Members who had objected in principle to the imposition of the cotton tax last year, and I hope Honourable Members will agree with the view that to some extent this is meeting their wishes inasmuch as the original Principal Ordinance is not now so rigid as it was.

HON. ACTING COLONIAL SECRETARY: I beg to second.

MR. HON. LORD DELAMERE: On a principle this is rather a difficult Bill to vote for, but as a matter of fact I am going to vote for it because I think it is practicable, also because I think it is quite right that Kenya, which is not a cotton-growing country, should fall into line with its two neighbours, which are cotton-growing countries, and as they have different policies with regard to this matter of taxation, that part of Kenya which is near Uganda should fall into line with Uganda, and that part which is near Tanganyika presumably should fall into line with Tanganyika. As far as I am concerned I am going to vote for this Bill.

HON. J. E. CONEY: I am not going to vote against this Bill, although when the original Bill was introduced I did vote against it. I would like to ask the Honourable Director of Agriculture whether it is not possible to get Uganda to agree to the abolition of their cotton tax, and thus come into line with us, rather than we fall into line with them. I know that in certain coast areas cotton-growing is going ahead due, I think—if not entirely, very greatly—to the efforts of the Honourable Liwali of the Coast, Sheikh Ali bin Salim, who has taken a very great interest in growing cotton down there—not only now, but many, many, years ago, and I believe he is the possessor of a gold watch which was presented to him by the British Cotton Growing Association, which was endeavouring to grow cotton in this country long before the policy of the British Government to encourage it, which is, I

believe, the case now. In view of these efforts and of those which are being made along the Coast and on the borders of Tanganyika, where you cannot apply a cotton tax—although I agree with the Right Honourable Member that this Bill is absolutely unsound—I am not going to vote against it.

HON. W. MACLELLAN WILSON: I would also like to ask the Honourable Director of Agriculture whether he has approached Uganda on the subject of the abolition of the tax.

HON. DIRECTOR OF AGRICULTURE: I am not aware that this Government has gone as far as that. It has been the settled policy in Uganda to have a cotton tax for many years past. It represents a very considerable amount of revenue to the Uganda Government, and I do not know how far this Government would be justified in saying to the Uganda Government, having regard to the smallness of the interest that Kenya has as compared with Uganda in connection with the cotton tax, "We want you to abolish your tax." We have to be very careful in matters of that kind. (Hear, hear).

Motion put and carried. Second reading passed.

HON. DIRECTOR OF AGRICULTURE: I beg to move that the Council resolve itself into a Committee of the whole House to consider the provisions of this Bill clause by clause.

In Committee.

The Bill was read clause by clause.

HON. DIRECTOR OF AGRICULTURE: I beg to move that this Bill be reported to Council unamended.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Amend the Cotton Tax Ordinance, 1923," has been through Committee, and returned to Council unamended.

HON. DIRECTOR OF AGRICULTURE: I beg to give notice that I shall move at a later stage of the Session the third reading and passing of this Bill.

HON. ATTORNEY GENERAL: I beg to move the second reading of a Bill intitled "An Ordinance further to Amend the Agricultural Produce Export Ordinance, 1921." My Honourable Friend the Director of Agriculture will no doubt explain in more detail than I can the exact objects of this Bill, but in the main it may be said that it is a Bill introduced to protect the Railway in regard to block-stacking. At present maize is brought down to the Coast and put into these block-stacks, and each individual owner of maize ceases to have

ownership of his particular maize, and simply has a claim to an equivalent quantity from the block-stack. The difficulty of giving back to each man the exact quantity he has put into the block-stack is due to the fact that both in quantity and quality the stacked maize deteriorates. The maize deteriorates because it is impossible to keep the weevils from getting in, and the quantity diminishes, because there is a certain process of drying it. Consequently, it is not possible for the Railway to deliver exactly the same quantity to the persons who put maize into the block-stack. This Bill provides that the Railway's obligation as regards quantities shall be met by delivering to each man the same number of bags as he put in, and as regards quality it provides for re-grading and the transfer of a certain amount of maize from the block-stack of one grade to another block-stack of a different grade; it also provides for the apportionment of the loss thereby occasioned in the best possible way, with special regard to the length of time the man has kept his maize in the stack, because it is obvious that the person who has kept his grain in the stack the longest time ought to suffer the most, because presumably the longer the maize is left in the stack the greater will be the deterioration, and if a man chooses to leave his stuff in a block-stack for six months, there is bound to be considerable deterioration. Therefore he really ought to suffer most when the total of the block-stack comes to be re-graded.

HON. DIRECTOR OF AGRICULTURE: I beg to second the motion.

HON. J. B. PANDYA: With regard to this Bill before the Honourable Council, I think the Honourable Members are aware of the fact that this amendment is necessary, or has been found necessary, because of the complaints made by the commercial community with regard to the weight of bags, which were definitely mentioned in the old Ordinance to be 200 lb. each. The whole principle of block-stacking is an issue, in my opinion, under this Ordinance. The first Ordinance said that each bag shall not weigh less than 200 lb., and the responsibility of delivering that weight was on the Railway or the department which was carrying out the work. Now this amendment provides that no responsibility attaches to that department in any way. In my opinion it simply shirks the responsibility which that department ought to take. The Government wishes to have the system of block-stacking because they want to have a certain grade of maize guaranteed for the exporter, and in the interests of the maize-dealer it is absolutely essential that these grades should be certified by the Government. The whole question in regard to this block-stacking has come before us because the Government has found out from the Railway Department that they have not enough stacking space at the coast, and therefore if this Ordinance goes through it will work very unfairly and to the

disadvantage of the commercial community. If the principle of block-stacking is to be kept in the Ordinance then it is absolutely essential that a certain weight with regard to each bag should be guaranteed. The commercial community complained, when the last Ordinance was in force, that as much as five per cent weight had deteriorated when it was in the hands of the Railway.

I do not agree that this deterioration takes place when the maize is in the hands of the Railway—in the block-stack. According to the old Ordinance the Railway remains responsible for the weight from the time the Railway takes delivery of a consignment at a railway station, and that has got nothing to do with the drying process or with a little reduction on the weight which actually takes place in the block-stacking. The result of this amendment will be that neither the Railway nor any other department will be responsible for the weight, and it may happen that the Railway will deliver a number of bags which will arrive with only 100 lb. of maize, or 150 lb. of maize, or anything—but it will be less than 200 lb. without anybody being responsible for this. I think it is the duty of the Government to guarantee to the shippers a certain weight on each bag. My opinion in this matter is that if sufficient space is available then every exporter ought to be allowed separate space for his maize, so that if there is deterioration in weight, in grade, in quality, or anything else, he himself suffers for his faults. But in the present case it is proposed that the man who does not own that particular maize should pay the penalty in any deterioration in weight or in quality, and he would in all probability, not have had to pay if the Government had had sufficient space. I do not know how it is possible to say that because a man has kept his maize for six months in a block-stack he has got to suffer for the deterioration. How is anybody to know to whom the bags belong?

On these grounds I feel that the amendment proposed is only going to immunise the Government departments from any responsibility, and put on to the commercial community an unnecessary burden.

HON. J. E. CONEY: Before the Honourable Director of Agriculture speaks, as I think he probably was going to speak, I would like to ask him whether the provisions of this Bill have been submitted to the Maize Conference, and approved of by them; to the Plateau Maize Growers' Association and approved of by them; to the Kenya Farmers' Association and to the merchants, and approved of by them; and if not, I would ask Government to put this Ordinance back. I am not going to vote against the second reading, but if this has not been submitted to these bodies I would ask that this be done. I should say perhaps in fairness that I am interested, as I am Chairman of the Plateau Maize Growers' Association, and I am not aware that this has been submitted to them, or to the

merchants in that part of the country. I would therefore ask that this Ordinance be put back, and that the second reading be taken, and that we go into Select Committee, because I think that it is a matter that affects the producer more than anything else, because, as the last speaker has said, it is taking away the responsibility from the Railway and putting it on the merchant and producer.

RT. HON. LORD DELAMERE: May I repeat what I said the other day, that I think it is an extremely bad plan for the Honourable Attorney General to propose all technical Bills. I say it again, with all the greatest possible respect to him, simply as a matter of truth—it really is a very bad plan indeed. We have not heard anything at all about this Bill. The Honourable Director of Agriculture should have introduced this Bill. We have not heard from him whether this was put before the Maize Conference, or anything about it. We have heard nothing of the history of this thing. It is not possible that the Honourable Attorney General can know—with all the greatest possible respect—what has taken place and what has been done by the Honourable Director of Agriculture. Being a member of the Executive Council—I think I may say this without fear of breaking the oath of secrecy which I took!—that as far as I am concerned I have never heard about this. So I am not responsible for it. It is a thing I cannot understand at all. It simply means that this Honourable House cannot get information about anything at all. I would like to know, first of all, who introduced this. It seems to me a most astonishing proposal. To return to the Bill, I would now like to ask the Honourable Director of Agriculture, who has been unable to speak owing to the new method of bringing in Bills, whether this particular alteration and amendment to this Bill has been before the Maize Conference; whether it has been before any of the maize societies in the country, or anything of the sort. I personally have a great many prejudices against block-stacking altogether, but that is simply a matter of my own opinion. As there is a representative Maize Conference that sits every year to deal with this question I will not bring it forward now. But I do say that this system of block-stacking is not an inducement for farmers to grow maize, and improve the growth of maize, and if any system other than block-stacking is brought in I shall be glad to vote for it.

I would like to ask the Honourable Gentleman in charge of this Bill—at least the gentleman who in my humble opinion ought to be in charge of this Bill—what steps have been taken to find out how far these amendments meet the different societies engaged in the shipping of maize for the farmers of this country.

I heard someone say—I think it was the Honourable Gentleman who moved this Bill—that if a man had his maize in a block-stack for some considerable period it was his fault if it went bad. I do not understand block-stacking in that way. As I said before I am not an expert on these matters, and not having had the advantage of hearing anybody in the Agricultural Department explain this Bill, I am somewhat hazy as to what it means, or what it is proposed to do with it.

I must congratulate the Honourable Attorney General on the way in which he introduced this Bill, but I still do not think he can be *au fait* with all that has been going on in connection with the maize trade during the last two months.

HON. ATTORNEY GENERAL: It is simply a Bill put up to protect the Railway against the liabilities which might come upon them under the original Ordinance.

RT. HON. LORD DELAMERE: On a point of order, this matter has not been before anyone, not even the Railway, which is directly involved.

HON. ATTORNEY GENERAL: No.

RT. HON. LORD DELAMERE: Then I suggest there are only two possible courses that Government can take—one is to put this Bill back for the time being until somebody has had a chance of looking into it, and the other is for a committee to go into the matter.

HON. J. E. CONEY: When I spoke a moment ago I said I was going to vote for this Bill, on the understanding that it was to some good purpose, which I rather doubt now. I would ask Government, therefore, not to consider this Bill now, but to withdraw it until it has been considered throughout the country.

HON. DIRECTOR OF AGRICULTURE: It seems to me it is about time I spoke about this Bill. I personally rather regret the step that has been taken with regard to the method of introducing this Bill. If a Member on this side of the House has any special knowledge of a Bill, he should be allowed to explain it. It would be advantageous to this Honourable House if he has any particular interest in the Bill that he should be in charge of it, and he could then explain.

I would say, before replying to the questions put to me, that Honourable Members will remember that the Principal Ordinance was passed in 1921. It is an Ordinance providing for rather a complicated thing, and I think it is to the credit of this Honourable House that the Principal Ordinance has

only required amendment in respect of block-stacking ever since it has been put into operation. When it was passed in 1921 it was not contemplated by anybody that it would be necessary to introduce this system of block-stacking. In 1923, when this Honourable House had passed the amending Bill dealing specifically with block-stacking apparently the measures then were not quite complete. With all due deference to my Honourable Friend on the left it is not quite correct to say that this is primarily introduced to protect the Railway Department. The Railway Department has an interest in this Bill, but there are other interests as well which have to be considered.

RT. HON. LORD DELAMERE: On a point of order, as there are two Movers of the Bill I suggest that both be allowed to reply. (Laughter.)

HON. DIRECTOR OF AGRICULTURE: It was found on further examination of the amending Ordinance that there did not appear to be sufficient power conveyed in the amending Ordinance to re-grade maize which had been in a block-stack. There was sufficient power in the Principal Ordinance to re-grade and de-grade maize, and so on, under ordinary conditions, but not specifically in a block-stack. Now, when you re-grade maize the assumption is that it is going to be—some of it—de-graded, and therefore the loss through deterioration has to fall on the owner. Now, this Bill proposes that the inspector should decide on whom this loss should fall. This particular point has received very careful and close consideration. It was realised that there might be objections to giving an inspector these powers. It was felt, on full consideration, that this was the best way to do it. After all, he is a purely disinterested party, and he has the best information upon which to assess the loss that has to be borne by some owner or other. So far as the Railway is concerned, its interests appear in Section 3 of the Bill before the House, where it is proposed to alter the word "quantity" to "number of bags." It was considered that—quite unfairly—there might be placed upon the Railway Department a claim for handing out a quantity of maize which was never delivered to the Department originally.

The Honourable Mr. Pandya dealt with this point when he referred to the weighing of the bags. It is quite true that in the Grading Rules for maize there appears—under Rule 12—a provision to the effect that each bag of maize shall weigh 200 lb. of maize net, but it is quite impossible to administer such a rule. I informed the Maize Conference of this, but they, nevertheless, desired the rule to stand, (Hear, hear) the reason being that it was desirable of getting every bag of maize as nearly as possible to 200 lb. weight, and if it did not stand they felt that there would

actually be an encouragement to owners or shippers of maize to deliver maize which was considerably below 200 lb. in weight. Now, with regard to that I would say this, that it is proposed, if this Bill passes, and the Railway Administration agrees, that not less than 10 per cent. of the bags arriving at the port for grading shall prior to grading be weighed, and that power should be conferred to reject those bags of maize which do not conform closely to this 200 lb. standard.

The question has been put to me by the Right Honourable Member for Plateau North as to what consultations had taken place with regard to those interested in the maize industry. I would say that these points have arisen since the holding of the last Maize Conference, but they have been referred to and dealt with very fully by the Maize Consulting Committee, which was specially appointed to deal with important matters of this kind arising between conferences. There are representatives of the two Maize Associations referred to by the Honourable Member on the Committee—by the way, I don't think the Honourable Member should shake his head and contradict me, the representatives did attend. The meeting was also attended by the commercial representative, and by the representative of the Railway, and they agreed, after the whole matter was explained to them, with this Bill, provided that—and this was the representation made by the commercial Member—that the necessary arrangements were made for the weighing of not less than 10 per cent. of the maize in bags. So that everything that could possibly be done in that respect, with regard to consulting the industry outside of the Maize Conference, was done, and my information is that there is no objection whatever on the part of the industry to the introduction of this Bill, excepting that expressed by the commercial representative, who agreed to it providing that the arrangements in respect of the weighing were carried out. It was further discussed with several representatives of the Mombasa Chamber of Commerce, who also agreed.

With regard further to the point about the inspector being charged with the responsibility of determining by whom the loss should be borne, I would explain that the Principal Ordinance provides in its last section for an appeal being made to a board, if any claim has to be made, or any fault has to be found with the decision of the inspector. So that I think that is covered, and the interests of the owner are protected there again.

I would say that no one can hope more than I do, and I am sure it is also the desire of my Honourable Friend the General Manager, that it will not be long before we shall be able to do away with the block-stacking system altogether. In my view it is an entirely unsatisfactory arrangement, so far as the export of the maize is concerned, particularly from

an eastern port like Mombasa, but we had to start, and we could not do without it at the time because we could not get the shedding space. (Hear, hear.) The Honourable General Manager and I have talked this matter over several times, and our hope is that not more than one more season of maize export will be carried out under the block-stacking system, and that after that we shall be able to get the shedding space.

Your Excellency has authorised me to say, when this Bill came before the House, that it would be referred to a Select Committee, if this course was desired by the House, so that certain points of detail should be gone into thoroughly by those who have a special knowledge of the subject, and I would suggest that a Select Committee be appointed.

HON. LORD FRANCIS SCOTT: I should like to support what the Right Honourable Member for the Rift Valley and the Honourable Member for Plateau North have said. I support what the Right Honourable Member has said with regard to block-stacking, and what the Honourable Member for Plateau North said about consultations with all those bodies who are concerned in this industry. We have a Maize Conference, which I had the honour of attending myself last year, and which certainly does include all sections of the country that are interested in the question of this maize export, and it does seem to me a great pity, if amendments to the Agricultural Produce Export Ordinance should be made, that it should be done without reference to that Conference. It is perfectly true what the Honourable Director of Agriculture said: that there was a Special Committee appointed to deal with matters of importance which should arise before the next meeting of the Maize Conference. But we also were informed that the next Maize Conference would take place in July, so that it will meet before the export of maize—before the new season yet taken place. It seems rather a pity that this has been delayed again, and if it had met in July, as was arranged originally at the last Maize Conference, this amendment would have been before them, and we would have known exactly what their recommendations on the subject would have been.

HON. T. J. O'SHEA: Your Excellency, after listening to the lucid explanation of the Honourable Director of Agriculture, I am of opinion that the suggestion put forward on this side of the House that this Bill should be withdrawn for the time being is a good one. I can understand that there are several reasons for the carrying out of the Ordinance, but the main object of it seems to be to protect the Railway from the responsibility for the maize during the period it stands in the block-stack. That block-stacking system has been generally acknowledged on both sides of the House as an unsatisfactory temporary arrangement, but I suggest it will—

so far as the maize exporter is concerned—make it very much of a gamble altogether if the Railway were let off the responsibility for the weight of the maize during the period it is lying in the block-stack, unless somebody else other than the unfortunate people who have the maize in the stacks, is made responsible.

I feel certain that if this Bill were circulated to the associations concerned in the export of maize, and brought more fully than it has been to the notice of merchants and others engaged in the export of maize, that very different opinions would be expressed from those that have been expressed by the gentlemen consulted by the Honourable Director of Agriculture. I have had some little experience of exporting, and have no hesitation in saying that in the forthcoming season it will be a poor gamble to entrust maize to the Railway to stand possibly in a stack for a month or six weeks, unless the Railway or Government Department concerned were responsible for the quantity of maize while it is in their possession.

HON. GENERAL MANAGER, UGANDA RAILWAY: I did not intend to intervene in this debate, but I would just like to say that when the Railway Department undertook to carry maize from any part of the country to the coast at Sh. 1 per bag it did not undertake to instal weighing machines all over the country to weigh the bags. It is impossible for the Railway Department to do it. The trouble about this question of the weight of maize is mainly in connection with the native maize. The maize is bought without being weighed. It is not weighed on its way to the Railway. It is not weighed in the truck. It is not for the Railway Department to do that; it is for the people who buy the maize to do it. Apart from the question of expenditure it is impossible to weigh every bag of maize, but the Railway Department has undertaken during the season to weigh 10 per cent. of the bags and the Railway Department has also undertaken to abolish block-stacking as soon as the necessary space is available. In the meantime I suggest that it is wise to pass this Bill, which makes proper provision for this next season.

One Honourable Member suggested that discussion should be deferred to the Maize Conference. It seems to me extraordinary that that Conference elects a special Committee to deal with matters between Sessions and that objections should be raised to their decisions. I should like to tell Honourable Members that the export from certain areas has already started.

RT. HON. LORD DELAMERE: I understand that that was why the Conference was fixed for July.

HON. ATTORNEY GENERAL: Your Excellency, some criticisms have been made, and it is not unnatural when a new system has been introduced with regard to the procedure adopted of introducing Bills by the Attorney General. Well, there are two reasons I think why the procedure may tend to facilitate business. One is that the Attorney General is responsible for the form which the legislation takes, and he being in charge of the Bill is in much better control of the form the amendments take, and the form in which all the amendments are to be accepted or not accepted. Another reason is that he is a member of the Executive Council, and as such is in close touch with the mind of Government in any particular matter, and it certainly does seem rather an advantage that even though another member of Council should be an expert in a particular subject that for the purposes of control and for the purposes of Government one of the Executive Councillors should be in charge of the Bill. As it happens the expert in this instance is not a Member of Executive Council, and as a rule the experts are not members of Executive Council.

As regards this particular Bill the points which have been made I think have been met by the Honourable Director of Agriculture and by the Honourable General Manager. There is one point, however, which always keeps coming up, not only in regard to this Bill, but in regard to almost every Bill. Some Member gets up and asks that it be put back, because he has not had time to read it. Well, this Bill has been introduced in the ordinary course after having been published for twenty-eight days, and no objection has been received by the Government to this Bill, and no Honourable Member on the opposite side has told us that any of his constituents has put up a definite opposition to the Bill and has asked in any way that it should be delayed or reconsidered. As it is apparently the wish of the House, and it has been suggested by the Honourable Director of Agriculture, that the Bill should go to a Select Committee, I beg to propose that this Bill be read a second time, and that it should go to a Select Committee consisting of the Honourable Director of Agriculture, the Honourable General Manager, the Honourable Members for Plateau North, Ukamba, Mombasa, and the Honourable Mr. Pandya, with myself as Chairman.

Motion put and carried that second reading be passed.

HON. ATTORNEY GENERAL: I beg to move that the Bill be committed to a Select Committee, consisting of Honourable Members as suggested by me a minute ago.

HON. J. E. CONEY: I shall be unable to attend any meeting of this committee while this Honourable Council is sitting. I have no information on the matter, and I should like to obtain the opinion of other members of the committee.

HIS EXCELLENCY: Do you desire that your name should be omitted from the committee?

HON. J. E. CONEY: Yes.

HON. ATTORNEY GENERAL: The Select Committee now consists of:

Attorney General (Chairman).
General Manager, Uganda Railway.
Director of Agriculture.
Honourable Member for Ukamba.
Honourable Member for Mombasa.
Honourable Mr. Pandya.

HON. W. C. MITCHELL: I beg leave to give notice of the following motion:—

“That this Honourable Council requests Government to proceed immediately with an inquiry into the working of Kilindini Port, and that the Commission appointed for this purpose include in its personnel at least one expert from outside this Colony.”

HON. ATTORNEY GENERAL: I beg to move that the Council resolve itself into a Committee of the whole Council to consider the provisions of a Bill intitled “An Ordinance to Amend the Liquor Ordinance, 1909.”

Motion put and carried.

In Committee.

CLAUSE 4.

HON. ATTORNEY GENERAL: When progress was reported on this Bill there was discussion as to the best form of the definition of the term “native”, and it was referred to a committee to try and devise a satisfactory definition. Well, this task has proved extraordinarily difficult, because it is very difficult to define the class of native to whom liquor shall not be sold; which shall not exclude persons who ought not to get liquor, and at the same time shall not include people who ought to get it. In consultation with my Honourable Friend the Acting Chief Native Commissioner I have proposed a definition which is founded on the definition contained in the Native Registration Ordinance:

“The term “native” means a native of Africa not of European or Asiatic origin and includes a Somali and a Swahili and further includes such other classes of persons as the Governor in Council shall by proclamation in the Gazette declare to be natives for the purposes of this Ordinance. Provided that a native of Algeria, Tunis-

Morocco, Libya or Egypt shall not be deemed to be a native within the meaning of this Ordinance. And provided further that when there is reasonable doubt whether any person falls within this definition, the burden of proof shall be upon such person."

Clause 4, as amended above, stands as part of the Bill.

HON. ATTORNEY GENERAL: I beg to move that the Bill as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intituled "An Ordinance to Amend the Liquor Ordinance, 1909," has been through Committee, and reported to Council with certain amendment.

HON. ATTORNEY GENERAL: I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Prisons Ordinance, 1914."

HON. ACTING COLONIAL SECRETARY: I beg to second.

The question was put and carried by twenty-seven votes to five.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Reformatory Schools Ordinance, 1910."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Customs Tariff Ordinance, 1923."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Customs Ordinance, 1910."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Vagrancy Ordinance, 1920."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Electric Power Ordinance, 1919."

HON. DIRECTOR OF PUBLIC WORKS: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance further to Amend the Widows' and Orphans' Pensions Ordinance."

HON. TREASURER: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Mining Ordinance, 1925."

HON. COMMISSIONER OF LANDS: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to regulate the Sale of Methylated Spirits."

HON. SOLICITOR GENERAL: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Amend the Criminal Procedure Ordinance, 1913."

HON. SOLICITOR GENERAL: I beg to second.

Motion put and carried.

HON. ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intituled "An Ordinance to provide for the Establishment of Detention Camps."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

HON. TREASURER: I beg to move the third reading and passing of a Bill intituled "An Ordinance to Supply a further Sum of Money for the Service of the year ending the 31st of December, 1924."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

(Council adjourned to 10 a.m. on Tuesday, August 18th, 1925.)

18th August, 1925

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TUESDAY, 18th AUGUST, 1925.

The Council assembled at 10 a.m., in the Memorial Hall, Nairobi, on Tuesday, the 18th day of August, 1925, His EXCELLENCY THE ACTING GOVERNOR (MR. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

His Excellency opened the Council with prayer.

ABSENT:

The General Manager, Uganda Railway.

Mr. J. O. W. Hope, C.M.G.

Minutes confirmed.

MOTIONS.

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

"That this Honourable Council approve the Second Supplementary Estimates, 1925, as printed and laid on the table, and as further amended in full Committee of this Council."

Your Excellency made reference in your opening remarks to this Honourable Council to the effect that I had prepared, and would place before the Honourable Council at a later date, the Statement of the Colony's Financial Position. I have that statement now in my hands and copies have been circulated to Members this morning. I think it is only fair to the Council perhaps that I should read the statement, so that they can know fully what the financial position is before the details are discussed of the Supplementary Estimates.

If Your Excellency concurs in that view I will read the statement.

I should like to explain, before commencing, that the notes on the 1926 Estimates in this Statement were written when it was thought that it might be possible to read it at the same Session as the 1926 Estimates, and I propose to omit this morning that part which deals with the 1926 Estimates. Honourable Members, who have the report in their hands, will be able to read the Statement for themselves when considering these Estimates.

(Statement read.)

I now beg to move that this Honourable Council approve the Second Supplementary Estimates, 1925, as printed and laid on the table, and that the House resolve itself into a Committee of the whole House to consider the Supplementary Estimates for 1925.

Motion put and carried.

In Committee :

HEAD XI—OFFICIAL GAZETTE AND PRINTING.

HON. CONWAY HARVEY: Your Excellency, my very indirect association with the printing trade prompts me to endeavour to elicit information regarding the £150, which figures as Item No. 2 in the Explanatory Statement, which is an amount the country is called upon to pay in excess of the quantity of paper ordered. I should like to know particularly what the exact limits are on impositions of this nature—the details of the trade custom.

HON. ACTING COLONIAL SECRETARY: I am afraid the Honourable Member who spoke will have more technical knowledge on the subject, owing to his connection with the printing trade, than I have, but it would appear that trade custom lays down a certain quantity that has to be accepted. The Government has acquired more paper than it wants on this occasion, but this means that the next order can be for a smaller quantity, so no undue expenditure will be incurred by the Colony on account of this sum of £150.

I shall be glad to give any further information in detail if the Honourable Member wishes to have it, and I will frame a more detailed answer.

HON. CONWAY HARVEY: That explanation is somewhat obscure. Suppose the country ordered a £1,000 worth of paper, and the people sent £3,000 or £4,000 worth—my point is that there should be some limit. One can understand an excess of three, four or five per cent, being insisted on in certain circumstances, but not an excess that incurs a liability of £150. In the case of a private individual, if an indefinite excess is sent then it might easily happen that the buyer will have to go into liquidation.

ACTING COLONIAL SECRETARY: In the event of such an excess the buyer will presumably refuse to pay and the Court will be called upon to adjudicate. However, I will find out further details if the Honourable Member wishes.

HEAD VIIa—ADMINISTRATION, EXTRAORDINARY.

HON. CONWAY HARVEY: May I ask what proportion of the expenditure of £970 is being borne by the Native Trust Fund? I think there is a precedent for that system in the case of a bridge over the Sondu River. It seems to me that a bridge in this particular area—must have been constructed exclusively in the interests of the natives, and for that reason I should like to ask whether it would not be quite proper to ask the Native Trust Fund to bear at least a proportion of this fairly substantial amount.

HON. TREASURER: No part of the expenditure has been so charged, and I, as Chairman of the Native Trust Fund Trustees, have been told that they would certainly object to any such charge being made. The bridge is really necessary, quite apart from the fact that Administrative Officers have sometimes to use it when they are held up by the river in flood, for military purposes. A new road has been constructed from Kacheliba to Lodwar in order to facilitate the economical movement of rations. The explanation given in the Explanatory Statement is not quite accurate.

HON. CONWAY HARVEY: I would like to suggest that it is a little unfortunate that that very reasonable explanation was not incorporated in the statement—it might possibly have saved some of us a sleepless night. (Laughter.)

HEAD XV.—POLICE.

HON. J. E. CONEY: In the explanation on page 6 it says that 212 police have been enlisted for special duty on the Northern Frontier District. Could Government not make some fuller statement about this? I find myself in rather a difficult position. In this vote is also included the transporting of officers and men to Kisumu in connection with the Mohamed Zubeir Punitive Expedition—but I will deal with that later. What I want is information regarding the special force which has gone to the Northern Frontier.

HON. ACTING COLONIAL SECRETARY: Owing to the transfer of the Administration of the Northern Frontier District from the Military to the Civil Administration, it was of course found necessary to recruit a certain number of additional police, and these are the police who are mentioned here. They will form an integral part of the Colony's Police Force. Since these Estimates were printed the matter has come under further revision, and I would say that the number of 212 is now higher than the number which it is proposed to enlist for this area and for Turkana. The figure of 212 is arrived

at by deducting from the original estimate of 300 police for these two areas—88 police having been liberated from Jubaland at the time of the Cession. Since then Your Excellency has taken the matter into further consideration, and has come to the conclusion that the total number of police in these two areas can be safely reduced by 50 and the actual number of police we require therefore will be 162, of whom a considerable number have been enlisted, but not all. The Turkana will not be taken over for some few months yet, and the full recruitment of police for that area has not yet been undertaken.

With regard to the cost, I think perhaps the only item that requires comment at the moment is the item of £1,387 for rations to the Northern Frontier Police. As Honourable Members will naturally realise, locally grown food is unobtainable in the Northern Frontier District, and it is necessary to carry food for our military and police forces in that area. The value of the rations has been worked out for the K.A.R. in that area and based on medical calculations, and it was considered right and proper that the Police should be given the same rations as are given to the K.A.R. At the same time those rations will not be given free, and there will be a deduction from the pay of each man of Sh. 8 per month against the food. That deduction of course will not by any means cover the total cost of their vote, but it was thought only fair to make such a deduction as might cover the cost of the food supplied in some of the cheaper stations of the Colony.

The reason why the Police have been sent there is that the policing of this area in future will be done by them instead of by the K.A.R., who are being concentrated at the Stations of Marsabit, Moyale, Wajer and Meru, and will act in their proper capacity as garrisons.

Honourable Members will remember that in 1921, I think, the administration of the Northern Frontier District and Turkana was given over to the Military, under the proposals made by Sir Edward Northey. Matters have now advanced to a stage when it is considered that it is desirable that the Civil Administration should again take over. This point of view is being impressed upon us, particularly by the Inspector General of the K.A.R., who pointed out that the Military organization is not one which is really suitable for the purposes of Civil Administration, and that military discipline tends to suffer by their men being scattered about in small parties. The matter has received very careful consideration, and Government has decided to revert to the Civil Administration. The cost of this change-over will perhaps be more properly

discussed when the Estimates for 1926 come up. Of course it is understood that a transaction like this must cost rather more for a short while, but I have reason to believe that the change-over will in the end cost less with the reduction in the Forces that will result.

HON. J. E. CONEY: Your Excellency, the Honourable Acting Colonial Secretary has foreshadowed that we shall be able to deal with this when we are discussing the Estimates for next year, but in the meantime this Honourable Council is committing itself to the change, though I may say that I entirely agree with what he said about the very hard work that the K.A.R. has had to do up there, and I think it has been very unfair that a military force like the K.A.R. have been expected to do both duties. Anyhow that was decided, and with very good reasons, but at the moment I am concerned with the cost, and I would like to ask whether he could not produce, for the information of this Honourable Council, Estimates as to the cost under the Civil Administration, so that we can compare them with the actual costs under the military, because I have heard very grave doubts expressed, founded on well-considered opinions, that this change-over will eventually not be a saving to this Colony, but a very substantial addition to the expenditure.

HON. ACTING COLONIAL SECRETARY: I am afraid I am not in a position at the present moment to give any reliable figures as to the total saving that will result. I said the other day in Council, when giving a very rough approximate estimate, that I thought the two matters have to be borne in mind together—the Cession of Jubaland and the saving which would result on the Military Establishment would amount to something like £46,000. But as I said at the time it was a very rough estimate, and it was merely given as a guidance to this Honourable Council. I am not prepared to state anything further now, but I shall be glad to give any information at a later stage on the question of the Honourable Member as to the cost.

HON. J. E. CONEY: Your Excellency, I do hope the Honourable Colonial Secretary will not think I am trying to blame him in this matter. In the meantime we shall have passed the second Supplementary Estimates of 1925 and committed this Council to the change and I do think it is unfortunate that a great change of this kind is introduced into Council without proper Estimates being put up. There is a Standing Order of this Council where even when a small Bill is introduced—the cost to the Colony should be stated and I think that principle ought to be applied to

this very great change in the Administration of this country. I have very great fears this Council and the Colony generally do not realise what this means in expenditure to this Colony and we will soon be fighting again for the reversion to Military control.

HON. ACTING COLONIAL SECRETARY: I can only add the statement will be tabled with the Estimates for 1925 unless it can be approved and circulated earlier, which will set out as clearly as possible the facts required by the Honourable Member.

HON. W. MACLELLAN WILSON: Is it expected in this change whereby the Frontier is to be under Civil Administration there will be a better collection of Hut and Poll Tax in these areas and is it a fact when the Military were collecting Hut and Poll Tax they were instructed to cease from doing so by the Chief Native Commissioner?

HON. ACTING COLONIAL SECRETARY: We expect a larger revenue from taxation from the Northern Frontier District in the future. I have no information at the moment as to any instructions issued by the substantive Chief Native Commissioner to cease collection.

HON. ACTING CHIEF NATIVE COMMISSIONER: I must ask for notice of the question. I cannot recollect what the order was.

HON. CONWAY HARVEY: May we hark back to Item 15, Your Excellency? I did not realise the Immigration Department was under the control of the Police. I do wish to know exactly what the Immigration Department consists of and exactly how it functions and if they are in possession, having regard to the fact that they have engaged a statistical Clerk, to give us actual data as to the influx and efflux of the population into and out of Kenya? We should like to know what this Department consists of and what they are doing.

HON. ACTING COLONIAL SECRETARY: The Immigration Department collects and gives detailed information as to the influx into Kenya. In regard to the efflux they are not in the same position as they are unable to state exactly from which country of the neighbouring Territories immigrants derive from. The Shipping Companies are giving us their very considerable assistance in the matter; even so the details of figures for emigration cannot be regarded as definite as those of immigration.

HON. J. E. CONY: This is the Military Vote. I find myself again in a very difficult position. Somewhere in this vote under the Personal Emoluments is my own salary. I want to say first of all that I hope the Honourable Officer Commanding Troops will not think his most junior officer, if only temporary, is insubordinate in anything that he says. I hope he will believe that I am saying this because I consider it my duty as a Member of this Council. Your Excellency, I want first of all to ask Government whether they can enlighten this House as to the actual cost of this Expedition to Jubaland. The total cost I mean. We have already passed under the Police one considerable item in the contribution which the Police gave to this Expedition and I would like to ask from Government the total cost; I think they must have had time now to get out the total cost of this Expedition. Your Excellency, I have said I feel myself in a very difficult position and I do; and I would ask this Honourable Council to bear with me in that position because of the very small and personal part I took in this. I hope the Honourable Officer Commanding Troops will not think that I am overstepping the mark if I make some remarks about the King's African Rifles which come under this Vote. Your Excellency, whatever can be said of the Expedition and with the necessity of sending it I think anybody from the Government, Military, or the natives concerned, will admit that if anybody came out of that show well, it was the King's African Rifles. They were called upon to go down in a great hurry and they went and they came out of it well. They set out in the very shortest time they possibly could and did all they were told to do and did it as cheaply as possible, and as an onlooker I was amazed that Officers of the King's African Rifles who had great responsibilities and were in a very delicate position, with all that responsibility had time to consider the financial strain which this expedition was going to be and I found the Officer Commanding Troops and other officers hesitated to do something which they should have done because of the cost it was going to be to the Colony. It was amazing to me to find that because one does not expect to find that in military operations. Now, Your Excellency, I have got to say what I do say. In my humble opinion the total expenditure involved by this Colony, be it £10,000 or £20,000, was an absolute waste of money which this Colony cannot afford and should not have been called upon to use and I am very sorry to have to say also that in my very humble opinion it was an unjust expenditure of money and a very grave injustice has been done. I think that the Government of Kenya Colony as a Government were misled. I do not think that the Government in Nairobi realised the position or knew the position—whether they should have known is another

matter, but I do not think they knew and I think they were misled into doing something which in my opinion inflicted a very grave injustice upon a number of natives of East Africa. Your Excellency, there is a lot of talk at home about the uplifting of the natives and the rights of the natives and the trusteeship in this country and it is talked by people who are supposed to be friends of natives, and it is even backed up by the political parties at home in office or out of office who are trying to get support from political bodies so that they may gain their own ends, and during these remarks some very bitter things have been said and are said about the European population in this country. I believe, and I stand by what I say, that in my opinion an unjust act has been done in the name of His Majesty the King, in the name of the British Government and in the name of Kenya Colony. I say that the natives, the Somalis, do think that an injustice was being done to them and in my own opinion they were right, and I now say in my own personal case had I had more backbone than I have I might have become a conscientious objector to doing these things which I have done. I hope that remark will not be taken to mean that I have any sympathy with conscientious objectors, because I am not that kind of man. Your Excellency, I do not think this vote should be introduced to this Council without full explanation. I think long before this an explanation should have been given to this country for this expenditure and for this expedition. In my own personal opinion the total cost of this expedition has been due to the mistake of one administrative officer. I have to ask whether it is a fact, as I believe it is, that the District of Jubaland is under the administration of the Chief Native Commissioner, and I would like to ask the Honourable Acting Chief Native Commissioner whether he—when I speak of him I mean the Chief Native Commissioner who was here at the time—has not got to accept a great deal of responsibility for this matter. I would like to ask what advice the Chief Native Commissioner (Mr. Maxwell) gave to Government in this matter, where his responsibility for this expedition begins and where it ends. I do not believe that if the British public of this country realised for one moment what the cause of this expedition was and in my own opinion, if injustice was inflicted upon a body of Somalis they would not tolerate it without a public enquiry.

HON. ACTING COLONIAL SECRETARY: Your Excellency, whether the exact cost of the Expedition can at present be stated I leave to the Honourable Treasurer. With regard to the general tenour of the Honourable Member's remarks, I should like to say first of all that his statement is, if he will allow me to say so, the very vaguest description, and the

mistakes which were supposed to have been made by this officer are not disclosed; where the money has been wasted is not revealed and altogether it is a little bit difficult to answer the Honourable Member's statement. The actual beginning of the trouble was that a Mohamed Zubeir Somali came along with his camel to a Herti Well and dislodged some earth which fell into this well. He was told by the Herti to clean it out and he refused to do it, whereupon one of them struck him. He went away but, owing to the intervention of the Shikal Somali who were close by, the compensation which is usually accepted for an insult of that kind—a rather serious insult among the Somali—was taken along that evening to the Mohamed Zubeir camp. They did not arrive that night. The "saben" or compensation amounted to Sh. 4 roughly. The next morning the messenger went off again with this money to pacify the Mohamed Zubeir but found the Mohamed Zubeir, who had been on very bad terms with the Herti for a very long time, had gone and were occupying a considerable number of wells belonging to the Herti, and this of course was an act of very considerable aggression. The Mohamed Zubeir were in very considerable majority and were armed, and the usual proceedings took place of shouting and waving of spears, offering challenges, etc. The first casualty that took place was a Mohamed Zubeir who was killed by a Herti arrow. Even then there was a chance of pacification. Compensation has been offered and the matter could have been arranged. Such instances are fairly common. Instead of which the Mohamed Zubeir tribe warriors arose in their wrath and descended on the Herti and killed 58 to 60. There was a very wholesale slaughter and it was that slaughter from which they refused to pay blood money or to meet the Government that the Expedition took place. They flatly declined to meet Government over the matter. The first thing that stands out and it is very much to the credit of the King's African Rifles, and I endorse the Honourable Member's remarks, that the expedition was that there had been practically no effusion of blood at all. A large number of cattle were taken from the Mohamed Zubeir, and all except some 2,000 were handed over to the Herti in compensation for their losses in men and cattle which were taken by the Mohamed Zubeir during the attack on them. The amount of cattle taken from the Mohamed Zubeir was intended to be no more, or practically just a thousand or two more, than the compensation which was due to the Herti, and where the injustice lies as between Somali and Somali I really am unable to see. The ordinary common blood-money and compensation was taken from the people from whom it was due and handed over to the people to whom it was due. Government has recovered an extremely

small sum in the way of a fine; it is less than £1,000. Government's action was actuated solely and entirely in the preservation of the peace. This is not the first time such a thing has happened in Somaliland, though the slaughter was on a far larger scale than we have known before. Every consideration was given to the matter before the troops were despatched, and further investigations have been made since the Cession by Mr. Hope, who is a Member of this House. He was instructed by Government to enquire further into the disturbance and it is from his report I am mainly speaking now. I do not think it can be contended that the Government had any other course than to send these troops at once. The Honourable Member for Plateau North has not attempted to depict to this House what would have happened if these troops did not go there. Even if Jubaland were remaining in our hands it would have been absolutely necessary to restore order if we had any hope of controlling Jubaland in the future. You cannot allow instances like that to pass. We were none the less bound in honour to do so because we were handing over the country to a friendly power. I hope these statements will help to explain to the House what happened and why it was necessary to take this action. One question which was asked by the Honourable Member was whether the Chief Native Commissioner was aware of the matter. The Chief Native Commissioner was aware of what was going on. When the first information arrived Your Excellency and Mr. Maxwell were on tour together. I reported the matter by telegraph, taking no steps in the matter, but on receipt of instructions took the action which was taken. If there is any other answer which I can give Council in this matter I shall be glad to do so. I do trust Honourable Members will agree that it is absolutely necessary in cases such as this, where a tribe breaks right out, to send a good strong force to the spot and restore order. Order was restored practically without bloodshed, and it is a great credit to the Government and to the King's African Rifles.

HON. W. MACLELLAN WILSON: Your Excellency, I am not criticising the action of the Government in sending troops to that area when trouble arose. I do believe a stitch in time saves nine. What I would like to hear from the Honourable Acting Colonial Secretary is what steps were taken by the officer administering that area. Where was he and when it first came to his knowledge did he receive the information before the fracas took place when the 60 or more were killed, and if it came to him then, what steps did he take and did he endeavour to settle the matter by the prestige of his own personality and power?

HON. ACTING COLONIAL SECRETARY: My recollection of the matter is—I speak from memory—that the Senior Commissioner was in Kismayu when this fracas took place. He sent out some of the Jubaland Constabulary to get the chiefs in. He went out beyond Yonte with a section of the King's African Rifles as an escort and sat on the Juba River for some days near the Deshek Wama in order to try and restore amicable conditions between these tribes. He went as far as the Deshek Wama but was received with such a show of hostility that he considered it was advisable not to remain there. He made continual efforts to try and get into touch with the Mohamed Zubeir chiefs. The Mohamed Zubeir chiefs played the natural game. They were tied to the Deshek Wama entirely by the lack of water and the rains were then more or less imminent. Their game was to try and protract negotiations until they could move their cattle away from the Deshek Wama to water holes in the hinterland, knowing, as they had very good reason to know, that once they could do that our troops were quite powerless to chase them over Jubaland. That is why an expedition was particularly necessary. We had to get there before the rains broke or the punishment of the Mohamed Zubeir must have been delayed for a considerable time. Quite apart from the way the King's African Rifles behaved in Jubaland the whole movement acutally results in a very fine tribute to their powers of organisation and rapid mobilisation.

HON. J. E. CONEY: Your Excellency, the Honourable Acting Colonial Secretary has said my statement was vague. It was purposely vague. He says also that I have given no instance of waste. I say that there was no waste once the expedition was decided upon . . .

HON. ACTING COLONIAL SECRETARY: The Honourable Member said the whole expedition was a waste of money.

HON. J. E. CONEY: The whole expedition was a waste of the Colony's money. Difficult as my position was a little while ago it is more so now because I take the Honourable Acting Colonial Secretary's statement that I was vague as a challenge to me that I must make my statement more definite. I would like to ask the Honourable Acting Colonial Secretary whether he would accept verbal statements of Somalis, because I can almost certainly say that according to the view of the people who were being attacked the expedition was not necessary. The Honourable Gentleman says that the chiefs flatly declined to meet the Government. The chiefs, I cannot speak for them as I have not seen them, but the Somalis, or some of them who were in touch with the chiefs, flatly deny that,

and I will say further that I believe them and I believe them for this reason. I judge the Senior Commissioner of Jubaland's attitude to natives by his attitude to the King's African Rifles, and I say that if he treats natives as he treated the King's African Rifles they were quite right in not coming near him, and I dare not repeat some of the statements made to me by Somalis here, but I am perfectly prepared to go into Committee with the Government and repeat these statements and to see whether they can be proved. I say further that there is, or was, in existence—I have seen it and read it with my own eyes—a file which the Government can obtain, in the possession of an administrative officer, which clearly proves I think that this expedition might have been avoided, or if that is not so the reliance which was placed upon the view of the Senior Commissioner was not justified. Whether that file is in existence now I do not know and I hope I am not going to get a junior Administrative officer into trouble in stating this. I have been forced to state it by the challenge from the Honourable Acting Colonial Secretary. If he thinks that is not clear enough I am perfectly prepared to give him or His Excellency the name of this Administrative officer provided I get an undertaking he will not be penalised in any way. This file was in existence and I have read it myself. The Honourable Gentleman doubts my statements and says they are too vague, but he can obtain evidence; he is in a much better position than I am and in view of the statements I have made here and for which I again say I accept full responsibility, for I realise they are grave, I do say that the Government should make an enquiry and that this Council should be put into possession of the facts before it votes on it.

HON. TREASURER: Your Excellency, anticipating questions on the cost of this Expedition I tried to ascertain as far as possible from the departments concerned, exactly what the expenditure was and I have not been able to get a complete statement because I have not yet received the statement of cost of the battalion loaned to us from Uganda, but the details of expenditure as far as can be ascertained are: King's African Rifles, £7,147; and the Police, £1,205; making a total of £8,352. The statement of Police expenditure is not quite complete. The Commissioner of Police states they are making a few further debits. There is certain additional expenditure which I cannot estimate, such as the cost of telegrams from the Military on account of this expedition, and from the cost will have to be deducted, when it is known, the proceeds from the sale of stock and the proceeds of the fine. The figures at present are £849. This represents the sale of cattle. There are a good many other things to be sold, such as motor cars, lorries, etc. These will be credited.

HON. LORD DELAMERE: Your Excellency, I am sorry, I was not here when this matter arose because I am particularly interested in that part of the world, because I lived a good many years in Somaliland. I must say from what I have heard of what occurred I do agree to a very large extent with the Honourable Member for Plateau North in so far as this. I do not go quite so far as Sir Charles Eliot, who says every Administrative officer and Military officer should be given three medals when he came into the service; and that one should be taken away each time he had anything to do with a native expedition. I do feel when the country is let in for very large expenditure out in the blue in the middle of peace time and when a people are worried and harried and die of starvation and their stock die, I think there should be a Government enquiry and that Government should, when asked on this sort of occasion, either say they are perfectly satisfied with the conduct of the officer in charge of that district or not. I imagine everybody knows that in native government—although I cannot look on these people quite in the same way as the pagan people of negro Africa—everybody knows that in native Government once you start a thing like this you have got to carry it through and everybody has got to do their best so that it is brought to a conclusion in the best way. But that does not in the least in my mind let Government out of the responsibility of finding out how such a thing arose and how it arose without anybody knowing about it beforehand. The first that anybody heard of the matter was that somebody had sent a black bull, which means according to the people involved, a sort of declaration of war—a sort of a trailing coat so that Government could tread on it. I must say in these circumstances it seems to me Government should be ready on an occasion like this when they bring up a large sum in the Supplementary Estimates to answer questions of Members on this side of the House as to whether they are satisfied every method was taken to evade this sort of thing happening, because I think everybody must remember one thing. All of us who have lived in Africa any length of time know that except under conditions of fanaticism or witchcraft no natives will ever take on the British Government if they can avoid it. They don't want it. All of us who have lived with natives a great deal in the old days must know that. They know they have not got a hope from the beginning. They know it is only by a conglomeration of circumstances and misunderstandings that these things occur. There is no doubt as far as I can see at the present time in Europe and elsewhere we talk a great deal more nowadays about native trusteeship than we did before and yet we are having punitive expeditions and so forth. Other nations are having the same trouble as well. There must be something wrong in the way they

are governed and I should have said in this particular case if there was a person completely unsuited to be put in charge of that particular province it was the gentleman who was there when the outbreak took place. I should not have made such an opinion as that if Government—I am not prejudging this case—had any statement ready this morning in answer to questions as to how this thing occurred, nor would my colleague have made the remarks he did. It is very largely owing to the fact that Government is unprepared. I understood some considerable time ago in the circles that I have the privilege of moving in—Executive Council—that an enquiry was being held into this particular thing. I can hardly believe it is not ready yet. I hope it is not one of those enquiries in which one particular department is carrying it out, and I would like to hear a statement from the Government of facts. In a case of this sort it is up to us to enquire from Government for the facts and I do not think it ought to be made too pleasant for people when these sort of things happen, no matter who is responsible. It is wrong that such a thing should happen with people who have been under the administration of this Government for 50 years or more.

His EXCELLENCY: I think there are two questions before Government. The first question was what was the attitude of the Mohamed Zubeir at the time it was reported to Government and what steps it was necessary for Government to take in the interests of order and discipline and the Northern Frontier District. The second, the cause of the outbreak. Government was faced with the first question in the first instance, and the position before Government was this. Government was informed by its Administrative Officer in Jubaland that this tribe, the Mohamed Zubeir, was resisting the orders which Administrative officers had given, patrols had been fired upon, a black bull had been sent in and there were grounds for believing there might be a serious outbreak. The position was a very serious one, not only because of the concern would likely to occur on the Frontier which might be looked on as an outbreak of this kind, but also by the fact we were handing the Province to an ally and we were unable as administrators to see that that Province was handed over in order. The other point is we were also on the eve of the fact that if any very necessary immediate action should be taken. The third point is we had been told by all our officers that the time when the question of Jubaland was to take place that it may be anticipated trouble would occur. If action was to be taken, action I consider absolutely necessary if this matter of was no good taking any half-hearted action. There had to be secured with the least loss of life possible and so on. This was effected. We sent a large

force which had the result of putting an end to this trouble with very slight loss of life indeed and in a very short space of time as the Honourable Member for Plateau North has said. The effect of the expedition was excellency and useful and was in the interests of the country. The expense therefore that had to be incurred by Government was, I consider, entirely justified. This action was not taken, as perhaps some Honourable Members might suppose from the remarks made, without due consultation and consideration by Government. Officers who had served in the Northern Frontier District in Jubaland were consulted; the Officer Commanding Troops happened to be away at the time and was brought down by car in the middle of the night and his advice obtained; the Inspector General of the Forces who happened to be in Dar-es-Salaam was further consulted as to the number of troops required, and all authorities who were consulted were all of one opinion—that it was essential there should be a large force and that it should go immediately and steps be taken so as to prevent further disturbance or spread of trouble. I heard only recently from the Officer Commanding the 5th King's African Rifles that the effect of this Expedition had been good on the Frontier and the trouble which had been anticipated there might possibly have been, had been averted and the tribe knew Government had taken immediate and drastic action in respect of the Mohamed Zubeir who had deliberately flaunted the authority of the Administrative officers. That is the justification of the expedition. As regards the question of the Mohamed Zubeir and the Herti I quite see the point of view expressed by the Right Honourable Member and the Member for Plateau North. In all cases of this kind which concerned British justice we should be satisfied the tribes have been properly and fairly and justly treated. The Mohamed Zubeir as a tribe had not accepted the orders of the Government and had not come in when they were ordered to do so and had not met the question in the ordinary way by paying a fine which was due for blood money. The question of the Mohamed Zubeir is entirely separate. In the ordinary course Government would have held an enquiry on application by that tribe in regard to the cause of the trouble. It was a difficult enquiry at the time but we had the advantage of having an officer there whom the Honourable Member for Plateau North will agree was well acquainted with the Somali and who was highly respected by the Somali. I refer to Mr. Hope, who is also a Member of this Honourable Council. He has held an enquiry which has been received by Government and the Honourable Acting Colonial Secretary has explained to the House the causes of this trouble as they appeared to Mr.

Hope. Government has taken action in this matter and is endeavouring to come to a conclusion as to who is the original instigator of this unfortunate affair.

MR. HON. LORD DELAMERE: With regard to the first and latest part of Your Excellency's statement which is put forward on behalf of Government . . .

HIS EXCELLENCY: On behalf of this House.

MR. HON. LORD DELAMERE: Everybody must agree with every word Your Excellency has said and as far as I know everyone has said that once the mess was got into we should get out of it as quickly as possible by sending the troops. Everybody is agreed to that. What Honourable Members were asking for was that when these things occur that proper enquiries should be held and find out how this sort of thing arose. With regard to the second part of the explanation, Mr. Hope is holding an enquiry. I do not understand what he is doing all this time, and how many months is it, anyhow, since he started the enquiry? I suppose it will go on and on until there is a demand from outside for an enquiry—like the matter we were discussing yesterday.

HIS EXCELLENCY: Mr. Hope is now in Jubaland in another capacity. He is one of the Boundary Commission. He has held the enquiry and has sent in that Report and the Honourable Acting Colonial Secretary made his explanation to the House on that Report, and gave the reasons for the disturbance between the Mohamed Zubeir and the Herti.

MR. HON. LORD DELAMERE: Your Excellency, I was not here when the matter was started but I shall read it in the newspapers—I hope I shall—and if anything further has to be done I can do it by Motion.

HON. E. M. V. KENEALY: Your Excellency, there is a small domestic matter here of £200 in these Supplementary Estimates, but it involves a principle and the interpretation of that principle. The principle involved is the principle of state trading in competition with the general public. Apparently the military authority at Isala carries on farming operations in competition with farmers in the locality. The facts briefly are the King's African Rifles requires about 5,000 bags of maize. The farmers in that neighbourhood produce four-fifths of that and have given a guarantee of two-fifths and the military authority has given a guarantee of the rest if the King's African Rifles will refrain from growing in competition with farmers in that locality. The local farmer grows his maize by irrigation but the K.A.R. do not, and their present action is thrust

upon the business production. In that locality there is no particular market for the sale of maize. The farmer will not be able to supply any maize required and a big injury will be done to the country and the country at large will suffer, and although this appears to be economic business it is not in fact an economic business proposition. It affects the individual at the expense of the community at large. I see further the K.A.R. are being rearmed and I presume that is required because their weapons have been converted into ploughshares. The principle seems wrong. I take it also that the people who are doing this agricultural activity are people engaged either as soldiers or transport men. If as soldiers the military authorities will agree it is averse to discipline to employ them as farm labourers and it is a breach of contract and should not be allowed. The principle involved is that of state trading, they are trading in competition with the public and it is an infringement of one of the principles of our constitution.

HON. TREASURER: I do not understand the Honourable Member. The K.A.R. will not sell the maize they produce. They were merely producing maize for their own purpose. I wonder if the Honourable Member thinks it wrong in principle for any individual to grow sufficient food in his own compound to feed himself. Does it constitute trading by the State?

HON. E. M. V. KENEALY: If the individual is penalised by the action of the State and his livelihood is taken from him, as it will be in this instance, it is an infringement of the principle.

HON. T. J. O'SHEA: In support of what the Honourable Member for West Kenya has said it does seem unfair for the King's African Rifles to engage in agricultural produce in a district where they can purchase what they want from the farmers. I think a strong case should be made out for us to justify that expenditure. I am quite prepared to the K.A.R. growing their foodstuffs but if circumstances do not justify such action they should not do it.

MR. HON. LORD DELAMERE: Perhaps the Honourable Treasurer can tell us what is the actual produce of this shamba?

HON. TREASURER: Your Excellency, I am afraid I have no details in connection with this matter; perhaps the Honourable Officer Commanding Troops will be able to give the House some information.

HON. OFFICER COMMANDING TROOPS: The shamba consists of about 100 acres and we save the Government some six or seven hundred pounds. We do not sell it and eat it ourselves. We also grow a few tomatoes for the officers. The men employed on the shamba are men who have come down with oxen transport. The oxen are tired and need rest and the men are employed usefully on the shamba during these periods of rest. We have tried to get two crops out of our shamba and have succeeded and that is the reason we wish to keep it on. During the next year we will probably have more work for the transport on the Northern Frontier District because we are taking over from the Civil and we will not be able to employ these men on the shamba.

HON. T. J. O'SHEA: The shamba is estimated at 100 acres. It is supposed to effect a saving of six or seven hundred pounds. As it is in a district where irrigation is practised, presumably it is dry and the yield is not considerable. Ten bags of maize is the usual yield per acre and if 1,000 bags of maize effect a saving of six or seven hundred pounds what would have been the cost of purchasing the maize locally instead? Presumably the shamba had cost something in the way of outlay and yet we are now asked to provide £200 for employing the men for nothing on the shamba.

HON. CONWAY HARVEY: Your Excellency, this subject was debated about two years ago and I and a number of my colleagues at the time almost unanimously on the facts which were produced, strongly supported the establishment of this farm. It was made clear to us that the cost of transport from the nearest European farm would be greatly in excess of what it cost the Government to produce the crop at their shamba at Isiolo. I have heard no fact produced this morning to justify any change so far as I am concerned.

HON. E. M. V. KENEALY: The principle involved is a principle all elected Members must support and the Government Members will support. The State should not penalise the individual to effect an apparent saving by mining a section of the community. It is a small one but the principle remains.

HON. ACTING COLONIAL SECRETARY: Your Excellency, I hope that Council will not be entirely swayed by the way in which this case has now been put. Nobody is going to be ruined by the K.A.R. growing a certain amount of maize and I prefer to stick to the principle than the detail. I think Government has a justifiable case that it uses the spare labour of Government employees to grow some food for those employees. The same thing is done in the country's jails,

the prisoners grow their own food there to a very large extent and the objection the Honourable Member has raised to the K.A.R. growing their own food at Isiolo applies also to the jail. It is all done on behalf of the taxpayer in this country.

HEAD XXI—AGRICULTURAL DEPARTMENT.

RT. HON. LORD DELAMERE: Your Excellency, I would just like to ask the Honourable Director of Agriculture a question about the Scott Agricultural Laboratories in connection with something that has just come to my notice. I happen to have got twelve samples of soil which I wanted analysed at the Laboratory, and I was told that it would cost me £7/10/0 a piece to have it done. Now, we hear a lot about the question of scientific research, and the East African Commission recommends a great deal more expenditure on it. I would ask the Honourable Member what is the value of an analysis of soils which costs me £7/10/0, because I am quite certain nobody is going to do it. It is not because I want it cheaper myself—I have thrown the soil away (laughter), and I really did not care very much about it at the time, but it does seem to me an extraordinary position. I did, I think, discover later that the reason it was put so high was because the proper things for doing the work were not there, and it was rather desired that people should not take samples to the Laboratory. (Laughter.)

HON. DIRECTOR OF AGRICULTURE: In reply to the Right Honourable Member I may say that these fees which were laid down for soil analyses and other analyses were those which were decided before the Agricultural Department had its own Agricultural Chemical Branch, and they were decided upon after consideration by Government. I hope, however, that as soon as the Agricultural Chemical Laboratory is equipped so as to render services of this kind, which I submit are of benefit to the country as well as to the individual, that Government may be able to review the fees charged at present.

RT. HON. LORD DELAMERE: To pursue this matter further, may I ask what the Chemical Laboratory does? I understand it has about 500 analyses of dips to do in a year. What else does it do?

HON. DIRECTOR OF AGRICULTURE: There is provision on the staff of the Agricultural Chemical Laboratory for two units—one Agricultural Chemist and one Chemical Officer. There has, however, never been more than one unit since the Branch was established in the Agricultural Department, that is to say, since the new appointment of Agricultural Chemist

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to make the results out of the trial. Whilst proceeding on these lines, will you not make it clear, when the time comes, that you are not making any statement about the results of the trial until you have had the opportunity of consulting the various interested parties, including the various plant breeders, and the various other interested parties, before you make any statement about the results of the trial? Will you not do this, as you have already advised Members of Council to do in other cases?

MR. HON. LORD DELAMERE: Is that a third point?

MR. HON. LORD DELAMERE: No, there are only two here.

MR. HON. LORD DELAMERE: That, with the Hon. Member's permission, I will indicate what the other one is.

MR. HON. LORD DELAMERE: For a period of about two or three years, there will be two units of the staff.

MR. HON. LORD DELAMERE: That they will be able to do the work.

MR. HON. LORD DELAMERE: No, they will be unable to do the work.

MR. HON. LORD DELAMERE: I should question under the same head. For some considerable period of time we have been spending a good deal of money on the experiments on wheat. My own experience at one point has been quite extensive, and they certainly would, if carried to completion, be of extraordinary benefit to this country, and I am not quite sure that the country is ahead of other parts of the world in this respect. Now, the fact remains that here we have a man in the position where we have been spending a good deal of money, and who naturally goes on leave. I have observed this year that this man went on leave for a long time because I think he was ill, and I am not sure whether his absence was due to illness or to other reasons. These wheats have now been sown, and they are ready. They all naturally ripen at different times, because they were separate stocks, but they will all be ready, and now two years' work is to be done, and I am concerned, has been said, I should like to know whether this is a fact. I would also like to ask the Hon. Member of Agriculture whether

the man who is carrying out these experiments has again gone away, because he is ill, and if so, who is going to carry out those experiments. Surely there is only one way of doing these things, and that is the proper way. If a man goes away there must be somebody who can properly take his place.

MR. HON. LORD DELAMERE: I must admit that the Department is not properly organised to carry on these services, in an efficient manner where things of the kind mentioned by the Right Honourable Member are concerned. But I do submit it is not the fault of the Department. These difficulties do arise in other cases as well as in this, where we are dependent upon the one unit, as in this case. The Department as a Department has made every effort to continue the work, and will continue to do its best under the circumstances, but in the absence, for example, of an Assistant Plant Breeder—trained and qualified to carry out the work in a proper manner—we cannot avoid things of this kind happening. The Right Honourable Gentleman was quite correct when he said that when the Plant Breeder went on leave last time his assistant made rather a mess of some of the records and some of the wheats grown. I may say that the interests of the country suffered and the Department lost a good deal too. I much regret to say that just when the Plant Breeder has brought to a satisfactory conclusion the work of two or three years, with credit to himself and the country, he has absolutely broken down in health and has had to go on medical leave. I have made the best arrangements I can under the circumstances with the officer in the department most skilled to carry on this sort of work, and the general supervision will be under the Deputy Director of Agriculture. I have instructed him that he must do his best in addition to his other work to supervise the work of the Plant Breeder in his absence. The work will also be attended to by the Plant Breeder's lay-assistant, who is rather a trustworthy young man. We hope, however, that the Plant Breeder will return before the next sowing season, and that we shall not lose very much.

MR. HON. LORD DELAMERE: I hope this Honourable Council will not think this is a small matter. It is an enormously important matter. It is not only a matter of wheat, it is also a matter of maize, and one bag of one acre means a very large profit to this country as a whole. I think an effort should now be made to put this thing on a proper basis, so that there is always somebody who is responsible in charge and who can carry on the work. I would suggest to the Honourable Member that he might sell some of this wheat for a good deal of money, once it was forthcoming. I

member that my Honourable Friend the Member for West Nyasa would not object to that course. (Laughter.) There is nobody else needing wheat in the country, so nobody else would be able to object.

I would like like—will refer to the grading and conditioning of export produce—to know when the drying plant is going to start.

HON. MEMBER FOR WEST NYASA: The Maize Conditioning Plant is now being erected with all speed. It is impossible to make any arrangements in my opinion, to expedite its completion more rapidly than is now being done. The Government has been very fortunate indeed in obtaining the assistance of the Railway Engineer at Kilindini to supervise the work. A similar arrangement was sent out by the firm who had the contract, and in addition there is the mechanic who will be engaged on the night-making plant. So it will be seen that everything that could possibly be done is being done as regards the work. According to the last information I had the machine should be complete about the end of September or the beginning of October. (Hear, Hear.)

HON. ACTING COLONIAL SECRETARY: Out of the total 225,000—does that figure include what action, if any, has been taken by Government arising out of the report prepared by the Committee appointed to enquire into the motor allowances of Government servants.

HON. ACTING COLONIAL SECRETARY: The recommendations of that Committee were accepted by Government and their recommendations are now in force.

HON. T. J. O'SHEA: I am glad to hear that, but I would especially desire that it would be only courtesy to the Non-Official Members of such Committees if they were informed of any action taken in connection with any reports of Committees or what they have assisted, or have assisted in preparing. I think the whole House should be informed of any action taken in connection with their assistance in appointing any committees.

HON. T. J. O'SHEA: I think, if I may say so, that the necessity of being informed never is seen as we have got that almost all reports are printed when no doubt all reports will be printed and read.

HON. T. J. O'SHEA: I may mention that I have not even seen tabulated and a copy of the report. I have only seen it in draft.

HON. ACTING COLONIAL SECRETARY: I should like to take this opportunity of expressing gratitude to the Honourable Members of this Committee and to other Members who assisted generally. If it will be of any interest to Honourable Members I will lay a copy on the table, or distribute copies of this Report to Honourable Members of Council.

HON. E. M. V. KENEALY: Dealing with the production of vaccine, I should like to know if there is any possibility of reduced fees being charged for the supply of vaccine. There is a pretty general opinion in the country that the charges are very high at the moment.

HON. DIRECTOR OF AGRICULTURE: I cannot say at the moment if Government will be prepared to reduce these fees for inoculations against rinderpest. They are, however, giving very close attention to this question of the production of sera and vaccines, and of the cost of production. I would say, in this connection, that the activities of the Kabete Veterinary Laboratory for the last year and this year were based upon an output of 10,000 doses of anti-rinderpest sera per month. With the extra provision made by this Honourable House for expenditure upon the production of sera and vaccines during this year, that has been increased to no less than approximately 20,000 doses per month, and with the provision of the additional accommodation and equipment at the Laboratory, which was sanctioned in the 1925 Estimates, it is hoped to increase the output of the Laboratory to 30,000 doses a month. I have not the details before me, but I went very carefully into the matter of the cost of production of anti-rinderpest serum some two or three years ago. The information was then disclosed that the actual cost of production, apart from overhead charges, was in the neighbourhood of Sh. 2 a dose, but the total cost was approximately Sh. 2 a dose. Now, it will be readily understood that if the output is increased from 10,000 to 30,000 doses per month that the charges *pro rata* in respect of these overhead charges will become very much less. Another point in connection with the matter is this; on account of the increased demand for inoculation services, particularly in native reserves, we are unable at the present time to produce all the requirements of the Colony, and we have of necessity during the last few weeks had to buy some anti-rinderpest serum from Tanganyika. At the same time other countries, including foreign countries, who have been in the habit of getting their anti-rinderpest serum from the Kabete Laboratory for years past will continue to get their supplies, but in comparatively small quantities. However, the whole question of this production of anti-rinderpest serum is one which is receiving the attention

of Government, and which does require close investigation from time to time, having regard to the change in circumstances and conditions. Your Excellency has given instructions that the Veterinary Adviser should advise generally on this question of the cost of production of serum, and on production itself. Another aspect of the matter is this: the Chief Veterinary Research Officer is shortly to commence research work upon the use of a vaccine for immunising cattle against rinderpest instead of the present method. The vaccine method is understood to have been adopted in the Philippines. If success is achieved then the whole question will again have to be brought into review. It will be a new method of immunization in Africa.

HON. T. J. O'SHEA: May I ask whether it is because of the shortage of serum that Government has been unable to do anything for the natives of Elgeyo and Marakwet, where there have been outbreaks of rinderpest, and where the natives have been losing cattle during the last few months. I have been informed that their losses have been very great indeed, and according to my information nothing has been done for them.

HON. ACTING CHIEF VETERINARY OFFICER: The Honourable Member is quite correct in stating that the natives in the Elgeyo Reserve have lost very heavily through rinderpest. This is customary in Native Reserves. This Reserve has had a large increase of stock, and the outbreak of rinderpest amongst the cattle has led to a very large mortality. This matter was reported to me some time ago, and I have taken steps to find out what the position actually is in that Reserve. Owing to the peculiar attitude adopted by natives to double inoculation against rinderpest it is very necessary to make quite certain that in the native reserves where the natives do not understand this service that no herds in the preliminary stages of the disease should be inoculated, because a heavy mortality following inoculation is invariably blamed on the inoculator by persons who do not understand the service. I have already started making preliminary surveys in that Reserve, which will give us the information in order to deal in the best method possible with the outbreak.

HON. T. J. O'SHEA: And the case of the Marakwet?

HON. ACTING CHIEF VETERINARY OFFICER: I am not aware that the same position obtains in Marakwet at the moment. It is quite likely that the outbreak has spread to there, but I have no specific information.

HON. T. J. O'SHEA: I must express my astonishment at the lack of information at present held by the Veterinary Department regarding stock diseases in these two Reserves. The Honourable Acting Chief Veterinary Officer has just stated that he is not at present aware that the conditions in the Marakwet Reserve are in any way serious, and yet I was informed as far back as June last that the Marakwet natives were losing heavily, and at that time they were estimated to have lost two-thirds of their herds. It seems to me that they will not have a herd left by the time the Honourable Acting Chief Veterinary Officer starts making enquiries.

I am afraid the natives will not get very much benefit from the enquiries if they start now.

HON. ACTING CHIEF VETERINARY OFFICER: Every native Reserve in the Colony has rinderpest prevalent at all times in the Reserve. The natives of the Colony expect it, and experience a mortality approximating 60 per cent. among their young stock from rinderpest. Government is well aware of these losses from rinderpest in the native reserves, but it is not always possible to cope with them. The inoculation service aims at a gradual increase in the service we render to natives in respect of rinderpest. It is not possible for the staff to go into a native reserve and tell the natives that they should have their cattle inoculated against rinderpest, and that they must not allow the mortality to continue. That method was tried a few years ago, with very dire results, and Government now has approached the matter from another point of view, with great success, but it is not possible to treat every native reserve at once.

HON. T. J. O'SHEA: I have no wish to be unfair to the Veterinary Department, so perhaps it would only be fair to that Department if I ask the question of the Honourable Acting Chief Native Commissioner—whether he has received any complaints from the administrative officer in the Marakwet Reserve that the natives are losing cattle from stock diseases beyond the ordinary normal losses, and asking for any assistance to be given by the Veterinary Department.

HON. ACTING CHIEF NATIVE COMMISSIONER: I am afraid I must again ask for notice of a question like that; during Sessions of Legislative Council one is absent from one's office a great deal, and it is not possible to say what comes into the office. I have not, however, had any report of such a nature put up to me.

HON. T. J. O'SHEA: I apologise, and beg to give notice of such question.

RT. HON. LORD DELAMERE: May I ask what has happened about the cirrus that was initiated this year for the inoculation of cattle against rinderpest, and how it has worked? You will remember we had a view adduced by the Committee as to how certain parts of it were going to work.

HON. ACTING CHIEF VETERINARY OFFICER: Presumably the Right Honourable Member refers to the Rinderpest Inoculation Service. The Right Honourable Member was a member of the Committee which advised that this service should be organised. The service is at present being organised and we are making arrangements for double inoculations in the Usisi Gishu and Trans Nzola. Notices have been inserted in the press both here and on the Plateau that applications will be received for double inoculations. Part of the organization is already working on the Plateau, and within the next few weeks the organization will be in full swing.

HON. J. E. CONY: With reference to the item dealing with the Treasury, I notice there is an increase of staff between the one man and the other—an increase in the clerical staff.

HON. TREASURER: I take it that the Honourable Member would like some statement as to the necessity for this increase.

HON. J. E. CONY: Exactly.

HON. TREASURER: I thought some such question might be raised, and I might say that in the Executive Council I went at some length into the question in a memorandum, and with the kind permission of the House I will read that memorandum, which very clearly states the position.

Memorandum reads:

I hope that will justify my application for further staff.

HEAD XXIV—FOREST DEPARTMENT, 1933.

RT. HON. LORD DELAMERE: I see that the last item is purchase of paper, on this Supplementary Vote. I also see the Honourable Member in charge of this Department looking at me. What I was going to say is this: that one of the heads of the manifestos of Honourable Members on this side of the House when they got in at the last general election was the question of reforestation and Forest Department, and that particular matter has been left over for a long time. I therefore want to give the Honourable Member notice that I shall bring this matter up when the Estimates for 1926 are being considered, in order to find out facts.

That was all I wanted to say.

HEAD XXIV—LANDS DEPARTMENT.

HON. W. C. MITCHELL: Your Excellency, I recently made enquiries in this Honourable House with regard to the position of the machinery which was to be used for embossing stamps on various instruments. I should like to say that the Honourable Commissioner of Lands has been good enough in the interim to give me the information I asked for, but as a considerable body of commercial men and legal men are particularly interested in the subject, I shall be very grateful to him if he would kindly endorse the information he gave me.

HON. COMMISSIONER OF LANDS: There has been, as suggested by the Honourable Member for Nairobi South, some considerable delay in starting this particular new service. The machinery took some time to come, it came out incomplete, the proper paper has not been found, there has been difficulty over stocks, and also to a certain extent in getting semi-trained staff. We hope that all these difficulties are now overcome sufficiently to enable us to start the system soon.

RT. HON. LORD DELAMERE: I think it is probable that the Honourable Commissioner of Lands will be able at the present moment to give this Honourable House some account of this £8,000 which is the fourth item on the "Miscellaneous" vote, which I understand is returns of money from revenue to the Native Trust Fund, on account of rent of native lands. In fact it is the money returned from revenue to the Native Trust Fund which should have been paid to the Native Trust Fund in the past presumably.

HON. COMMISSIONER OF LANDS: Although I have for many years been intimately concerned with the native land problem, I think it is perhaps due to Council to explain how it is that I am making the statement now required, and I greatly regret the absence of the Hon. Chief Native Commissioner. To him not only am I personally indebted for the harmonious way in which he enabled us to work for a common object on a common plan, but also the whole House should feel grateful for the settlement which is responsible for this vote. At the same time there are certain reasons which make it not unfitting that an officer whose clients, or masters, are mainly non-natives, should introduce this item, and for such perhaps sentimental reasons as may appear in my further remarks I have obtained the consent of the Government and my Honourable friend Colonel Watkins to speak on this matter. Honourable Members will find before them a long list of areas in various native reserves from which a regular revenue has been annually collected by Government

and paid into general revenue. In future these monies will be credited to the Native Trust Fund, and retrospective payment will also be made back to January 1st, 1923. Members will probably ask on what principle these lists have been compiled; that is to say, how far do they mean and progress towards a definite settlement of the reserve boundaries, and how far are the lists complete. I must say at once that these lists are put forward without in any way prejudicing the decisions as to the reserves; but at the same time I give my own opinion, for what is worth, that the agreement arrived at between Mr. Maxwell and myself constitutes a fair settlement which I hope will be accepted. Now as to the details of these lists: it will be noted that they consist of some ninety mission plots and farms, as the most numerous item, of a slightly smaller number of trading centres, and a number of mill-plots, small shamba plots and a few farms. As I have already said, these items necessarily result from our conception of what lands are properly native lands, and that conception is doubtless open to argument. I would, however, ask the House to take it from me that it would be quite unfair, if not impossible, to consider any of these plots as not being situated in an area which by custom, by history and probably by definite proclamation has long been considered a native area. The sum involved is approximately £7,500 covering the amounts actually collected for the two years 1923 and 1924, and the remaining £500 I will explain. The future annual payment will be, therefore, about £4,000. The date of January 1st, 1923, represents fairly well, I think, the time at which this scheme began to be formulated, and the two years' payment of arrears should give a useful start to the Trust Fund. As for the unexplained balance of £500, that includes rents due during the 1923-1924 period, but not yet paid. I hope these will be collected eventually, but in any case, I do not think that Council is making this advance without proper security, since there is also to be taken into account the monies due but not yet paid to the Fund in respect of the current year. I should now like to invite members' attention to a graver aspect of this vote, and the principles sustaining it. I think, in fact, it will be as well to forestall the sort of criticism we have grown accustomed to in this Colony's affairs. It will be asked perhaps why is it that these monies are being paid so late in the day, and I wish, in fact, to forestall the accusation—I will not mince words, that these payments represent the belated restitution of a fraudulent trustee, for that is the sort of thing which is said by persons who do not understand Kenya history. It is necessary, I think, to try and show that such a suggestion has no foundation in fact, and would be quite unfair—I do not much like the use of technical terms outside their proper context, but

these particular words trust and trustee have been continually used during the past year or two and I suppose we all have an idea in common of what they mean. Let us go back to the beginning of things in this country, so far as our race is concerned. What was the trust we took up then, who gave it us, and who formulated its terms? It was a trust of our own creation, given to ourselves by ourselves. Its terms have been gradually formulated by ourselves and by ourselves administered, and we are responsible for their execution to no man but ourselves and our own consciences. It is obvious that things had to start slowly and that a fully detailed trust could not be elaborated at once. In the first place a most important principle had to be settled, whether non-natives were or were not to be encouraged to participate with natives in the development of the country. From this point a policy gradually evolved and as I think that perhaps sometimes the best way of explaining a policy is to set forth the motives which inspire it, I will only repeat what, after all, has been often enough said before: that is to say, that our policy was for the first to try and make the very best of the possibilities of the country and to harness all to the task as they could best assist in it. So fortunately this decision was now proved so necessary to all interests was arrived at and non-native settlement initiated; and it was, I believe, a matter of happy augury that the first people to be granted lands in the very midst of native areas were missionaries, for we all know what they have done and what more they will do in the Colony. But it was not, I think, a matter just of chance that the beginning of interpenetration and the close association of black and white began in this fashion. There followed, of course, the springing up of trading centres for native benefit in the middle of these lands which were gradually becoming defined as native, and in the gaps between such lands farms were gradually given out to non-natives. But the point is that the principle was recognised and established that if the native was to be assisted towards the degree of civilization which even then was looked forward to on his behalf, he must be taught by example and by the juxtaposition of a more civilized race than his own. From this start things moved slowly but on definite lines. If you take the history of the fifteen years which preceded the war, you will find they were years mainly of tentative experiment of learning native requirements and the possibilities too of non-native production. There was found to be much land not occupied and required by natives and that was from time to time surveyed and alienated to non-natives, and so the process went on both parallel to and in the middle of native activities, as greater knowledge of native needs and potentialities became available. So the time came when more

precise definitions were required than were provided by existing law and the 1915 Crown Lands Ordinance came into being. In this Ordinance definite provision was made for the declaration and protection of native lands, and such provision though not to be permanently satisfactory represented a very long step towards the final demarcation of reserves. Since then we have further developed the policy of native land rights by the introduction of responsible Councils dealing with funds as described in this vote, and I think almost reached finality in the question of settling the many difficult details relating to reserve boundaries.

(Council adjourned until 2.15 in the afternoon.)

HON. COMMISSIONER OF LANDS: I have already taken up a great deal of the time of Council, but I am anxious to make it quite clear that the action which you are now being asked to sanction, this payment of funds, results from a necessarily slow developing policy and could not have been performed much earlier. For a policy such as this springs fully grown and full equipped from the head of no man. It is only recently that the native has been brought to the position, to a certain degree of political and economic self-consciousness perhaps, at which his administration can be shared by native Councils competent to handle funds. Perhaps it is only recently, too, that most of us have attained to the present degree of realisation, described so eloquently at home as the realisation of the reciprocal duties of everyone in the country irrespective of race. In any case it is only now that we have been able to set up the required machinery with an assured hope that it will function properly. Before this juncture natives were not ready and it is only within the last two or three years that the scheme has become feasible and it is because of that fact too that payments have been made retrospective. Finally I do want to urge again on Council the necessity of looking at rather the inside significance than the details of this vote. The principles behind the vote are sound and of long and gradual growth and they represent too the recognition of the rights and aims of non-natives in the country to develop it side by side with the native, no less than they are a statement of native rights in his own land. I want Members to realize that it is just because Government has all through the past had a constant policy and real vision that the present step has been reached and the people prosper instead of perish. I repeat again that there is nothing really contentious in the schedule and do most strongly urge the immediate necessity of making a considerable sum at once available for these newly created Native Councils to handle. The fact that they will be assured of a steady income in future from this particular source will perhaps do as much to instill

confidence in the native mind as anything else that can be done. I believe indeed that somewhere in the right solution of the native land problem, lies the solution of most other native problems in this Colony.

HON. LORD DELAMERE: Your Excellency, I should just like to be able to say that as far as I am concerned we have not had the chance to discuss this matter between the elected Members, but as far as I am concerned, and I hope and I am sure, the large majority of them are concerned, they will all be pleased to feel that a big step has been made towards settling this question of native land. Of course, certain objection may be brought forward to the policy which has been outlined by the Honourable Commissioner of Lands, possibly on the lines that certain rents of areas owned by Europeans are being paid to the native owners, or rather to the Native Trust Fund on behalf of the native ownership, but I would say most strongly that I think that any objection of that sort is very much more than overcome by the fact that you do away as far as possible with the clear cut line which I think is a very bad thing in all politics in a country like this. There is no doubt the people of this country have all got to do the best we can to make the country as great a success as possible and I do not think there should be any very sharp division in any way between the native and non-native population which can be avoided, as it is detrimental to the natives of this country as a whole. I was not expecting this particular thing to come up to-day and I did not prepare anything at all on it. It is a complicated question in a great many ways and I would rather not say any more except to congratulate Government in having made a further step on the road in the settlement of this vexed question with the help of the Honourable Member and I think we should congratulate the Native Affairs Department and the Land Department for having been able to come to an agreement on a question which it is so difficult to agree on.

HON. CONWAY HARVEY: Your Excellency, might we be told how the Native Trust Fund is managed? It swallows thousands every time Council meets and it would be of intense interest to the public at large if we might be told how the fund is administered, how it is invested and by whose authority payments are made out from time to time and what qualifies for such payments?

HON. TREASURER: The Native Trust Fund is administered under an Ordinance of 1921. There are two ex-officio trustees and one unofficial trustee. The ex-officio trustees are the Chief Native Commissioner and the Treasurer, and the

unofficial trustee is Mr. Coverdale. The Trust accounts are kept in the Treasury now. When I came to the Colony there were no trust accounts kept, only a deposit account in the Treasury and it was very difficult to say how much belonged to each fund.—We have put that right. The trustees meet once a month and discuss the accounts and any special expenditure required out of the Trust Fund is submitted to them. They approve or not as the case may require and if they agree the expenditure is desirable, it is submitted to His Excellency the Governor in Council, who approves the expenditure or not and the expenditure is then in order. I may say the Native Trust Fund is now practically extinct. Native Councils have been established throughout the length and breadth of the land and the balances standing to the credit of the various accounts are about to be transferred as required under the Native Authority Amendment Ordinance. We went through the balances quite recently of the 1924 and 1923 accounts and duly audited them for the first time in the history of the Fund and the trustees had the happy feeling at their last meeting that their duties were more or less complete except for one or two accounts which cannot be handed over to an individual Native Council. This refers to a capital account which is common to all the natives of which quite a considerable sum is invested—I cannot remember how much—but the trustees have decided to make further investments on this account and I think on the whole it may be said the Fund is now being properly administered.

HON. DR. J. W. ARRINT: I should like to congratulate the Government upon introducing this vote in the Supplementary Estimates. The Honourable Commissioner of Lands has given us an interesting account of the history of the land question so far as native land is concerned in this country. With the knowledge of native lands one has I do not think one would congratulate the Government altogether on the way they have handled the question in past years. I think it is the sincere desire of the Government to see that the native lands are so safeguarded to-day that the natives may feel secure in their lands. I think that this policy is long overdue but I do think that the fact of giving to the Native Trust Fund this sum of money will be to the native peoples a sign of the Government's desire and Government's intention to meet their long expressed desires in regard to the land. I am sure that it will be a matter of satisfaction to the native peoples of the country to learn that the Honourable Chief Native Commissioner and the Honourable Commissioner of Lands have come to an agreement on this matter and also to the wider matter of the whole question of the native reserves. I believe that the effect of the returning of this definite sum

of money into a Native Trust Fund which will eventually be administered by the natives themselves through their native Council will do much towards helping the native peoples of this country and I trust, I use the word carefully, the re-establishing of the confidence of the native peoples in the Government in so far as their native reserves are concerned.

HON. ACTING CHIEF NATIVE COMMISSIONER: I should like to add something to what the Honourable Treasurer said about the Native Trust Fund. I should like to remind Honourable Members and others in the Colony of the very substantial sum which the Native Trust Fund is still claiming which was promised by the Colonial Office in respect of the money due to deceased carriers. So long as I have anything to do with it I shall never allow that matter to drop and I think Honourable Members will give us all the assistance they are able to. The matter was brought to the notice of the Parliamentary Commission when they were out here. The sum involved amounts to approximately £60,000.

HON. CONWAY HARVEY: Your Excellency, might we know what sort of an amount stands to the credit of this fund at the moment?

HON. TREASURER: I am sorry I really cannot say what the amount is. The accounts have just been signed and I think have been published in this week's Gazette.

RT. HON. LORD DELAMERE: I should just like to ask the Honourable Acting Chief Native Commissioner whether there is any way in which Honourable Members on this side of the House can help to get the matter settled. I notice in the Estimates we are dealing now an explanation which tells us the Secretary of State says you always ought to pay debts of honour, etc. This thing the Honourable Acting Chief Native Commissioner is talking about is also a debt of honour. As the records were not kept properly I cannot see why that sum of money should not be used. Give it to the tribe or family, in the case of people who live communally. I would like the Honourable Commissioner of Lands to say exactly how this is to be paid to the natives. For instance, is rent on the borders of the Kikuyu Reserve or in the little pieces cut out of the native land, is that paid to the Kikuyu fund or is that paid to the general fund or to a particular Native Council or what happens? It is only for information and it is simply in order to show exactly what the facts are.

HON. COMMISSIONER OF LANDS: At the present moment these rents are paid to the general revenue. The intention is that land in the various reserves should be a source of revenue to them, but the Honourable Acting Chief Native Commissioner knows more about this than I do.

HON. ACTING CHIEF NATIVE COMMISSIONER: The monies will be largely disposed of by the local native Councils in the area to which it particularly refers. It is practically foreshadowing the establishment of local authorities of the kind. In reply to the question by the Right Honourable Member I can only say that our efforts to recover this money through the usual official channels are practically exhausted. The Parliamentary Commission expressed their sympathy with the matter but the apparent difficulty is the War Office. I do not know what more can be done by the Honourable Unofficial Members.

HIS EXCELLENCY: Several strong representations have been made to the Secretary of State by despatch and also through addressing the Parliamentary Commission in the matter and the latest despatch received was that they were going to discuss the matter again with the War Office. I will take the opportunity of sending a despatch to the Secretary of State and calling his attention to the debate and ask for the matter to be expedited.

HON. CONWAY HARVEY: When we brought this matter up four years ago we were given correspondence which clearly indicated the War Office at that time were not disposed to recognise the claims of any other than the direct relatives of deceased carriers. I am not at all sure the communal nature of native life was fully explained to them and I make that suggestion to the Honourable Acting Chief Native Commissioner that that particular point of view might very well be emphasised to the authorities at home.

RT. HON. LORD DELAMERE: The Government of this country should do the same thing with somebody else and wait till it is discussed in the House of Commons and then explain the precedent to the Secretary of State. However, if we did that it would be brought up in the House of Commons as one of the most blackguardly things ever done.

HON. ACTING COLONIAL SECRETARY: I must point out in justice to the Secretary of State that he has done all he can in the matter.

RT. HON. LORD DELAMERE: I withdraw the name of the Secretary of State and substitute that of the War Office.

HON. W. McLELLAN WILSON: Your Excellency, I associate myself entirely with the remarks made by the Right Honourable Member. There is one point I should like to see made clear; it affects me so far as I represent a constituency which will be paying over to some extent a considerable sum of money. On page 4 of the figures which we have received from the Honourable Commissioner of Lands I see that Limuru Township is due to pay a certain sum. I am not quite sure as to the position whether it is intended that the inclusion of the Limuru Township in this vote will prejudice anything that may be found when a commission is considering the boundaries of native reserves, because inside of that Township there are a great number of farms to the east of it, what would be the native reserve, and I understand from those I represent that the Limuru Township never was included in the Kikuyu Reserve and I would like to be assured this will not prejudice any finding which may result into the enquiry of this point.

HON. COMMISSIONER OF LANDS: It does not prejudice the question of the official native reserve boundaries. I may say so far as the Honourable Chief Native Commissioner and myself are concerned such farms as have been mentioned by the Honourable Member for Kikuyu it is not proposed should be so affected.

HON. TREASURER: Your Excellency, I have been in touch with my office and find the total amount in reply to the Honourable Member for the Lake's question is £14,398; that is the total credit of this fund.

HON. J. E. CONRY: I hope the Honourable Member for Kikuyu will leave the point he has raised where it is. I think it will take away from the spirit in which the Right Honourable Member accepted these proposals. I think it would be a very great pity, if I might say so, to raise such points over details and I agree with the Right Honourable Member that it is a very great thing some step has been taken to settle this matter.

HON. W. McLELLAN WILSON: I am very much indebted to the Honourable Member for Plateau South for his remarks. I asked for an assurance which I got and so far as I am concerned the question is closed.

HON. E. M. V. KESSELY: I should like some information from the Honourable Conservator of Forests in regard to item 19 of page 3, Mera District.

HIS EXCELLENCY: I think we will deal with this Head first and then go back to your point later.

HON. CONWAY HARVEY: Your Excellency, we have another harly annual in the shape of our old friend in the Revised Edition of the Laws of Kenya. May I ask if we are ever likely to get finality in this direction? What is the total expenditure to date and how much further expenditure is anticipated assuming those who did this work of compilation will not be awarded a bonus as was suggested by my learned friend when the motion was first introduced?

HON. ATTORNEY GENERAL: I do not think I have anything to add to what I said the last time, that owing to the heavy work which was cast on the printing press for the preparation of documents for the Honourable Gentleman and others, printing has been delayed. It is, however, fairly well advanced and one does hope it will not be delayed very much longer.

HON. CONWAY HARVEY: Can we know approximately what the total cost will be? I do regard this work as absolutely essential. We are asked to vote these items in little dribbles of hundreds and thousands and we have not got the faintest opinion of what the total cost is.

HON. ATTORNEY GENERAL: That is rather a difficult question to answer. The actual expenditure by the Commissioners has been, I believe, something under £5. Owing to the printing being done in the Government Press here I am not in a position to offer any estimate as to what that printing will cost. The item in the Supplementary Estimates represents a grant (?) which was given to the Commissioners inasmuch as they were detained in England for such a time which made them liable to tax. The Commissioners however, had not received any remuneration in respect of the abridged edition of the Laws such as is usually given in other countries. That is all the information I can give on this subject.

HON. ACTING COLONIAL SECRETARY: I will undertake to give further information in regard to the cost later.

HON. CONWAY HARVEY: Your Excellency, wont this edition be rather out of date if this revision is further delayed?

HON. ATTORNEY GENERAL: May I say I am in sympathy with everything said and I have been urging the matter on Government for the last two years and as far as the Laws being out of date it is unfortunately true to some small extent the Ordinances which will appear will be supplemented or

altered either by new Ordinances passed in the last two years or amending Ordinances, but still that is a thing which is bound to happen in any case. In the course of a few years an addition like this gets greatly out of date. However, it is an absolute essential foundation for a coherent system of the laws of the country. The present condition is chaotic. No one knows with any safety what the law on a great many subjects is.

RT. HON. LORD DELAMERE: The point was that by the time it is finished it will have to be started again and so it becomes a permanent thing.

HON. ATTORNEY GENERAL: It is generally recognised that revision of this sort ought to be undertaken in a period about once in ten years.

RT. HON. LORD DELAMERE: Your Excellency, there is one heading in this Miscellaneous Services which comes as a very heavy charge and that is the retrospective adjustment from the fourth month of 1920 of salaries and allowances of African Civil Servants—£17,500. I am personally convinced I think it is absolutely essential looking at the facts that this matter should be put through. I have never been able to understand—I am probably in a majority of one—why the cost of living has ever anything to do with salaries.

HON. T. J. O'SHEA: Oh?

RT. HON. LORD DELAMERE: I said I was in the majority of one. The real point is once you have agreed to war bonuses, and they are agreed to as far as one special section of the service is concerned, you have got to carry them out and if you have not carried them out it means a greater sum and if you have not carried them out it means a greater sum of money coming all of a sudden. However, I am going to vote for this. On the other hand I am not quite sure it was probably actually necessary, but that is only my private opinion but that is only in the majority of one in the more modern world to-day.

HON. W. MACLELLAN WILSON: Might we have information of the number of people concerned in this amount of £17,500?

HON. TREASURER: The number of clerks concerned is just under 50.

HON. W. MACLELLAN WILSON: Your Excellency, I cannot agree with the Right Honourable Member that the Bonus was not necessary to assist people to live up to the cost

of living in those days. I was one of those who had the honour of serving on the Commission which suggested it that some addition to the salaries of the Civil Service was absolutely necessary. Speaking from memory it seems to me we made some distinction between people who were serving this Government who came from overseas and people who were recruited locally. So far as I understand from reading this explanation it seems that the Secretariat Circular of 1920 did not make the position perfectly clear in referring to non-European staff which naturally includes Africans with Asiatics. I agree with the Right Honourable Member that I do not see how we can get out of it. We do not want to get out of it; it is an obligation we have to meet and I trust we have sufficient moral sense to do what is right. I am looking at it from a slightly different point of view. Having been a sailor and knowing how a sailor is affected once he gets his voyage money in his hands all at once, the money is apt to be dissipated very quickly . . .

RT. HON. LORD DELAMERE: Hear, hear!

HON. W. MACLELLAN WILSON: I am thinking of these fellows who are going to be suddenly enriched to the tune of about £350 each on the average and I wondered what they are going to do with it. In all seriousness it is putting a great strain upon a Government's clerical staff. The money belongs to them and they have a right to do what they like with it, but I do think of the results and I should like to know if any consideration has been given to assist these men with advice, or to build decent houses, or anything else. If I were in a similar position and got £350 handed to me I should not work for a little while.

RT. HON. LORD DELAMERE: The question asked by the Honourable Member for Kikuyu is to my mind these bonuses must have been inordinately high. I do not say we can help that but I do hope in future when Government is making arrangements for Africans to remember that their standard of living up to now has been inordinately low and if you are going to take the standard of living as to the amount the country can afford, then it should be taken on some basis which has some relation to facts. The money, however, has been promised and must be paid.

HON. DIRECTOR OF AGRICULTURE: With the permission of this Honourable House I beg to move the addition of a sub-head to this Miscellaneous Services to read "Expenses of Agricultural Conference, 1925." Your Excellency foreshadowed this Conference which would take place towards

the end of this year in your opening speech at this Session of Council. I would explain further that the amount of £225 would be made up approximately as follows:—

	£
Travelling Expenses	150
Extra Clerical Assistance	25
Entertainment	50
Total	£225

In the 1925 Estimates it will be necessary in order to complete the work of this Conference to provide for a sum of £100 for the publication of the Report and £25 for extra clerical assistance for the first month of the year. I would explain further that when Your Excellency extended an invitation to the Governments of the countries mentioned it was indicated that those Governments should pay the travelling expenses of their representatives but that the country in which the Conference was held from time to time should bear the expenses incidental to the Conference itself and it is for that purpose that I move that this sub-head be added to the Miscellaneous Services.

HON. TREASURER: I beg to second.

RT. HON. LORD DELAMERE: I should like to hear what the purposes of this Agricultural Conference are. I am personally entirely in favour of Conferences of that sort for East Africa being held in Nairobi to go into these sort of subjects; it is a proper place to do it and I sincerely hope they will learn more here than if we went to them. Perhaps the Honourable Member will tell us what is the purpose of this because it depends a great deal on how a Conference is run and what is going to be the result and how far it is going to be a success. Is it going to be purely agricultural or also stock or what is it going to be? And who are the people who will represent this Government at that Conference?

HON. DIRECTOR OF AGRICULTURE: In reply to the Right Honourable Member I would explain further the purposes and intentions of this Conference. In Your Excellency's despatch each Government was invited to send its Director of Agriculture or other senior agricultural officer. As regards the subjects to be discussed it was indicated in broad outline that such subjects as Animal and Plant Improvement, Production of Crops, Plant Diseases and Pests, the best methods of organising production and agricultural services in native areas and

elsewhere; Preparation of Crops for Markets and the Marketing of Agricultural Produce; Agricultural Statistics; Agricultural Legislation and so on. The intention is that these senior officers of agricultural departments will contribute papers for the purpose of discussion so that as far as can be secured there should be a co-ordination of these sort of agricultural services in Eastern Africa and generally speaking the intention is that the Conference should proceed very much on the lines of the Conferences which have been held regularly over a long period of time in the West Indies under the auspices of the Imperial Department of Agriculture. Honourable Members, I have no doubt, will recall that the East African Parliamentary Commission indicated in their Report that Conferences of this kind would be most helpful and that their opinion was that the co-ordination of activities should be done by Conferences. This is the first Conference of its kind to be held in East Africa and I personally and officially am very glad to think that the first one will be held in Nairobi in Kenya Colony. If there is any further information that Honourable Members would like I will gladly endeavour to give it.

RT. HON. LORD DELAMERE: I hope that this Conference will be held in some place where we can go and listen to it. It does more good if you can hear a subject discussed. I never read these things myself.

HON. DIRECTOR OF AGRICULTURE: I omitted to mention that each country has been invited to send one or two representatives of the planting and commercial communities, if desired, and their presence will be welcomed.

HIS EXCELLENCY: Is it intended the Conference should be open to the public?

HON. DIRECTOR OF AGRICULTURE: I have no doubt that will be done, though we have not got down to these details yet.

RT. HON. LORD DELAMERE: That was the point I brought up. I am very glad to hear that by invitation one or two are going, but the particular point I want to make at the moment is whether it is going to be held in public or not, because I think it is likely to be very much more useful if it is. After all we are asked to vote money so perhaps the Honourable Member will make up his mind.

HON. DIRECTOR OF AGRICULTURE: So far as I am concerned I welcome the suggestion, and I would say now that with your approval an invitation will be extended to the public to attend the Conference.

HON. HEMED MOHAMED BIN ISSA: There is one point I wish to bring up. It is in connection with the question of house allowances and bonuses.

RT. HON. LORD DELAMERE: Has the Honourable Member who has just spoken got on to another subject, because I have not heard what he said?

HON. SHAMS UD DEEN: I think what my Honourable Friend wants to say is this: that he thinks the Government are now paying to the African staff what should have been paid to them ever since the year 1920, but I understand this is only applies to a limited number of African clerks, that is to say, 50 in number, I am told. If it is a fact that the same privileges and concessions have not been granted to the rest of the staff, and if it is going to mean that after three or four years' time we are again going to be asked to vote money, I think it is much better for this Honourable House to consider the matter now, and bring the rest of the staff on a uniform basis.

HON. ACTING CHIEF NATIVE COMMISSIONER: I think the last decision is that all those non-European clerks who were not entitled to any payment at all under the regulations for non-Europeans and did not get it at the time should get it now.

HEAD XXV—MISCELLANEOUS.

Approved with amendment proposed by the Director of Agriculture.

HEAD XXVII.

HON. ACTING COLONIAL SECRETARY: I should like to ask leave to move an amendment to this vote to cover the cost of an irrigation expert, whom Your Excellency, with the advice of Executive Council, has thought it wise to ask to come up to this country, in connection with the possibilities of the Yatta Plains, more particularly, and other irrigation possibilities of this country generally. As possibly Honourable Members will remember a big scheme was put up recently with regard to the irrigation of the Yatta Plains, and after enquiry we had the offer for two months of Mr. Lewis, who is the Chief Irrigation Officer of South Africa. We are very fortunate in being able to obtain the services of Mr. Lewis, who is really eminent in this branch of work, and Your Excellency's Executive Council closed with the offer as soon as permission was obtained to do so. I therefore wish to

introduce an amendment of £500 to this vote, to cover Mr. Lewis' salary and expenses for the two months that he will be in this country, and over a period to and from South Africa. The salary which it is proposed to pay Mr. Lewis a month is £150 whilst he is engaged on this work. (Hear, hear.)

Item XXVII, with the amendment proposed by the Hon. Acting Colonial Secretary, put and carried.

HEAD XXVIII—PUBLIC WORKS RECURRENT.

RT. HON. LORD DELAMERE: Your Excellency, it seems a curious time of the year to ask for £2,000 for tools and plant unless there is some special reason for it. Possibly there is!

HON. DIRECTOR OF PUBLIC WORKS: "Tools and Plant" is one of those votes which has been starved for the last three years. The estimate for 1925 was £7,000, and the amount allowed was £4,500. During the last three years the sum of the amounts for those years was less than the amount allowed in the year 1920/21. The result has, therefore, been that it has not been possible to replace completely even that have died and the tools and plant that have become worn out.

RT. HON. LORD DELAMERE: What are oxen—tools or plant? (Laughter.)

HON. DIRECTOR OF PUBLIC WORKS: Both. (Laughter.) Moreover we have had to incur expenditure on several large items this year such as three concrete mixers to enable concrete blocks to be made and the replacement of a propeller shaft in one of the ferry-launches at Mombasa. The total amount of those items comes to £1,100. On account of the expenditure on those large items the amount available for ordinary replacements has of course been necessarily much less than otherwise, and that in conjunction with the small amount of the original vote I consider justify the demand for this additional sum. I am firmly of the opinion that the time has now come when we must do all we can to replace manual labour by labour-saving devices. (Hear, hear.) Much can be done in that connection. In respect of the construction of metal roads we should use stone crushers in place of manual labour for beating stones. In the case of rock excavation we should use power drills in place of hand drills, and there are numerous other means of saving labour and time that I could mention. It will be noted in my annual report for

last year that I recommended that expenditure should be incurred of an amount of £50,000, spread over a period of three years, for tools and plant of that nature.

RT. HON. LORD DELAMERE: Your Excellency, I am still sorry that a matter of this sort should have to come up in the Supplementary Estimates, but I must congratulate the Honourable Gentleman in that apparently his Department is recognising the value of labour-saving devices, and that they are going in for them, because there is no doubt these devices do save labour, and secondly that they are looking into the question and are trying to put right those earth-roads—a thing we have been trying to put right for years. Large sums of money are wasted on earth roads, and I do think if we are going to have proper earth roads in this country we have got to take that matter in hand, and I am going to bring this matter up on the question of Public Works Department in the Estimates, because I do believe that before anything really is done on this question we have got to get a superintendent of roads for the whole Colony, because there is no doubt you have got thousands of miles of earth roads in this country, and the proper use of graders and scrapers and things of that sort under somebody who understands the use of them would be of the most extraordinary benefit to this country in every possible way.

HON. DIRECTOR OF PUBLIC WORKS: I beg to move several amendments to the Schedule. The first of these is the insertion of an amount of £200 opposite the item "House for Chief Clerk, Government House, Nairobi," bringing the total for that item to £1,200. The reason for this addition is that when the tenders were invited for the construction of this when the tenders were received was £1,216, the highest bidding the lowest tender received was £1,216, the highest tender being nearly double that figure. The amount which was at that time available was £900, and the tender of £1,216 was not accepted. Alterations in the design by the local architect who designed the building have been made, with the result that the contract amount was reduced to £1,186, which was accepted. The difference between that sum and £1,200 is required to cover architect's fees.

The second amendment which I have to move is the insertion of a new item: "Servants' Quarters at Fort Hall, £345." There have been several outbreaks of plague at Fort Hall and during the last outbreak the grass structures which were used by the servants were demolished. The sum of £345 is required to construct permanent buildings.

The third amendment is the alteration of the sum of £1,150 for extensions of the Native Civil Hospital, by the substitution thereof of the sum of £570. The reason for that alteration is that it is proposed to construct one new ward, to extend the existing wards, and to construct an office, in lieu of the original proposal.

RT. HON. LORD DELAMERE: How many boys' quarters are there at Fort Hall? Everybody must agree that grass huts are not particularly suitable in that part of the country where you get plague, but it seems a big jump between grass huts and boys' quarters which cost £375. I still think it is a thousand pities that this Government cannot find any method of building for natives which can be generally adopted by natives and which will be comparatively rat-proof. After all this sort of building in concrete is most unsuitable for native housing in this country in every possible way. First of all, I should think it is awfully unhealthy in other ways; secondly, it is quite out of the power of any ordinary native to put up houses of this description, and I do think that the policy of Government should be that the native houses in these places should be—I mean in the civilised centres of this country—such houses as can be copied and put up in the native reserves. After all, apart altogether from that, if each of these small places is going to have £375 spent on native housing it is going to be an infinitesimal part of the problem in this country. I do not think that we are tackling this in the right way at all. I think it is best to set up a Committee from somewhere else to try and find ways in this country by which buildings can be erected at a reasonably cheap cost, because this is an absurdity for natives. How are the natives in the reserves going to copy this, and it is also perfectly impossible for the ordinary man who employs natives to do it for them, or that the natives can do it for themselves. Surely if you can do so it is better to get a general improvement in the housing conditions in this country than to put up a few costly houses which you will show to the East African Commission and other people when they come, as being a model of the type of houses in this country. I do not believe you are going to do any good with this native housing question until you find a method of housing which will be cheap and generally used. I think you ought to get people from South Africa and other countries where they use different materials to this country to come and advise us. Our imagination seems to go no further than England, from where we buy cement! I am not making personal allusions to the Honourable Gentleman in charge of this Department, but I am speaking generally. I feel this very much, and I am going to vote against this item.

Concrete buildings are the most expensive and the most unsuitable for every purpose except for plague. I believe that concrete is one of the most expensive and the most unsuitable for every purpose except for plague. I believe that concrete is one of the most unhealthy things for people; but that is purely a matter of opinion, and I bow naturally to the opinion of the Honourable Principal Medical Officer on that matter. However, I am sure he will agree with me that you are doing a thousand times more good by building houses that are sufficiently cheap to enable the natives to build them than by putting up a few "stunt" houses for a few people.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I have to agree with the Rt. Honourable Member that if you can get better material that can be used for putting up cheaper houses it would be a good thing. But we have been trying various methods of building, and we have not been able yet to get hold of any one material which is suitable for every place. Every place has its own material. Here, for instance, if you go to the brick works near Nairobi you will find that they have to quarry stone and clay and mix them in with the soil before they can make a brick at all. That has to be done in correct proportions by someone who knows about it, and it is far more complicated for a native than ordinary quarrying stone would be. On the other hand you cannot always get stone, and you cannot always—even when there is stone—get building stone. Roofing is always a difficulty everywhere. The Rt. Honourable Gentleman has stated that concrete was the most expensive method of building, but I understand from the experts that this is not the case, and that this is one of the cheapest forms of building actually in Nairobi. To my mind the most important thing to begin with is to get the native accustomed to living in a clean, sanitary house of some kind. It does not very much matter what material the house is made of; once he gets accustomed to living in improved surroundings we hope he will not willingly go back to his dirty grass hut, but that he will try and improve his conditions and put up something like the houses we use, and build the house out of the materials he has got in hand. We hope we shall be able to help him through our Industrial Schools working out models and types of houses, but I do think that trying to look for one material that will be equally cheap everywhere is rather a grave imputation.

RT. HON. LORD DELAMERE: I did not suggest anything of the sort.

HON. ACTING CHIEF NATIVE COMMISSIONER: I am sorry—I may have misunderstood the Rt. Honourable Member. He referred to South Africa. Well, it is only a few days ago that

I was given a very interesting letter from South Africa to read, in which the writer was complaining that actually in Cape-town coloured people and natives were building houses of old kerosene tins and were depreciating some of the most valuable house properties in the neighbourhood of Capetown. That does not look as if they have gone very far in the problem. I do not see that anything is to be gained by not putting up decent houses in Nairobi, where the health of the black population is getting important to the whole country, and particularly to the white residents of this town. You cannot expect to keep Nairobi free from disease if your servants are going to live in dirty, insanitary places such as they have been living in in the past.

MR. HON. LORD DELAMERE: On a point of explanation—I was alluding to Fort Hall, and not Nairobi. It is rather different in Nairobi—although even here it could be improved on.

With regard to the other point, I would like to explain that I had no intention of saying that we should find all over the country one particular method of building.

With regard to the third point—the question of South Africa, I was thinking, apart from a good many other things, what the Commission's report stated about the health of the natives in South Africa being very much better than anywhere else in Eastern Africa.

HON. H. F. WARD: I think the Honourable Member is really defeating the object which he has in view by suggesting that the Government should stick to this very expensive method of building. If you are going to have improvements you have got to get into touch with the native. To vote this extravagant expenditure is very unwise. I think if the Rt. Honourable Member is interested in the housing question he need not go to South Africa, because there is a native territory where far more progress is being made than in Kenya. I suppose the reason is that in Kenya we always come up against this question. We on this side of the House raised a protest, and we have not had any redress since I have had the honour of sitting in this Honourable Council—yet an inch have we progressed towards solving the problem of the housing question, and the answer seems to be that as long as Government will supply these sums of money so long will the housing problem continue, and the real object defeated, of teaching natives to do it more cheaply. There are various ways of teaching natives to build houses, and as regards the particular district that we are considering I have never yet come across a very

much cheaper type of building than is made of the ordinary split-laurel. I think there is ample evidence in this country and in other countries near-by of what can be done once we get down to it.

HON. W. C. MITCHELL: There is another aspect of this matter of expensive housing for native employees. I think Government is in grave danger of setting a standard for native housing which it would be almost impossible for the private owner to imitate.

I do not know whether, as the Honourable Member for Nairobi North has stated, every alternative means of constructing native houses has been fully investigated, but if that is so and the high cost of concrete buildings is unavoidable, then I think it is time that we reconsidered the question of customs, duties and railway rates on cement, in order that this type of building may be brought down to a cost which is within the means of a private employer.

HON. ACTING COLONIAL SECRETARY: I think Honourable Members will agree that it is the aim and object of this Honourable Council to find out what is the cheapest form of building. It is one of the most serious problems in Kenya to-day that the cheapest form of building for the humblest inhabitants is so frightfully expensive. Government has done a certain amount of investigation on these lines, and the Honourable Director of Public Works has made certain investigations also. I would like to say that at the earliest possible moment a memorandum will be drafted by the Honourable Director of Public Works on the various types of houses that are within the reach of the inhabitants of this country which might be of use for the purposes at present under discussion, that is, the housing of natives. If after that this Honourable Council thinks a committee might be of use on the subject no doubt such a committee will be appointed. The investigations are being made, and of course it will be recognised that one of the chief causes of the expensiveness of building in this country is the high cost of labour. It would be interesting, I think, if the Honourable Director of Public Works would tell us how many boys' quarters are being provided out of this sum.

HON. DIRECTOR OF PUBLIC WORKS: The number is 12. The vote provides for quarters for 12 natives, and the plans have been approved by the Chief Sanitation Officer. The design which is being used is the type design of the Public

Works Department for servants' quarters. It involves construction in concrete blocks, which is probably the cheapest type of construction of a permanent nature which can be used. As regards the question of building costs generally, I think it has got to be realised that the cost of labour—of artisan labour—is about double what it was in pre-war days. The artisans of the Public Works Department in pre-war days were getting 50 rupees, plus rations, which came to about 5 rupees per month, making a total of 55 rupees per month, which is equivalent to about Sh. 75 in present currency. The present cost varies from Sh. 150 to Sh. 250 a month, and the output of that class of labour has not increased. Of course, one looks for relief from this state of affairs to the increase of skilled native artisans in this country, but one must view with considerable concern the fact that native artisans are now paid such very high wages. The native artisans, indifferently though they are, are now getting from Sh. 50 to Sh. 150 per month. I understand that in Nyasaland native artisans get Sh. 35; and that they are considered extremely good. I learn, also, that in Eastern India it is possible to get perfectly competent Indian Artisans for 30 rupees or 40 rupees per month.

HON. SHAMS-UD-DEEN: It was true thirty years ago. Why do you not get them?

HON. DIRECTOR OF PUBLIC WORKS: This country is at a very great disadvantage owing to the high cost of labour. Material, again, is at present very high, being 25 per cent. to 100 per cent. over pre-war rates.

HON. ACTING COLONIAL SECRETARY: His Excellency has asked me to add that if it is the wish of Honourable Members that a Committee should be formed it might be better to do so now. Mr. Jameson is coming up from Kimberley and he should have some useful information. Mr. Lewis, the irrigation expert, will as likely as not be able to afford valuable information, and if Honourable Members are in agreement that such Committee be appointed before we leave this item their wishes will be carried out. I may explain that Mr. Lewis being an engineer and coming from the country which has just been mentioned as containing possible types of buildings might be useful in connection with any information that is required.

RT. HON. LORD DELAMERE: I think the whole issue of having a Committee of this sort would be to try and get one or two people to visit this country and having a committee to go into it composed of people from other parts of the

world. I do not imagine that there is any place in the world where there is so much money spent on things of this sort as in this country.

With regard to the cost of labour, I should think it is higher even than the Honourable Gentleman said. It is perfectly evident that if people are receiving four times the wages they received three years ago they cannot possibly be worth anything like the amount they are being given to-day. I do not think that only applies to Indian carpenters—I think it applies to a great many other people as well.

Is there no other way of organising this sort of thing? There must be people who can build these buildings more cheaply than is being done at the present time. Why cannot this country do that sort of thing? If you go down to the south end of Tanganyika you will find Nyasa boys who do these things entirely on their own. It is simply because we will not look at this thing from a practical standpoint. Something has got to be done, and I think the only thing to do is to try to make a move in the proper way. It is useless asking the opinion of an irrigation expert, with the greatest possible respect, but I do think if people who have lived in practical countries where the standard of living is lower than our own were asked to do so they might be able to give us some very useful advice on the subject, and the first thing to find out is what class of building the Chief Medical Officer would pass.

The whole thing is wrong—the whole economics of the building trade is wrong in this country. Not only in the Government, but throughout the whole country, and the sooner we get a commission in this country that will sit for a long time and get proper evidence from people who know about these things the better. There is no doubt this country is spending far too much on buildings they put up.

HIS EXCELLENCY: I strongly sympathise with the Right Honourable Gentleman, and I think his suggestion at the end of his remarks is rather in keeping with what is proposed. Although it is suggested that a Commission should be appointed to sit and examine the whole question, it was thought that the fact of having here the Town Engineer of Kimberley, who is an authority on this question of building houses for natives in South Africa—a well-known authority; and also a man who is at the head of the Irrigation Department in South Africa—who need not necessarily be a master builder, but who must of necessity have had immense experience with large forces of native labour and seen a great deal of South Africa—having these two men would be of great assistance to

us, and that they would be able to give us valuable advice. Here we have two men who have actually been engaged in building the works on which must have been employed a large number of skilled artisans of all kinds. You will at least have two expert witnesses in the country, without necessarily having to bring them up at additional and heavy cost to the country. They would probably be only too pleased to give an opinion on the matter, and this is a favourable opportunity of appointing such a Commission.

HON. HON. LORD DELAMERE: May I be allowed to withdraw what I said about these two gentlemen. I did not understand and they would in a dual capacity in South Africa, but I am only too pleased that their evidence should be heard. I think that there ought to be a serious Commission of some sort. I think you have to have a thing of some weight, and you get a good deal of information behind it, which would help you to believe that it is necessary to go on with it. I am sure that Hon. Members on this side of the House will be very grateful to the Government for the sympathetic way in which they have taken up this matter, and really the only reason I pressed it in the way I did was because I considered that the Building Committee—the Special Committee to enquire into the question of native housing—ought to have been up before this Honourable Council at some period when this question of building was being gone into.

HON. ACTING COLONIAL SECRETARY: In reply, I would say that this matter was to have come up on Friday, when the Report of that Committee will be discussed.

HON. TREASURER: I should like to move the insertion of a new item, Extension of Prison at Kisumu, £1,000. The Prisons Department is supplying labour to the Uganda Railway for relieving the congestion at Kisumu Port, and in return the Uganda Railway is increasing the present accommodation at Kisumu Prison. It would not be right that this should take place without the knowledge of this Honourable Council, and I beg to move that provision be made on the one hand for the cost of the building—£1,000, prison labour being credited to revenue at the full rate.

HON. LORD DELAMERE: I had hoped we were going to do away with the expenditure on the Prisons when we went into the Detention Camps Ordinance.

HON. CONWAY HARVEY: Is it quite impossible to get local labour at Kisumu, which is the capital of the most populous native reserve in the country from the point of view

of labour? It does not seem economical to send prisoners on a long journey on work which can be performed by people on the spot. I do think it would be for the good of everyone concerned if the local labour reserves in each district could be fully exploited.

HON. ACTING COLONIAL SECRETARY: I think the Honourable Member will remember the circumstances. Prisoners were sent to Kisumu to help the Railway build the pier at the time labour was unobtainable, and the Railway, with their artisan staff, built an extension of the gaol. The prisoners were not, as far as I know, moved from Nairobi to do that job. I may say that I think we can do a very great deal with the system of travelling camps of prisoners at out-stations which require building work to be done, and which we can get done very cheaply, and at the same time by trained artisans.

I am asked by Your Excellency to enquire what is considered best suitable for the purpose—a Commission or a Committee to enquire into this matter of building, and that this will be appointed at the earliest possible moment.

RT. HON. LORD DELAMERE: I am going to vote against this amount for the gaol. I do not think a gaol ought to be increased to provide labour for a certain district. It is a principle I have never heard of before.

HON. ACTING COLONIAL SECRETARY: Is there any other point with regard to this matter that I can make clear? If so, I shall be very happy to do so. I am not really quite clear as to the Rt. Hon. Member's objection to voting for this item.

RT. HON. LORD DELAMERE: I would explain that I have never heard of a gaol being increased in size in order to provide labour for a certain part of the country. That is my objection. The object of a gaol is to provide room for people who are being punished in a certain part of the world.

HON. ACTING COLONIAL SECRETARY: If I made it appear that the gaol was not enlarged in Kisumu so as to retain a permanent gang of pier repairers for the Railway, then I suppose it will meet with the Honourable Member's approval. The fact was that an extension of the gaol was a *quid pro quo* in return for prison labour. But at the same time it did serve, since those buildings were up, to house the prisoners who were sent to help the Railway and this Colony in more suitable buildings than they have at the moment.

HON. DIRECTOR OF AGRICULTURE: Although I am one of the inarticulate members, I think I ought to say to this House, in the absence of the Honourable General Manager, that I hope Honourable Members will not lightly turn down this vote, because otherwise I am very much afraid that you will prejudice the position in respect of the labour at Kisumu Pier next season. Our information is that the supply is not likely to be big, and that we want this source of labour supply to assist the Railway in handling the traffic.

RT. HON. LORD DELAMERE: I think it would have been better if the Honourable Member had kept inarticulate. (Laughter.) It seems to me that he has fairly given the case away!

HON. DIRECTOR OF PUBLIC WORKS: I would say that the Commissioner of Prisons has pressed for years for this extension, and it has several times been referred to Government, and the Government have not had funds. The Commissioner of Prisons naturally seized this opportunity of getting the building extended, which was so urgently necessary.

RT. HON. LORD DELAMERE: Who is going to provide the prisoners? I do say that if this country is going to depend on that sort of thing for its labour then we should do without it. I would far rather go to the natives and say the country is short of labour and that they have got to come out, or anything else. I think this is the worst way of providing labour that I have ever heard of.

HON. ACTING COLONIAL SECRETARY: I would like to say that Government was driven suddenly into a corner this year, and moved up some prison labour to complete that pier. It is not a thing which is likely to be repeated.

With regard to the Kisumu Gaol, that is the central gaol of the Province, as I have already stated, and it was far too small for the long term prisoners of the province. Many of these prisoners have to be brought down to Nairobi, and those Honourable Members who are familiar with conditions in Nairobi Gaol at present, where there is considerable overcrowding, will realise how very necessary it is to extend the main gaols in this country.

Personally, I do not anticipate that the Detention Camps are going greatly to relieve the gaols in the big towns. They will to a certain extent relieve the gaols in the out-districts, only.

I do trust that after this explanation, and if I assure the Honourable Council that that extension was entirely necessary to Kisumu Gaol, and also give assurance that only in the most abnormal circumstances will this be done again, that they will allow the vote to pass. I may say that the Secretary of State drew attention to this recourse to prison labour, and expressed strong opinions on it.

RT. HON. LORD DELAMERE: I have heard a good many things about the Honourable General Manager, but never that he ever gave anything for nothing, and if he is building this extension it is perfectly evident what the purpose of the thing is, and, as far as I am concerned, I am going to stick to my point.

HON. T. J. O'SHEA: Before this item is put to the vote, may I suggest to Government the advisability of having included, in connection with the giving out of contracts for buildings, a clause prohibiting Sunday labour unless in cases of emergency. It is a generally recognised thing that Government is a model employer, and it is hardly desirable that the Government of this country should encourage labour conditions which are not desirable, and I suggest that the time has now arrived when some such clause should be included in Government contracts. In cases of emergency, of course, the terms of the clause can be departed from.

HIS EXCELLENCY: I will put Head XXIX to the Council, with the amendments suggested by the Honourable Treasurer and the Honourable Director of Public Works.

Head XXIX, with amendments, put and carried.

HON. TREASURER: As that completes the Supplementary Estimates, I move that Council now resume.

Council resumed its sitting.

HON. TREASURER: I now beg to move the adoption of the resolution that this Council approved the Second Supplementary Estimates, 1925, as amended.

Motion put and carried.

HON. ACTING COLONIAL SECRETARY: May I take this opportunity of a notice of motion to be moved on Friday:—

That this Honourable Council authorises the expenditure of £350,000 to be paid out of loan funds for the purchase of such freehold and leasehold interests in the

Mbaraki Pier estates situate at Kilindini, subject to approved title, as are included on the schedule to be attached to this motion."

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

"Be it resolved that this Honourable Council approves the adoption of the Report of the Committee on Grants-in-Aid for Education in Kenya."

I propose briefly to refer to the main points, and then I am instructed by Your Excellency to say that this being such a very important matter it is proposed to appoint a Select Committee to discuss the Report in detail before submitting a final Report to this Honourable Council. It is entirely as Your Excellency directs; if you think it is necessary to say anything in the matter or not. The Select Committee will go into the details.

HIS EXCELLENCY: I think it would be best to outline the objects of the Committee without going into the question generally.

HON. TREASURER: It will be somewhat difficult to do that because the real question which the Committee has dealt with is referred to in the opening part of their Report, in which they express the opinion that the Government is responsible for the establishment of a fairly high standard of technical and industrial education in the Colony, and assuming that view will be accepted, as I feel sure it will be, they have made recommendations to ensure that the money voted by this Honourable Council for the purposes of education will be spent to the best advantage.

Then they proceed in detail to state how that result will be reached, and I suggest that if a Select Committee is going to be appointed to discuss the report in detail it will not be necessary for me to say anything more at the present time.

HON. DIRECTOR OF EDUCATION: I am quite willing to discuss the main points, but I have a very considerable amount to say on one particular matter, which affects the education of the African, Arab, African and Indian education of the Colony, and I am very unwilling to start at such a late hour in the afternoon.

HIS EXCELLENCY: The Honourable Director of Education will have an opportunity of the Select Committee to speak as he will be a member of that Committee. I think the best

course, as it is rather a complicated matter and involves considerable expenditure, is that it should be discussed in Select Committee.

We are all very much indebted to the Honourable Treasurer and the other members of this Special Committee for the time and trouble they have taken over the matter, and I should not like to ask the Honourable House to go into the question unless very full consideration has been given to the Report. I am sure the Honourable Director of Education will agree that that is the best way of expressing further his views with regard to the Report.

HON. TREASURER: The following Select Committee is suggested:—

- The Treasurer (Chairman).
- The Acting Chief Native Commissioner.
- The Director of Education.
- The Members for Plateau North, Ukamba, Nairobi South, Coast.
- Rev. Dr. J. W. Arthur, O.B.E.
- Mr. Shams-ud-Deen.
- Mr. R. S. Nehra.

Council adjourned to 10 a.m. on Friday,
August 21st, 1925.

FRIDAY, 21st AUGUST, 1925.

The Council assembled at 10 a.m., in the Memorial Hall, Nairobi, on Friday, the 21st day of August, 1925, His EXCELLENCY THE ACTING GOVERNOR (Mr. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

His EXCELLENCY opened the Council with prayer.

ABSENT.

HON. J. O. W. HOPE, C.M.G.

Minutes confirmed.

PAPERS LAID ON THE TABLE.

1. Report of the Select Committee on the Shop Hours' Bill.
2. Report of the Select Committee on Traders' Licensing Amendment Bill.

QUESTIONS.

HON. MOHAMED KASSIM : I beg leave to ask the question standing in my name on the Order of the Day :—

“ What sum has been sanctioned for a Water Supply to Kisumu from the Kibos River and when does the Government hope to be able to start and complete the works? ”

HON. DIRECTOR OF PUBLIC WORKS : The sum of £27,500 has been sanctioned in anticipation of the raising of the Colonial Loan. Survey has been made and a full scheme prepared. Construction will begin when the Stores, which are on order, arrive. It is hoped that the works will be finished during the year 1925.

HON. MOHAMED KASSIM : I beg leave to ask the second question standing in my name on the Order of the Day :—

“ When does the Government propose to put up business and residential sites combined, and also residential plots for auction at Kisumu, in accordance with the latest recommendations of the Kisumu Township Committee. ”

HON. COMMISSIONER OF LANDS: Arrangements for the auction of residential sites and business sites on which residence will be permitted—with the proviso that one-half the area of each plot be unbuilt on—are in hand in the Land Department which is in correspondence with the Township Committee as to the necessary details of the sale.

HON. J. E. CONEY: On behalf of the Rt. Hon. Member for the Rift Valley I beg leave to ask the question standing in his name on the Order of the Day:—

"What is the position with regard to the Cold Storage Building and Machinery to be erected at Kilindini by Government?"

HON. DIRECTOR OF AGRICULTURE: Indents for material for the construction of the plant at Mombasa were forwarded to the Secretary of State on the 31st of March last, and a telegram was received on July 29th that the tenders would be in the hands of the Crown Agents by the end of July. A design for the building has been completed locally, but the Secretary of State has intimated that it is possible that the selected contractor may recommend modification in the method of insulation and may suggest larger plant which would necessitate alterations to building plans. Definite advice on this point is expected shortly.

HON. R. S. NEHRA: I beg leave to ask the question standing in my name on the Order of the Day:—

"Would the Hon. Postmaster General be pleased to state:—

- (a) If any of the Asiatic members of his staff have been reduced in their grades or have been fined by way of punishment for errors or mistakes in the discharge of their duties.
- (b) If the answer is in the affirmative, will the Hon. Postmaster General be pleased to state the total number of such cases and the total amount of money thus realised during the last twenty months.
- (c) And what is the maximum amount of fine inflicted on an individual for one mistake or error in the discharge of his duty.
- (d) Is the fine thus imposed deducted out of the overtime money or the monthly salary of an employee."

HON. POSTMASTER: (a) The answer is in the affirmative.
(b) Reductions in grade: 1.

This involved reduction in pay to the extent of Shs. 90 per mensem.

Number of cases in which fines were imposed: 57; involving a sum of Shs. 448/08 cents.

Number of cases in which extra duty without pay was imposed: 88; involving the performance of 178½ hours unpaid extra duty, the approximate value of which is Shs. 268.

(c) The maximum amount was Shs. 53, being three days' pay in one case only.

(d) Fines are recovered from salary. Extra duty performed by way of punishment is, of course, not paid for.

HON. CONWAY HARVEY: Your Excellency, may I ask: (1) what was the total number of Asiatics employed in the Department during the same period; (2) what was the total sum drawn in salaries by this staff, and (3) what percentage did the amount of fines levied bear to the total salary drawn.

HIS EXCELLENCY: I think you had better give notice of this question.

HON. POSTMASTER GENERAL: When I received the notice of this question I looked into the matter very carefully, and in the course of my investigations it was necessary for me to get out full information, including the information which the Honourable Member has just requested. The answers to the questions are:—

(1) The total number of Asiatics in the Departments during that period was 215.

(2) The total amount of emoluments drawn during the period was £64,000.

(3) I have not worked out the percentage of fines to emoluments, but the total value of the fines actually imposed has been between £35 and £36. The Honourable Member can work out what percentage that figure is of £64,000.

HON. R. S. NEHRA: Arising out of the question, May I ask the Hon. Postmaster General to state if there is any special fund to which these fines are credited, and if that fund is utilised for a special purpose.

HON. POSTMASTER GENERAL: These fines are credited under a special heading under "Miscellaneous"—"Fines and Forfeitures." The money should be allocated in some manner to improving the staff facilities, the staff conditions, and providing books and literature and things of that sort.

HON. SHAMS-UD-DIEN: May I ask the Hon. Postmaster General if any Europeans have also been fined during the same period, and also whether it is the common practice in other Government Departments to fine their employees without giving them an opportunity of defending themselves. As a rule in ordinary cases when a man is accused of anything he is given an opportunity of defending himself.

HON. POSTMASTER GENERAL: I cannot speak to the practice in other departments.

With regard to the suggestion that any officer is fined without an opportunity of defending himself, of course, I repudiate that entirely. It is quite an unfair suggestion. I also repudiate the suggestion that any special measures are taken in dealing with the Asiatic Members of the Department. I consider such a suggestion an altogether unworthy one. All members of the Staff are treated in exactly the same way. (Hear, hear.)

HON. J. E. COXEY: I beg leave to ask the question standing in my name on the Order of the Day:—

"Will Government please make a short statement outlining:—

- (a) General arrangements in regard to the Kenya Exhibit at Wembley;
- (b) General arrangements in regard to the display of exhibits in the Kenya Section;
- (c) Any information of interest in regard to attendance, etc."

HON. DIRECTOR OF AGRICULTURE: (a) The general arrangements for the Kenya Section at Wembley in 1925 are much the same as those which obtained in 1924. The Kenya Empire Exhibition Council of 1924 undertook to continue their functions in 1925, as desired by Government. The London Committee of 1924 continues to act under the Chairmanship of Mr. Alfred Wigglesworth, who is again Kenya's representative on the East African Group Committee. Colonel Franklin, H.M. Trades Commissioner for East Africa, was added to the Kenya Committee. Mr. C. W. Hobley, C.M.G., was appointed Exhibition Commissioner for Kenya with

Lt.-Colonel Collings-Wells, D.S.O., as Deputy Commissioner, and Captain A. H. Smith, continues to act as Secretary. These gentlemen are assisted regularly by a number of settlers and officials of Kenya, whose services are given voluntarily.

(b) The main feature of the display is again the division of the Court into sections representing the main industries. The exhibits are comprehensive and complete.

In each section a large number of enlarged photographs, charts, etc., are displayed depicting industrial activities and progress, also Kenya homes and scenery. Panoramic views are shown in a central position in the form of transparencies. The Economic and Relief Maps are again exhibited. Game and Sporting Trophies are again shown in an attractive manner and they include some of those secured by T.R.H. the Duke and Duchess of York on the occasion of their visit to this Colony.

The brochure which was specially prepared for distribution in 1924 is again being issued in large numbers, along with other literature giving information regarding the Colony.

The sale of Kenya Coffee, roasted and ground in the Kenya Court continues, and in addition a tent is provided, in juxtaposition to the Court for accredited visitors to sample Kenya Coffee in its beverage form. The display and manufacture of pencils made from Kenya cedar is again included.

Cinema films depicting industrial activities, agricultural shows, and scenes in the Colony are shown in the South African Pavilion.

A new feature of 1925 is the division of the Central Court of the East African Pavilion into stalls in one of which Kenya souvenirs are shown and sold.

Photographs of the Kenya Court have been received and they have been reproduced in the local Press.

(c) Detailed information is not available, but in a letter received a few days ago the Secretary wrote:—

"We are getting continuous inquiries from the right type of settler and I think I may say that although the general attendance at Wembley this year falls very far below that of last year, really interested settlers and trade inquiries are more numerous, and they are being very fully dealt with."

May I add that I shall be pleased to make available on the table of the House during the interval these series of photographs, so that Hon. Members may have an opportunity of seeing them.

HON. SHAMS-UD-DÛEN : Arising out of that answer, may I ask if it is a fact that during the present year posters have been displayed in the Kenya Section informing the British public that land is available in Kenya and asking them to come out and take land, and also if steps have been taken to acquaint the British public with the difficulties experienced in regard to labour in this Colony.

HON. DIRECTOR OF AGRICULTURE : I have no specific information with regard to the position of the posters referred to by the Hon. Member—this year, but last year a poster regarding available land was prominently displayed. There was land available for acquirement in Kenya Colony, and there is still.

With regard to the question in respect of labour supply, no statement to my knowledge was made last year, nor is likely to be made this year, which is not accurate in that regard. I would state, however, before making any statements of that kind last year, and before posting any notices in the Court with regard thereto, I took the opportunity of consulting the Senior Officials in the Colonial Office.

HON. CONWAY HARVEY : I should like to ask if it is not a fact that the Kenya Government's representatives at Home invariably give intending settlers the fullest possible information, which is of a perfectly accurate nature, with regard to labour and all other conditions that they are likely to find when they reach Kenya.

HON. DIRECTOR OF AGRICULTURE : I think the reply to that question is very correctly in the affirmative.

HON. J. B. PANDYA : I beg leave to ask the question standing in my name on the Order of the Day :—

“ Will the Government state if they have received the recommendation of the District Committee, Mombasa, that the Town Planning scheme for the improvement of the old township of Mombasa is urgent and that no expert advice is necessary before putting the same into practice.

(b) Does the Government intend to place the above scheme before the Legislative Council during this Session?

(c) If the reply be in the negative will the Government be pleased to state reasons thereof? ”

HON. ACTING COLONIAL SECRETARY : The answer to the first part of the question is in the affirmative.

(b) The answer is in the negative.

(c) The recommendations above-mentioned are still under consideration.

HON. J. B. PANDYA : I beg leave to ask the second question standing in my name on the Order of the Day :—

“ Will the Government state if they have received the recommendations of the District Committee, Mombasa, that the Town Planning Scheme for the improvement of the old township of Mombasa is urgent and that no expert advice is necessary before putting the same into practice.

(b) Does the Government intend to place the above scheme before the Legislative Council during this Session?

(c) If the reply be in the negative will the Government be pleased to state reasons thereof? ”

HON. ACTING COLONIAL SECRETARY : The answer to the first part of the question is in the affirmative.

(b) The answer is in the negative.

(c) The recommendations above-mentioned are still under consideration.

HON. J. B. PANDYA : I beg leave to ask the third question standing in my name on the Order of the Day :—

“ Will the Government state if the Committee for an inquiry into the recent electrocutions at Mombasa has been appointed? If the reply be in the affirmative when is the report of the said Committee expected? ”

HON. ACTING COLONIAL SECRETARY : The answer is in the affirmative.

The Committee is expected to commence its inquiries at the beginning of next month.

HON. T. J. O'SHEA : I beg leave to ask the question standing in my name on the Order of the Day :—

“ Whether the Hon. the Acting Chief Native Commissioner has been informed at any time since May last by the local Administrative Officers that the native population of the Marakwet and Elgeyo Reserves are suffering abnormal losses of stock from Rinderpest and Pleuropneumonia; and if so, what steps has he taken to have the services of the Veterinary Department made available for their assistance? ”

HON. ACTING CHIEF NATIVE COMMISSIONER : An outbreak of Rinderpest in the Marakwet and Elgeyo Reserves was reported by the O.C., Kerio Province in his Intelligence Reports for May and June. No outbreak of Pleuro-pneumonia has been reported. This was reported by the Native Affairs Department to the Chief Veterinary Officer, who established a Quarantine Station under a Stock Inspector at Timboroa in June to deal as far as possible with the outbreak.

HON. T. J. O'SHEA : Arising out of that this appears to be in conflict with the statement by the Hon. Acting Chief Veterinary Officer only a few days ago—nothing was known in the Veterinary Department on the matter.

HON. ACTING CHIEF VETERINARY OFFICER : If I may be allowed to answer that: with regard to the outbreak of the disease amongst the Elgeyo cattle I would like to quote from the report of the Committee which reported at the last Session of Council on Inoculation Services. The Committee reported . . . (Interruption).

HIS EXCELLENCY : I think you are travelling rather far from the point.

HON. ACTING CHIEF VETERINARY OFFICER : Well, Sir, the point I was arriving at . . .

HIS EXCELLENCY : You can only state facts in connection with these two districts . . .

HON. ACTING CHIEF VETERINARY OFFICER : The demand at the moment by the natives of Elgeyo for Inoculations is on account of the example set by Europeans on the Plateau. I have a letter from the District Commissioner, Elgeyo, in which he says:—

“The natives wish to know why nothing is being done for them while settlers' herds on the Border are being attended to.”

MBARAKI. —

HON. ACTING COLONIAL SECRETARY : Your Excellency, before introducing this motion I will, with the leave of this Honourable House lay on the table of the House the Schedule to which that is contiguous. In introducing this motion which is fraught with so much importance to the Colony I do not propose to take up the history of negotiations which have occupied the last two years. I will attempt only to give an outline of the nature of the proposals and of the reasons that Government have for advising this Honourable Council to

agree to the purchase of the Mbaraki Estate. There are, of course, a great number of details connected with the scheme, but this Council is fortunate in having present to-day the Honourable Members who are chiefly acquainted with these details. The matter is one which pre-eminently concerns the Port and the Railway and I am sure Members will agree with me when I leave details of these points to my friend the Hon. General Manager. He has been consulted throughout and Government has received throughout from him advice of the most valuable character and of the most candid description; to his technical knowledge and experience in other parts of the world I will leave this Honourable Council. The Hon. Commissioner of Lands has again made a meticulous study of this matter. He has I see before him what I have described as the book of fortunatus; whenever any question upon the matter of Mbaraki is asked the Honourable Commissioner of Lands will turn to a certain page and discover a note which will answer the question. We will have an opportunity of becoming acquainted with that book to-day. In the legal aspect we have the Honourable Attorney General and in the financial aspect the Honourable Treasurer, both of whom have been present throughout these discussions. The first point to put before the Council is: What is Mbaraki? As concisely as possible Mbaraki is an estate owned by the Kilindini Harbour Wharfage and Estate Company consisting of some 200 acres, 52 of which are freehold. It lies between the Railway and the harbour frontage, the main portion of the harbour frontage between the Railway and the residential part of Mombasa. It is furnished in regard to some seven acres with a deep water pier capable of not only frequent use by lighters, but as has been proved, capable of taking steamers. That pier is equipped with transport sheds, sidings, roads; the estate is most carefully surveyed and these seven acres are at present under a sub-lease to a company known as the African Wharfage Company. The third asset, if I may so describe it, which this Colony will acquire or re-acquire will be a concession over the foreshore or certain parts of the foreshore in that neighbourhood—a matter of extreme importance. The deep-water frontage of the Mbaraki Estate is estimated to be of some 4,800 feet in addition to which there are some 5,800 feet of water frontage along the creek which some experts have stated is capable of being dredged and used for deep-water berthing. I am not competent to speak of that point and it must be subject to investigations in the future. Honourable Members will agree that from that very short description it is sufficient to show that the Mbaraki Estate is an integral and essential portion of the Kilindini Harbour. There are two parties primarily interested apart from the Colony itself in this Estate. The first is the Company which

owns the Estate, the Kilindini Harbour and Wharfage Company, and the second the African Wharfage Company which holds a lease for the existing pier. With regard to the former Government has been for over two years in negotiations with them in regard to the purchase. It has to be remembered that at any time since its formation that company has been entirely free to sell the whole of its interests to any person or any Company and recently the shades of other possible purchasers have fallen on the picture and I would ask Honourable Members to consider to-day what would be the position of the Colony were this large important estate, situated in the deep-water portion of our main harbour to fall into the hands of some other body than the Colony itself, more particularly were it to fall into the hands of an interested party. In this connection I would say the African Wharfage Company has an important relative in the shape of the Union Castle Steamship Company, which, of course, is closely concerned with this Colony's imports and exports. I will leave it to others who know more of the history of ports if they think it necessary and desirable to do so, as I do myself, to enter into the question of what has happened in other parts of the world where private interests have control of a portion of an important harbour. I know that from South Africa to Hull you will find examples of purchases to which the Harbour Authorities were forced in order to obtain the control which was essential to the proper working of their harbours. I think the history of harbours generally will tend to show that Government and this Colony has only one recourse and that is to buy this estate and—acting in the spirit of that clause which was omitted ultimately from the Railway Order-in-Council—to buy now, because we can do it now more cheaply than we shall be able to do at a future date. One main pier of the foundation of Government's arguments in this respect is if we do not buy now we shall have to buy later and it is obviously to our advantage to buy to-day. I would like to state here that I am going to try as far as possible to keep the question of the actual control of the Port out of what I have to say. It is not possible to keep it out entirely, but the question of Port Control whether the Kilindini Harbour is to be controlled by the Railway or by a Trust Board does not really govern this question in my view. As I see it the important thing is that, whoever is controlling that Port and whoever is concerned with the question of working the Port, the important point is that this Colony must be mistress of her one and only outlet and that is the point of view I hope Honourable Members will keep before them to-day. As soon as this purchase is completed the relation of the African Wharfage Company to Government will be that of tenant to landlord. The importance of that relation to Government bearing in mind the

future of this Port is of the greatest. Government will then be in a position, and then for the first time be in a position to state on what lines the future lease to the African Wharfage Company can be drawn and Government will be in a position to dictate the terms upon which any extension of that lease, should the Wharfage Company desire it, will be made. These then are two of the aspects which I would ask this Honourable Council to keep before it to-day. The first is the serious embarrassment in which Government would find itself were the Mbaraki Estate to fall into the hands of a competitor and the second the great advantage the Colony would derive from being the landlord of the present deep-water and lighterage pier at Mbaraki. I do not think anybody will contend that the importance and value of Mbaraki is founded on conjecture. It is the case that had Mbaraki not been in existence during the last two years the congestion of that Port due to exports would have been beyond our powers to clear and I say, and I feel Honourable Members will agree with me, that to-day we should say in all honour to the man whose imagination and whose sagacity and energy caused that port to be built, and if he has proved to us the value of the property which we now propose to buy from his Company what shall we see if we look forward? Mbaraki is no quay to a seaside tow; it is not even simply the harbour of one of the youngest Colonies in the British Empire; it is the present terminal of a Railway which in my belief and in the belief of others will be the greatest trans-continental railway from east to west in Africa. I myself am unable to conceive the magnitude of the future Kilindini harbour and the future Railway now known as the Uganda Railway, but it will be immense I have no doubt whatever. The terminal is at present confined to an island of no great dimensions. When one looks on the one side to the incalculable prospects of that Railway and Port and one looks on the other side to the extreme smallness of the Island for the work to be performed upon it I think every Honourable Member will agree that in buying Mbaraki we shall be fulfilling an Imperial necessity and we shall be doing an act of Empire building. It may be asked why we have not before this date completed this purchase. As Your Excellency knows better perhaps than anybody present in this House the purchase of Mbaraki was the dearest project of our late Governor. His great Empire building mind, one of those minds which not merely know history, but feel history and make history, from the very first seized upon the necessity of the purchase of Mbaraki from the point of view of this Colony. In August, 1923, when he was at home on other business we find that he was writing to the Colonial Office urging the importance of this purchase. The reasons which I have given were his reasons. We are to-day considering a Monument to

Sir Robert Coryndon. I believe that whatever we do in that way the greatest Monument the future will hold to Sir Robert Coryndon will be the Mbaraki Estate. I would mention one other who was connected with this country for many years, Sir Charles Bowring, the Governor of Nyasaland. Sir Charles Bowring stood out against this purchase more than anyone and yet I find on a file here a letter from him saying that as all the experts are agreed he feels he must come into line. That agreement of Sir Charles was founded on conviction and not merely because he felt himself unable to stand in the minority of one. The reason why the purchase has not been carried out before is not due to the later Governor ever swerving for one moment in his policy nor is it due to the fact His Excellency here present ever attempted to differ from that policy. There are an enormous number of details connected with this purchase. The estate was encumbered; the vendor will clear those encumbrances; it was subject to a sub-lease and we shall take over subject to that sub-lease; it was subject to an option over the area to which that sub-lease affected; that option has been withdrawn; it was subject to a sidings charge; when and if this purchase goes through it will no longer be subject to this sidings charge. There are the competitive aspects which still arise in the landing and shipping work in the Colony's wharves. Also the question of Port Control. All these matters have arisen, but it has been agreed to waive them for the time being and the possible competition with the Colony's wharves and the question of Port Control are not before you to-day in this matter. The negotiations with the African Wharfage Company in respect of the former have been definitely postponed in the latest telegram. Turning for one moment to the price which we are paying for this estate; I think it is proper here for me to state that we have had one other friend, if I may so describe him, in the whole of this business, the Secretary of State. He has done his very best as Honourable Members will agree to safeguard the interests of this Colony and to see that no other person obtained possession of this estate. In the view of the Secretary of State the price that we are paying to-day is a reasonable price and that is a view which Your Excellency's Government has adopted. I will leave it to the Hon. Commissioner of Lands to give further figures and details in regard to that land. I would merely state here that after deducting from that purchase price the estate value of the land beyond there will still remain an amount which will be recoverable monthly from the African Wharfage Company amounting to £12,000 per annum against the balance and I think Honourable Members will find from the financial point of view the bargain is a perfectly sound one for Government. It will probably be said that this is land speculation on the

part of Government. I can only say it is not land speculation; it is a sound investment entirely in the Colony's interests, but it is at the same time justified from the financial point of view, and it is to be borne in mind that subject though it is to a lease every development that our tenant puts in can only have one effect on the land behind it and that is to raise its value and if, therefore, the land is worth its money to-day, its value must necessarily be raised as time goes on. The tenant will eventually surrender his lease and there is a compensatory aspect also to that. I will leave the Hon. General Manager, if he so wishes, to add to that point. As I said, I will leave the question of price mainly to the Honourable Commissioner of Lands. I would only ask this Honourable Council not to think that the price to-day is the main point or the main object. It is the policy, the policy of the control of our harbours and the belief that the only way in which we can obtain that control is to assume ownership. As Honourable Members will hear the purchase price is being charged to the Transportation Loan. It is a perfectly logical position Government has taken up. The present position is that Government's policy lies in vesting the control of the Port in the Railway and therefore it is entirely appropriate that the land which is so intimately connected with the Port should be charged to that loan. It is equally obvious that the Railway is the likely body to get the best return for that money. I cannot leave this point without paying a tribute to the Hon. General Manager. Throughout his criticisms have been candid, but they have been formed with one purpose only and that is the interests, the sound interests of the countries which the Railway which he manages traverses. I am not going to say that Mr. Felling considers we have got the best bargain, but I believe that Mr. Felling agrees that the bargain we have made is the bargain we should have made and once that decision was taken he has always adhered to it most loyally. That, Your Excellency, very shortly and I fear very inadequately is an introduction to this motion to the purchase of Mbaraki. I do not wish to repeat what I have said but I would urge Honourable Members to keep out of their mind that question of Port Control as opposed to the other aspect that Kenya should be the mistress of her only Port. I beg, therefore, Your Excellency, to move the motion standing in my name as follows:—

“That this Honourable Council authorise the expenditure of £350,000 to be paid out of Loan Funds for the purchase of such freehold and leasehold interests in the Mbaraki Pier and Estate as are included in the Schedule attached, situate at Kilindini, subject to approved title:—

SCHEDULE.

LAND OFFICE PLOTS.		ACRES.
Section VII/49	}	16.868
" 50		
" 51	}	15.395
Section VIII/8		
Section VIII/23	5.942
" 24	28.987
" 25	2.629
Section VIII/27	52.018
" 28	24.429
Section VIII/35	53

HON. TREASURER: I beg to second the motion, and in doing so I might add perhaps a few words of explanation as to where it is proposed to find the money to meet this purchase.

It will be remembered that it has been decided that the sum of six and a half million pounds should be raised for the purpose of railway and harbour works for this Colony and Uganda. Three and a half million pounds of that money has been advanced to the Colony already by the Imperial Government, and as I have stated in my Financial Statement for 1923, it is proposed in due course to raise the balance of three million pounds in the open market. The schedule of the Three Million Pounds Loan has not yet been fixed, but included in the temporary schedule which has been arranged is an item "Further Port Development £500,000," and it is proposed, as I understand the position, that the purchase of Mbaraki, if agreed to, shall form a part of that item.

HON. SHAMS-UD-DEEN: Before voting in favour of the purchase of Mbaraki, or the sum that has been mentioned, I should like to be enlightened on certain points—whether the expenditure at this stage is justified. We have heard this morning the praises of the gentleman who is responsible for the project and the scheme, and I have no doubt in my mind that I must also associate myself with what has been said, but what I want to know is this: only two years ago as far as I am aware, all sorts of obstacles were placed by the Government and others in this very gentleman's way who has been praised so much this morning. If there was any justification for the purchase of this Mbaraki Pier I submit that it should have been purchased before the Deep-Water Pier at Kilindini was commenced by the Government. It appears as though it was commenced in competition with the man who

started Mbaraki Pier, and it seems to me now that we are certainly duplicating the expenses—either the Government Deep-Water Pier was necessary or it was not. In any event I think that a young Colony like this would have been saved a very large sum of money if in the beginning this proposition had been entertained and tried as an experiment. Although I am personally of the opinion that it is a very valuable asset and that the Government should do all in its power to secure it, I feel rather dissident about the value that is being placed on it, and the amount to be paid for it. I would favour the appointment of an independent Board or a Commission of Inquiry to assess the value of the land, the value of the Deep-Water Pier and the value of this, from the point of view of utility, before I vote in favour of a sum like this. I am afraid, Your Excellency, we have shown during the last few years the tendency to incur liabilities by raising loans. It is a matter that probably we do not realise the importance of at present. We are really pledging the credit of future generations. I should also like to know the actual capacity of these deep-water berths, and the number of steamers that have come alongside this pier ever since it has been built, and whether it is going to be of real use after the Government Deep-Water Pier is ready for working.

I would submit there are so many points to be considered. We have heard that the Secretary of State, sitting in Downing Street, London, has told us that the price is a reasonable one, but I submit that the people in this country should be more competent to give their opinion as to the reasonableness of the price or otherwise, and I think that before we pass this amount of money we ought to appoint a Board, as suggested, and get independent opinions of people who know about the value of land at Mombasa, and who have got some expert knowledge as to a scheme of this nature. Our requirements are so many—we want loans for schools and so many other things, and we have now spent so much money already on the Government Deep-Water Pier. It is nearing completion, and I think before buying another proposition of more or less a parallel nature I think we ought to think over the matter more than we are inclined to do at present, and that this amount should be held over for further consideration, until we have heard something definitely from an independent quarter.

HON. W. A. M. SIM: I think the one question that has been raised by the Honourable Member is whether we are going to get good value for our money. I am of opinion that it is a very good bargain indeed, and when you realise the prices that Government has received on the leasehold properties at Kilindini and elsewhere, and you compare the

acreage with what has been alienated by Government I think you will find that there has been an extremely good bargain. There is no question about it, and if you take your imagination ten, fifteen or twenty years hence you will find all the land on Kilindini foreshore, both on the mainland and on the island, will be extremely valuable, and I think if the Hon. Commissioner of Lands can give us a few observations as to the value of land on the Island and at Kilindini it will go to prove that its price is really a very reasonable one. (Hear, hear).

HON. J. E. CONEY: The Hon. Acting Colonial Secretary paid a tribute to the gentleman who was the pioneer of this scheme, and I would like to join with him there. To Major Grogan's foresight in this and in many other matters this Colony owed a very great deal. I think this Colony has been very fortunate in its pioneers, and I think we owe them a very deep debt of gratitude. I congratulate Government most sincerely on the decision which they have made to acquire what is known as Mbaraki, but I am very sorry that in the statements which the Hon. Acting Colonial Secretary and the Honourable Treasurer made they did not go into a little more detail. I do hope we shall hear a little more detail. In my opinion this sum of money is not a very large one, but I think the explanation should be given to this Honourable Council.

The Hon. Acting Colonial Secretary has stated that the land which we are to acquire comprises of 52 acres of freehold and 148 acres of leasehold land—200 acres in all. I think this Honourable Council should be supplied with full particulars of that and of the terms of the lease; what the period of this lease is, and what is going to happen at the end of that lease. In the 52 acres of freehold land I understand that there are seven acres that have been leased to the African Wharfage Company. I would like to see a copy of the agreement entered into with that Company. I would like a copy of the agreement which the Government are taking over from Major Grogan's Company with the African Wharfage Company laid on the table of this Honourable Council. In the meantime, I would like to know for what period that lease is. The Hon. Acting Colonial Secretary stated that whatever the African Wharfage Company did—whether they develop their property or not, Government will benefit, and he particularly referred to the land behind. If my information is correct, that it is a long lease for ninety odd years that the African Wharfage Company has, and if the majority of the land behind Kilindini is only leasehold and the Government have only got the lease of that, it appears to me that the Government will not be the people who will benefit at all, but it will be the lessor to whom

the land will revert on the termination of the leases. I would also like the Government to give us some more information as to the working of the wharf. Are they going to work it, or are the African Wharfage Company going to work it? Is it to remain with the African Wharfage Company? How do the Railways stand? It has been mentioned that it is to be worked by the Railway and that it would be paid for out of the Transportation Loan; therefore it is going to be mixed up with Railways. How is it going to work if the African Wharfage Company have got agreements? I think all these things ought to be explained fully to the Council before the money is voted.

I would also like to ask the Hon. Acting Colonial Secretary and the Hon. Treasurer something. We have been told that this loan is to come out of the 6½ million loan which has been sanctioned for Transportation, etc., in this Colony... (interruption).

HON. TREASURER: On a point of explanation, I said of that amount 3½ million pounds has already been advanced to the Colony and that the balance has not yet been raised.

HON. J. E. CONEY: Then there is another three million pounds to be raised, and the Honourable Member stated that this loan is to be raised by Kenya and Uganda. Well, I have already congratulated the Government, and I am not querying the price paid for this, because I realise that here is a very big asset for Kenya Colony, and I do hope that this asset is not going to be pledged for the benefit of cotton interests in Uganda. I think that position should be made perfectly clear to the Council—it may be complicated by the Order in Council which is coming into force, and I would like a definite assurance from Government that they are not going to pledge in any way the security of Kilindini Harbour for anything but the advancement of Kenya Colony—that this thing is going to be used for the purposes of no other Colony.

HON. R. S. NEHRA: I wish to associate myself with the remarks of the Honourable Members, and I would request that the exact plan of the plots should be supplied to this Honourable House, because I know there is a Town Planning Scheme of Mombasa, and some time ago this scheme was approved, but at present it has not been put into such condition that any action can be taken upon it, and we are waiting for the Town Planning Expert to come. As far as I know the Town Planning Scheme may be changed in certain material directions. There is a plot situated between two of the plots that the Government proposed to acquire in the

neighbourhood of the Sports Club. I would like to see the position on a map and I would like Honourable Members to have the opportunity of seeing the lie of the land.

I would also like to ask whether the individual owners of the leasehold areas are prepared to sell their interests, whether the price is reasonable, and whether the land would be useful to the Government.

HON. J. B. PANDYA: I think in this motion there are three important points for consideration. First of all, we have to consider whether this deal is absolutely necessary and essential for the benefit of the Colony. That point has not been explained by the Hon. Acting Colonial Secretary in his speech. We have got to be satisfied on this point whether the purchase of Mbaraki is necessary after the Government Deep-Water Pier is completed.

The next point we have got to consider is whether this Colony can afford to pay this price at present from its finances. I quite agree that in certain circumstances there are always bargains available. In business the first thing we have to consider before buying anything is whether we can afford to buy it, and pay for it. I see here that we are going to borrow the money to pay for this deal, and therefore on a business principle before we borrow we have got to be satisfied as regards the necessity for the purchase. We have got to pay the interest on the loans which we are now getting unless we find the money by raising fresh taxation on the country, and this is the real issue.

The third point is whether the price is reasonable. Before I can express any opinion on this point of price we have to consider the value of 148 acres of leasehold land, to consider the upset price and the value of the remainder of the leases. The price for 53 acres of freehold land will certainly be a very high one in comparison. I have had some experience of land values in Mombasa, and I should like the information. I would also like to ask whether anyone who has land on the seashore is entitled to construct wharves. I understood that foreshore rights belong to the Admiralty and it appears that in this case the State has parted with its interests in the first instance and is having to pay a great deal of money to reacquire those rights. Yet the Mbaraki Pier has to be served by a railway; the railway is controlled by the State. If the railway was not there Mbaraki would be useless. Its present use is made possible because of the facilities given by the State.

With reference to the proposed lease to the African Wharfage Company I am not sure that the State should have a monopoly of the Port as this would mean an absence of

competition in rates and facilities. From the point of view of the general public I think competition is a good thing. If the facilities given at Mbaraki are superior to those offered at the Railway Pier, then the Railway ought to extend the facilities it offered. I would cite as an instance the restriction of free storage to seven days before Mbaraki was working. Mbaraki had given 21 days' free storage and the Government wharves had to come into line. There is one instance of where competition had been of benefit to the public. Competition has a great bearing on the facilities given and if there is any such idea in the desire of the Government to stop competition the position may be altered for the better by the lease to the African Wharfage Company and if the terms of the lease do not stop competition of this kind, then the argument regarding the abolition of competition does not hold and the Government will not benefit in this direction by its purchase. Although it may be desirable to acquire certain property, it is necessary to consider the question from all points from all points of view in the first instance.

Now, Sir, with all these remarks although I think it may be useful for the State to acquire a certain property, before acquiring that property all these questions have got to be taken into very serious consideration, and in my opinion a strong case has not been made out for acquiring this property at the present stage.

HON. COMMISSIONER OF LANDS: The Hon. Colonial Secretary has said this purchase is not a land speculation. I propose to put it to the House that what we propose to buy will, in any case, be a good speculation. Generally, I will try and explain how it came about that any particular price was agreed to or put forward and also to meet the charge which has been put up from the cross benches. First of all the objection has been made that the price valuation was made by the Secretary of State and not by competent bodies out here that the whole matter has been in the air for a long time delayed by the unwillingness of Government to buy. I think I may claim to know as much about the history and negotiations, one side of them, as anybody else and I can assure the House that at times literally morning, noon and night, the late Governor was discussing with myself the problem not as to how we could avoid buying Mbaraki, but how it could be done at a reasonable price; and when I say discussing with myself I do not mean that I was the only one of his officers with the same experience. It was natural that in the circumstances with a number of titles representing different tenures and so on it would be difficult to work out the intricate details in a very short time. Quite apart from that there was the question of Port Control which, of course, does not affect me,

but which was of interest to the Hon. General Manager. Well, as regards the price, I should like to say at the beginning that this particular sum now suggested was by no means the largest sum which has been mentioned in the negotiations. When finally some such figure as this was suggested we were in a fortunate position. We had effected a valuation of the whole of Mombasa Island for the purpose of taxation, a valuation for which the Honourable Director of Surveys, of my Department, in conjunction with the local authorities was responsible, and it is obvious that taxation valuations should be considerably lower than the full market value. To be on the safe side these valuations have to be made on a conservative basis and if we allow a 25 per cent. margin that should not be more than reasonable. These valuations were made, it is true, by the Honourable Director of Surveys, but they were made in conjunction with responsible people of Mombasa Island and they have been accepted by Mombasa Island—by the people who are going to pay the piper. If we take that valuation what do we find? We find that in respect of this property quite apart from the reclaimed area of seven acres with all the works upon it—the valuation points to about £300,000 as the market land value. That leaves £50,000 for the reclaimed area and I do not think that I should be saying anything improper when I say that I think £110,000 has been asked for it at one time. Having made that purchase we have an immediate income which we buy at the same time with that £350,000. As the Hon. Colonial Secretary has said we immediately come into possession until the lease is dropped of an income of £1,000 a month or £12,000 a year. That at 5 per cent. suggests a capital of £250,000. There is a set-off against in that we shall enter into an obligation of paying some £760 a year. Now the titles and so on are varied and to some extent complex and I will do my best to explain them. I have Your Excellency's permission to say that copies of the documents as required and a map to illustrate the position will be laid on the table of the House and that the wishes of Honourable Members as to when this motion shall be finally moved and voted upon will be met by Your Excellency. That will give Honourable Members a chance of looking at the map and a number of documents and any assistance which I can give to enquiries by Members during the interval I shall be glad to give. I should like to sum up what is the position as regards Government when we do come to take over this property. The total area is 190 acres plus about seven acres of reclaimed area which attaches to the particular portion No. 35 of Section 8. It is true that there is only 54 acres of new freehold, but at the same time we shall cancel a lease of which the freehold already belongs to us: in other words, we shall regain complete possession of the 53 acres plus seven

acres which at the present moment is leased from Government, which holds the freehold, to the Kilindini Harbour Company. That leaves us at once with 112 acres freehold out of the 200 acres, the remaining areas which consists as it were of the backblocks of this property are subject to a lease which we shall acquire and which shall terminate in about eighty-three years. Again as regards the valuation I should like to point out that the actual scheme was an extremely careful one. Quite apart from the arbitrary property divisions the whole area was separately divided up according to different divisions based on values. The result on a map is rather like a Chinese puzzle in putting the whole thing together so as to ascertain first a taxable and then a true market value. The net result is, however, that in any case on present day values we propose to pay quite a moderate price for the property. Certain remarks have been made which I will try and meet if I have them all tabulated correctly. One objection made was that much of the land out of the total area is leasehold. It is leasehold, but as I have said, much of it and that in the most important position is only held at present subject to a lease now to be bought back by the Government which will resume absolute possession. So that point is answered. It was suggested rather contradictorily that we should both have a Commission to value this property and that local people who have knowledge should be the valuers. I think it is quite obvious if you are going to have an Arbitration Commission to settle a matter like this it would be necessary, and I am sure the other parties to the bargain would claim, that such a Commission should come from outside this country, and in fact I would again remind the House that the actual valuation of these properties has been either made or accepted by local people with local knowledge. There was one point I was not quite clear about, I mean the suggestion made by one hon. Indian Member in respect of Plots 49, 50 and 51 being isolated. With all due deference to the hon. Member they are not isolated. The only two dividing lines in any way concerning them are the main track of the Uganda Railway and possibly a road, but as all the plots will be crossed by roads and railways in any case these will be accessible as the rest. He also suggested certain other property should be bought. That appeared to me rather at variance with the cold water he threw on the whole proposal that Government should buy anything at all but I imagine he meant that if Government did buy this it should buy more. That is not proposed at present, but I think if the hon. General Manager was convinced that more land is required he would ask for it. I am in some doubts as to whether further question may be asked and I imagine if they are asked I shall be able to answer them as a matter of explanation, but I think as far as my notes go I have answered

most points raised already. I should like finally again to state clearly that the most important part of the property, that is to say, all the land actually around Mbaraki Creek will be held by Government in freehold. It is the other land which is contiguous to that freehold which we shall be holding under lease for the next 80 years. As to whether we should purchase further interests it is a matter which can be left for the moment, but it would be easy to calculate what such future interests are worth and what should be paid for them, but, as far as land values go in respect of now proposed purchases, I maintain we have got a very much desired result at a reasonable price.

HON. SHAMS-UD-DEEN : On a point of explanation. I never suggested there should be an Arbitrary Board. Would the hon. Member kindly explain what he meant when he spoke of the people of Mombasa Island and a number of local people.

HON. COMMISSIONER OF LANDS : There has been no referendum in such matters either made or asked for. The local inhabitants of the Island have their own representation in the form of the District Committee who I think I may safely say have accepted this valuation.

RT. HON. LORD DELAMERE : I beg to move this House goes into Committee to consider this. I think it is very much better to try and keep comparative order in this House.

HON. J. E. CONEY : I beg to second.

HIS EXCELLENCY : Hon. Members have been given a certain licence in explanations and hon. Members will be given every opportunity to have explanations.

RT. HON. LORD DELAMERE : If we go into Committee a Member has the right to speak more than once.

HIS EXCELLENCY : I was only referring to the licence already granted.

The Council resolved itself into a Committee of the whole House, His Excellency the Acting Governor, presiding.

In Committee.

HON. T. J. O'SHEA : Your Excellency, I share in the general pleasure that Government has at last decided to make this purchase. I believe it to be a very desirable one in the interests of the State and from what I have heard from hon. speakers I am satisfied the purchase of this property is not an undesirable one, but I am not satisfied Government is securing the property at the least possible price it could have

been obtained at. I do suggest it has been mishandled. Great emphasis has been laid upon the fact that the Government does not enter into these transactions in the attitude of a speculator. I should not like to see the Government engaged in the activities of land speculation, but it is to be regretted that Government has not the successful elements of a land speculator. If it had our land purchases might have been made more advantageously. I understand that some two years ago it was possible to secure this property at the price of £200,000. I have been informed that it was offered at that price. We have been told the late Sir Robert Coryndon, the present Hon. General Manager, and the present Hon. Commissioner of lands were at all times in favour of the purchase of this property; that being the case I should like to know from what side came the objection to the purchase of this property at that time for £200,000. Some further information might be given us as to the prices at which this property could have been obtained by Government at some reasonable time in the past.

HON. COMMISSIONER OF LANDS : I can only say the Hon. Member for Plateau South has got some inside information which this Government does not know of. I may be wrong, and I ask the Hon. Acting Colonial Secretary to check me, but to the best of my belief the next other figure which was ever in the air at all was £400,000 and not £200,000.

HON. T. J. O'SHEA : May I ask a question whether at any time in the past this property could have been secured at a lesser price than £350,000?

HON. COMMISSIONER OF LANDS : There is no evidence in front of Government which will justify such an opinion. In any case no evidence has been received by me.

HON. J. E. CONEY : May I draw the hon. gentleman's attention to the Report of the Proceedings of the Economic and Finance Committee in 1922? It is true that the actual price is the same, but payment was spread over a number of years, but had the advice tendered to Government by that Committee (it was not by the Committee, but by the Right Hon. Member and myself in a Minority Report) had been accepted this property could have been acquired without the complication of the lease to the African Wharfage Company which has seriously affected the position and I hope the Hon. General Manager can explain that to us. I have not heard of any offer to Government of £200,000. It was offered to Government by Major Grogan for £350,000 when there was no complication regarding the lease of the African Wharfage Company.

HON. GENERAL MANAGER, UGANDA RAILWAY: I have not the slightest doubt that if definite negotiations for the acquisition of Mbaraki had been entered into in 1922 it would have been purchased for a lower price. I do not think any figures were discussed at that time, but my own opinion is it could have been obtained at that date at a lower price. Your Excellency, before I took up my present appointment in this country I made inquiries in regard to things in general in Kenya and one of the first things I ran up against was that there had been a considerable amount of controversy about the Port and the development of the Port. There had been a suggestion that the building of the deep-water berths should be suspended. There had been other suggestions. Sir George Buchanan I believe, published a pamphlet called "Kenya without a Policy". In consequence I had a look at Mbaraki on the first day I arrived in the country. I met Major Grogan at Mbaraki within a few hours of my landing. I met the late Governor at Voi and my recollection is he asked me what I thought about the Mbaraki question and the opinion I expressed then I have never seen any reason to change. I said it was a colossal blunder ever to alienate these foreshore rights and the sooner you buy them back the better. Sir Robert himself held that view. He did not express that view to me then, but I found afterwards it was his own view. It has been the experience in other countries that when people are given concessions or when land is sold to them in a harbour it almost invariably has to be bought back by the Port Authority at some stage or another. It has happened at Durban and in many parts in India and I believe it has even happened at Dover. There is no question about it that it was a tremendous mistake to alienate that property and the property should have been bought back long before this. The principle involved is not so much a principle of competition between private enterprise and the Government here. It is a principle of control, that Government should have the ownership and the control of the whole of the harbour and the harbour development. Private enterprise might enter into a harbour in the matter of development of specific areas under Government control and regulation, but that question was settled in this country when the Government decided to build deep-water berths. To my mind when this Government accepted the principle of development at the harbour and the Government having started off by incurring large capital expenditure should undertake further development at that harbour. For that reason I am very pleased that action has been taken to acquire Mbaraki and I strongly recommend to this Honourable Council the resolution should be approved. It is quite correct as stated by the Hon. Acting Colonial Secretary that

I did not agree with every action at every stage of the proceedings. Very far from it. At times I was extremely candid and carried opposition as far as I possibly could, but lest there should be any misapprehension let me say that such candour as I may have shown at times in criticising had nothing to do with the main principle of the purchase of Mbaraki. On that principle I have stood fast throughout. I regret, however, that the price should be so high. I will ask hon. Members to remember, however, that there was by no means unanimity three years ago in regard to this purchase. There never is in a matter of this sort where a Government is concerned, and I consider that the fact that unanimity is here now is due to the missionary efforts of Sir Robert Coryndon, who stuck to the principle of acquisition. I had a little to do with the discussions in London last year. I saw Lord Stevenson and others about this and I doubt whether at that time you would have obtained a unanimous opinion on the subject in London. The part that I regret, that one must regret, is that there should be this lease to the African Wharfrage Company because it does tie—it cannot help tying—the Government's hands to some extent while that lease remains, but now that the Government proposes to become the owner of the property the Government will undoubtedly be in a very much better position to negotiate with Lord Incheape or anyone else. In regard to the matter of future development. It is impossible to say at this stage when and to what extent Mbaraki should be developed. I have expressed the opinion that the proper thing to do is to get a competent firm of harbour consulting engineers—such as we have at present supervising the construction of deep-water piers because they are undoubtedly one of the best firms of harbour consulting engineers in the world—to examine the whole of the front on the Kilindini side and put forward a comprehensive scheme of development including Mbaraki to enable us to go ahead step by step. The need for development of deep-water berths is beyond doubt. I submitted a statement to the Government showing what the traffic was likely to amount to this year and probable increases of traffic for the next five years on the most conservative basis possible. My figures were so conservative that everyone with any knowledge of the subject to whom I have shown them, has considered them understated. Yet they proved we must proceed and proceed immediately with deep-water development. Recommendations have been submitted to Government and accepted and are now, I take it, under consideration. In connection with that development Mbaraki should be included, but not before our consulting engineers have prepared a definite scheme as to precisely what is to be done at Mbaraki. I know there has been a lot of amateur advice on the subject, but I think the Colony would be well-advised to be guided by

consulting engineers. There has at times been far too much discussion by people who do not understand the position of port development. In regard to the financial aspect, the report of the Economic and Finance Committee now reads somewhat strangely in some respects, but it is obvious that no one then realised the extent of the development we see to-day. I have read Colonel Hammond's Report and I say also in regard to that report nobody at that time seemed to visualise what the traffic would amount to to-day. One big point I made with the late Sir Robert Coryndon was that the worst possible policy for a country in the development stage is timidity in capital expenditure. I consider this country should have no hesitation in incurring capital expenditure on development and so far as the Port is concerned this purchase of Mbaraki should form a part of that capital expenditure. I agree with the Hon. Treasurer that it should be paid for out of the three million loan. I have explained that the authority controlling the Port—which at present should be the Railway, but I do not know whether it is or not—but the authority controlling the Port should undoubtedly bear the interest. If a Port Trust is appointed it will have to bear it and the authority that controls the Port sooner or later will have to make the Port pay for itself. I do not think there is anything else to say at the moment except to strongly recommend to this Honourable Committee that this resolution should be agreed to.

HON. R. S. NEHRA: With reference to plots Nos. 49, 50 and 51; I have got a plan which shows the exact position of these plots. The plots as shown in the Town Planning Scheme are a bit different from the actual position of these plots, but as the Town Planning Scheme is still in abeyance and has not been finally approved and no action has been taken upon it, will the Hon. Commissioner of Lands please state whether there would be any change in the adjustment of the Town Planning Scheme even after consulting the special expert that is expected to arrive here next month? Another question I would like to put to the Hon. General Manager is that these plots as shown on the plan seem to be private property. I do not know to whom they belong at present.

HIS EXCELLENCY: I would suggest the hon. Member can discuss these points with the Hon. Commissioner of Lands during the interval.

HON. R. S. NEHRA: As Your Excellency pleases.

HON. J. E. CONEY: Your Excellency, I hope the Honourable Treasurer will give us some information about this loan. I am rather confused with the different loans, but is the loan

out of which this is to be paid for, is it a loan of this Colony or is it the loan of the High Commissioner of Transport or a general loan between this country and Uganda and the High Commissioner of Transport and is this one of the assets which is going to be placed to raise money for the High Commissioner of Transport or Uganda?

HON. TREASURER: The position as regards the three million loan will be exactly the same as the position of the three-and-a-half million loan. The question of liability of Uganda and Kenya will have to be discussed at it was in connection with the three-and-a-half million loan and the liability determined by agreement as in the case of the three million loan.

HON. J. E. CONEY: I have said nothing in opposition to this and I congratulate Government on the acquisition of this property. I congratulate the Government of Kenya on acquiring something which they own and which I agree with the Honourable General Manager they should never have parted with and which should be secured for this Colony. We are asked to-day to sanction this and put it into the melting pot and to pay for it out of a loan which Uganda or the High Commissioner of Transport or some other body may have to give security for and pledge an asset of this Colony. I think it is quite conceivable that the High Commissioner of Transport or Uganda may desire to build railways or carry out other transport development in Uganda which, if this Colony were consulted or knew anything about them would not approve of them, and I think it is wrong that to-day we should sanction this without knowing we are not going to be asked or forced to pledge our securities for the financing of something we know nothing about.

HON. T. J. O'SHEA: That is a most important issue. I certainly was under the impression that this property was being purchased on behalf of Kenya, but it seems, according to the remarks made by my hon. friend, that there is a possibility that it is a purchase on the joint behalf of Kenya and Uganda. I have the strongest possible objection to the Government of Uganda being interested in any land at Mombasa.

RT. HON. LORD DELAMERE: I do agree with the hon. gentleman who has just spoken. That is probably the crux of the whole matter. Unless I misunderstood the Hon. Treasurer that is the basis on which we were working.

I understood that the proposed three million loan was to be an ordinary loan by the Kenya Government, not a loan raised on the joint basis in the same way as the three-and-a-half million loan. May I ask since when has the resolution

been passed by this Hon. Council on the three million loan? How was that done away with? I have always understood, in fact, I have always put forward a strong opinion on that point, that the Honourable General Manager of Railways should be responsible for interest and sinking fund on this particular thing at the Port, but that is because the Port is being used by the whole transport system of the Uganda Railway. But the Port asset remains the property of Kenya, and as far as I am concerned if there is any doubt about that I am not going to vote for this. I have never understood that. I am perfectly confident that is not the case. If Kenya is going to acquire Mbaraki I am going to vote for this thing, and if it is not going to acquire Mbaraki I am not going to vote for it. The Hon. General Manager and other people in this country have been talking for some time as if it was a very big thing. If they say it is an essential purchase, and you also say so, Sir, then I am in favour of it. I have always been in favour of purchase, although I was a little bit doubtful about it in certain ways, but when people say that this country could not get on under any other system except Government control, then I do not believe a word of it. The biggest port in the world—London—if you call Government control the ordinary control that a Government or Port Authority has over wharves and other things, whether they are private property or whether they belong to Government or anybody else, then I agree that port cannot get on without Government control, but if you mean that Government must be the owner of the whole port, and that no country can get on without it, I do not believe it in the very least. I think the policy in this country of making deep water berths and so on is complicating the issue, and I think it is desirable that the whole thing should be cleared up so that we should have a general scheme laid out by Government. It has been undoubtedly the feeling of this country that these things should be done in this country, but nothing will ever make me believe that it is impossible to do these things in any other way, and it is quite an open question at the present time as to which is the best way. South Africa shows one whether it is best that Government should do the whole thing. The whole question as far as I am concerned is completely re-opened if the Hon. Treasurer is correct in what he says, and I do not think he is correct. I have never heard of any proposal by which Kenya and Uganda should acquire the Port of Mombasa—because that is what it comes to. That the transportation system of this country should pay interest and sinking fund while the two Railways remain together and while it is being used by both Governments is a reasonable proposition, but that Uganda should hold property in Kenya. This is entirely new to me, and if it has been done in

Executive Council it must have been done while I was not present. I have never heard of any proposal whereby the Governments of Uganda and Kenya should acquire Mbaraki, and or that Uganda should hold property in Kenya. I cannot understand why we do not get these things clear. All these loans are the same. We always have them in this sort of way. I do not think there is any question of the transportation system being able to raise loans. I do not think the Hon. Treasurer will say there is. The loans are made by the Colonies, and I have never heard of anything else. It is an entirely new thing to me if we are slipping into a system which is quite new. I myself have heard statements from the Government that the loans are made by the Colonies on the assets of the Colonies, and that the only way in which the transportation system comes into these things is by their having to pay the interest and sinking fund, with the Colonies behind them as responsible and, as far as I am concerned I cannot believe it is the policy of the Government that Kenya and Uganda should acquire Mbaraki, which is in Kenya. It seems to me a reversal of all common sense. I want to get some explanation on this. We are getting so many things now-a-days. I have heard a lot to-day about this wonderful thing, but I have never heard or seen in my life a deal which is so complicated by having three people mixed up in it. If the Hon. General Manager or somebody else had been given a free hand to deal with it we should have got it cheaper and in half the time. The reason why it is so complicated is because you are trying to make a deal with three people in it—the Secretary of State, the Kilindini people, and the country. Incidentally there are four, because there is also this Wharfage Company. As far as I am concerned I do not think the way this matter has been got through is a credit to anybody except to Sir Robert Coryndon and the Hon. General Manager of the Uganda Railway. They are the people who put it through. It has very nearly broken through time after time because there have been three or four people mixed up in it from different angles instead of one person being given the right to make a deal. It is possible that something has happened at some period when I have not seen it, but as far as I am concerned I have always agreed on one point, that the Colony should find money out of loan and that the Railway should pay interest and sinking fund. There is no question about it.

HON. TREASURER : I should like to say that I was correct in stating the Government's view in the matter—certainly as far as I am concerned—that the cost of this purchase shall be a charge against the proposed three million loan for Railway and Harbour purposes.

RT. HON. LORD DELAMERE : What the hon. gentleman said was that the three million loan would be placed on the same footing as the 3½ million loan.

HON. TREASURER : When I am afforded an opportunity of speaking I shall go on saying what I have to say. I said exactly those words. I think I am correct in that statement.

With regard to the assertion that Mbaraki will be half the property of Kenya and Uganda, that I do not understand. The position of the Mbaraki Pier if charged against the three million loan will be no more the property of Uganda than will be the branch lines in Kavirondo which are being built out of the three-and-a-half million loan.

RT. HON. LORD DELAMERE : I have nothing more to say; I have misunderstood what the hon. gentleman said.

HON. J. E. CONEY : That being so, I am sure the Government will agree to a slight alteration in this resolution, and that they will put in the words "to be paid out of loan funds for the purchase by the Government of Kenya of such freeholds, etc." to make it quite clear as to what we are doing.

HON. TREASURER : The loan will no doubt be raised, as was the loan of three-and-a-half million pounds, by the Government of Kenya. Then there will no doubt be an agreement between Uganda and Kenya as regards the liabilities of the two Colonies. If we said that the purchase must be made directly by Kenya then it is equivalent to the suggestion that payment should be made out of the Colonial Loan rather than against the railway and harbour development loan. Provided there is an agreement between the two Colonies as to the liability of each I cannot see any reason to fear why there should be any difference between the position of Mbaraki and that of the Kavirondo branch lines.

HON. J. E. CONEY : I cannot see what objection the Hon. Treasurer has to putting in this. This is only making it clear that it is being acquired by the Government of Kenya and that the Government of Kenya can balance it against any assets when it comes to giving security for the loan.

HON. T. J. O'SHEA : I cannot make up my mind whether we are the victims of the Hon. Treasurer's habit of hair-splitting or whether I am too dense to understand the explanations, but the whole position would be made clear to me if it were agreed that such words would be in the resolution as made it necessary for the title deeds over this property to be in the name of the Government of Kenya.

HON. GENERAL MANAGER, UGANDA RAILWAY : I have no objection to that, but I have a decided objection to the previous amendment because if it is going to be put in in that way it will involve the Government of Kenya in unnecessary expenditure. The idea is to make the Railway bear the interest and sinking fund.

In connection with the other point the Rt. Hon. Gentleman rather let himself go on the question of Port Control. I was referring to control, not to working or anything else, and I say again that when the Government committed itself to large capital development of the port it decided the principle that development should be by Government and not by private enterprise. If this Government had said we want private enterprise well then it would have laid down conditions and stipulations as to what should be done.

RT. HON. LORD DELAMERE : May I be allowed to say I entirely agree with the Hon. General Manager. The fact that the Hon. Treasurer has explained the matter and has said that there is no question of this asset being shared by Uganda and Kenya wipes the thing out entirely, as far as I am concerned.

HON. GENERAL MANAGER, UGANDA RAILWAY : I would just like to explain why I make this suggestion. It is an unfortunate fact that I have been quoted in London over and over again as endeavouring to interfere with private enterprise in this country. That is not so. It was merely an argument used against me in connection with the principle of controlling construction. As a matter of fact we are using private enterprise on our construction as much as the main contractors did if not more. Again the argument has been used in connection with the Port, but again it is not justified. I have no objection whatever to private enterprise.

HON. ATTORNEY GENERAL : I do not know whether the Hon. Member for Plateau North is satisfied with the explanation given at present, but if he is not perhaps I may attempt to explain the position as I understand it.

These loans are raised by the Government of Kenya. They are direct loans by the public to the Government of Kenya and assets purchased by the loans become assets of the Government of Kenya. Accordingly this asset will become the asset of the Government of Kenya, as I understand it, but the Hon. General Manager, of course, says that if it were merely an asset of the Government of Kenya and worked by the Government of Kenya then the Railway Administration would not undertake any liability in regard to it, but the Railway Order in Council provides that in the services there

may be included certain assets, the property of the Government of Kenya, to be administered by the High Commissioner, and it further goes on to provide that in respect of those assets the Railway Administration will make itself liable, and that is what we anticipate will happen here—that the Railway Administration will, I understand, take over this property as part of the service and will thereupon assume the liability in respect of the purchase money.

RT. HON. LORD DELAMERE: That is entirely clear. That means that the Colony of Kenya borrows some money and that it buys asset which it then proceeds to hand over to the Order-in-Council we were talking about the other day—to the Railway for working and management and everything else that it likes, indefinitely. First of all that particular asset remains the property of Kenya, and so on, and that there is a possibility that that may be re-opened if necessary in future leaving that asset the property of the Government of Kenya.

I apologise to the Hon. Treasurer, but he did not make this matter as clear as he usually does these sort of things.

HON. J. E. CONEY: I am perfectly satisfied, and I would like to thank the Hon. Attorney General for putting it so clearly.

May I ask the Hon. General Manager if he can produce, for the guidance of this House, a copy of the lease which the African Wharfage Company has.

HON. COMMISSIONER OF LANDS: I think I may be able to procure a copy of that.

HON. J. E. CONEY: Would the Hon. General Manager give us some idea of what is going to happen when this purchase goes through? I understand—I may be quite incorrect—that the lease with the African Wharfage Company is for 99 years. What power has the Hon. General Manager under this lease, or what power would we have. I take it that the Hon. General Manager is going to work it for the Government; if he has no power how is the country going to benefit in the slightest degree from the purchase of the seven-and-a-half acres of land which comprise the property leased to the African Wharfage Company.

HON. ATTORNEY GENERAL: I understand that Your Excellency wishes to be laid on the table the agreement between the Kilindini Company and the African Wharfage Company of the sub-lease of seven acres in order that Hon. Members of Council will be able to judge for themselves what

it consists of. It is rather an informal agreement drawn up by Major Grogan on the one hand on behalf of the Kilindini Harbour Company, and by Messrs. Sim & Frudd on behalf of the African Wharfage Company. The agreement appears to be a lease of a certain small portion of the area, at a rental of 20,000 shillings per month, and the term is subject to three months' notice by the African Wharfage Company. It is provided that the African Wharfage Company pays all rates and taxes, and there is also a provision in the lease that any time during the currency of the lease the African Wharfage Company shall have the right to purchase the land, wharfs, piers, etc. for the sum of £120,000.

That agreement exists, but it has not been registered, and consequently at present it is not fully operative. As regards the precise effect of this lease I do not know that there is entire agreement at present, but it will be put on the table for members to see.

HON. J. E. CONEY: It will not help me one bit if it is put on the table. Do I understand I am correct in saying that the African Wharfage Company have the right to terminate on three months' notice and that the Government will have no right to do so, and did I understand Government correctly to say that the African Wharfage Company had waived their right to purchase the property, and also how is the Hon. General Manager going to work this wharf if it is leased to the African Wharfage Company.

HON. ACTING COLONIAL SECRETARY: I would just like to explain that I did not say that they had an option to purchase the property, but to purchase the lease, and that has been dealt with.

HON. GENERAL MANAGER, UGANDA RAILWAY: I hope the hon. Member understands that this lease applies only to a portion of the property.

HON. J. E. CONEY: Yes.

HON. GENERAL MANAGER, UGANDA RAILWAY: The hon. gentleman asks whether the General Manager of Railways has the right to terminate the lease, and the answer is no. The General Manager, as far as I can see, has not the right to terminate the lease. There is some difference of opinion about it, and that question I would rather not enter into. How is it to be worked in the future? It is to be worked in exactly the same way as at present, unless arrangements are made by consent to terminate the lease. That is to say the export traffic will be delivered over the siding to Mbaraki.

The hon. gentleman asks what benefit the country will derive from this area of seven acres. The Government is purchasing a very much larger area. There has been certain work in progress on the area leased. That may or may not be taken up—that I cannot say at the present time. But that question should be examined by the consulting engineers and after development needs are decided I have no doubt that when the matter is fully discussed with Lord Inchcape, the African Wharfage Company and others, when a comprehensive policy both in regard to development and working is decided upon I have no doubt all concerned will be able to come to an amicable working arrangement. (Hear, hear).

HON. SHAMS-UD-DEEN: I have not yet been informed whether this is the lowest price at which the Mharaki Pier can be purchased. The Commissioner of Lands said something which was quite inaudible to me.

HON. GENERAL MANAGER, UGANDA RAILWAY: I would like to say this: I am quite satisfied that if we had gone to arbitration we should have had to pay more for it.

HON. ACTING COLONIAL SECRETARY: I cannot usefully add to what hon. Members on both sides of the House have said at the moment, save to say that His Excellency has undertaken that an opportunity will be given to hon. Members to see the plans and papers during the luncheon hour, and as it would not appear that anyone wishes to speak further, and as there will be a further opportunity to discuss, I beg to move the adjournment of this debate, if that meets with the approval of hon. Members.

RT. HON. LORD DELAMERE: I would like to second that.

HON. ACTING COLONIAL SECRETARY: I beg to move that Council now resume.

Council resumed its sitting.

HIS EXCELLENCY: I have to inform Council that the motion moved by the Hon. Acting Colonial Secretary has been considered in Committee, and progress is reported. The motion will be considered further later on.

HON. ACTING COLONIAL SECRETARY: The motion next standing in my name is:—

“Be it resolved and it is hereby resolved that this hon. Council approves of a loan of £40,000 being raised under the provisions of the General Loan and Prescribed

Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the Schedule hereto, provided that it shall be lawful for the Government with the advice and sanction of the Legislative Council and with the sanction of the Secretary of State to utilise any money not spent upon any items in the said Schedule to cover any excess of expenditure in respect of any other item.

And be it further resolved that this hon. Council undertakes to approve the inclusion in the Schedule of such Ordinance of such amount as it may be necessary to pass to enable the said loan to be raised.

SCHEDULE.

1. Quarters for African Employees of Government	£20,000
2. Loan to Municipality in respect of claims concerning the market and Ex-Town Hall Sites and Buildings	20,000
		————— £40,000.”

As hon. Members will see from the schedule attached to the motion the sum of £40,000 is divided into two sums of £20,000 each, one for Quarters for African Employees of Government, and the other for a loan to the Municipality.

With regard to the former, there is no necessity, as far as I know, to speak at length on the subject. The matter was adopted in this hon. Council in February last, and the Council at that time that a sum of £10,000 should be inserted in the schedule as the first instalment of the loan as a nominal sum pending consideration of the type to be erected. An undertaking was given by Government then, which I am now fulfilling, that none of this money should be spent until the type of building had been discussed in this hon. Council and the number of quarters to be built had also been decided. As I say, the sum approved at that time was stated specifically by me to be a nominal sum, and will have no particular relation to the requirements, and I understood from this hon. Council at the time that they approved of this sum in connection with the principle that Government should provide proper quarters for its own employees, that the Colony should do so. A committee was appointed to consider this matter, and the report of that Committee has been laid on the table of this hon. House. I myself agree to a very great extent as to the type of building we propose to put up. I shall leave it to my hon. friend the Director of Public Works to deal more fully with this point, and I would only say here that the committee which was appointed by this hon. Council to look into it went

down to the Railway, which has given a lead in this, amongst other matters, and came to the conclusion that such need was urgent if these houses which are a precedent to the institution of an African Civil Service on any considerable scale, as agreed in this hon. Council are to be erected in the first instance, and it was recommended that buildings of that type should be erected. These will not be the only buildings that will be erected by Government of the Colony for its African employees in Nairobi, and no provision has yet been made for African civil servants in other parts of the Colony or Protectorate. But so important does Government consider it that we should get ahead to a certain extent with this clerical service, that the Committee recommend to this hon. Council now that an instalment of buildings shall be erected at once on the best model plans laid before us at the moment. The report of the committee has been tabled, and it is estimated that we shall want to house between 450 and 500, approximately, and that the cost of doing that will come to £29,620. Of that £29,620, £10,000 has already been voted, and it is for that reason that another £20,000 is being asked for. I would say that this matter was discussed by Government in Executive Council, and the Executive Council advised Your Excellency that further provision should be made for common rooms, in view of the very large number of employees that are being housed, many two in a room. The recommendations of the Committee are accepted by Government, with that proviso, but I am inclined to think, especially, as this estimate is only approximate—no quantities have been taken out—it is as near as we can get it—that a few common rooms should be built within this sum, and I do not propose to ask for any larger amount on that account.

I think it is probable that we shall move into Committee in this hon. Council, and I should like to reserve any comments I have on this Report, in order to reply to questions which will probably be asked, and I will pass from the subject of housing of African Employees at the moment to the other item of £20,000.

This sum of money is a loan to the Municipality of Nairobi. I will try to give a very short description, for the information of hon. Members, why this money is required by the Municipality, but actually, if I may say so, with all respect to this Honourable Council, that is not directly our concern. I think this hon. Council is really concerned with the question as to whether the Municipality is a safe Corporation to whom to lend this money, and as Government is of opinion that the £20,000 can safely be lent to the Corporation, on these grounds I trust that no very great argument will arise on this part of the motion. But roughly the 20,000 is to buy out the claims of an Indian gentleman who in the early days of the Colony

did a very great deal towards the first development of this town. (Hear, hear). The details have been put to the Municipal Council, and I am glad to say that they are in full agreement with the proposal. The proposal relates to the site which now contains the Supreme Court building, such as it is, and the Market, such as it is. The story of the Town Hall site, as it is usually called, is that Mr. Jee vanjee built this on a verbal agreement with Mr. Ainsworth, on a 10 years' lease, at 10 per cent. rent of the amount expenses, and with an option to purchase at cost price at the end of ten years. At that time the Municipality was a Department of Government. Subsequently it was arranged that the building should be leased to the Municipality, and in the lease that was arranged with the Municipality the clause regarding the purchase was omitted. It was omitted presumably for some reason, but the two parties to the agreement gave different reasons, and it is for those two different reasons that the impossibility of settling this question hitherto has occurred. Mr. Jeevanjee ultimately felt compelled to go to the Colonial Office, and correspondence has for some time taken place with the Colonial Office on this subject, and an offer was made of £15,000 at one time, which Mr. Jeevanjee felt unable to accept. The sum of £20,000 is not divided up in the minds of those people who accepted it as being specifically against either of these two buildings, and so I am unable to say which amount is for the Town Hall site.

With regard to the Market, there was no question there as to the right of Mr. Jeevanjee to the lease. The difficulty arose about the valuation of the Market, and the valuation varied from £2,100 to £20,000. The actual cost, £2,163, was the value put on it by the Government Land Renters in 1910. Government offered a much larger sum, £3,000. However, as I say, these details do not really concern us. I am prepared, if necessary, to answer questions on the point, but the real point is the money is being lent to the Municipality to enable them to get clear of a very old standing claim made by a citizen to whom this country owes a great deal.

There is another small item in the thing, and that is that a small piece of land abutting on Mr. Jeevanjee's villa should be added to the existing plot. That really does not concern us either.

As I say I shall be willing to answer further questions which may arise, and so will not take up the time of this hon. House further.

RT. HON. LORD DELAMERE: I beg to second this motion that has been put forward by the Hon. Acting Colonial Secretary. £20,000 is a lot of money for these quarters, but I do think that Government is obliged to make a trial building

of quarters for this African Civil Service in Nairobi, and there is no doubt that if these quarters have to be built from loan money that they should be of the most permanent possible description, because my own opinion about buildings in this country, even so-called permanent buildings, is that there is a doubt about whether they are going to last the time over which the loan is going to extend. That is not a hit at the Public Works Department. (Laughter). I hope that for the moment Government is going to go slow in the question of African housing. I think first of all we have got to get a good deal further before African employees are sufficiently educated in this country to take a large part in the lower grades of Government Service, and in the question of buildings, as I said before, we have got to go a good deal further and find out the best types of buildings to be erected. But in Nairobi there is no doubt we have got to have permanent buildings and buildings which are approved of, even although they are not marble halls, by the Hon. Principal Medical Officer in order to avoid plague and so on! You must have rat-proof buildings.

With regard to the other matter—Mr. Jeevanjee's holdings in Nairobi, which the Municipality want to acquire, I am very glad myself that this matter has at last come to an end, and that an agreement has been come to between the Municipality and Mr. Jeevanjee, because whatever the facts exactly were in the beginning, there is no doubt that these had to be properly and clearly met, and I am very glad to hear that at last the Municipality have done so. It is not for us to discuss I think altogether what the values are. I should have thought that for the money the Municipality have got a very good bargain. (Hear, hear). As I say, this is a matter for the Municipality. What we have got to do is to decide whether they can afford to pay the interest on the money lent. I am sure people will agree that the great thing is to get it out of the way, and that in a Municipality of this sort I do not think myself there is any fear of the revenue. If you have to put up the rates in order to pay it, I should not think there is really any fear about this Government being paid the interest on the money.

Therefore, I beg to second this motion put forward by the Hon. Acting Colonial Secretary.

HON. J. E. CONRY: May I say, speaking to this resolution, which, like the Rt. Hon. Gentleman I entirely agree with, that I do hope that in the £20,000 a very considerable part of this money is to be spent on the first item in putting up buildings for African servants of the Colony in the K.A.R. I think I am right in saying that in 1903 the askaris' quarters were condemned. I think I am also right in saying that last

year the sum of £1,500 was voted for the staff quarters there. Recently I was up in those lines. I have seen no start made yet. I take it that probably the whole of this money is going to the K.A.R. Quarters, and if the whole of the money is not going there, I think the K.A.R. or Police should have the first claim upon Government, because these men have to sign on and therefore the whole of their lives is going to Government Service. They do not serve in an office and get off at 4 o'clock. Those people surely are the first people that should have a claim upon Government. There are many of them who have been in the Service many, many years. Anybody who goes and sees the rows of ribbons these men have must realise the service they have done to the country and their King.

The other thing—well, I would like to ask a question under the second item. I have just heard mentioned the ex Town Hall, or what is supposed to be the Supreme Court of Kenya; am I to take it that now that this property is being handed over to the Municipality that we are likely to have a decent space to house the Supreme Court? If not—I see the Hon. Acting Colonial Secretary shaking his head—I suggest that something should be done at once. I think it is an absolute disgrace that the Supreme Court of Kenya should be housed in such a rat-trap, and I do not see how the ends of justice can properly be served in such a building. I think the Chief Justice should protest most emphatically and refuse to hold a Court in that building. I do not see how it is possible for judges and magistrates to hear cases with the noise and the filth and the dust which surrounds that building. I am very sorry, but the Hon. Acting Colonial Secretary is still nodding his head, which I was pulled up for the other day (laughter), by which no doubt is indicated that fact that Government are not yet convinced that a High Court must be built at once as one of the first things having a first call upon Government.

HON. T. J. O'SHEA: In connection with the second item "Loan of £20,000" to the Municipality. It has been suggested we should satisfy ourselves that the Nairobi Municipality is a sound borrower of this money. In order to make up our minds I think we must be satisfied whether the affairs of the Municipality in question are being conducted in a satisfactory manner.

HON. ACTING COLONIAL SECRETARY: No.

HON. T. J. O'SHEA: I have heard numerous criticisms as to the manner in which the affairs of the Municipality is being conducted.

HIS EXCELLENCY : I do not think this is quite in order as it does not refer to the particular loan. The Government recognises the Municipality as a power to borrow.

HON. T. J. O'SHEA : I submit if it can be shown the money can be found by the Municipality of Nairobi in other ways we can devote this money to some other deserving purpose. I hope, Your Excellency, I will be in order in suggesting if the Municipality showed more activity in collecting the monies due to it it would be unnecessary to borrow from Government this large sum of money. If that is not a reasonable point of view to adopt my argument falls to the ground.

HIS EXCELLENCY : You are in order in arguing Government should not lend money to the Municipality. The proposal is we should.

HON. T. J. O'SHEA : I then submit the advisability of satisfying ourselves before we hand over this money to the Municipality that it is doing all in its power to collect its just dues. I have reason to believe that is not being done. There is a large sum of money due in rates which has not been collected. We should not hand this money over till that is collected. We should satisfy ourselves the affairs are being economically conducted, and if it is due a considerable sum of money, that the Municipality is making efforts to collect that money.

HON. DIRECTOR OF PUBLIC WORKS : As this motion will be discussed in Committee of this House I do not think there is any necessity for me to say much other than to support the motion. I will be prepared to answer criticisms on the type of construction recommended such as the use of concrete blocks for quarters. I trust the Right Honourable Member will not think me presumptuous if I venture to congratulate him on having arrived at a decision that it is desirable to construct permanent buildings in townships. I am afraid I must confess I thought the Right Honourable Member wanted grass bandas or some such type of building so that the quarters would look something like Pangani Village. I trust the Right Honourable Member will extend his advocacy of permanent buildings to buildings at outstations.

RT. HON. LORD DELAMERE : Like the ones at Fort Hall?

HON. DIRECTOR OF PUBLIC WORKS : It is not many years since grass bandas were put up at Kakamega. Their construction looked very neat and on an inspection by the

Governor at that time my Department was instructed to construct all buildings at outstations according to the design adopted there.

HIS EXCELLENCY : The Hon. Member is going away from the question of the motion.

HON. DIRECTOR OF PUBLIC WORKS : I will reserve any further remarks on the construction until the matter is discussed in Committee.

HON. ACTING COLONIAL SECRETARY : Your Excellency, I hope the motion of going into Committee has not misled this Council. I do not propose to move into Committee unless the request is put forward we should do so, but it is not necessary. It is a single vote, but if hon. Members do wish to go into Committee I do not think any opposition will be raised.

HON. W. MACLELLAN WILSON : Your Excellency, there can be no question in this hon. House as to the necessity of having these permanent structures put up and as soon as possible in Nairobi, which is the headquarters of this Government and I would suggest that we should get on with it. I do not see much use in going into Committee unless we are going to discuss the types of buildings and as Your Excellency has said you are going to appoint a Committee or Commission to go into this question I think we should accept this motion as it is and get it passed.

HON. ACTING COLONIAL SECRETARY : I am very grateful for the reception with the motion has had in this hon. Council. Before I reply to the points raised I would just like to state the value of these buildings is put in as 30,000 Rs. (?). I should have said Rs. 100,000. I do not want to do an injustice to Mr. Jeevanjee. The Rt. Hon. Member asked Government to go slow with buildings for Government's future building programme especially in respect of houses of this structure and I think, Your Excellency, that the statement made yesterday with regard to the appointment of a Committee to inquire into the types of houses is an adequate reply to that request. Government is entirely in sympathy with the Right Hon. Member's desire to see a cheaper form of building devised in this country if possible. With regard to the remarks of the Hon. Member for Plateau North. No money of this £20,000 is intended for the King's African Rifles barracks, but I would state that during the next month of September I hope to be able to complete for the consideration of a Select Committee of this Council and subsequently of this hon.

Council in full session a schedule of loan requirements put forward by all departments that is now being costed by the Honourable Director of Public Works and thrown into shape in my office and one of the items which I have no doubt will go through this Honourable Council without difficulty in that schedule will be the barracks for the King's African Rifles at Nairobi. The only reason why the African Civil Service has been advanced a stage beyond the King's African Rifles is that, as I tried to explain this morning, the erection of these quarters is a precedent necessary to the formation of that service such as it will be at first. It does not in any way denote a greater sympathy on the part of Government with the Civil Service than it does with the Military service. With regard to the Court buildings—I know I shook my head, but I only shook it because the hon. Member said he hoped it was the Government's immediate intention to go ahead with this building. It will have the immediate attention of Government, but there is no settled plan in regard to it. With regard to the Hon. Member for Plateau South's remarks I can assure him that Government is not only satisfied that the assets of the Municipality are sufficient to make this advance of £20,000 quite safe, I may add that Government is satisfied that the Municipality is making very strong and successful efforts in recovering its arrears.

RT. HON. LORD DELAMERE: Your Excellency, there is only one point. The Hon. Acting Colonial Secretary got up as if he was going to alter his motion and I would like to know what it was going to ultimately be.

HIS EXCELLENCY: The motion is as included in the Order of the Day.

HON. ACTING COLONIAL SECRETARY: I was not going to add to it. I was merely going to make a statement with regard to expenditure under the Colonial Loan. As Your Excellency said it would be better to defer that and keep it entirely apart from the motion.

Motion put and carried. (No count).

HON. ACTING COLONIAL SECRETARY: Your Excellency, as the next motion, which reads "That the Report of the Select Committee of this hon. Council appointed to consider the Housing of Native Employees of Government be adopted" is really absorbed in the last motion which has been passed, I will, with the permission of this hon. House withdraw it from the Order of the Day.

HON. W. C. MITCHELL: Your Excellency, I beg leave to move the following motion:—

"That this hon. Council requests Government to proceed immediately with an inquiry into the working of Kilindini Port and that the Commission appointed for this purpose include in its personnel at least one expert from outside this Colony."

I should like to say at the outset that very often a motion of this kind is interpreted to contain some sort of hidden criticism of existing conditions or of conditions as they existed in the past. In the present instance I wish to make it perfectly clear that as conditions in the past have existed at the Port there is no criticism intended regarding the working that has been in force; but we have arrived at a stage to-day—when we first authorised the expenditure of money on a deep-water pier, when conditions are altering. Very great difficulty arises in discussing any matter connected with the Port for the reason that those who discuss it are representing, as a rule, definitely conflicting interests. We have the interests of the shipper, the interests of the importing merchant or importer and last the interests of the shipping companies. With the construction of a deep-water pier to these interests we have added further the interests of the taxpayer who is going to be called upon to meet the cost of the interest and sinking fund charges on the harbour developments. Although at the present time we have only embarked upon a two-berth scheme there can be no two minds, I think, but that the development of the Port has got to continue and continue very rapidly. Consequently as that development continues the interests of the taxpayer are becoming more and more predominant. I should like, in order to emphasise that, to refer to one or two figures. Taking them from the Trade Report of the Customs Department for 1924 and dealing with the import, export and re-export trade in Kenya and Uganda. The first figure is that for 1903, which is the year when the Uganda Railway was first opened for traffic and which tends to show how very young this country is. The total trade was £835,000 in 1903. In 1914 it was £1,488,000. In 1923 it was £11,278,000 and in 1924 it was £19,085,000. I am taking round figures. These figures show that from 1914 to 1924 our trade has increased 291 per cent. in ten years. We can take some later figures. For the present year our home consumption imports for the first six months are 73,000,000 shillings as against 51,000,000 shillings for the first six months of last year. Our domestic exports are 83,000,000 as against 67,000,000 last year and our re-exports are Sh. 14,000,000 as compared with Sh. 11,000,000; that shows a total increase of Sh. 41,000,000 in the first six months of this year as against last year. Figures convey a certain amount, but they do not

convey everything, but I believe it is within the knowledge of every hon. Member of this House that to-day, the whole country is accepting as its slogan, "more acres under production and more production per acre", with the result that we are concentrating on production. That being the case it will not be unreasonable to argue that in the next ten years, if we have increased 291 per cent. in the last ten, we shall increase more than that in the next ten, but even if it is only 200 per cent our trade will be £57,000,000. I have proposed in this motion that Government appoint a Commission of Inquiry immediately. As I said a few moments ago I think it is really about two years overdue. We cannot emphasise too strongly the need for acting in time. The Hon. General Manager and the whole country knows only too well the difficulties his department has had to face from congestion at Lake Ports. The whole country knows the inconvenience the trade has been subjected to and the loss that has been involved through that congestion and I think to a very large extent that is due to a lack of not having thought sufficiently ahead of what our requirements are likely to be and making provision for a very heavy trade which could reasonably be expected. Do not let us be caught napping in the same way at the Coast. At the present time the Railway Department is called upon to find the interest and sinking fund charges on Port development. In my own opinion that is in every way entirely unsound. I hold the view that harbour traffic should be called up on to meet harbour charges. We hear the argument sometimes that we must have a cheap port. All I can say if a port is going to be cheap because the working of it is borne by someone else then we are on an entirely false footing and if we are going to extend our port and develop it we must leave no avenue unexplored for assisting to meet the charges which will necessarily be incurred. At the present time the handling of all cargo through the Port passes through private hands. They no doubt make a very nice profit of it—at least I hope they do—but I think the time has arrived when the existing agreement between Government and the lighterage companies should be re-considered. I am not criticising the agreement in any way, but I do maintain if we are going to provide facilities which are going to reduce the cost of handling the cargo then those who provide the facilities are entitled to the benefits which these facilities afford. I do not propose to deal with this motion at any length because I am hoping this hon. House will agree to it. We have to bear this in mind; we have been devoting the whole of our energies for some considerable time past to such matters as railway development, presumably with the object of increasing production; to problems of labour in the hope that also will facilitate production; to the Medical,

Agricultural and Veterinary Services; all more or less closely related to production and everything that we are spending our time and our energy upon are all connected with production; it is one long chain and we are in danger if we neglect our part of having a very weak link in that chain. I only want to emphasise that by reconsidering the existing conditions of working the Port we may find some other means of meeting the charges there that it has at present in force without burdening another department with charges which are not necessarily its own. I beg to move the motion.

HON. W. A. SIM: I should like to support the motion. Very little remains to be said after what the hon. Member has said. For some time now the port has been carried on from hand to mouth and there are insufficient facilities for handling cargo. Very shortly we hope this will alter, but before the alteration starts we ought to have a Committee to go into the whole question and explore all available avenues for the better working of the port. In view of this I think at least one expert from outside, if not several, should be called in for this Committee. I think it is most important this work should be done shortly in order to lay the foundations properly before we start with the deep-water piers.

HON. GENERAL MANAGER, UGANDA RAILWAY: I hope the Government will see its way to accept this motion. Your Excellency, it is a considerable time ago now since I first recommended that such an inquiry should be held. I think it would have been better if the inquiry could have been held some time ago, but I think the time has now come for action. I would just like to say I agree entirely with the Hon. Member for Mombasa that working at Kilindini has been carried on under very difficult conditions and I want to make it clear, Sir, that in all my discussion with the Government or anyone else I have never, on behalf of the Railway Department, criticised in any way the manner in which the wharfrage companies are doing the lightering and shipping work. I consider, as I said in my Annual Report, that bearing in mind the conditions under which they have to work, the lack of sufficient facilities and appliances, they have done extremely well. There have been cases, of course, where one has seen damage, but I think on the whole there is nothing to complain about as to the manner in which the work has been done, but I think the general system should now be the subject of inquiry and development should also be considered by this Committee. It is an extraordinary thing the hon. Member who moved this motion used almost the same words as I used in my recommendations about further development of the port. I also made the remark we were two years late with

the line to Uganda and " do not let us be caught similarly at the port. In regard to the composition of the Commission of Inquiry recommended there is no need to say very much except that it is highly desirable that there should be at least one expert on harbour regulations and harbour matters generally—at least one for the reason that it would be necessary for this Committee not only to make general recommendations, but to look into the general question of port regulations and charges. I should like to traverse very briefly the terms of reference I suggested some time last year in connection with such a Commission of Inquiry. They may require slight modification now, but I should like to give hon. Members a general idea of what we had in mind. These terms of reference were:—

(1) To inquire into the existing control of the port and shore work at Kilindini and Mombasa Harbours, and with due regard to the system of control recommended by the Legislative Councils of Kenya and Uganda, to recommend such improvements as are considered practicable and desirable.

(2) To inquire specifically into the working of the present system of performing the stevedoring, lightering, landing and shipping of cargo, and to make recommendations as to whether on or after the opening of the new deep-water berths the Railway Administration should take over wholly or in part the work now performed by the wharfage companies.

(3) If it is a recommendation under (2) that the whole or any portion of the work be allowed to remain with the wharfage companies, to recommend the system to be adopted, what license or other fee should be charged by the Government to such companies for the use of the harbour, piers and sheds, whether and in what manner the charges made by the wharfage companies and their profits should be regulated, and to determine what the loss in the Government's return for expenditure on the harbour is likely to be.

(4) If it is a recommendation under (2) that the whole or any portion of the work should be undertaken by the Railway Administration, to recommend what organisation and staff are likely to be required, what scale of charges should be made for such work at the deep-water berths, at lighterage piers, etc., and how charges on work performed by the Railway should be collected.

(5) To frame and submit general regulations for the control of the port and harbour work, and complete tariffs of dues, charges, etc.

(6) To inquire into the working of the Port Captain's branch and to recommend what portion of such work, if any, should be retained by the Port Captain's branch after its

transfer to the control of the Railway Administration and what, if any, portion of the work could be more appropriately be performed by other departments; to investigate the revenue and expenditure of the present Port Department and to submit recommendations as to what portion of such revenue and expenditure should accrue to, or be debited against, the Railway and Port Administration, and what portion should accrue to, or be debited against, other Government Departments.

(7) After investigating the whole of the position at the port of Kilindini, to make such recommendations as are considered necessary for extensions, or other facilities, on the completion of the deep-water berths now under construction.

(8) To report generally on any other matters connected with port and harbour work coming under the notice of the Commission and to make such recommendations as is considered necessary in the interests of efficient working and future development.

These may have to be modified a little, but they give a general idea of what the scope of the inquiries of such a Commission will be. I do not think an inquiry of this sort can do anything but good. It will enable the Government and the country to get a report based on the pros and cons of the position.

HON. ACTING COLONIAL SECRETARY: I have Your Excellency's permission to say Government is in full support of this motion.

RT. HON. LORD DELAMERE: Your Excellency, does that mean the immediate appointment of the personnel of this Commission and starting work straight away? Everybody must agree after hearing the speeches made that it is absolutely necessary something should take place at once. We are running into extreme danger in putting these things off from an economic point of view.

HON. ACTING COLONIAL SECRETARY: The motion reads "That Government proceed immediately with an inquiry" and Government fully supports that motion.

HIS EXCELLENCY: I propose that this motion having been accepted by Government to discuss this matter further with the General Manager in regard to the expert we considered in regard to a previous committee, the terms of which have been read to this Council, and it is to be hoped this officer may be still available and I therefore propose to discuss with the Hon. General Manager the personnel of the Committee and

to telegraph to the Secretary of State that this motion has been passed and accepted by Government and asking that this Committee may be appointed immediately to hold this investigation.

Hon. H. F. WARD: Your Excellency, I beg leave to move the following motion:—

"That in the opinion of this hon. Council points in connection with the maize industry should be referred to the forthcoming Maize Conference:—

1. Whether system of grading maize at up-country stations can be instituted.
2. Whether the present moisture content allowed, viz., 11, can be reduced to 12 per cent.
3. Whether it is possible to arrange that there shall be three grades for quality of flat, white maize (say, Grades Nos. 2, 3 and 4, instead of the present grades, viz.: Grade 2, and then nothing until Grade 8, and in this event, the remaining grades of other types of maize to be altered accordingly."

Your Excellency, I think it is my duty first to justify taking up the time of this hon. Council with a motion which may appear at first sight one of detail, but the excuses I have to offer are these. First practically all the hon. Members on this side of the House are intimately connected with the Maize Industry and many of them, such as the Hon. Member for Plateau North, take a prominent part in the development of that industry and it is not at all certain that any of them or any one of them may be at the Maize Conference and it appears of great benefit that this House should hear their views on the points raised before the Conference sits. The second point is that there is a wide difference in a matter of importance such as this between these issues being raised at a conference individually by individual members of the conference, there is a wide difference between that and the full authority of this House for introduction from the Chair. It gives hon. Members of this House the natural right to follow up the business done and the decision come to and the conclusions reached by further action in this Council in the way of question or motion. I may say without meaning anything more than I say that we do find these various points have been discussed at considerable length in the past year or two and that no finality has been reached. So far as I am aware nobody connected with the industry is satisfied with the conditions under these three heads of my motion. Turning to the detail of the resolution whether a system of grading maize at up-country stations cannot be undertaken. Maize can be collected at up-country stations. That, however, is an entire

reversal of the present procedure as explained to me why maize is now collected at the Port. It is contended that the most injurious conditions prevail at Kilindini than can be found anywhere else. It is probably one of the dampest ports on the East Coast of Africa and weevil is more prevalent there than at any other port. By grading up-country it is hoped it will relieve to a large extent the congestion at the Port because it is felt that if the grading is done up-country—and collecting will be done up-country arrangements will be made by the Railway for the shipping at one time of a large amount, and it is contended that is the point at which we should aim—direct as far as possible from truck to ship. I should like to quote an example of a case which has been put up to me. The case is this. A contract is entered into with overseas buyers for 1,000 tons of maize, shipment February. This quantity may have to be collected from several different farms. Under the present system the maize is railed to the Coast during seven or eight weeks prior to date of shipment. Railings are necessarily of small quantities. The maize is then collected at the Coast and graded within and between days of shipment. Some of the maize will have been in store at the Coast six or seven weeks and in practice it has been found that out of a quantity like 1,000 tons—a proportion, say, 60 or 70 tons (sometimes more) is rejected by the grader and marked "slightly weevily" or "weevily". Under the contract buyers will not accept slightly weevily or weevily maize, and therefore the shipper has no option but to either "short ship", in which case he breaks his contract, or to buy a further quantity of maize of the grade contracted for in good condition to make up for the quantity rejected. This must be done up-country as it has been found that practically all maize at Kilindini is under contract for sale. A shipper, therefore, has only roughly one week in which to buy the necessary maize up-country and rail it to the Coast for shipment to comply with his contract. This is as a rule impossible. The shipper, therefore, short-ships and breaks his contract. The buyer has then the option to throw up the whole of the contract, and if the market has fallen since the contract was made the shipper obviously loses heavily. In exporting a bulky "grain" crop which is a comparatively cheap article, such as maize, wheat, barley, oats, etc., it has been found that in other countries the most economical way from the producers point of view is that the crop should be purchased outright for cash as near to the producer's farm as possible (i.e., usually on delivery to railhead). If a system of up-country grading is started here this will be possible, but under the present system of grading at Kilindini, a producer has to wait until his maize arrives at Kilindini, is stored there pending shipment, and then graded for shipment.

Generally speaking, as is known to this Hon. Council business in grading of maize is done by "float", that is to say the business is done on the shipping documents of actual consignments reaching the United Kingdom ports and it is therefore urged that it is most important to get the largest consignments away as quickly as possible and in the best condition possible. I think that is all I need say on that. With regard to the moisture content. The argument put forward is that it would be more in line with the conditions ruling in other countries. If the moisture content could be reduced from the present high level of 14 per cent. and further if that were done the chances of weevil infection would be consequently reduced. With regard to the introduction of further grades the position is this. At the moment maize that cannot quite reach Grade 2, but is within perhaps 3d. or 6d. a quarter of the value of Grade 2 maize has no chance of getting a Grader's market except Grade 8, which is an inferior grade. The effect on the buyer is that he buys a parcel of Grade 8 maize and finds it exceptionally good by reason of the fact that what he has bought is maize that has just escaped being graded as Grade 2 maize. The next time he buys Grade 8 it is nothing like the quality he got originally and therefore naturally from a business point of view he will pay as low a price as possible for Grade 8. It is therefore only a natural sequence of events to institute another low Grade 2, which would allow the producer to get full value for maize which does not just reach that standard.

HON. J. E. CONEY : I beg to second the motion.

HON. CONWAY HARVEY : Your Excellency, as one who has been a member of the Maize Conference since its institution, I might be allowed to support this very innocuous motion. I do, however, join issue with one or two of the remarks made by the hon. Mover of the motion. In the first place he is inclined to deplore the fact that finality has not yet been reached in making the best possible arrangements for the export and grading of our maize. Finality in such matters is never reached. In the Argentine where they have been growing and exporting maize for one hundred years and in South Africa for the last 50 years in these countries the Maize Conferences are constantly slightly modifying arrangements they have arrived at and I must in justice to at least 100 maize growers, whom I represent, take exception to the phrase that "everyone connected with the industry is dissatisfied with the present position of affairs". Our personal impression is that the enormous success that has attended the operation of the Grading Ordinance so far as maize is concerned, largely as the result of the Maize Conference's deliberations, has entirely revolutionised the Maize Industry

in Kenya and has put it on so solid a footing as is not enjoyed by any other industry in Kenya to-day. As a matter of fact each of these three points raised by the hon. Mover of the motion had been discussed in very great detail at each of these Maize Conferences. I should like to mention these conferences are composed invariably of delegates from each of the different communities very directly connected with this industry. We have growers, transporters, merchants and shippers and from my own experience, Sir, I would assure you that everything that anybody can think of or suggest which has been debated at previous conferences in other countries has been dealt with and considered in its relation to the industry in Kenya. So far as the moisture content is concerned, that has occupied a great deal of attention by both the conferences which have been held. For what we consider to be very good reasons it was decided for a start to allow moisture content for tea. Shippers at that conference who shipped thousands of tons of maize assured us that they had shipped maize with a moisture content as high as 16 per cent. In view of that statement or evidence and in order to avoid dislocation of the trade and industry and congestion at the Port it was decided to give this rather high moisture content a trial and undoubtedly it has been quite reasonably successful. The subject was again discussed at the last conference held in December and on my own motion a very narrow majority decided that the moisture content should be reduced to 12 per cent. as soon as the drying plant now in course of erection is functioning. I should like to ask the hon. Mover in reply on what he bases his 12 per cent. So far as grades are concerned the grades which have been applied to Kenya are those which have proved entirely successful in South Africa and I do not think in such matters we could do better but profit by the experience of a country which has played a very, very prominent part in building up the maize industry of the world. Nevertheless, I do support this motion it can do no possible harm and I am greatly impressed by the opening remarks of the Mover.

HON. J. B. PANDYA : Your Excellency, I should like to ask for information in regard to the moisture content. I think that the question of moisture content is a very controversial one and a big principle is involved in this matter. By reducing this moisture content to 12 per cent I am inclined to think we are entirely.

HIS EXCELLENCY : I suggest that this motion is that this matter be referred to a Maize Conference. The hon. Member can support that motion by saying he considers it a subject which should be discussed, but there is no necessity for him to go into details on these points.

HON. J. B. PANDYA: I think at a later stage perhaps the hon. gentleman will reply and I only put this one point for information that he should be able to tell us whether this moisture content . . .

HON. ACTING COLONIAL SECRETARY: Before the Hon. Director of Agriculture speaks I would appeal to hon. Members to study the terms of this motion. It will save a good deal of time in this hon. Council. The motion is that these points be referred to the Maize Conference at which their merits will be thrashed out in detail. There is no necessity for us to-day to discuss the actual merits of the 12 per cent. or 15 per cent. of the moisture content.

RT. HON. LORD DELAMERE: There are one or two remarks made by the Hon. Member for Nyanza with which I do not agree. We must all admit that the Maize Conference, and the people working with it, are responsible for putting the maize industry, up to a point, on a very different basis to what it was before, and I think probably for that very reason the hon. Member who moved this motion has asked that certain matters about which they were a little uneasy should be referred to that particular conference, and that it should not be dealt with either in this hon. House or by any other method. The more we put these matters up the better for everybody.

With regard to this moisture content, I think everybody will agree that it is a pity that for some reason or other this maize drying plant has been such a very long time on the road and has not yet been erected.

HON. LORD FRANCIS SCOTT: In rising to support this motion, I would say that I think the real crux of it is—the one point which I think is worrying the present exporters of maize—is the system of the block-stacking at the Coast. At present we cannot avoid having that system owing to the congestion and lack of space. The question of grading maize at up-country stations is a very important one. If it can be done it would be the means of doing away with the block-stacking system.

With regard to paras. (2) and (3), I imagine these are bound to come up at the Maize Conference. Para. (1) seems to me a very important point to be considered if it can possibly be managed.

HON. ATTORNEY GENERAL: Your Excellency, I think this motion is rather an unusual one, because, as I understand it, this Council is being asked to quote an opinion that certain points connected with the maize industry should be referred

to a Maize Conference, and I have no doubt they are very important people, but as far as I know it is not a body which has any absolute legal status in the country, and it does seem a little unusual that this hon. Council should ask such a body to refer certain questions relating to the grading of maize and so on to a Conference of that sort. I really cannot understand why the Mover of that motion, if he wants to consult the conference on this point, cannot do so directly, without asking this House to do so. It does appear to me that all these questions can be discussed at the Maize Conference, and rightly too, without this motion. This Maize Conference could then put up these questions to the Government, and to this hon. House.

HON. DIRECTOR OF AGRICULTURE: I rather agree with that view, as expressed by the Hon. Attorney General. I think it is without precedent that a motion framed like this one is put before this hon. Council. However, I have not the slightest objection—on the merits of the motion itself—that points of this sort should go to the Maize Conference, and therefore I think it will be accepted by everyone in this House without debate. I do not propose to traverse all the arguments put forward by the hon. Mover of the motion and my hon. Friend the Member for Nyanza, but rather challenge some of the statements. He said that nobody connected with the industry was satisfied with the conditions under these three heads. I challenge that as a correct statement. I know that not one per cent. of those interested would agree that it is a correct statement.

As to the three heads I would give information to this hon. House. Under No. (1)—that has already been noted for the Maize Conference. I do not propose to occupy the time of this House for half an hour in giving my reasons why it should not be introduced. As to No. (2), it has been before two Maize Conferences, and also been discussed by the Maize Consulting Committee, and the decision has already been made. As to No. (3), in the light of our experience, particularly during the last season, I have already prepared proposals for the introduction of three grades of flat white maize—instead of two, as in past years, and that is also going to be discussed by the Maize Conference.

I take it that the hon. Member who moved the motion meant 12.5 per cent. and not 12 per cent.

As to the wording of No. (3), I could not vote for it as it stands, because it is entirely wrong. It should not say "Grades Nos. 2, 3 and 4, instead of the present grades, viz.: Grade 2; and then nothing until Grade 8"—that is not correct in accordance with the Maize Grading Rules. I suggest

to the hon. Member—it will meet his case equally well and prevent him making a serious error in his motion—that it should be altered to read “ shall be 3 main grades for quality of flat white maize ”, and leave the rest to the Maize Conference to be dealt with.

RT. HON. LORD DELAMERE: I would like to put an amendment to this motion, and that is this: “ That the Maize Conference be asked whether it would not be possible to hold a Maize Conference at a time of the year when it is possible to alter the conditions of the Export of Maize before the season of exporting maize has begun ”.

HON. TREASURER: May I respectfully suggest, in view of the remarks made by the Hon. Attorney General, that perhaps the hon. Mover of this motion will withdraw it? I do not know what the Government's view is on the matter, but this is not a Maize Conference! (Hear, hear), and I suggest that this be referred to the Maize Conference.

RT. HON. LORD DELAMERE: I do wish to say this, that as far as I personally am concerned, I think it is an extraordinary thing to discuss these matters about maize after the maize season is done. We have the Maize Conference held in December, when it is quite impossible to do anything at all, and I would like to add that to this motion.

With regard to the remarks made by the Hon. Attorney General, I am perfectly willing to admit that it is peculiar for a motion of this sort to be put forward, but I cannot see myself that it is in the least out of order that this hon. House should have certain things brought to its notice. It does not, however, consider itself expert in these matters and therefore it would like to refer these matters to the Maize Conference.

The hon. mover did not attend the Maize Conference for the simple reason that he is not a maize grower, and therefore, even if he were to send this motion to the Maize Conference it would not have much weight; on the other hand, if this hon. House were to make out a prima facie case, and submit it to the Maize Conference it would have much more weight, and the matter would be very seriously discussed. As far as I am concerned I entirely sympathise with the hon. Mover.

HIS EXCELLENCY: I think perhaps it would be as well to explain that this motion is accepted, and considered in order by Government. It is better that the motion has been submitted in this form than that each subject should have been put up separately, for the house to consider. We are not all maize experts in this House, and Government would prefer that this matter be referred to the Maize Conference.

Government is perfectly willing to accept this motion as it stands, with the amendment proposed. These matters are right and proper subjects for discussion by the Maize Conference.

RT. HON. LORD DELAMERE: I am quite willing to withdraw the amendment.

HIS EXCELLENCY: Perhaps the hon. Member will withdraw his motion on an undertaking from Government that the four subjects under discussion will be referred to the Maize Conference—which is the best course to take.

HON. H. F. WARD: Your Excellency, this motion was put up at the request of hon. Members on this side of the House, and I do not feel in the least inclined to withdraw it if Government is prepared to accept it.

HON. E. M. V. KENEALY: I should like to move an amendment to that motion: “ That matters referring to maize should be referred to the Maize Conference.”

HIS EXCELLENCY: I think the previous amendment and motion are met by an undertaking from Government that these matters will be referred to the Maize Conference.

HON. H. F. WARD: With the greatest possible respect, Your Excellency, I should not like to withdraw the motion.

HIS EXCELLENCY: Well, an undertaking has been given by Government, but if you wish to put the motion before the House—the motion is before the House.

HON. W. MACLELLAN WILSON: If this motion is going to be put before the House, and not withdrawn, I must say I cannot possibly vote for it as it stands. If Clause 3 is not correct—as I understand it is not correct—unless something is done to alter it, I am afraid I cannot vote for it.

HIS EXCELLENCY: Perhaps the hon. Member will tell the House how his motion stands.

HON. H. F. WARD: I should like to say, first of all, that with regard to the remarks of the Hon. Member for the Lake, when I used the word “ finality ” I meant it only to apply to the three points that I touched upon.

RT. HON. LORD DELAMERE: I have withdrawn my amendment.

HON. H. F. WARD : I beg to give notice that I accept the amendment suggested by the Hon. Director of Agriculture in regard to paragraph 3. I do not remember his wording exactly.

With regard to the points made by the Hon. Member for the Lake, I distinctly meant the word "finality" to refer only to those three points, and as far as I am able to gauge the position we have not yet reached finality under these three heads. It never entered our heads that anything I said would be taken as any reflection on the Conference, which has done such valuable work for the maize industry. After all, this is only an attempt to save the producer—of which the hon. Member is a prominent member—losing a certain proportion of his crops, because it is the producer, and nobody else, who pays when these arrangements for the protection of an industry are not on the best lines possible.

With regard to the point made by the Hon. Attorney General, I did explain, when introducing this motion, that if it went as coming from an individual—or if it was put up by an individual at the Conference, it would not receive the same consideration as it would were it to come as a recommendation from this hon. Council, and introduced by the President at their Conference, under instructions from this House.

Regarding the Hon. Director of Agriculture's challenge : he challenged my words, I think, that everybody connected with the industry was dissatisfied under these three heads. In making that statement I did not do so without having first taken a great deal of trouble to prove the accuracy of such statement. This country has recently been visited by a representative of a firm engaged in the purchase of produce—the principle member of a firm which is one of the largest colonial produce buyers in the world. As a result of that visit a memorandum, embodying the firm's recommendations, was circulated to every authority that I know of connected with that side of farming, that is to say, the produce organisations, the co-operative organisations, and so on; and every hon. Member on this side of the House has seen it, and everybody I have heard of is in thorough agreement with the memorandum. Therefore, I think it is fair to say that the industry as a whole is not satisfied under these three heads.

HON. DIRECTOR OF AGRICULTURE : I think a very serious statement has been made by the hon. Mover of the motion in explanation and defence of his remarks. I consider his statement as an unwarranted reflection on the Government and the Department I represent. Only recently I addressed approximately 150 maize growers on the Trans Nzoia and

Plateau, dealing with these questions raised by the hon. Mover, and not one of those growers stated his dissatisfaction with the arrangements.

HON. J. E. CONEY : I would like to know why the Hon. Director of Agriculture has been given an opportunity to speak after the hon. Mover has replied to the debate.

HIS EXCELLENCY : I will put the motion to the Council as it now stands :—

"That in the opinion of this hon. Council the following points in connection with the maize industry should be referred to the forthcoming Maize Conference :—

1. Whether the system of grading maize at up-country stations can be instituted.
2. Whether the present moisture content allowed, viz. : 14 per cent. can be reduced to 12.5 per cent.
3. Whether it is possible to arrange that there shall be three main grades for quality of flat white maize."

The motion was put and carried.

HON. ACTING COLONIAL SECRETARY : With Your Excellency's permission, the motion on Mbaraki will now be taken.

I would further explain to Your Excellency that the sketches and plans having been laid upon the table of this House, and having received intimation that the leaders of the various parties are prepared to proceed with this debate, it will be desirable if possible to complete this discussion this afternoon. I may say that I have no wish to hurry the debate in any way.

HON. R. S. NEHRA : I have had an opportunity of conversing with the Hon. Commissioner of Lands, and having examined the plans and having been shown the plots, and also having had the position explained, he agrees with me, if I am correct, that there is a plot intervening between two plots which is going into the area which it is proposed should be taken over by the Government, and in fact it is a very big plot which is intervening. First of all, I would draw the attention of the hon. Mover and would request him to enlighten the House on the point whether it is his policy, or the policy of Government, to acquire land on both sides of the railway line in Mombasa, and if so, how many acres and how many feet on each side of the line it is the intention of

the Government to acquire for the purpose of the Railway, because as is stated, these two plots 49 and 51 . . . (interruption).

RT. HON. LORD DELAMERE: Your Excellency, are we in Committee, because the hon. gentleman spoke once in Council?

HIS EXCELLENCY: Council adjourned in order that the hon. gentleman could get further information from the Hon. Commissioner of Lands. The hon. Member has now got that. He raised the question in connection with two lots which are included in the schedule, and I think he is, therefore, in order in bringing up the point in explanation.

HON. R. S. NEHRA: And if it is the intention of the Government to buy these two plots, I would suggest, and I would request the Government to note that there is an area, including the plot that I mentioned, which also would be quite useful for the Railway, and as the Government is going to buy a lot of property and is considering the ownership of all the areas concerning the Port and Railways. I suggest—and as I have pointed out to the Hon. Commissioner of Lands—that the strip of land which is on the other side of the Railway is a very useful plot.

HIS EXCELLENCY: That is out of order. You should only deal with the actual lots in the schedule. You are out of order in dealing with plots which are not on the schedule.

HON. R. S. NEHRA: I bow to Your Excellency's ruling on that point, but I would ask that the hon. gentleman state if these two plots are going to be used for any purpose.

HIS EXCELLENCY: That is not in the issue at present. You are out of order.

HON. R. S. NEHRA: As Your Excellency pleases.

HON. COMMISSIONER OF LANDS: On a point of explanation perhaps I can assist the hon. last speaker. He did point out to me on the map what he considered would be a better line as a boundary of the area to be acquired, and I told him that I thought it was up to him, after the Council has decided to buy the property that it is proposed to buy, to advance his views then. I think his views at the present are perhaps premature.

HON. M. KASSIM: I would like to ask one or two questions on this subject. First of all, I would like to know if the deep-water pier at Kilindini has been developed to the fullest

extent, and secondly if this property is acquired does the Government wish to proceed with the work immediately, or is it going to hold it up for a considerable time, and to what extent.

HON. MACLELLAN WILSON: The Hon. General Manager has answered all these points. The Hon. General Manager has suggested that an expert engineer be appointed.

I would ask that this motion be passed, so that we can get the work done.

THE HON. GENERAL MANAGER, UGANDA RAILWAY: It is the case, as I said this morning, that we must first get a report before we proceed to further development. As to the deep-water berths, they are not used at all at present because they are not ready, but we hope to get the first portion ready very soon, and during the next year we hope the deep-water berths construction will be proceeded with.

HON. ACTING COLONIAL SECRETARY: I make no apology for having introduced this motion in a meagre way. All the questions were answered by those who were most competent to reply to them.

I should like to take the opportunity of thanking all hon. Members in this House for the assistance they have given to-day in bringing out the merits and demerits, if there are any, of the proposal.

The main objections to the proposal have been on the score of the price which is being paid, or which it is proposed should be paid, and that has been answered very fully by the Hon. Commissioner of Lands, and to use the words of one hon. Member, "it is a good bargain and a sound investment." He has shown that our money is more than covered and that there is a good return coming in annually thereupon.

The second point, as to the necessity of buying this pier, that point was fully answered, and if I may say so, fully and competently answered, by the Hon. General Manager. There is no necessity whatever for me to dilate upon those two points.

With regard to the subsequent use of the pier, it was a point put by more than one hon. Member. The case is as I tried to put it. If the lessees of the seven acres continue to use and to develop they by so doing continually improve the value of the land which it is now proposed to buy behind the pier. If the lease is surrendered the Government gets back the use of the seven acres and may do whatever those investigations which the Hon. General Manager has foreshadowed, shall advise.

I am glad that the motion has met with no more opposition than it is. I should like to thank the Rt. Hon. Member for giving me the right word; apart from the control there is also the question of development. We want Kenya to buy this land because she can then have in her own hands the development of the Port.

Motion put and carried unanimously.

BILLS.

HON. ATTORNEY GENERAL: I beg to move that the Council resolve itself into a Committee of the whole Council to consider the report of the Select Committee appointed to inquire into the provisions of the Shop Hours' Bill, 1921.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

In Committee.

HON. M. A. DESAI: I wish to put an amendment. The word "Assistants" after the word "Hours" in the Short Title.

HON. SHAMS-UD-DEEN: I beg to second. Before we delete the word "Shop Hours" and insert the word "Shop Assistants" some justification should be shown why it should be so deleted. I should say that the reason for deleting the words "Shop Hours" is that the second part, as has been shown in the main title of the Ordinance, consists of two parts. I would only conclude by saying that the second part of the Ordinance which deals with shop hours is premature in any case.

HON. T. J. O'SHEA: Speaking in opposition to the proposed amendment, may I attempt to justify the clause as it stands at present? The Ordinance is cited as "The Shop Hours Ordinance, 1925". I submit, Your Excellency, that is a very comprehensive Short Title, inasmuch as the Ordinance deals with the hours of employment of assistants in shops, and the hours at which shops may remain open.

Amendment put, and lost.

Clause 2.

HON. H. F. WARD: I would like to explain, on behalf of the hon. Elected Members who sat on this Committee that we went to the Committee with the firm intention of getting the Ordinance applied to the country as a whole, and making it necessary for any district or area that did not wish to be included under the Act to put up a case to Government why

they should be so excluded. We were convinced, after the very able arguments put up by the Chairman and other hon. Official Members that considerable difficulties, at any rate in their minds, existed and that if our suggestions had been carried out it would have meant a great deal of reframing of the Ordinance. The inclusion of all sorts of provisions that were not in there—and I think the hon. Chairman will agree with me that he rather doubted whether this Act would be brought in this session—would entail very considerable delay in its application, and therefore, with great reluctance, we abandoned our proposals and put forward the proposals as they now stand.

Clause 2 passed.

HON. ATTORNEY GENERAL: In Clause 3 the Select Committee propose in the definition of "Local Authority" to delete all the words after the word "Commissioner". The reason for that is that in several areas at the present moment the District Commissioner is the actual local legal authority, and it was considered undesirable to appoint a special legal authority for the purpose of closing orders, and for things which the legal authority usually does.

Another amendment is the insertion in the definition of "Retail Trade and Business" of the words "refreshments, intoxicating liquors" after the word "catalogues."

Clause 3, as amended, passed.

(Council adjourned to 10 a.m., Saturday, August 22nd, 1925).

SATURDAY, 22nd AUGUST, 1925.

The Council assembled at 10 a.m., in the Memorial Hall, Nairobi, on Saturday, the 22nd day of August, 1925, His EXCELLENCY THE ACTING GOVERNOR (MR. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

HIS EXCELLENCY opened the Council with prayer.

ABSENT :

The Honourable J. O. W. Hope, C.M.G.

The Right Honourable Lord Delamere.

Minutes confirmed.

PAPERS LAID ON THE TABLE.

1. Report of the Select Committee on the Agricultural Produce Export Amendment Bill.
2. Report of the Select Committee appointed to consider Forest Royalties.

BILLS.

HON. ATTORNEY GENERAL : I beg to move that a Bill intituled " An Ordinance to Consolidate and Amend the Law relating to Witchcraft " be recomitted to a Committee of the whole Council, in order to consider the proposed amendment to Clause 9.

HON. ACTING COLONIAL SECRETARY : I beg to second.

Motion put and carried.

In Committee :

Clause 9 as now amended stands as part of the Bill.

HON. ATTORNEY GENERAL : I beg to move that the Bill as amended be reported to Council.

HON. ACTING COLONIAL SECRETARY : I beg to second.

Council resumed its sitting.

HIS EXCELLENCY : I have to inform Council that a Bill intituled " An Ordinance to Consolidate and Amend the Law Relating to Witchcraft " has been re-committed to Council, gone through Committee with slight amendment, and has been referred back to Council.

HON. ATTORNEY GENERAL: I beg to move the 3rd reading and passing of a Bill intituled "An Ordinance to Consolidate and Amend the Law Relating to Witchcraft."

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

Motion put and carried.—Third reading passed.

HON. ATTORNEY GENERAL: I beg to move that a Bill intituled "An Ordinance to amend the Liquor Ordinance, 1909," be read a third time and passed.

HON. SOLICITOR GENERAL: I beg to second.

Motion put and carried.—Third reading passed.

HON. ATTORNEY GENERAL: I beg to move that a Bill intituled "An Ordinance to Amend the Cotton Tax Ordinance, 1923," be read a third time and passed.

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.—Third reading passed.

HON. ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee of the whole Council to consider further in detail the provisions of a Bill intituled "An Ordinance to Regulate Shop Hours and to Regulate the Employment of Shop Assistants."

HON. ACTING COLONIAL SECRETARY: I beg to second.

Motion put and carried.

In Committee:

CLAUSE 5.—HOURS OF EMPLOYMENT.

HON. ATTORNEY GENERAL: The Committee proposed in Clause 5 that the words in line 30 "Sundays" should be omitted. It was felt that if shop assistants were required to work on Sundays, as they may be required in special circumstances of stock-taking, it might introduce some element of difficulty if the hours during which they were so required to work were unnecessarily restricted.

Clause 5 as amended stands as part of the Bill.

CLAUSE 6.—SEATS FOR FEMALE STAFF.

HON. E. M. V. KENEALY: With regard to this clause, would it not be advisable to provide that the employers should not have the power to issue orders preventing the staff from using the chairs required by law.

HON. ATTORNEY GENERAL: Of course legislation of this sort is always a little difficult. We have adopted here the section in the corresponding English Act, which I believe works quite satisfactory, and if we tried to do too much we might not succeed in doing anything at all. I would therefore ask the Honourable Member not to press this particular amendment at this stage.

CLAUSE 7.

HON. ATTORNEY GENERAL: The Committee propose the deletion of sub-clause 2 (c), and in the proviso it is proposed the deletion of the words at the end of line 16—"of each of the several classes."

There is a consequential amendment at the end of sub-section (b), the word "or" should be deleted.

Clause 7, as amended, stands as part of the Bill.

CLAUSE 8.—SUNDAY CLOSING.

HON. ATTORNEY GENERAL: In Clause 8 the Committee propose the insertion in line 39 after the word "closed," of the following words: "for the serving of customers." That is really the intention of the Ordinance, and the Committee though it would be as well to make it clear. The Committee also propose to put in at the end of the Clause the following words "or trades."

Clause 8, as amended, stands as part of the Bill.

CLAUSE 9.—CLOSING ORDER.

HON. ATTORNEY GENERAL: Your Excellency, there was considerable debate on this clause; on the one hand it was proposed that 4.30 p.m. should be the latest closing hour; there was some feeling on the other hand, by the Indian Members especially, that the hour should be extended to six o'clock. After a good deal of discussion the Committee came to the conclusion that the section should stand as it is, that being the latest possible hour—5 o'clock. But the Committee was also of opinion that on one day in each week shops should be allowed to remain open longer—until 7 o'clock, and I drafted an amendment to provide for this extension. The amendment is in the form of an additional sub-section to this section.

SUB-CLAUSE (6).

"Notwithstanding anything contained in this section any shop may remain open until 7 o'clock in the afternoon on one day in each week. The day on which shops of any particular class may so remain open may be specified in a closing order. In the absence of any such order

affecting a particular shop the occupier of such shop shall specify the day by a notice affixed in the shop, but it shall not be lawful for him to change the day oftener than once in any period of three months."

I think a provision is also necessary in (3) :-

"Provided that this sub-section shall not apply to any shop in which the only trade or business carried on is a trade or business of any of the classes included in the Third Schedule to this Ordinance."

If no closing order is made it might appear that shops of the class mentioned in the Third Schedule have to close not later than 5 o'clock, and accordingly it seems necessary to put in this small amendment.

HON. J. B. PANDYA : I beg to move an amendment in section 9, line 63. Delete 5 o'clock and insert 6 o'clock.

There was a difference of opinion in the Select Committee with regard to the closing order. I should like to make it clear that this clause, even if you insert 6 o'clock does not make it compulsory for any Local Authority to give such an order. It only implies that a certain option or a certain discretion would be given to the Local Authority to fix an hour between 4 and 6 o'clock. Now if this Bill is to be made of any use—if this Bill is to be made workable—and that is the intention I think of this Bill, as it is merely an enabling Bill—we must not fix an hour which cannot be altered afterwards, and which would go against the operation of the Bill. If you put in here 6 o'clock, as has been suggested by me, I think most of the localities who wish to have a later hour could not take any objection to this Bill. Now therefore I think if this is altered to 6 o'clock it would meet the case. I also beg to mention that this Ordinance has been more or less drafted from the English Act, and I understand that in the English Act you have got 7 o'clock as the closing hour. Therefore if in England power such as this is given, if it is considered in England quite good, I think here also it should be considered that 6 o'clock is good enough. If the contention of the Honourable Members on this side of the House is that they would not get their recreation hours or anything like that, how do they manage it in England if they leave work after 7 o'clock.

I think this is a very reasonable amendment, and I have no doubt Honourable Members on this side of the House will consider this amendment a good one.

HON. T. J. O'SHEA : I hope the House as a whole will agree with me that it would be a most undesirable thing for Government to introduce legislation in this country to make

the conditions of the workers in the country worse than they are to-day. That in fact is the proposal put forward by the Honourable Mr. Pandya. I see no purpose in introducing social legislation of this nature unless the intention of it is to improve the conditions of the people for whose benefit it is introduced. If it is not going to improve the working hours of the traders and shop assistants in the parts of the country in which they may apply then surely there is no purpose for its introduction. The actual facts of the case are that the overwhelming majority of shops at the present time without any legislation close at or about the hour of 5 o'clock. There is only a very small proportion of shops indeed that are open at the present time until 6 o'clock in the evening. Why then endeavour to perpetuate by legislation an hour against which the working classes of this country are objecting. (Hear, hear). I have myself during the past week made a study of the working hours of the different classes of shops in this town, and I find that well over two-thirds of them are closed by 5 o'clock in the evening. A good proportion of the balance already close about half past five. A very small section of the shops indeed open until the hour of 6 o'clock. I have gone down to the Indian Bazaar at Nairobi several evenings during the past week, and I found that at about 6 o'clock there were very, very few of the Indian shops dealing with native trade open at that hour. I saw hardly a single native purchaser in the Bazaar by the hour of 6 o'clock during the past week. That being the case I fail to see why we should endeavour to legislate on the basis of the longest possible hours according to the ideas of the trading community. Surely if there is any point in introducing this legislation at all it is for the purpose of improving the conditions of those who are affected by the Bill. I therefore strictly oppose the amendment put forward by the last speaker. (Hear, hear).

CLAUSE 9.

HON. R. S. NEHRA : Your Excellency, in support of the motion of the Honourable Mr. Pandya I beg to submit that the time suggested between 4 and 6 is very reasonable on account of the fact this is only discretionary time allowed to the local authority. It does not mean the local authority must order that the shops should not be closed before 6 p.m. As this Bill is mainly concerning the trade of this country and I submit the whole House will agree with this fact it is the intention of legislation not to place restrictions on the trade of the country. The whole object is to obtain some useful benefits for the assistants but I submit the whole country is not on the same level of development as Nairobi at present is and this Bill is going to be applied to the whole of the country, and if there is any necessity that the shops should be closed in Nairobi

at 5 p.m. I submit there is nothing to stop the local authority in making that order in Nairobi or other important places but in other places such as small towns it will be more than beneficial for the country and the natives that the closing hour should not be made till 6 p.m. Most employees are working until 5 p.m. and I suggest a little latitude should be given to the local authority that he should be able to decide between 4 and 6 p.m. and not between 4 and 5 p.m. It is absolutely reasonable and very essential. I would again point out this Bill is not meant for Nairobi only and there is a large part of the country which does not resemble Nairobi. In these places if this Bill is going to apply then we should not be unnecessarily harsh and place obstructions in the development of the trade of the country.

HON. W. C. MITCHELL: Your Excellency, I should like to say at once that the Committee appointed to go into the provisions of this Bill very carefully indeed considered the question of not putting undue hardship on buyers whilst they were engaged in an endeavour to improve the conditions under which sellers had to work and I cannot help thinking the Honourable Indian Members have overlooked one very important amendment which is that shops should be allowed to remain open till 7 p.m. on one day of the week. It seems to me if buyers will only consider sellers and concentrated their buying on the evening on which shops are permitted to remain open till 7 p.m. there is no need for shops to be kept open till 6 p.m. every day.

HON. SHAMS-UD-DEEN: The Honourable Member for Plateau South has confused two clear issues. One is the protection of the shop assistants. There is no difference of opinion on that principle. If he is aiming at the protection of the employees by closing shops at 6 p.m. or by restricting the authorities to make it incumbent upon them not to allow the shops to remain open after 6 p.m. then I think he has either misunderstood the whole position or perhaps he is not as sympathetic to the smaller shop-keeper as he is to the employee. There is another clause in this Bill which restricts the total number of hours for which an assistant can be employed. It is laid down that they can only do 50 or 53 hours a week; so that protects the shop assistant completely. If a shop-keeper chooses to keep his shop open until 6 p.m. and employs his shop assistant he cannot keep him employed over a certain number of hours during the week. We have got to take into consideration the smaller shop-keeper who is the man with whom the native of the soil directly deals. The Honourable Member for Plateau South has mentioned that he has condescended himself to visit the Indian Bazaar on certain

occasions, but I would point out to him that the Indian Bazaar is not the place to-day where the native trade is carried on. We have also got to take into consideration the places outside Nairobi but even in Nairobi the place where the real native trade is carried on is River Road and my own observation is that the trade of natives really commences at 5 p.m. there. These petty shop-keepers do practically all their business from 5 p.m. as the Africans are employed in offices or other places during the day. They get leave between 4 and 5 p.m. but mostly at 5 p.m. and that is the hour when a native wants to buy probably a cigarette or a box of matches for two cents or three cents. That is the time he goes to buy his necessities in River Road and if we are to make this order limited to 5 p.m. I submit it will be a great hardship not only on small shop-keepers but on the natives themselves. As far as these shop-keepers are concerned I am certain not more than one in a hundred employs a shop assistant. They are simply eking out a living by working themselves and their real trade begins after 5 p.m. The fact that there is one clause which makes one particular evening in the week as a shopping evening is, I think no safeguard for the natives and the poor man, even for the Indian who is working in workshops. That man may have other engagements on that particular evening and these people do not do their shopping on one day of the week; there are certain requirements one wants every day. I would submit to the Honourable Elected Members that they take this matter into serious consideration and will not oppose these amendments simply for the sake of opposing. I want to take this opportunity of mentioning that we are here to pass laws in the best interests of the country and we need not necessarily be opposed to each other on every little matter. I do not say that we are not going to oppose each other on any matter but little squabbles of the kind we noticed yesterday are very undignified to say the least and I hope they will take into consideration seriously before limiting to 5 p.m. the requirements of the natives and the smaller shop-keepers. As regards the shopping evening when shops will be open till 7 p.m., I still submit that should be extended to 10 p.m.; 7 p.m. is too early an hour.

HON. CONWAY HARVEY: Your Excellency, my chief objection to the amendment is that it appears to me that it would utterly and completely defeat the intention of Clause 5 which was that a maximum of 9 hours was the longest period for which an assistant could be employed during the day with a maximum of 50 hours week. The hostility of Honourable Members on the cross benches to this particular clause is to me utterly incomprehensible inasmuch as the first intimation I had of any demands for legislation of this nature in Kenya was a report I read four or five years ago of a mass

meeting of Indian tailors who, by an overwhelming majority, if not unanimously, passed a resolution urging the presentation of a memorial to Government that legislation very much on these lines should be introduced.

HON. ACTING COLONIAL SECRETARY: Your Excellency, I do trust all the Honourable Members who are opposing the provisions of this Bill cease to regard it through the magnifying glasses of fear and will look at it with the naked eye. As they themselves have pointed out this is a clause which allows of no compulsion and is in no sense mandatory and is purely provisional and extremely wise. Local authorities can make an order either throughout its area or some part of its area that the shops of any particular class may be closed within certain limits and open within certain limits. This Bill, as the last Honourable Indian Member mentioned, is introduced in the interests of the country in general. The authorities who are contemplated here are the Municipal Corporations in Nairobi and the District Commissioner elsewhere for the time being until other Corporations have been created. It is perfectly incredible that the District Commissioners are going to pass an order or allow any order to be passed or suggest any order that is going to injure the native population. It is equally incredible, you have only to look at the history of the Municipal Corporation of this town for the last few years to see how much they have the interest of the native population at heart. It is going to be their main interest to see that the native customers are not penalised and it follows that any fears on the part of the trading community whether Indian or European are groundless. I would ask Honourable Members when they are thinking in terms of native trade to remember that the local authority will be the District Commissioner or the Municipal authority both of which have the greatest regard for the interests of the natives.

HON. R. S. SEMBA: Your Excellency, I beg to point out two facts in favour of the motion. One is that it is the fact the local authority has the option or discretion not to allow the shops to be open before a certain hour and not to be kept open after a certain hour, but there are a certain kind of shops which open late in the morning, and there is nothing to suppose they should also be bound down to close at 5 p.m. If we put this provision that the shops must be closed at 5 p.m. and not 6 p.m. then it means certain shops may be allowed to open late but they cannot carry on the trade and the second point is there are a large number of the daily labourers in this country who earn their daily wages at Sh. 2 or Sh. 3 a day, and the point suggested by the Honourable Member on the opposite benches that there is one day for shopping up to

7 p.m. on which day these people can do their shopping. I suggest how many of the daily labourers are in a position to buy their rations for the whole week? These daily labourers earning Sh. 2 a day cannot afford to buy their rations for the week. How are they going to get credit? I submit there are a great number of people who cannot afford to buy rations in advance for the week and it is for these people that it is necessary they must be allowed to purchase up to 6 p.m. These people are never allowed to leave their work before 5 p.m. I would urge the House to pay attention to these two facts to provide for the daily labourer. I suggest it is not a question of hostility towards the Bill. The Honourable Member for the Lake suggested that it was the result of a demand made by the Indians themselves that this act was introduced. It goes to the credit of the Indians and we offer no spirit of obstruction. This is a real fact that there are a large number of Indians who earn their wages daily and have to make their purchases daily and do not leave their work before 5 p.m.

HON. M. A. DESAI: Your Excellency, I beg to move another amendment to Clause 9 subsection 2. My amendment is to leave out the words "5 p.m. or later than 5 o'clock in the afternoon and every closing order shall specify the hour of opening which shall not be earlier than 6 a.m. in the morning" by inserting "in the afternoon shall not be earlier than 7 o'clock in the evening of any day of the week."

HON. ATTORNEY GENERAL: On a point of order, may I ask what the amendment is?

HIS EXCELLENCY: The Honourable Member's amendment is an entirely separate matter and we will deal with it later.

HON. DR. J. W. ARTHUR: Your Excellency, so far as the native peoples outside the townships are concerned I cannot see really any reason why they could not arrange to do their shopping before the hours of work. In regard to the natives in the townships themselves I have been trying to think out clearly in my own mind as to whether there would be any real hardship on the natives in a township like Nairobi. I do honestly think the hardship would not be very great. I think that it will be almost certain he would buy what he requires on the day of the week for late closing. He will be able to make his own arrangements to fit in with these hours. He has always got an hour in the day when he can make provision for his needs and for buying other things necessary to him. Further it is probable that the task hour in the morning will not be so late as to prohibit him from having the time then

for doing a certain amount of shopping necessary. The community as a whole should be taken into account and I cannot personally see that it is going to act harshly upon the native people if this clause is adopted. In regard to the matter of the daily labourer. After all the daily labourers get a sufficient wage not merely to buy their food but for other things and I cannot think that by a little foresight they cannot lay sufficient aside on one days wage to provide for the necessities the next day.

HON. CONWAY HARVEY : On a point of order, may I ask for Your Excellency's ruling as to whether you wish to dispose of the amendment before the Committee first, or whether Your Excellency would prefer to wait for the introduction of other amendments.

HIS EXCELLENCY : I think it would be better to dispose of the amendment before the House now.

HON. J. E. CONEY : Would I be in order in ruling that the question be now put?

HIS EXCELLENCY : Yes, I will put the question now.

HON. T. J. O'SHEA : The Honourable Mr. Shams-ud-Deen in dealing with my criticism of this amendment said that he thought I was confused in two ideas. That by leaving the shops open until 7 o'clock the interests of the shop assistants need not be affected. But he overlooks the fact that the Bill is intended to deal with more than the shop assistants. It also tends to deal with the hours shops may remain open, and protects the shop-keeper against unfair trading conditions. It also appeals to my sympathy for the small shop-keepers. There is every reason why I should be sympathetic to them, but I respectfully suggest that it is not fair to expect everybody else concerned with trading in this country to have to submit to conditions imposed upon trade by the small shop-keeper who, in order to eke out a living—as the Honourable Member has said—is prepared to open until 10 o'clock at night to sell a packet of matches.

May I say that far from opposing this amendment merely for the sake of being fractious we are opposing it because it entirely undermines the position we adopted when we asked for this legislation to be introduced. If it were to pass in the form as suggested by the Honourable Member then it would entirely defeat the intentions the Government had in mind when introducing this Bill.

HON. M. A. DESAI : My amendment is that Section 9, subsection 2 should be amended by the deletion of the word " 4 o'clock or later than 5 o'clock in the afternoon " down to " 6 o'clock in the morning ", and insert the words " 7 o'clock in the evening of any day in the week."

We are well aware that England has a very old Act, and if in a civilised country 7 o'clock in considered good enough I fail to see why 7 o'clock should not be considered better for the uncivilised and primitive community of Kenya.

The closing order and the closing hour has got nothing to do with the relief of shop assistants. We are fixing certain hours for shop assistants and that is good enough for them. This has got nothing to do with the relief of the shop assistants, as the Honourable Gentleman the Member for Plateau South has pointed out, and I do request the House to take this fact into consideration—that the closing hour has got nothing to do with the relief of shop assistants.

The Honourable Member for Plateau South has related his experience gained by visiting the Indian Bazaars, but I practically live for 24 hours in the Indian Bazaars, and I notice the conditions there, and the requirements of the Indian and Native communities. I am very sorry to differ from the views expressed by the Honourable Rev. Dr. Arthur on behalf of the natives. I believe and submit that probably he has placed quite contrary views inasmuch as the natives are concerned. I see natives coming into the Bazaar for purchases at 6 and 7 o'clock, and even 8 o'clock. Those who are acquainted with the conditions of Railway employees in Nairobi—Indians and Natives—are bound to support my amendment. I am very sorry to state Your Excellency that, although we are quite prepared to meet Government Members as well as the Elected Members, the spirit emanating from them is not a fair one, in my opinion. Your Excellency, from the debate and the views expressed by the Honourable Members (interruption)

HON. CONWAY HARVEY : On a point of order, I suggest the Honourable Member is imputing unworthy motives. . . (Laughter).

HON. M. A. DESAI : I beg to submit that this Bill is simply introduced for the simple reason of destroying the Indian trade. It has got. . . . (interruption).

HIS EXCELLENCY : The Honourable Member is out of order.

HON. M. A. DESAI : I am now referring to the time of closing, and I beg to submit that those Honourable Members who are really acquainted with the conditions of life in Nairobi would support the amendment of 7 o'clock. Then I do not see in the English Act provision for opening hours in the morning at all. There are small traders in Nairobi who have not assistants at all, and who are supplying the needs of the natives themselves. They want recreation. Sometimes the shops are run by traders and shop assistants do not come in at all.

Your Excellency, the Honourable Member for Nyanza has informed us that four or five years ago there was a demand by the Indian tailors for legislation of this sort. He is quite right in what he says, and the demand was made by their employers as well. I beg to submit that if this House at all desires that some of the provisions of this Bill be given effect to, and relieve the shop assistants, they should support this amendment.

HON. W. MACLELLAN WILSON : I trust the Honourable Members on the cross benches will not try to press those two amendments. In reference to the English law, so far as the hours are concerned it would not be practicable in this country. This is a measure of social legislation for the material benefit and welfare of the people. First of all, I think it can be taken as a maxim that a certain amount of trade is bound to be done in the country and that is dependent on a certain amount of money which people have to spend. The question of hours does not, to my mind, affect that amount of trade, but what we are trying to get at in this Bill is a better social condition not only for the natives but for these poor small shop-keepers who are trying to eke out an existence. I cannot think of anything that so demoralises a man as to be like a toad in a rut, and he cannot see or know anything of the outside world. In fact, this Bill is to assist such people, and I cannot imagine anything better for natives or those Indians whom the Honourable Members have mentioned than to have an hour or two for recreation in the evening, for football or anything else, and to attend, in the latter part of the evening, schools and classes so as to educate themselves and so get to know what is happening in the world. It is good for the whole community, and I do suggest again that the Honourable Members should not press their amendments.

HON. ACTING CHIEF NATIVE COMMISSIONER : I do not know how far the House was influenced by some of the remarks of the Honourable Member for Plateau South, but I am afraid I cannot, with possibly wider knowledge of the townships of

this Colony than the Honourable Member—in any way support the statement that two-thirds of the shops close before 6 o'clock. That is most emphatically not the case at the present moment.

Now, with regard to this section I want, if possible, to see whether I cannot propose some kind of compromise. I do not think it has been very clearly understood that the areas of this Colony will before very long fall into three heads. Those in the first class will be the areas where this Bill has not been applied at all. Those in the second class will be the areas where the Bill has been applied, but no closing order has been made by the local authority. The shops in these areas will close at 5 o'clock under sub-section (3). Then there will be the third class, where the thing is applied and the local authority has issued definite closing orders, and the shops have got to close at the time laid down in the order.

Now I do submit that we all want to bring this Bill into operation all over the country as far as possible. We want to get all the areas in the country out of the first class where there is no Shop Hours' Bill at all into the second class, at any rate, where the main provisions of the Shop Hours' Bill apply, and where a shop has to close at the hour fixed by legislation. Now, I submit it would meet the purpose of the Honourable Indian Members, and would not defeat the purposes of the Bill, if the shops in the second class were allowed to stay open till 6 o'clock under the operation of sub-section (3), and the Honourable Members withdrew their opposition to the earlier hour specified in this sub-section (2). My whole purpose in proposing this is that I want to get this Bill applied as widely as possible. The more difficult we make its application the more opposition will there be in the areas bringing it in.

I would, therefore, propose that the alterations I have mentioned should be put forward for consideration to the House.

HON. SHAMS-UD-DEEN : This amendment brings up again what I wanted to say on the previous amendment as regards a very material point mentioned by the Honourable Member who represents the native interests. I think he mentioned two very material points, of which special notice has not been taken. He said that Africans could regulate their hours of purchase, and he mentioned that in the mornings when the shops opened before the working hour they could probably arrange to make their purchases then or they could make other arrangements during the day. But that is exactly the point we have got to consider very seriously. If the natives were to worry their employers and ask them every day, or at any rate every second day or third day on an hour's leave to go and make their purchases during the day I submit it would dislocate

most of the working of the industries in this Colony, and it is not practicable that in the Railway workshops the foreman in charge should be asked to allow say 20 minutes or 30 or 40 minutes each day for the natives to go out and purchase food. Unless, however, they are going to extend that facility it is going to be a greater hardship to the native than it is to anybody else.

HON. T. J. O'SHEA: I beg to move a further amendment to Section (2) Clause 9:—

Line 53—be altered to read " 4 o'clock or later than 4.30 o'clock in the afternoon."

In doing so I would point out that the intention of this Ordinance is to improve the social conditions of the people affected by this legislation. Unless shops close down in the neighbourhood of 4.30 p.m., the Bill will not secure the conditions of working that are intended. At the present time, and I would repeat the assertion, the vast majority of shops in the Municipal areas in the town areas do close in the neighbourhood of 5 o'clock.

HON. M. A. DESAI: Question!

HON. T. J. O'SHEA: I repeat that most of the shops do close down about 5 o'clock, and there is very little benefit secured unless the hour is made slightly ahead of that time. There are many advantages to be secured from the closing of shops at 4.30, and rather less if they are allowed to remain open after 5 o'clock.

Again, this Honourable Council has been asked time after time to agree to the introduction of a Daylight Saving Bill, the working of which was to be applied entirely to town dwellers. If the hour is altered to 4.30 we shall secure for the town dwellers all the advantages to be derived from a Daylight Saving Bill, without inconvenience to the outside districts to the extent that you would have if anything in the nature of a Daylight Saving Bill were passed.

I feel certain that this suggested amendment will be opposed on the ground that it creates a further restriction of trade. That I think has been met by the Honourable Member for Kikuyu, who has pointed out that the volume of trade in this country can very well be done in such hours that at the present time is devoted to it by some people.

I strongly urge this amendment upon the Honourable House, as I feel certain that it will secure to a very great extent the intentions behind this Bill. It might not be possible to accept it were this Bill to apply to the country as a

whole, but such is not the case. It has been drafted in a most satisfactory way—it has been left to the people concerned in every district to decide whether they want the benefits from it or not. That being the case I do not see why it should not be left to the people of Nairobi or elsewhere to decide whether its provision is applicable to them or not. The Bill has not been drafted in an arbitrary spirit—we are not intending to impose these conditions on Nairobi or other parts of the country—we are leaving it to the sense of the people in Nairobi to take the advantages offered to them if they are suited to their conditions. I do not see, therefore, why there should be any strong objection to this amendment.

HON. ATTORNEY GENERAL: I am authorised by Your Excellency to propose the following amendment to Clause 9 in the hope that a compromise may be arrived at which will meet the wishes of the different interests represented in this House. In sub-section 3 it is proposed that the words " 6 o'clock " be substituted for the words " 5 o'clock " ; that allows a little more latitude in the event of any closing order being made. In sub-section 2 it is proposed that instead of the words " 5 o'clock " the words " 4.30 o'clock " should be substituted and that after the word " afternoon " the following words be added " unless it be shown to the satisfaction of the Governor in Council that special reasons exist for specifying a later hour but shall not in any case be later than 6 p.m. in the afternoon." Honourable Members will realise this legislation is experimental and that the main object of the Bill is to protect shop assistants and that a corollary to that is that the shops which employ shop assistants should not be unduly penalised by the competition of other shops which may not on the one hand employ shop assistants or may not have such a large staff. The effect of the alterations will be that special cases mentioned by the Honourable Indian Members will be covered. In those areas in which any application is made by the local authority or if any local desire is shown for special early closing, in these cases shops will be allowed to close early. In other areas shops will be allowed to remain open until 6 p.m., but in areas in which the local authority, either in Nairobi which will be the Municipal Council, or elsewhere the District Commissioners, if it is considered that shops should be closed earlier than that, a closing order can be made either to apply to the whole area or to a particular portion of the area or to particular classes of shops and the effect of that closing order will ordinarily be that the shops in that area or the class of shops covered by the order will be closed at 4.30 p.m. If, however, it appears that for special reasons certain areas should be exempted and special circumstances are shown to the satisfaction of the Governor in Council it will be possible for those

areas to have their closing time extended up to any time between 4.30 p.m. and 6 p.m. The whole thing is left ultimately in these cases to the discretion of the Governor in Council and Your Excellency authorised me to say that Government feels that in introducing experimental legislation of this nature where no legislation at all has previously existed governing hours, that we have to proceed cautiously and by putting the clause into this elastic shape it enables the measure to be introduced gradually and be accepted readily in areas which might not otherwise accept it, and gradually, if it is workable, to tighten it up.

HIS EXCELLENCY: I would ask Honourable Members if they are prepared to withdraw their amendments.

HON. T. J. O'SHEA: Your Excellency, I am prepared to withdraw my amendment. In doing so we hope our acceptance of the amendment put forward by the Honourable Attorney General will be recognised in the spirit in which it is made. We have every desire to satisfy the Honourable Members on the cross benches who have disagreed with this Bill that we are actuated by worthy methods and in accepting it we have given every evidence that we have no wish to do any injustice or make the trading conditions any more difficult for any section of the trading community. We accept that amendment because we appreciate this legislation is of an experimental character and we sincerely hope when it has been working we will be able to see its effects and improve its provisions.

HON. M. A. DESAI: I am very sorry though we desire to meet the Government and the opposition but I can only see my way to support this Bill if the time for the closing order is 7 p.m. It is left to His Excellency the Governor in Council and he can fix any time but I do not want to seal the hands of the Governor in Council.

Hon. M. A. Desai's amendment put and lost by 32 votes to 3.

HIS EXCELLENCY: The amendment of the Honourable Mr. Pandaya is now before the House.

HON. J. B. PANDAYA: Your Excellency, if the amendment suggested had been left at 5 p.m. I would have withdrawn mine but as it is not I wish mine to be put to the House.

Hon. J. B. Pandaya's amendment put and lost. (No count).

HON. ATTORNEY GENERAL: Your Excellency, in Clause 10 the Select Committee propose that the words in line 20 should be omitted "and if the local authority is satisfied that the occupiers of a majority of the number of shops affected approve the order the local authority may make the order." It is felt this was an undue restriction on the powers of the local authority that it may be desirable a closing order should be made even if the majority of the occupiers of the shops might not agree in the interests of shop assistants or of competition in trade.

HON. J. B. PANDAYA: Your Excellency, I strongly oppose this amendment as I think in principle the closing hours having been fixed it should be left to the discretion of the shopkeepers whether closing is suitable to that area or not and as it is drafted at present it provides a safeguard. I think ample protection has been given to shop assistants and general consumers by providing for the limitation of the closing order. Under the English Act I understand it is provided that two-thirds of the shopkeepers shall determine the closing order. In this instance I do not understand why this amendment has been found necessary. If this Bill has been drafted on the English Act I cannot understand the Government's sudden change in this amendment which nullifies the whole object of the clause.

HON. ATTORNEY GENERAL: May I point out that the whole object of the clause is not altogether nullified because the clause provides for the local authority asking for objections and these objections have to be considered by the local authority and afterwards by the Governor in Council.

HON. SHAMS-UD-DEEN: I am afraid I must oppose this amendment because there is a world of difference between laying an objection and the right to make certain representations on the matter. Objections can very easily be overruled whereas representations have to be taken into more consideration. We are nullifying a principle of democracy by agreeing to that amendment.

HON. ACTING COLONIAL SECRETARY: The principle of democracy is upholding this particular amendment. Unless a majority of the store-keepers agree the order will not go through. By taking out this limitation we now in the sense of the word consider the whole interests of the community.

HON. SHAMS-UD-DEEN: We are again confusing the shop assistants with the shop keepers. The shop assistants are fully protected by the limitation of the hours of work.

Clause 10 as amended passed.

HON. ATTORNEY GENERAL: The Select Committee have an amendment to propose to Clause 11. I think perhaps it would be easiest to read out the clause as amended: "After any order has been passed by the local authority it shall be submitted for the approval of the Governor in Council who shall consider any objections to the order and may either disallow the order or confirm the order with or without amendment. Every order so confirmed shall be published in the Gazette and thereupon shall take the force of law."

This provides that objections shall be submitted to and considered by the Governor in Council and also provides that the Governor instead of merely disallowing the order, may amend it if he thinks it necessary. The clause as now amended is practically the same as the section in the English Act which provides for the powers of the Secretary of State in confirming orders passed by local authorities.

HON. SHAMS-UD-DEEN: May I ask the Honourable Attorney General to give us an explanation as to why this clause was changed in preference to the English Act?

HON. ATTORNEY GENERAL: It follows the 1912 Ordinance.

HON. SHAMS-UD-DEEN: Do I understand the Honourable Attorney General to say the amendment now proposed follows the Shop Hours Act of 1912?

HON. ATTORNEY GENERAL: I think the Honourable Member is asking me whether the clause was originally drafted in its present form. The present form is more or less common form but the Select Committee considered that it was not sufficiently clear that the Governor had power to vary the order or that he was bound to consider the objections put up by the local authority.

Clause 11 passed as amended.

HON. ATTORNEY GENERAL: The Select Committee propose that Clause 14 should be amended so as to read as follows: "14. (1) Notwithstanding anything contained in the Criminal Procedure Ordinance it shall be the duty of the police to investigate and prosecute all offences under this Ordinance. (2) Any police officer or constable thereto authorised by an officer in charge of a police station may enter any shop in any township or area to which this Ordinance applies and demand information to ascertain whether or not the provisions of this Ordinance are being observed."

The amendment has been made in consequence of an objection which was taken to making the offences under the Ordinance cognisable to the police. Under our Criminal Procedure Ordinance if an offence was made cognisable it means the police have the power to arrest without warrant. The majority of offences under this Ordinance will be committed by shop-keepers in relation to the shops and it did not seem necessary for the police to have power to arrest. On the other hand the Committee considered it was highly desirable it should be made somebody's business to see that no offence was permitted against this Ordinance. That it is a matter of public necessity and that in the absence of special local police and having regard to the fact that we have a system of State police the simplest method or procedure was to give this power to the police to see the shops were closed and to investigate generally this Ordinance. The clause has been submitted to the Commissioner of Police who agrees with it.

HON. R. S. NEHRA: Your Excellency, in regard to the suggested amendment I do not understand what would be the object in allowing a police officer to enter into any building with the object of demanding information to ascertain whether the provisions of this Ordinance are being observed. This Ordinance is for the purpose of seeing whether the Shop Hours Act is complied with and whether a person keeps his shop open or not and to allow the police to enter any shop at any time is highly undesirable. There is even no provision in this clause that it should be done at a reasonable time. A police officer can go in at any time. If the shop is open and the person is committing a breach against the shop hours regulations the police officer can see the shop is open and the shop-keeper attending to customers without entering. There is no necessity for him to go inside the shop and in any case when authority is given in Clause (1) "it shall be the duty of the police to investigate all offences under this Ordinance" I fail to see the necessity of the clause that follows. The police have the right to investigate and inquire. The police have the right to go in an inquire. Further the second clause the Honourable Attorney General proposes provision should be included that such entry should be at a reasonable time. There is a good deal of difference of opinion in interpreting the intention of legislation. One magistrate may think one way and a judge the other and unless reasonable words are put into this it will be difficult to say whether the police will be reasonable or not. It is always necessary to say what is intended clearly and it should not be left to the imagination or good intentions of the magistrate one way or the other. My amendment is Clause (1) should be deleted because there

is no necessity whatever for it in view of sub-section (1) Clause 14 and in case the Honourable Attorney General convinces the House that that clause is absolutely necessary I would suggest that the words "reasonable time" should be put in. I first move the amendment that sub-section (1) should be deleted.

HON. M. A. DESAI : Your Excellency, I very heartily support the views of the Honourable Mr. Nehra on Clause 14 (2). A very great principle is involved and I think it is prejudicial to British law. A British subject is master in his own house and the offences which can be committed under this section are mere technical offences. They do not injure anybody. I think in my opinion the police are given sufficient authority and they can go to these shops at any time. I do not see why the shop-keepers should be subjected to any inconvenience and a appeal to the Honourable Attorney General to consider the amendment very carefully and accept it if he can see his way to do so.

HON. ATTORNEY GENERAL : I understand the proposed amendment is to delete sub-section 2. Sub-section 2 has already been amended to a certain extent to meet the wishes of the Honourable Indian Members but I would ask the House to insist on these clauses remaining because the mere power of investigation given to the police would not enable them to enter shops and demand information. The effect of this clause is to make the refusal to give information an offence and that, in a Bill of this nature, is a very necessary thing. The information required may be in regard to the undue detention of the shop assistants working overtime and the shop assistants may be extremely unwilling to give the information, and certainly the shop-keeper is not going to give it. It has been found necessary in England to have a clause to this effect and I think such a clause is also necessary in this country. As regards the amendment proposed that it should be confined to reasonable time. I do suggest that is rather a dangerous phrase to put in it for that means it can always be said the time at which the police officer entered is not a reasonable time, and the matter has got to be thrashed out in the Courts and they can only be guided by what point of view the entry is reasonable. It might be that shop assistants work late at night after hours and work for more than nine hours a day. It might be necessary for the police officer to investigate that. I suggest the police should be given credit for intelligence and tact and they usually use it extremely well. If the police are going to be unreasonable in a matter of this sort public opinion will soon alter it.

HON. J. B. PANDYA : I support the amendment put forward by the Honourable Mr. Nehra. I would make it clear that in the Select Committee the point which I have put was this : that the police in these instances should not be given any power to investigate, and all cases of this nature should be tried as summons cases. But after what the Honourable Attorney General has said I think that not to accept the amendment which has been suggested by my Honourable Friend at a reasonable time is not reason, because I think that on the other hand you have got to consider that the police officer has to be given a certain discretion—you have also to consider the feelings of the shop-keepers themselves. What would be the result if the police officer was about at 7 o'clock or even after the shops closed and made enquiries? The shop-keeper is not protected against that. A reasonable time in my opinion means the working hours and the shop hours, and if the Honourable Attorney General thinks that it should be amended in that way I should suggest that it should be so that a reasonable time should be the shop hours, and only during those hours, and of course then they would be entitled to make enquiries. I think, as my Honourable Friend has said, the principle is there, and I do not think this class of technical offence ought to be so hard.

HON. H. F. WARD : Supplementing what the Honourable Attorney General said, may I point out to Honourable Members on the cross benches that we are anxious to get this Ordinance in line with the law of England. I believe I am correct in stating that under the law at home the local authorities appoint inspectors for this specific purpose—to see that the Act is properly carried out, and issuing summonses for offences against the Ordinance. That is an essential provision in the English law, and the sub-committee had the alternative of recommending to Government the appointment of an inspector under this Ordinance or placing the powers and the duties of inspectors with the police.

HON. T. J. O'SHEA : May I also point out, for the information of the House, that it was largely to meet the views of the Honourable Indian Members that the drafting of this Ordinance was ordered. The proposed amendment provides simple, straightforward machinery for the administration of the Bill if it comes into operation, and in my opinion it inflicts no hardship in any way on the people affected by it. I am immensely surprised to hear that it is drafted in conflict with the spirit of the English law. If that is the case then a good many of the Ordinances of this country are in conflict. In numbers of the laws of this country the police have the powers that are provided in this instance. It is possible for a

police officer to walk into a trader's store at any reasonable hour demanding information regarding trading licences, the sale of ammunition, and various other matters. I have had reason to know that such is the case, and I have never yet found that the police carried out their duties in a way that was unreasonable or unfair to the trader. That being the case I do not see why we should set up a special amendment in dealing with this Bill.

HON. SHAMS-UD-DEEN: I do not see where the views of the Honourable Indian Members come in in the deletion of the clause. It is a general principle which should be upheld, not only by the Indians, but by every member of the commercial community. I would like to ask the Honourable Member for Plateau South whether he would like a police officer walking into his office at 9 o'clock at night, and whether it is right that he should have the right to walk into the shop simply to find out whether he is not contravening any of the regulations of the Ordinance. As far as the closing part of the Ordinance is concerned, it is simply this: either the shop is closed or it is open. If it is open all that a police officer or an inspector has got to do is to call two respectable witnesses and to lay the complaint in the ordinary way before a magistrate. Now the only excuse for the retention of a clause of this nature is for the protection of the shop assistants. That is the only possible excuse. The class of shop assistants is such that they are ordinarily considered to be intelligent people, and such as are able to look after themselves. If an employer is keeping his employee after hours that employee is perfectly at liberty to go and lodge a complaint with the police or the magistrate. If the employee is not looking after his own interest he cannot expect the State to do so; you cannot expect the State to help such people who possess the ordinary intelligence to look after themselves. To expose the whole of the commercial community to an indignity for the sake of protecting one small community is a matter which certainly should be opposed by the Honourable Elected Members and Honourable Indian Members.

HON. T. J. O'SHEA: In reply to the questions addressed to me by the last speaker, my answer is that if a police officer passed my shop at 9 o'clock at night, I certainly am of opinion he should have the power to ask me if I am keeping within the provisions of this Bill. If not, I should have him arrested for house-breaking if I was not working.

HON. R. S. NEHRA: I want to direct the attention of the House to the fact that it is my desire to follow the spirit of the English law. The Honourable Members have suggested

that the English law has been observed in this case. I would suggest that we compare the English law with this law. The very first thing I suggest is that this offence has not been treated in England as a criminal offence, which will be proved by the fact that in England the punishment is only a fine of one pound or ten pounds as the case may be. There is no provision that a man should be imprisoned.

HIS EXCELLENCY: We can deal with that point in the next section.

HON. R. S. NEHRA: The whole thing I am pointing out is the spirit of the English law, because my amendment was moved and it has been opposed, and the strong argument is the spirit of the English law. What I suggest is that as far as the Shop Hours Act is concerned there is no necessity for an inspector to come inside the shop. It is a known fact that a shop-keeper is not going to run away within twelve hours or ten hours, and leave the jurisdiction of the country. Why should the police come in at any time of the night.

As far as the inspectors at home are concerned, if the Colony provides the inspectors who know their business, it is all right. But I suppose the police would not be as expert in anything connected with the time to take action as the inspectors.

The amendment on being put to the vote, was lost.

HON. T. J. O'SHEA: May I point out that a slight alteration is necessary in the emergency note as the result of Clause 14.

HON. SHAMS-UD-DEEN: The acoustics in this Hall are so bad that it is extremely difficult for Honourable Members on this side of the House to hear what Honourable Members on the other side say.

HON. T. J. O'SHEA: I apologise. I suggest that the amendments to Clause 14 necessitate a consequential amendment in the emergency note, as the offences are not longer cognisable to the police.

Clause 14, with the emergency note amendment, passed.

CLAUSE 15.

HON. R. S. NEHRA: I beg to move an amendment to Clause 15. I submit if a man has got his property and he is fined five pounds, whatever the fine may be, there is the

property and it can be attached. It is not necessary for the magistrate to order then and there that if a man does not pay a fine he should be sent to gaol, and as this provision is not in force at home—there is imprisonment clause there—I submit that we should not be too progressive in this Colony, more than the people in England are, and be unnecessarily harsh and more undemocratic, because this is a technical offence only. It would not be worth a man's while to go and do this and pay a fine, and I think it is highly desirable that we should not depart too much from the code of the English Act.

HON. ACTING COLONIAL SECRETARY: I think that although the Honourable Member assumes that the only people committing offences under this Bill will be the shop-keeper, it does not necessarily follow. The employee may easily commit an offence under this Bill, as well.

HON. T. O'SHEA: The amendment put forward to this section by the Honourable Indian Member is quite in keeping with the spirit of the other amendments they put forward. Having failed to make it valueless and difficult to administer they now endeavour by this amendment to make it a matter of no importance whether the legislation is observed or not. They talk about offences under this Ordinance being merely technical offences. In other words, it is to be of no importance if a man violates the provision of this Ordinance. I submit it is not the spirit in which legislation should be passed in this country. There is absolutely no purpose in passing a Bill of this nature unless the punishments inflicted for violations of its provisions will deter people from violating such provisions. I myself am a trader. What then would be my position? The fine suggested as a maximum for the first offence is five pounds. I may have made a profit of twenty pounds out of the deal for which I kept my shop open in order to run a risk of a five pound fine. If I commit a second risk I pay ten pounds. I may have made hundreds of pounds by contravening the Bill. If I make a third offence it is evidence I think that I am deliberately contravening this Bill, and then I think thirty pounds is not an unreasonable amount to inflict. It is evident that when a man gets to that stage he should not be allowed to carry on trade in a country where this Bill operates.

Amendment proposed by Honourable R. S. Nehra put and lost.

Clause 15, passed unamended.

HON. ATTORNEY GENERAL: In Clause 17 the Committee proposed that sub-clause (b) be deleted and that there should be a consequential re-numbering of sub-clauses, and that a new sub-clause be inserted. The new sub-clause reads:—

“ For exempting from the provisions of this Ordinance subject to such conditions as may be prescribed the sale of foodstuffs and other necessities to travellers.”

The Committee felt that there might be cases where this Ordinance would operate harshly in respect of persons who were compelled to travel about the country, as so many people do, more especially on Sundays, and it would be impossible to get petrol on Sundays, or possibly in certain cases to buy foodstuffs in a store. At the same time the Committee felt that definitely to exempt trades of this nature in the Ordinance would act hardly on either side. Accordingly the Committee decided that it would be best to give Government power to make certain exemptions, if it was found that hard cases did arise.

With regard to sub-clause (b), although the Committee recommended that it should be deleted, I am afraid that this recommendation was made in rather a hurry. However, on going through the Ordinance since I have found that such a provision still exists in Clause 7, which deals with the weekly half-holiday. That local authority is required in that case to take the opinion of occupiers of shops, and therefore it was rather necessary that this sub-clause should stand. Accordingly the only proposal I have to make with regard to the amendment of the clause is the addition of the new sub-clause which I have read out.

Clause 17, as amended, stands as part of the Bill.

CLAUSE 18.

HON. ATTORNEY GENERAL: It was thought that, as sub-clause (3) deals with such a small and special matter, that it was quite unnecessary to provide for special requisitions.

Sub-clause (2)—this is a clause taken from the South African Act, and in that Act it may have some force and effect, but the Committee on further consideration came to the conclusion that nothing in the Ordinance did in any way interfere with these facilities and therefore the clause was unnecessary.

HON. SHAMS-UD-DEEN: I should like to be more clear of the intention of the words inserted in clause (2), where it says “ the reception, storage, and treatment of milk and milk

products; the reception for storage of fish, etc., for the printing of newspapers, or the employment of persons for such purposes.

Is it meant the reception and storage, or is it the printing of newspapers. I think it is absolutely necessary that this clause should be retained if it refers to the printing of newspapers.

HON. ATTORNEY GENERAL: The printing of newspapers in a newspaper office does not come under the definition of retail business. A newspaper office which merely prints newspapers is not, I understand, affected by the provisions of this Bill.

HON. J. B. PANDYA: I beg to move an amendment—a further clause to this Section 18, adding motor and cycle repairing shops, blacksmith, goldsmiths, tailors, shoemakers, etc., to the exemptions from the application of the Bill.

In moving this amendment I understood from the Attorney General in the Select Committee that these trades are exempted, but I think one Honourable Member said that they are going in. It is not clear to me as to whether these trades are exempted. If they are not exempted and they are coming into the definition of shops, I think that this amendment is very essential. The point is that these motor-cycle and motor-car shops are required to open at any time; and that shoemaker-shops should not be allowed to sell but to work on.

HON. ATTORNEY GENERAL: May I have the Honourable Member's amendment in writing?

HON. SHAMS-UD-DEEN: May I ask the Honourable Attorney General what clause or sub-section he refers to when he says that the printing of newspapers does not come under the application of this Bill.

HON. ATTORNEY GENERAL: I think the Honourable Member should show me in what way he understands that the printing of newspaper comes within the clause.

In any case it is impossible to accept this amendment as it stands. It is too vague. Regarding cycle and motor-shops—this Ordinance only applies to shops selling to customers, and I think the Select Committee was of opinion that there was no reason at all why the ordinary rules should not apply to these shops. It will not prevent any work being done out of hours, so long as there is no actual serving of customers, and so long as it does not involve the retaining of assistants beyond the time required. There is also the provision which

we made in the last section for exemption under special conditions of the supply of accessories to travellers. It might be possible to include spare parts to a car which had broken down in the road and the supply of petrol—what is allowed under that section would be dependent on the rules made.

With regard to the others—blacksmiths, goldsmiths, shoemakers and tailors: the same reasoning applies to this, in so far as these are tradesmen employing assistants. The only thing is that they should not employ the assistants late.

HON. J. B. PANDYA: In view of the explanation, I will withdraw the amendment.

Clause 18, with amendment proposed by the Attorney General, passed.

FIRST SCHEDULE.

Passed.

SECOND SCHEDULE.

HON. ATTORNEY GENERAL: I beg to move the insertion in the Second Schedule of the word "pansopari" before the word "tobacco." I understand "pansopari" is used by the Indian community instead of tobacco.

HON. CONWAY HARVEY: Might we be informed what this article with the peculiar name is used for?

HON. ATTORNEY GENERAL: I never heard of it before, but possibly my Honourable Friend Mr. Pandya can give a more detailed explanation than I can. I understand it is a preparation for chewing.

HON. W. MACLELLAN WILSON: Are we able to insert a word which is not in the English language?

HON. ACTING CHIEF NATIVE COMMISSIONER: The preparation is used at the Coast. Its main ingredient is betel nut, and it is called *Tambuu* in Swahili. I do not know the word in English. You can see the effect on the people who use it, because it makes their tongues a bright red.

HON. T. J. O'SHEA: May I suggest that the word "betel nut" would quite meet the case.

HON. ATTORNEY GENERAL: I am quite prepared to accept any wording that meets the views of the Honourable Members on the cross benches, but we did consider the wording of this clause in the Select Committee, and we came to the conclusion that the word "pansopari" is well understood and that it would cover the precise article which was used. I would accept Your Excellency's suggestion, and add the words "and of the preparation locally known as "pansopari."

HON. SHAMS-UD-DEEN : I think it would be quite safe if we used the word " betel nut."

HON. T. J. O'SHEA : I should think the word " betel nut " would meet the case.

HIS EXCELLENCY : I do not think it is necessary to labour the point further. The House is prepared to accept the use of the word " pansopari."

HON. T. J. O'SHEA : In justification of my labouring the point may I point out that the Honourable Attorney General had himself to be informed as to what was meant by the expression. Well in the country districts it might be possible that there will be considerable difficulty in people knowing what the term is. I understand the word " betel nut " is accepted by the majority of the Honourable Indian Members.

HON. ATTORNEY GENERAL : I am only interested in getting the words right so that it should be something definite by which it would be known if a case came into court. If " pansopari " has a definite meaning it will be alright, and if " betel nut " has also a definite meaning, I am also willing to substitute it. If " betel nut " is quite safe, and will not open the door too widely, I am quite willing to accept that.

HON. ACTING CHIEF NATIVE COMMISSIONER : I cannot agree that betel nut gives the right idea. There is a certain amount of white lime and other things. To describe the thing you want betel nut and the usual concomitants, or something like that.

HON. M. A. DESAI : I think the word " pansopari " is quite good enough. (Laughter).

HON. W. MACLELLAN WILSON : The only point is that we may not have to go back to Clause (3) and put the amendment of the word " pansopari " in. (Laughter).

HON. E. M. V. KENYALY : I suggest " a betel nut preparation known commonly as " pansopari."

HON. SHAMS-UD-DEEN : I think that meets the case entirely. (Laughter).

HON. ATTORNEY GENERAL : I understand the trouble in calling it " betel nut " is that the preparation is not " betel-nut." The preparation is a mixture of various things, and I suggest that it be left as " pansopari."

Third Schedule, as amended, passed.

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HON. SHAMS UD DEEN : The trade of barbers is such that we should take into consideration whether they cannot be exempted from the provisions of this Ordinance, because they are not sellers in the strict sense of the word. A barber's shop is not a shop, and yet it is a shop. I should like to make it perfectly clear that when I have a holiday on Sunday morning that I can go to a barber's shop and have my hair cut.

HON. ATTORNEY GENERAL : The travelling private barbers attending customers at their residences are not affected by the Ordinance. Other barbers are affected, but I think the reason for that is that where a barber has a shop he also sells goods.

HON. J. B. PANDYA : I beg to move an amendment that motor and cycle shops and dealers in meat, fish, milk, bread and other perishables be added to the list.

HON. T. J. O'SHEA : I am under the impression that that point was debated and turned down. It was agreed upon as not being necessary.

HON. R. S. NEHRA : My point is that we have got to sell all motor-cycles supplies, etc., and meat, cream, etc. These two things should appear here. I wish to include those under Schedule 3.

HON. ATTORNEY GENERAL : We did discuss this point in Committee. Of course the addition of any article to a closing order would not affect a shop being open for the sale of the article after the shop has closed, but without any closing order we provide that all shops shall close between the hours of 6 p.m. and 6 a.m. but by the proviso which we added in this Honourable Council it was not considered by the Committee that they should also be added in the Third Schedule if they are exempted from the provisions of the closing order.

HON. R. S. NEHRA : With regard to Sunday closing, I want the Second and Third Schedules combined into a Fourth Schedule exempting Sunday closing.

HON. ATTORNEY GENERAL : The Select Committee considered the Honourable Member's suggestion and decided not to take any action.

On a Division the proposal was defeated.

HON. M. A. DESAI : I beg to move that the provisions of this Bill shall also apply to offices in town.

HON. ATTORNEY GENERAL : This point was also considered by the Select Committee, and they came to the conclusion that this opened up a new subject altogether. In dealing with shops

we are to a very considerable extent following precedence, but in dealing with offices we are absolutely exploring unknown country, and we decided that it was quite impossible to attempt to include offices.

HON. SHAMS UD DEEN : I would like to ask if the Honourable Attorney General considers that a lawyer's office should come under the provisions of this Ordinance. A lawyer certainly does not sell, but if any one lawyer keeps his office open at later hours he has certainly got an undue advantage over others.

HON. ATTORNEY GENERAL : Is the Honourable Member referring to the Attorney General's Office? (Laughter).

HON. SHAMS UD DEEN : I do not know whether he is allowed private practice—if he is, of course it does.

HON. M. A. DESAI : The very fact that reference has been made to this subject in the Report of the Select Committee makes me take it for granted that this House thinks it is necessary that the provisions of this Bill should be applied to offices in general, and I do not see any reason why people should not all be brought into line in the matter of recreation. If the shop assistants are going to get relief I do not see why office assistants should not get relief.

HON. R. S. NEHRA : I strongly oppose the amendment.

On a Division : Noes : 29. Ayes 4.

Motion was lost.

HON. ATTORNEY GENERAL : I beg to move that the Bill as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY : I have to report that a Bill intitled "An Ordinance to Regulate Shop Hours and to Regulate the Employment of Shop Assistants," has been through Committee and returned to Council with certain amendments.

HON. ATTORNEY GENERAL : I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

*Council adjourned to 10 a.m., on Monday,
August 24th, 1925.*

MONDAY, 24th AUGUST, 1925.

The Council assembled at 10 a.m. in the Memorial Hall, Nairobi, on Monday, the 24th day of August, 1925, His Excellency the Acting Governor (Mr. EDWARD BRANDIS DENHAM, C.M.G.), presiding.

HIS EXCELLENCY opened the Council with Prayer.

ABSENT :

The Honourable Commissioner of Lands.

The Honourable Commissioner of Customs.

The Honourable J. O. W. Hope, C.M.G.

The Honourable Sheikh Ali Bin Salim, C.M.G.,
C.B.E.

The Honourable E. M. V. Kenealy.

The Honourable W. A. M. Sim.

The Honourable Mohamed Bin Issa.

The Honourable Mohamed Kassim.

The Honourable R. S. Nehra.

PAPERS LAID ON THE TABLE.

Report of the Select Committee on Bankruptcy Bill.

BILLS.

HON. TREASURER : I beg to move that the House resolve itself into a Committee of the whole Council to discuss the provisions of a Bill intitled "An Ordinance to Amend the Traders' Licensing Ordinance, 1919."

HON. ACTING COLONIAL SECRETARY : I beg to second.

Motion put and carried.

In Committee :

HON. H. F. WARD : I think, perhaps, I should have been more in order if I had spoken against this motion for this Bill to go into Committee, but I would ask Your Excellency's indulgence, if I may, to allow me to move that we report progress on this Bill. My reasons are these : This measure, and in particular the report presented before the Honourable Council, does very largely introduce the principle of direct taxation, and it does so at a time that is exactly or approximately two months before the right time. The point is this :

that when the Budget comes before this Honourable Council in October it might or it might not be found acceptable to Honourable Members on this side of the House that we should discard the principle of indirect taxation, and that we should be compelled under the arguments advanced by the Honourable Treasurer to accept measures of direct taxation. But I do submit that that is the right time to consider the issue, and not now, on one isolated item. There cannot, I submit, be any objections to waiving the consideration of this Bill for another two months. In any case, the licences for the last half-year of 1925 have been presumably paid or applied for, and the provisions of this Ordinance in any case would not become effective before the 1st January next. If my proposals are adopted it would permit of the suggestion by the Honourable Chairman of this Committee to further consider how the Bill might be extended to bring other trades or professions under it. It is foreshadowed in paragraph (1) in the last two lines. Without prejudice to the issue of direct taxation, this work can be carried on during the next two months, and eventually those who are opposed to the application of direct taxation will have a complete issue before them, and if it is decided that direct taxation is necessary then the work of this Committee would be useful at that stage.

I therefore beg to move that progress be reported.

HON. J. E. CONEY : I would support this motion, and would also say that Your Excellency did foreshadow that the question of taxation would be considered with the Budget, and for that reason, and for the reasons given by the Honourable Member for Nairobi North, I would ask Government to put this back until the Budget is considered.

HON. W. C. MITCHELL : I beg also to support this motion. I feel that a certain amount of explanation may be necessary in view of the fact that I signed the Report of the Select Committee on this Bill without any conditions. My own was nothing in the nature of a minority report as in the case of that under the signature of the Honourable Member for Nairobi North. In considering the Report of the Select Committee we were faced with a very great difficulty; that is to say, we were in no way opposed to a tax on traders, because the alternative was merely to revert to an existing measure that, in my opinion, was even worse than the one we have now under consideration. It was merely the choice of two evils, and I think that the present Bill suggested by the Select Committee is the lesser one. My objections are based entirely on the fact that I cannot agree to a measure of direct taxation on one section of the community only. I have no objection

to direct taxation in principle, if applied equitably to the whole of the community. It seems to me that in spite of having been trained to respect the Law and the Prophets we are now being given too much law and all our profits are taken away!

HON. M. A. DESAI : I would support the motion moved by the Honourable Member for Nairobi North with great pleasure, for the reasons stated by the previous speakers.

HON. J. B. PANDYA : I also support this motion. In doing so, I think this direct taxation has a very big principle involved and requires much looking into, and before we adopt that principle we have got to be very careful. The scale of taxation is so high it will penalise the trading community.

HON. TREASURER : I would like first to make it perfectly clear that Government has no intention of giving up this item of taxation which is now before this Honourable Council. In my opinion there can be no question that we are in this Bill seeking somewhat to extend a system of direct taxation, and I think personally, and I am authorised by Your Excellency to say also, that in view of that fact there is no objection on the part of Government to postponing this Bill until the actual Budget is under consideration. (Hear, hear.) The whole question of direct and indirect taxation will have to be discussed, and the question of further direct taxation to be made will then be considered. (Hear, hear.)

HON. H. F. WARD : I will withdraw my amendment now.

HON. TREASURER : I beg to move that progress be reported.

HIS EXCELLENCY : I have to report that a Bill entitled "An Ordinance to Amend the Traders' Licensing Ordinance, 1919, // has been considered in Committee, and progress is reported.

HON. ATTORNEY GENERAL : I beg to move that Council resolve itself into a Committee of the whole Council to consider a report of the Select Committee appointed to consider the provisions of a Bill intitled "An Ordinance further to amend the Agricultural Produce Export Ordinance, 1921."

HON. ACTING COLONIAL SECRETARY : I beg to second.

Motion put and carried.

In Committee :

HON. ATTORNEY GENERAL : The Select Committee thought it would be better to lump Clauses 2, 3 and 4 together as Clause 2, as all the clauses are an amendment of one clause in the Principal Ordinance.

The reasons for the clause as amended might perhaps be stated by the Honourable Director of Agriculture.

HON. DIRECTOR OF AGRICULTURE : I desire to say that on the complaint made by the Honourable Member for Plateau North that the Plateau Maize Growers' Association and the Kenya Farmers' Association had not been consulted with regard to this Bill, I ascertained—and I have the documentary evidence thereof—that the Plateau Maize Growers' Association were informed very fully on the 19th of May with regard to the proposals embodied in this measure, and I have with me the acknowledgment of their directors of the 29th June, in which they offer no objection to the Bill. I have evidence also that on the 16th May, at a meeting of the directors of the Kenya Farmers' Association, the proposals embodied in this measure were reported at that meeting, and that Association also had no objection to the measure. As a matter of fact, it really did not affect that particular Association, except in a very indirect way, because their maize is not block-stacked.

Further, with regard to the observations made by the Honourable Member for Ukamba, I would like to explain that having looked through the records of the Maize Conference, I found no statement to the effect that it was agreed that the Maize Conference should be held in the month of July. I am afraid that perhaps what the Honourable Member had in mind was the decision of the Conference to alter the statistical year in respect of maize grading to the period from July 1st to June 30th. Then following the discussion thereon there were suggestions made that it would be desirable that the Conference should be held earlier in the year. That was generally agreed to. I conferred with leading delegates to that Conference, and I found it was also their view. With regard to that I quite agree with the remarks of the Right Honourable Member made on the same occasion, that it is desirable that the Maize Conference should be held earlier in the year than hitherto. I would explain, however, that the reason why the last Conference was held in the month of December was this : It was held immediately after the close of the first year's working under the Maize Grading Rules. As a matter of fact, arrangements had already been made quite independent of anything that has been said in this Honourable Council to hold the next Maize Conference next month, and in time to introduce any new Rules under this Ordinance before the beginning of the chief maize export season.

HON. J. E. CONRY : May I just answer the Honourable Gentleman, as he refers particularly to myself. As he has spent so much time in looking up records on the subject I think perhaps he might have looked up the records of this Honourable Council to make quite sure what I did say. My recollection is I asked the Honourable Director of Agriculture whether he had consulted the Maize Conference, the Kenya Farmers' Association, the Plateau Maize Growers, and the merchants, and it was on his answer that he had not consulted them that I made the remarks I did. May I also, without appearing to express anything but gratitude for the services and the work done by the Sub-Committee appointed by the Maize Conference, say I understood that that Sub-Committee had been appointed to consider questions of detail and technical matters that come up. It was never understood that the Sub-Committee would deal with something which was affecting the whole of the export of maize. May I further say, without again appearing ungrateful to the gentleman representing the Plateau Maize Growers' Association, that that particular gentleman is a member of the Railway Council, and he naturally would be—I do not really like to use the word—biased, and his views on that account do not necessarily represent the Plateau Maize Growers' views. He was asked, on account of the difficulty of getting anybody to represent the Plateau Maize Growers, if he would undertake that duty, for which the Plateau Maize Growers are extremely grateful.

NEW CLAUSE 2.

HON. J. B. PANDYA : I do not wish to take up the time of this Honourable House, but I think as I have taken objection to certain words in Select Committee, I ought to make my position clear. The Honourable Director of Agriculture, when replying to certain statements, did not make it clear that he also consulted the merchants, and I think that from a commercial point of view I am not satisfied that this Bill if it goes through will in any way compensate them for alteration of this clause with respect to the quantity and number of bags. I still think that the arguments which I advanced require a satisfactory explanation for the alteration of this clause.

HON. J. E. CONRY : I do not want to take up the time of this Honourable Council, but I must oppose this and record my vote against it.

HON. DIRECTOR OF AGRICULTURE : I am not quite clear whether the Honourable Mr. Pandya suggested that the commercial interests have not been consulted. If so, I would say that the Maize Consulting Committee, which passed this measure, had a representative of the Associated Chambers of

Commerce appointed through the Mombasa Chamber of Commerce, and at a special meeting of the Maize Consulting Committee, at which the measure was fully discussed, I specially invited additional members of the Mombasa Chamber of Commerce to attend and thrash out the Bill with us. These three additional representatives attended the meeting on the 7th of March at Mombasa, and they agreed to the proposal made in this amending Bill, on the understanding that a ten per cent. check of weights would be made by the Railway Department. On that condition they agreed.

HON. LORD FRANCIS SCOTT: On the Select Committee I agreed to this alteration on the undertaking from the Honourable General Manager of the Railways that they would get rid of this block-stacking system as soon as it was possible to do so, and that ten per cent. of the maize should be weighed. On this undertaking from the Honourable General Manager I agreed to this alteration.

HON. GENERAL MANAGER, UGANDA RAILWAY: Your Excellency, the Railway Department accepts the suggestion that block-stacking should be done away with as soon as possible, and the Railway Department has also agreed, pending the arrival of that time, to weigh ten per cent. of the maize. In the meantime, and until block-stacking is done away with, the Government and the Railway must have the protection asked for in this Bill. It is impossible at the moment for the Railway to weigh every bag, and it is quite unfair to expect the Railway to accept responsibility for maize which it may never have received.

Clause 2 passed.

HON. ATTORNEY GENERAL: I beg to move that the Bill as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill, intitled "An Ordinance to Amend the Agricultural Produce Export Ordinance, 1921," has been through Committee, and after amendment is reported to Council.

HON. ATTORNEY GENERAL: As the Council is drawing to a close, and this is the last day of the session, I beg to move the suspension of Standing Orders in order that the third-reading and passing of a Bill intitled "An Ordinance to Amend the Agricultural Produce Export Ordinance, 1921," may be taken now.

HON. DIRECTOR OF AGRICULTURE: I beg to second.
Motion put and carried: third reading passed.

THE BANKRUPTCY ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Your Excellency, I beg leave to move that Council resolves itself into a Committee to consider the Report of the Select Committee appointed to consider the provisions of a Bill intitled "An Ordinance to Consolidate and Amend the Law relating to Bankruptcy."

HON. ACTING COLONIAL SECRETARY: I beg to second.

The Council resolved itself into a Committee of the whole Council, His Excellency the Acting Governor presiding.

In Committee:

HON. ATTORNEY GENERAL: May I make a suggestion which will expedite the business of the House? Honourable Members will see there are a great number of alterations proposed by the Select Committee, though as a matter of fact the great majority of these alterations are purely verbal, and are due either to mistakes in typing or printing, or else they are very small necessary changes under the English Act. I propose that unless any special mention is made that the sections when read out should be taken to be the sections as amended by this Select Committee.

HIS EXCELLENCY: Are you moving that as an amendment?

HON. ATTORNEY GENERAL: I would propose that verbal amendments be read into each clause without the necessity of putting each one to the clauses separately.

HON. ACTING COLONIAL SECRETARY: I beg to second.

The question was put and carried.

Clauses 1 to 21 put and carried.

HON. ATTORNEY GENERAL: Regarding Clause 22. It is a mistake in the Committee's report; it should be section 21 and not clause 22. In clause 21 in line 7 on page 11 the words "the appointment" should read "his appointment."

HON. SHAMS-UD-DIEN: I do not profess to have made a study of this Ordinance, but I would like to know in regard to this clause if provision has been made to bring a bankrupt to account for what may be called an indirect method of dealing with his property. It seems to be a very common practice in this Colony for a person who is declared a bankrupt to-day to deal in business the next day or so through his wife or someone else. Has any provision been made to meet that common practice in this country?

HON. ATTORNEY GENERAL: I think the Honourable Member is referring to Clause 24.

HON. SHAMS-UD-DEEN: I am enquiring as to debtor's conduct dealing in property.

HON. ATTORNEY GENERAL: The provision in this Ordinance is that as soon as the receiving order is made the bankrupt has no control over his property, and if the Honourable Member will look at section 134 he will see there are a great number of offences there which refer to acts committed before and after bankruptcy.

Clauses 22 to 31 put and carried.

HON. ATTORNEY GENERAL: The Select Committee propose that Clause 32 (7) should be amended to read "If in the opinion of the Court the value of the debt or liability is capable of being fairly estimated, the court may assess the value and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy." This provides for direct assessment by the Court and it is more usual I think to express the matter this way and it is also in conformity with the Act.

Clauses 32 to 34 put and carried.

HON. ATTORNEY GENERAL: With regard to Clause 35 I think some explanation is due in regard to this. Under the Provincial Insolvency Act all Crown debts of whatsoever a nature have priority, and it is felt that this goes considerably beyond the practice in England, where only rates and taxes have priority, and it is felt that if the Crown goes in for trading it is not fair to other creditors that the Crown should have this priority. It should be restricted to Crown rates and taxes and a certain priority should be given in regard to Crown rents. The subject of Crown rents was discussed at considerable length in the Committee, and it was felt that the Crown was not quite in the position of an ordinary landlord, as it might have a very bad effect on the country if the Crown were to press for rents if no priority was given. The period suggested by the Committee was priority for five years.

HON. SHAMS-UD-DEEN: I am wondering if we cannot possibly include the native labourers? Their claims should be considered as preferential, as also should employees in general.

HIS EXCELLENCY: Will the Honourable Member look at Clause 35 (1) (b)?

HON. W. MACLELLAN WILSON: Your Excellency, this suggested alteration of debts to taxes. Will that make any difference in the case of Government advancing money to its servants to buy motor cars or motor cycles? If they go bankrupt, will Government be sure of recovering their money?

RT. HON. LORD DELAMERE: I am not quite clear as to the argument in favour of preferential treatment of Government rents. I can quite understand rates and taxes. It does seem to me there are possible objections to such a course.

HON. W. C. MITCHELL: I think I was one of those on the Select Committee who was very definitely in favour of this alteration being made. I have in mind cases which have occurred in the past where Government had conducted substantial trading operations with certain firms in Kenya.

RT. HON. LORD DELAMERE: On a point of explanation, I was talking about the other part of the thing.

HON. W. C. MITCHELL: I was referring to the alteration of debts and taxes. I believe in one instance a bad debt of £11,000 was incurred by Government on the sale of hoses and jembies. If that debt had a prior claim to all others it would mean that other creditors of that firm would not have any recourse against that firm. Instead of ranking with all other creditors the Government debt would absorb all the assets and no money would be left for the others.

RT. HON. LORD DELAMERE: Everybody must agree with that. If Government deals in land the same should apply. I was trying to make the point that if Government deals in land it should not have preference for collecting rents over anyone else.

HON. ATTORNEY GENERAL: In regard to the point raised by the Honourable Member for Kikuyu. He raised the point in which Government officials buy motor cars on a deduction from their salaries. In those cases a special agreement is entered into and the motor cars are the special property of the Government until they are paid for. As regards the question of rents, it was represented to the Committee that in a bad time when the country was passing through such a period Government could not always insist on the payment of rent by a man who was struggling to get on. A Government official cannot please himself as to whether he is going to give time or not to an ordinary debtor. He has got to act in the public interest and what he considers to be the public interests, and there must be some ways of getting the rules laid down, and if

you do not give the Government priority in regard to a certain amount of arrears of rent—after all these arrears are a very small amount compared with the value of the land—it means that the Land Office are going to tighten up the collection of rents considerably more. Whether that is a good thing or not—there is something to say on either side—the Committee considered it was wise in view of the agricultural affairs in this country to allow this amount of laxity so that in a deserving case Government could extend the time without losing the money.

RT. HON. LORD DELAMERE : That point of view had not entered my head. I have got this Mbaraki thing in my mind, and I was rather thinking where Government speculated in land and where they have large amounts of rents, I do not quite see in a case of that sort why they should have an advantage over people who are owed money by these particular tenants. There is a lot to be said on both sides, but the first argument put forward that it would be a pity if Government suddenly called in its rents does not apply. If a man is broke it does not matter much—he is broke. I do not think it is worth arguing about, but I am not quite clear in my mind whether it is right or wrong, but I have no particularly strong feeling either way.

HON. SHAMS-UD-DEEN : With regard to Clause 35 (c). I do not think this clause protects the native labourers because Clause 35 (2) goes on to say all these debts will rank equally between themselves. If a man employing a large number of native workmen and native labourers goes bankrupt the native labourer should also rank equally as regards priority of the debt. I think in a country like this it should be included in section 36 that the wages of native labourers, at any rate for the first three months, must be paid to them in full in preference to all other claims. Native labourers cannot understand why, having worked for one or three months continuously they should be asked to forego a portion of their wages because of some complicated law we have made in this country. It is bound to have a detrimental effect on the other employers. I would ask the Honourable Attorney General to consider this point, as I think there was something of that sort in the old law.

HON. ATTORNEY GENERAL : The provision in this Ordinance is the provision in the English Act, and is substantially the same as the provision in our present law, where clerks, servants, labourers, rank equally with each other and the Crown debts.

HON. SHAMS-UD-DEEN : A labourer in England understands fully why he must forego a portion of his wages, but the labourer here cannot.

HON. ATTORNEY GENERAL : This is in our existing Ordinance.

RT. HON. LORD DELAMERE : While having every sympathy with the Honourable Shams-ud-Deen, I do not myself agree with him that the native is so difficult to make to understand these sort of things. I always thought he was the only person who understood the exchange question.

Clause 35 put and carried.

Clauses 36 to 73 put and carried.

Clauses 74 to 111 put and carried.

HON. ATTORNEY GENERAL : Under this clause—Clause 112 unamended—this Ordinance might be passed here and it is possible the other territories might not for some time pass similar legislation; the consequence then would be the Courts here would have to give effect to bankruptcy orders passed in these territories, but these territories would not give effect to bankruptcy orders made in this territory. The amendment therefore makes provision that where the Governor in Council is satisfied that reciprocal provision has been made, he can direct by proclamation that reciprocity should take place. It is a more satisfactory method of procedure and is the method of procedure employed in inter-Colonial Acts such as the Maintenance Orders Enforcement Act.

Clauses 112 to 117 put and carried.

HON. ATTORNEY GENERAL : With regard to Clause 118; the Chief Justice is not the ordinary rule-making power in this Colony and under the Civil Procedure Ordinance there is a Rules Committee, and the Sub-Committee considered on the whole it would be better that rules in Courts of Bankruptcy should be made by this Rules Committee with the addition of the Official Receiver.

Clauses 118 to 133 put and carried.

HON. ATTORNEY GENERAL : With regard to Clause 134 the sub-sections incorporate a section of the Debtors' Act which is law in England, and it was resolved the same provision should be part of the law here. As regards (18) it is certainly a distinct innovation and personally I have had some little doubt about it, but the majority of the Committee considered this should be inserted because if a person slipped out of the country

and so defeated his creditors there was nothing to bring him back after he had got out of the country. At present a bankrupt could leave the country without the permission of the Court.

Clauses 134 to 137 put and carried.

HON. ATTORNEY GENERAL: In Clause 138 there was some difference of opinion in the Committee. This particular offence of bankrupts failing to keep proper accounts is only an offence if a person has already been once bankrupt. It is only an offence on the second bankruptcy, and there are a great many other provisions in regard to keeping books and account, and the majority of the Committee were of the opinion we ought to leave the law just as it is in England, but one or two of the commercial members were very anxious that this should also be applicable to a first bankruptcy.

Clause 138 put and carried.

HON. SHAMS-UD-DEEN: With regard to Clause 139. Does this mean a bankrupt can leave the jurisdiction of the Court? This clause says that a bankrupt may not leave the Colony with property. He may take up to £20.

HON. ATTORNEY GENERAL: It does appear to me that by accepting the amendment in regard to Clause 134 we are rather overlapping Clause 139. Clause 139 provides that any person quitting the Colony and taking with him any part of his property to the amount of £20 or upwards shall be guilty of an offence. There are two separate clauses; one applies to a bankrupt leaving the Colony without the permission of the Court, and the other applies to the same person.

HON. SHAMS-UD-DEEN: Is this clause not redundant?

HON. ATTORNEY GENERAL: I am afraid the amendment in Clause 134 (18) was accepted, and I do not think we paid sufficient attention to this clause when we accepted that amendment. Clause 134 practically covers the same grounds, and accordingly, with Your Excellency's permission, I would ask leave to go back to Clause 134 and to omit the last amendment to sub-section (18).

Clause 134, as amended, put and carried.

Clauses 139 to 147 put and carried.

HIS EXCELLENCY: I am sure I shall be voicing the general opinion of Council in this matter that we should endorse the Attorney General's high appreciation of the work rendered by Mr. G. A. H. Hamilton for the great assistance he gave to this Committee.

HON. ATTORNEY GENERAL: I beg leave to move that the Bill as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to Consolidate and Amend the Law relating to Bankruptcy" has passed through Committee with certain amendments, and is reported to Council.

SUSPENSION OF STANDING ORDERS.

HON. ATTORNEY GENERAL: I beg to move that the Standing Orders be suspended in order that this Bill may be read a third time and passed.

HON. ACTING COLONIAL SECRETARY: I beg to second. The question was put and carried.

THE BANKRUPTCY ORDINANCE, 1925.

HON. ATTORNEY GENERAL: Standing Orders having been suspended, I beg to move that a Bill intitled "An Ordinance to Consolidate and Amend the Law relating to Bankruptcy" be read a third time and passed.

HON. ACTING COLONIAL SECRETARY: I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

HON. ACTING COLONIAL SECRETARY: Your Excellency, I trust I am in order, but if not I would ask the leave of this Honourable Council to move the appointment of a Select Committee to consider the proposals which came before this Honourable Council under the Colonial Loan, and also to consider the allocation of certain sums already voted by this Honourable House. Your Excellency mentioned at the last Session of this Council that such a Committee would be appointed, and on Saturday I gave informal notice that I would move this motion. A very long list of proposals have come forward from various Departments. They are being sorted as rapidly as possible in the Secretariat with the help of the Honourable Director of Public Works, and I hope very shortly it will be scheduled out in such a form that the Select Committee will be able to deal with them, and I think it is to the advantage of the Colony generally that they should be so dealt with immediately instead of coming up and having to be put back again for further consideration. With Your Excellency's

permission, therefore, I would move that the following Committee be appointed to consider the proposals which will come forward under the Colonial Loan and further to consider the allocation of sums already voted:—

The Hon. Colonial Secretary, *Chairman*.

The Hon. Treasurer.

The Hon. Chief Native Commissioner.

The Hon. Director of Public Works.

The Rt. Hon. Lord Delamere.

The Hon. Captain J. E. Coney.

The Hon. Major R. Robertson Eustace.

The Hon. Mr. W. C. Mitchell.

The Hon. Mr. Shams-ud-Deen.

HON. TREASURER: I beg to second the motion.

The question was put and carried.

HON. ACTING COLONIAL SECRETARY: I would like to add that there is no intention to bring up these loan proposals until the Estimates are before the Council.

THE SHOP HOURS ORDINANCE, 1925.

HON. ATTORNEY GENERAL: I beg leave to move that a Bill intitled "An Ordinance to Regulate Shop Hours and to Regulate the Employment of Shop Assistants" be read a third time and passed.

HON. ACTING COLONIAL SECRETARY: I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

HON. ACTING COLONIAL SECRETARY: Your Excellency, the business before Council having been concluded, I beg leave to move that this Council stand adjourned *sine die*.

RT. HON. LORD DELAMERE: In seconding the motion for adjournment, I am going to take advantage of an old custom of this House just to say a few words on the Session and on Your Excellency's speech from the Chair. That custom has lately rather fallen into disuse simply because nobody wanted to say anything. We have had a term of what might really be called government by agreement, and there was really no necessity for answering what in this country takes the place of the Speech from the Throne. This time there are one or two matters I want to touch on. There is one matter which I

think I should say something about before this House goes, and I am going to say that as a rule in the past one was in the position to know exactly what Honourable Members felt on this side of the House about different questions dealt with, but owing to this being a new Council, on questions of economics and finance, it is rather difficult in the position of Chairman to know exactly what their feelings are, but I will try and be careful not to go outside what I believe they will agree with, and in any case no harm will be done, as the majority will agree with what I say. Before bringing up the question of taxation, which is the one I do want to say one or two words about, I would like to congratulate Government on the amount of work they have managed to get through in this Session, and also for the number of questions they have cleared up now before we have the pleasure of meeting our new Governor—questions which have been before this Council and the country for many years. It is a great advantage to this country that these matters have been cleared up. We have matters like Mbaraki and the Jeevanjee position, both of them questions which have been going on ever since I can remember, and I think it is permanently to the advantage of this Colony these matters should have been cleared up before our new Governor arrives. With regard to Mbaraki, I think everybody must congratulate Government, who with the help of the Honourable General Manager and the Honourable Commissioner of Land, and under the guiding hand of our late Governor to a very large extent, the matter of Mbaraki has been finally settled. There have been differences of opinion in the past, but everybody must be in agreement that when Government has made up its mind on the policy, the quicker a matter of this sort is out of the way the better, so that we can proceed with the enquiry into the best method of developing the Port in the future, which I think was quite impossible so long as nobody knew whether Mbaraki was going to form part of the Government Port or not, and I think Honourable Members on this side of the House would also like me to express their gratitude to Government for having at last agreed to appoint a Committee to go into the question of the working of the Port—not the control, but the question of the working. The central control is surely in the hands of the Government. Again, all Honourable Members on this side are glad that the Jeevanjee position is now out of the way in a manner which is honourable to both sides. The particular Session of Council, which has only lasted a fortnight, has put through and agreed to the Railway Order-in-Council, which means a great change in the working of the Railways and Communications, which I think all Honourable Members feel will be to the economic advantage of this Colony—that the Railway and communications should be worked on a purely economic non-political basis.

With regard to the safeguard at the end of the Order-in-Council, as far as I am concerned I think the very fact that it is mentioned in the Order-in-Council that this matter can be reopened lays down that it will be reopened if necessary, and as far as I am concerned I think that ought to meet the case. Really there are so many things passed by this Council that one does not know quite where to begin or end, but there is one other question which I must allude to, the question of the native lands. Thanks to the work done by the Honourable Commissioner of Lands and of the agreement come to by the Honourable Chief Native Commissioner and the Commissioner of Lands, Honourable Members on this side of the House have agreed with the Government that these boundaries as laid down in the agreement come to should go forward and be Gazetted, in order that objections may be brought forward and we all hope a few months after that, when time has been given for the objections, these boundaries will become fixed and open the way to the development of the country further. The only thing I am not quite contented with during this Session of Council, and I think other Honourable Members will agree with me, is the Shop Hours Act. I think the Bill as it goes forward now has been robbed a good deal of its usefulness, and I think it rather a half measure, but as far as I am concerned, and I think Honourable Members will agree, it is better to get something to work with and amend it if necessary later. Your Excellency's Government has agreed to a Census being taken, with the agreement of the Secretary of State, early next year, of the populations of this Colony, and everybody will agree that it is a very good start to know what your numbers are, and what the position is in regard to your population, before considering medical works and anything else for the benefit of the native populations. As far as the other population is concerned it is a very necessary thing to know what these numbers are, and if they are decreasing or increasing. There is another point I must refer to, and that is the Detention Camps. To my mind it is a very long delayed measure. The Punishments Committee sat a very long time ago, and I am glad Government has seen its way to put into force one of their recommendations of Detention Camps instead of imprisonment for natives who never commit crimes but simply breaches of the law made by the Government to bring natives into line with the ordinary rules of civilisation. I am not going to refer to anything in Your Excellency's speech at the opening of this Council with the sole exception of taxation, because, though there are a great many other things, this is limited and I think everybody is rather tired of this Session. There is one statement in the address from the Chair which will cause uneasiness in this Colony. It is the following words:—

24th August, 1925

"As the prosperity of Kenya increases so do its responsibilities. I feel it necessary, therefore, at the outset of these remarks, that increased developments, improved education, better medical facilities and additional communications involve further considerable expenditure which cannot be met in full even by an increasing revenue on the present basis of taxation, and which must, therefore, necessitate further sources of revenue being explored and found. I trust that Members will recognise the progress which is being made in the directions I have indicated, and will realise that it is the duty of the country as a whole and especially of those who are in the best position to contribute to see that there is no slacking off in progress and that no justification can be given to future generations to accuse us of to-day of having thought only of our own interests and not of the future welfare of the country."

I would repeat again the words which are the essence of this sentence:—

"That increased developments, improved education, better medical facilities, and additional communications involve further considerable expenditure which cannot be met in full even by an increasing revenue on the present basis of taxation, and which must, therefore, necessitate further sources of revenue being explored and found."

I may say that the necessity which apparently is so obvious to the Government does not seem to me to be proved in any way. Admitted, Sir, that indirect taxation is an awkward basis for the Honourable Treasurer to budget on—and I think I am the first person to admit it—the Honourable Treasurer has managed to effect this during the past two years when we were worse off than we are to-day, and to create a surplus estimated at the end of this year to be £104,000. With any good fortune at all, that surplus should be sufficient at the end of 1926 to cover any possible deficit in the Estimates which may occur through the difficulty of estimating revenue largely collected from indirect taxation at the period of the year when the estimates are framed. With a surplus of that kind, and in all probability an increasing one, if Government is reasonably careful with its finances the objection to indirect taxation from the point of view of the forming of the budget is done away with. Under these circumstances, except in a case of real necessity, it would be a wanton act to disturb the conditions in which this Colony has rebuilt its prosperity during the last two or three years. Except for the difficulty of budgeting where there is no large accumulated surplus, indirect taxation is eminently suited to the needs of this new country owing to its elasticity. Honourable Members on this side of the House

would naturally help Government in every way if the necessity for finding further sources of revenue was once fully proved, but Honourable Elected Members must view with the greatest possible concern any attempt to raise further revenue except on the most undeniable evidence that this necessity is real. Your Excellency in your address says that "any addition in duties may well have an opposite effect to that intended and that the point of contact between luxuries and necessities is very sensitive." In agreeing with this view I would add to it that when that point of contact is reached in a Colony like this, any further taxation can hardly be justified. I mean that in a Colony where nearly everyone spends all they make, any falling off in the customs duties indicates that the limit to taxation of any kind has been reached unless considerable damage is to be done to the Colony. To return to the necessity, Honourable Members on this side of the House have not seen the new Budget for 1926 but I can think of no justifiable expenditure which will raise the current expenditure of the Colony more than can be easily covered by the increase in revenue indicated by the catalogue of improvements in trade given to this Honourable Council in Your Excellency's address and by the Honourable Member for Nairobi South in his speech on the development of the Port. My Honourable Friend the Treasurer whom I must heartily congratulate on his statement of the Colony's financial position taken out so early in the year, is in difficulties over his budget, because so early as August it is impossible accurately to estimate the revenue for the following year, not because he thinks for one moment I suggest, that judging from the improvements in trade, the amount estimated at present will not largely be exceeded.

I congratulate him very heartily on getting his financial statement out so early. I know the extreme difficulty we had in this respect before the present Treasurer took up his post in getting any idea of the financial position of the Colony. On one occasion the Economic and Finance Committee spent something like a week going into different papers to try and find out what the financial position of the Colony was and at the end of it they were quite more or less defeated whereas now all of us have only to look at this statement by the Treasurer to see what the position of the Colony is exactly. I may disagree with him, but in that particular way I hope he will not object to my having said what I have. The choice before him to-day is to attempt to raise new revenue or to control expenditure, or to use some other method to bridge the next year, putting off the consideration of further taxation till it is clear that the actual necessity for it has arisen. With regard to a "Bridge" I suggest to him that the Public Works Department Extraordinary Vote should be as far as possible

met from loan funds, and that the vote itself from revenue should be reduced to a minimum. This Colony has actually decided on building a Customs House and a European School and has in contemplation large improvements to Government House and the building of a High Court and possibly Government offices, and if the draughtsmen and quantity surveyors of the Public Works Department are engaged on these works during 1926, it would seem possible to economise on the usual extraordinary expenditure of the Public Works Department for one year. The building of large public works from loan is in my opinion justifiable if these buildings are to serve the future as well as ourselves and if they are of a sufficiently permanent character to last during the period of the liquidation of the loan. I am not suggesting that this Colony can at present build from loan funds all the public buildings it requires; many will have to wait until the finances of the Colony are in a more permanently sound condition. I appeal to the Government not to raise the question of fresh taxation. A new Colony like this depends very largely on faith, hope and credit. These must get a great setback if it is believed that Government is going to land the country in the same difficulties that nearly overwhelmed the Colony four or five years ago entirely through extravagant finance. Honourable Elected Members do believe that it is a necessity that the medical services for Native Reserves must be very largely increased. I do not think that they are all of them quite certain that it is necessary during 1926 largely to increase the vote for Native education before steps have been taken to see that the Colony is likely to get its money's worth under this head. I at any rate feel, and I do believe the majority of the Elected Members agree, that the results obtained from the money spent on Native Education are almost negligible at present, and that a thorough organisation of this necessary activity of Government should precede extra expenditure and not follow it, and that until it is possible to improve the method, it would be wise to go slowly for a year or two. I have heard it said that this country can now stand further taxation. Uganda with nearly double the exports collects not much more than half the revenue and Southern Rhodesia does not collect the revenue that this very much younger Colony extracts from its population to-day. There is no doubt in my mind that the few thousand non-natives in Kenya produce half the revenue, and this is an enormous tax. Whether it is collected by direct or indirect methods makes no difference to the payer. It is only because the country is a very good one that they can afford to do it. I am sure this wish on the part of Government to introduce direct taxation can have nothing to do with the recommendations of the Ormsby-Gore Committee. I am sure they have come to their conclusions apart from that but I must say it

comes curiously at the same time. Your Excellency in your address has issued a warning on the subject of taxation. May I beg in return to warn Government that any attempt to alter the basis of taxation at the present time without showing a necessity which at present is not the least apparent will produce a state of affairs which everyone who lives in this Colony hoped had been laid to rest for some years to come. There is only one form of taxation which is reasonably fair to the whole community and that is income tax, and it is hardly credible that Government will reintroduce a method of taxation which has been abolished by agreement. I have not yet heard any arguments brought forward to show that Government cannot cut its cost of expenditure within the limits of the vast area of cloth provided by the increase in revenues brought about by the rapidly increased prosperity of the country through the present taxes. Of course Government will say as they said before in 1921 that Honourable Elected Members have been the cause of much of the increased expenditure. That is possibly so, but Government is responsible for it and must take the responsibility. Your Excellency has always shown every courtesy to Honourable Members on this side of the House and I hope this will be extended to enable Honourable Members to discuss during one period of time when the budget is laid before the special Committee the whole of the finances of the Colony as I believe that piecemeal finance is eminently dangerous, and I am sure that Honourable Members on this side of the House will agree in hoping that Government will find ways and means of introducing the budget which will avoid the necessity of further taxation. I repeat that if the necessity was there it would be the duty of Honourable Members to try and meet it but I am afraid I cannot see it.

HIS EXCELLENCY: I have to thank the Right Honourable Member for the words he has used with regard to the amount of business put through at this Council and on behalf of Government I would like to express my deep indebtedness to the Honourable Acting Colonial Secretary and the Heads of the Departments who have made it possible to introduce such a number of Ordinances before Council and to dispose of matters which have been so long outstanding. I think one word should be said perhaps with regard to the amount of printed matter which has been literally showered on this Council. I think it shows there is some improvement in the Government Press on which Honourable Members remarked in the past. As regards the various Ordinances which have been before Council we all hope that they will prove to be of lasting benefit to this Colony. It is early yet to say what the result of our deliberations during this time may eventually amount to. With regard to one matter referred to by the Right

Honourable Member I should like to say I have received a telegram from the Secretary of State approving of the taking of a Census next year and steps have already been taken with regard to obtaining information of censuses taken elsewhere and Government will make an early start in this matter of compiling statistics of Kenya. I do not propose to go into discussion on the measures of taxation. I said in my speech I considered it necessary that they should be explored. The whole question is one of necessity and that necessity cannot be determined until we have the Estimates before us and until the Council knows exactly what it is proposed to do in 1926 and how it is proposed to meet these charges and I cannot assist Council by saying anything more on that point except that the new Governor will consider such proposals as have been put up in the Estimates and I am sure he will only be meeting the views of the country in putting all these proposals before the full deliberations of this House and he will receive great assistance by so doing. In conclusion I should like to thank the Official Members, the Elected Members and the Nominated Members for all the work they have done in this Council. The full success of the measures which have been introduced by Heads of Departments has to depend of the co-operation of the House. It would be quite impossible and quite wrong that Government considers measures should be put before this House without the fullest consideration being given to them and I should like to thank the Right Honourable Member and Honourable Elected and Nominated Members for the attention they have given to the debates and the assistance they have given us in their discussions.

Council adjourned sine die.

WEDNESDAY, 28th OCTOBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Wednesday, the 28th day of October, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

OATH OF ALLEGIANCE.

The President administered the Oath of Allegiance to the following:—

Colonel Charles Stewart Davies, C.M.G., D.S.O.,
Percy Alexander McElwaine.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: Honourable Members of Council, I hope you will forgive my opening this, the first meeting of the Legislative Council over which I have the honour to preside, with a few words of a purely personal character. They are words of thanks. Lady Grigg and I appreciated deeply the excellent arrangements made for our reception both here and in Mombasa, and we were truly touched by the welcome accorded us by all sections of the population. We have fallen in love with the country and its life from the very first, and we shall strive to leave nothing undone which we can do for the advancement of its interests.

You are resuming to-day the Session begun on August 11th, which disposed of much important business. My gratitude is due to the Honourable gentleman, the Colonial Secretary, for the efficient measures which he took as Acting Governor, with your help, to clear up questions which had been outstanding for some time and to prepare the draft Estimates. The main business of this Session is with those Estimates. They have been before you in draft form for some time, and a full memorandum has now been prepared to explain in detail the provisions which they contain and the reasons on which the various items are based. This memorandum will be laid before you at once.

The Honourable gentleman, the Colonial Secretary, also gave you in August an exhaustive review of the preceding seven months and of the progress made in the various departments. He naturally spoke with fuller and closer knowledge on these subjects than I could possibly have done, had the

task been left over till my arrival; and I think you will agree that the arrangements which he made in rather difficult circumstances for the transaction of this year's remaining business were wise and convenient.

I propose to suggest that the Railway Estimates be taken in Committee first, so as to clear the way for the consideration of the Government's own Estimates. I have discussed the Railway Estimates with the honourable gentleman, the General Manager of the Railway, who will of course explain them fully to the Committee himself. The financial position of the Railway is now comparatively strong, and reflects great credit on the honourable gentleman, who has, in my opinion, rendered sterling service to the Colony in the last three years.

I come now to the Government's Estimates. I am happy to find that the financial situation of the Colony is satisfactory, and that there will be a considerable balance of revenue over expenditure in the final accounts of the current year. In August the honourable gentleman, the Treasurer, informed you that he expected a surplus at the end of the current year amounting to £102,437. Owing mainly to unexpected increases in the revenue derived from Customs, licences, etc., and testing and dipping fees, and also to considerable savings effected by Government Departments, the surplus now anticipated at the end of the year is £135,298. The surplus at the commencement of the year was £59,210 so that the expected surplus on the year's working is £76,088, which makes up the anticipated surplus of £135,298 at the end of the year.

That is a welcome balance and you are legitimately entitled to regard it with complacency. But I trust that this surplus will not simply be taken as so much to the good in balancing next year's Estimates. There are serious objections to any such course.

In the first place, if you take the balance sheet of the Colony as a whole, there stands on the debit side an important item of £242,347 for Unallocated Railway Stores. The Government has agreed that the Railway cannot properly be held liable for this amount, which represents the cost of stores taken over by it when its finances were separate from those of the Colony; and it has been proposed to the Secretary of State that this asset shall be paid off at the rate of £25,000 a year. £25,000 from the year's surplus will therefore be devoted automatically to this purpose. But until in ten years' time the asset is entirely written off, it will stand in the Colony's balance sheet, and measures are very desirable to build up some surplus balances against it on the credit side, particularly at a time when the Colony is contemplating a large and necessary loan expenditure.

There are two other important considerations which emphasise the wisdom of such a course. The Colony's revenue system depends to a very large degree on Customs revenue. This is necessarily an uncertain form of revenue. It is liable to fluctuate seriously, not only with the prosperity of the Colony itself, but with world-wide factors entirely beyond our control such as the recent shipping strike, which, fortunately, as it happens, hardly affected us. It would therefore be well for the Colony to have some standing surplus balances to meet any sudden and unexpected loss of Customs revenue; for without such balance the loss might have to be made good by increased taxation at a time when trade was weak and increased taxation therefore disproportionately onerous.

The maintenance of a surplus balance would, moreover, be of real advantage to the Colony in a normal year even without exceptional and unexpected failures in any branch of revenue, because it would reduce the amounts which have to be borrowed from time to time to meet current demands upon the Treasury, and would thus save the Colony from part at least of the heavy interest charges which it must otherwise meet. The allocation of any surplus on the year's Budget to payment of debt is now a principle, established by law, of English national finance. I am sure that the producers, traders, and tax-payers of this Colony have much to gain by adopting something of the same principle and using any annual surpluses that may accrue for building up a standing surplus balance.

I urge this the more strongly because there is no prospect, unless there be either reduction of services or else increased taxation, of budgeting for a surplus in the Estimates for 1926. The Estimates of expenditure which are in your possession, show a total of £2,385,666. The Estimates of revenue show a total of £2,316,898. There is therefore an estimated deficit of £69,868. The honourable gentleman, the Treasurer, will inform you that since presenting this estimate he has found ground for anticipating an increase of revenue under several heads amounting in total to £14,599. This raises the estimated total revenue for 1926 to £2,330,497, and reduces the estimated deficit to £55,259.

It is always possible that this estimate of revenue may be exceeded by actual receipts. Customs revenue, in particular, has recently shown a remarkable increase. But an increase of £50,000 under that had on the original estimate for 1925 is already budgeted for in the draft Estimates, and it would not be wise to place reliance on any larger return; partly because of the drought which is unhappily being severely felt in some parts of the Colony and may reduce its exports and consequently its purchasing power for a period; partly also because disturbances of the world's trade, which must if they occur affect

us in common with other countries, cannot be regarded as wholly unlikely within the next few months. It would therefore be over-anguine to assume that the deficit shown in the Estimates as they stand will not prove a real deficit, when the year's accounts are made up.

I have emphasised these considerations regarding the realised surplus for the current year and the estimated deficit for the coming year, because of the considerable programme of new expenditure which you are invited to pass. I have only had three weeks in which to familiarise myself with these proposals, and I will not presume to dogmatize about them to this Council, whose members know the needs of the country from one standpoint or another much better than I at present can possibly do. But there are two features in regard to this new expenditure which have made a strong impression upon me. In the first place, a study of the origins of these proposals has convinced me that they are demanded and supported by strong currents of opinion in the Colony. Every considerable new item of expenditure may indeed be traced to opinions expressed and representations made by this Council itself or by Committees derived from it. In the second place, even a newcomer would be blind indeed who did not see that along the lines marked by these proposals lies the only road to safe and continuous development for the Colony.

Apart from the Vote for Public Works, which shows a large increase arising directly out of the plans for development in other Departments, the largest single item of increase is in the vote for medical services, particularly in the native reserves. I need not enter into the details of this proposed expenditure. They have been accepted by the Executive Council and the Economic and Finance Committee, and they are further commended by arguments which were effectively summarised in the Report of the East African Commission. One passage from that section of the Report I will take leave to quote:

"In the long run the efficiency of labour depends on the physical and mental quality of the labour at the source. Anything which makes for the greater physical and mental efficiency of labour in the native areas makes for the efficiency of those natives who leave the areas for work outside. Consequently any efforts spent in improving the health and skill of the natives in the long run makes for the efficiency of labour."

That is not either a sentimental or a purely selfish statement of the case. The base on which the whole pyramid of our civilisation in this Colony is reared is native labour. If the native thrives, we thrive. If we thrive, the native should thrive too. The interests of the natives of the country and of

the settlers in the country are inseparable. But the future of the native is in our hands, and our future depends upon the use which we make of our power.

The importance of the care of public health in all sections of the community cannot, I think, be exaggerated. But there are two serious limiting factors in the development of medical services which should not be overlooked. We must be sure, on the one hand, that the supply of good personnel with adequate medical training is equal to our demands in the course of the year. On the other hand, we must be certain of having ready for this personnel when it reaches the Colony the accommodation, the appointed openings, and the means of gaining preliminary experience, which are essential to its efficiency. The vote for medical services, and the concomitant items in the vote for Public Works, have been carefully revised in the light of these two considerations, and the original proposals in the draft estimates have been somewhat modified accordingly. Even in its revised form, the vote for new medical expenditure remains a heavy one, but I believe it will commend itself to your judgment.

I will pass over to-day certain other essential items of the Estimates, which are gathered in the vote for Public Works, because there will be a better opportunity of dealing with them a few days hence, when the Report of the Select Committee on Loan Proposals is presented to the Council. The housing proposals which that Committee has investigated are urgently required and will in many instances represent large savings in other branches of expenditure. The same is true, but to a less extent, of the new public buildings proposed. I must, however, confess myself gravely disquieted by the present cost of building, both in labour and material, throughout the Colony; and I think this aspect of the proposed expenditure should be thoroughly examined before any large scheme of public buildings is undertaken. I trust therefore that the Committee which has already been appointed will set to work upon the subject without delay. It may save—I have hope indeed that it will save—very considerable sums to the taxpayer.

I cannot leave the subject of Public Works without some reference to roads. To paraphrase a famous saying, the roads of the Colony are bad, they are becoming worse, and they ought to be improved. The waste of the present situation is lamentable. It means for cars constant travelling at low speeds, which wears the engine and wastes the petrol; it means rapid deterioration of the whole car and of everything travelling in the car, including the occupants; it means unnecessary loss

of time, which may often be serious to the farmer. I am convinced that a practical and progressive system of road maintenance and development, though it must cost money, will save the taxpayer annually far more than it costs by reducing his bill for petrol and repairs.

With this object I am inclined to propose a new system of dealing with the road problem under which all receipts from vehicular and petrol taxation would be ear-marked for a central Road Fund. This fund should be sufficient to meet interest and sinking fund on the loans required for the construction of new main roads, and all necessary charges for the upkeep of main roads. It should also render assistance to any Municipal area in which the roads carry a heavy traffic as well as the normal traffic of the town. Nairobi urgently requires assistance in this form. Branch roads, old and new, would on the other hand be placed entirely under the financial control of the existing local Road Boards, who should have power to levy a local rate proportionate to their requirements. There are of course objections to the ear-marking of revenue for special purposes such as a Road Fund; but the rapid increase of motor traffic has compelled the adoption of this method in England, and I think it well worth the consideration of the Colony.

I have left to the last perhaps the most essential item of new expenditure in the Estimates, the Vote for Education. Better provision for Education is demanded by all sections of the community throughout the Colony. Nothing could be of higher augury for its future welfare than this; nothing should be more generously responded to. I believe that this vote, which reflects even more than others the expressed opinions of the Council, will meet with your entire approval.

There are considerable increases in the vote for all races in the Colony. With regard to Arab and African education, it is worthy of notice that the Native Councils have already in some cases voted money for increased facilities from the proceeds of a local rate. I have the utmost sympathy with the desire which this movement displays, and it behoves us to see that the education provided is such as will draw out the best capacity of the native and serve his interests most effectually. Training in simple hygiene and in various forms of craftsmanship is of the first importance. The railway workshops in Nairobi show to what technical skill the native is capable of attaining, and still more remarkable results have been secured by the Scottish Missions in Nyasaland. I am glad therefore to inform you that this Government is securing an instructor from one of these schools and hopes to obtain more.

The good work already done in the Indian school in Nairobi was favourably commented upon by the East African Commission, and I am very glad to know that the Indian community is keenly anxious to provide further facilities for the education of Indian children. A sum of £20,000 from loan funds is allocated to new Indian School in Nairobi in the Report of the Select Committee, and I hope the Council will approve this allocation. Further extensions will be sympathetically considered by Government when a report is received from the Indian Advisory Committee.

The present provision for European education is felt to be inadequate by the whole European community. Accommodation in the existing schools is quite insufficient, and much of it is so imperfect as to impair the health of the children. There are at present no reliable statistics upon the number of European children of school age in the Colony, but the number is certainly much larger than that of children actually at school. This state of affairs must be remedied.

I suggest that this Council should aim at making education compulsory for all European children between the ages of 6 and 16, and at providing separate classes for boys and girls after the age of 12. If the sound South African model is followed, compulsion will be extended to all children living within three miles of a school. For others living outside the three-mile radius special assistance, whether in the way of boarding scholarships or of transport to school and home again, is essential.

The Colony does not at present possess the means to provide separate schools for elementary and secondary teaching, nor can it afford to put down elementary schools in every district where they may be desirable. The sounder and more economic plan is to limit strictly the number of the schools, to enlarge them for the accommodation of all children in the Colony, to give special assistance to children living more than three miles from a school, and to provide in all schools for secondary as well as elementary teaching. It is important that boys after passing the elementary stage should be enabled to specialise in agricultural, technical or commercial training, and girls in domestic science. Government is anxious to assist such training in every way, and a scheme of apprenticeship for boy and girl clerks in Government offices, beginning at 16, will be placed before the Select Committee. Night classes will be provided for such apprentices, so that their education may continue even after their period at school is finished.

This elementary and high school education must be concentrated for the present at the four existing centres of Nairobi, Eldoret, Nakuru and Kitale. Provision is therefore made for

the extension of all four schools in the loan proposals. A supplementary provision of £5,000 is also necessary to improve conditions in the present Nairobi school, while the new school is being built at Kabete.

The European community cannot, however, be content with a system which does not provide for boys and girls who wish to carry their education up to University standards. It is eminently desirable for boys that this higher education should be given in a boarding school, supported by a scholarship scheme which would put it within the reach of all boys of adequate talent. Such a school, established in Kenya, would attract boys from all parts of East and Central Africa from the Sudan to the Zambesi. I do not wish to enlarge upon this theme to-day, though it is close to my heart, and I will therefore content myself with proclaiming my strong conviction that such a school will prove an absolute necessity, if this country is to train up rulers worthy of its problems and its vast opportunities. But if the means are available for concentrating higher secondary education in such a school, open to all comers of sufficient ability, higher secondary education must be provided in addition to elementary and high-school training in the new school at Kabete. This will be done.

Two other points in regard to European education I cannot leave unmentioned. I should like to see all four schools controlled and managed, like big schools in England, by governing bodies; and I should wish to establish at the earliest possible moment infant classes for children between 3 and 6. In the industrial parts of England infant classes, which take the tinier creatures out of the neglected streets and occupy them happily in various forms of kindergarten, have proved their value a hundred times over. In this Colony, especially in the towns, tiny children must often be left in the hands of native servants. Care for such children in their infant years will save the Colony in the long run from many of the tragedies caused by the creation of a class of poor whites below the moral standards of their race.

I hope I have not dwelt at too great length upon the subject of education. In the form best suited to each community, it is vital not only to every race in the Colony but also to the co-operation of races on which the welfare of the Colony depends. The races are different; the system of education for each race must therefore be different. But each race will be serving not merely its own but the general interest by providing itself with the best education it can afford. It seems indeed desirable to me that each race in the Colony should finance its own education by a separate rate or cess, levied in such a way as Government may approve and each community prefer. There could

then be no question that the education of one community was being starved for the benefit of another, and each community would have the highest and widest system of education which it felt able to finance. I cannot but believe that the European community will respond whole-heartedly to this ideal.

I trust, honourable Members of Council, that in your consideration of the Estimates you will keep these broad considerations in mind. When you have examined them in Committee, you will find, I believe, that the estimated revenue of the year will not meet the expenditure which the Colony requires, and that a deficit must therefore be provided for. I will not, however, prejudice that enquiry or make any premature proposal as to how the deficit, if it proves substantial, shall be met. It is right that you should first examine the proposed expenditure. I will make such proposals as may be necessary to balance the budget, when the form and the need of that expenditure have been thoroughly sifted and discussed.

One final word I feel that I should add. As the head of Government in the Colony, I have reason to know that every Government servant within its borders is ready to make common cause with the rest of the community in meeting such new expenditure as this Council may undertake. There is no distinction between official and non-official in devotion to the welfare of the country or in readiness to support the services which its welfare demands. We are all here partners, under our Sovereign the King, in a great enterprise. I pray that with God's help our work in this session may serve the true interests of those we represent and the advancement of the land.

Minutes confirmed.

PAPERS LAID ON THE TABLE.

1. Recommendations of the Director of Education in respect of Grants-in-Aid for Education in Kenya.
2. Report of the Select Committee of Legislative Council on the recommendations in respect of Grants-in-Aid for Education in Kenya.
3. Report of the Committee on Statistical Services in Kenya.

BILLS.

HON. ATTORNEY GENERAL: I beg leave to introduce and move the first reading of a Bill intitled "An Ordinance to Amend the Patents and Designs Ordinance, 1913."

HON. POSTMASTER GENERAL: I beg to second.
Motion put and carried.

HON. ATTORNEY GENERAL : I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. ATTORNEY GENERAL : I beg leave to introduce and move the first reading of a Bill intituled " An Ordinance to Amend the Notaries Public Ordinance, 1906."

HON. TREASURER : I beg to second.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL : I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. POSTMASTER GENERAL : I beg leave to introduce and move the first reading of a Bill intituled " An Ordinance to Amend the Wireless Telegraphy Ordinance, 1913."

HON. ACTING ATTORNEY GENERAL : I beg to second.

Motion put and carried.

HON. POSTMASTER GENERAL : I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. COLONIAL SECRETARY : I beg to move the Suspension of Standing Orders to enable the first reading to be taken of a Bill intituled " An Ordinance to Apply a Sum of Money for the Service of the year ending the 31st day of December, 1926."

HON. TREASURER : I beg to second.

Motion put and carried.

HON. COLONIAL SECRETARY : Standing Orders having been suspended, I beg to move the first reading of the Appropriation Bill, 1925.

HON. TREASURER : I beg to second.

Motion put and carried.

HON. COLONIAL SECRETARY : I beg to give notice that I will move the second reading of the Appropriation Bill, 1925, at a later stage of the Session.

HON. GENERAL MANAGER, UGANDA RAILWAY : I beg to move the Suspension of Standing Orders to permit of the first reading of the Supplementary Appropriation (Railway) Ordinance, 1925.

HON. COLONIAL SECRETARY : I beg to second.

Motion put and carried.

HON. GENERAL MANAGER, UGANDA RAILWAY : Standing Orders having been suspended, I beg to move the first reading of a Bill intituled " An Ordinance to Supply a Further Sum of Money for the Service of the Period from January 1st, 1926, to 31st December, 1926."

HON. COLONIAL SECRETARY : I beg to second.

Motion put and carried.

HON. GENERAL MANAGER, UGANDA RAILWAY : I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HIS EXCELLENCY : I propose to take this opportunity of investing the Honourable the Treasurer with the Badge of the Companion of the Most Distinguished Order of Saint Michael and Saint George, which has been conferred upon him by His Majesty. (*Addressing the Honourable the Treasurer*) : I have it in command to invest you with the insignia of a Companion of the Most Distinguished Order of Saint Michael and Saint George. I have great pleasure in carrying out the command of His Majesty and in congratulating you on winning this distinction which your services have fully deserved.

(Council adjourned to 10 a.m. on Thursday,
29th October, 1925).

THURSDAY, 29th OCTOBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Thursday the 29th day of October, 1925 His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

Minutes confirmed.

PAPERS LAID ON THE TABLE.

Memorandum on the Estimates of Expenditure for 1926.

QUESTIONS.

HON. REV. DR. J. W. ARTHUR: I beg leave to ask the following question standing in my name on the Order of the Day:—

"Are Government aware that certain natives of Kenya are employed in procuring African girls for houses of ill-repute in certain townships?

2. Is there any law at present in force which would enable the Police to prosecute such people?

3. If the answer to the latter part of the question be in the negative, I beg to ask if Government will consider the introduction of the necessary legal enactment to enable action to be taken by the Police in such cases? "

HON. ACTING CHIEF NATIVE COMMISSIONER: 1 Government has no information that certain natives of Kenya are employed in procuring African girls for houses of ill-repute in certain townships.

2. The law enabling prosecution for procuration is the Criminal Law Amendment Ordinance No. 18 of 1914.

3. The answer to the third part of the question does not therefore arise.

HON. HEMED MOHAMED BIN ISSA: I beg leave to ask the question standing in my name on the Order of the Day:—

"How many persons have been committed to gaol by the Resident Commissioner's Court at Mombasa for the reason of inability to pay non-native poll tax during the current year and the years 1922 and 1924? "

HON. COLONIAL SECRETARY: The number of persons committed to prison by the Court of the Resident-Commissioner, Mombasa, for failure to pay non-native poll tax during the years to which the question of the Honourable Member relates were as follows:—

1921	74
1922	80
1923	19
1924	118
1925	10

to end of July.

Government has not reasons to believe that any person was committed to gaol in the circumstances and for the reasons mentioned by the Honourable Member.

HON. R. W. B. ROBERTSON EUSTACE: I beg leave to ask the first question standing in my name on the Order of the Day:—

"(1). What is the result of the enquiries made by Government regarding a survey being made of the Fishing Grounds of the waters in, and adjoining the Colony and Protectorate, and whether steps cannot now be taken to proceed with this matter?"

HON. COLONIAL SECRETARY: This Government received information from the Governor General of the Union of South Africa by the last mail that the present survey of the Union coast-board could conveniently be extended to include the coast of Kenya at a cost of approximately £800 per month. It was further advised that the period March to September is the best season for such a survey on the East Coast of Africa and it was recommended tentatively that the survey be carried on for two or three months of each season and for three seasons at least. The Government of Tanganyika Territory were, when first approached, unable to decide definitely to share in the cost of the survey until its cost was known, but will now be approached in regard to a contribution towards the expenses of the survey when Government will consider the insertion of a sum of money to cover the expenditure on a three months' survey during 1926.

As regards the Lake Nyanza Fisheries Survey, the Governor General of the Union of South Africa regrets that it would not be possible to include the Lake waters in the Union survey.

This Government has therefore under consideration a proposal that a survey of Lake waters be carried out by one of the scientific staff attached to the Ministry of Agriculture and Fisheries in London, the cost of which should be borne proportionately by Kenya Tanganyika and Uganda.

HON. R. W. B. ROBERTSON EUSTACE: I beg leave to ask the second question standing in my name on the Order of the Day:—

"(1) What is the result of the enquiry held by the Special Committee which enquired into the working of the Lands Registration Titles Ordinance, 1919, in the Coast area.

"(2) Whether Government in view of the numerous decisions of the Court condemning this Ordinance and especially having regard to the recent ruling of the Resident Magistrate, Mombasa, to the effect that equitable mortgages are invalid under the Ordinance, and also to the unanimity of public feeling against it, will now consider the repeal of this Ordinance in so far as it applies to the Coast area."

HON. ACTING ATTORNEY GENERAL: 1. As a result of the evidence taken by the Special Committee it was decided that before it arrived at a definite conclusion an attempt should be made to draft a Bill to remedy the admitted defects in the present Ordinance and that such Bill when drafted be re-submitted to the Committee with a view to ascertaining whether it would meet the objections raised.

2. It is not proposed to take any action pending the consideration of amending legislation which is now being drafted and which it is hoped will be ready for publication very soon.

MOTION.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: I beg to move:—

"That the Report of the Select Committee of this Honourable Council appointed to consider the provisions of the Sugar Ordinance be adopted."

RT. HON. LORD DELAMERE: I beg to second.

HON. LORD FRANCIS SCOTT: In speaking to this resolution I should like to say that the principle underlying this Bill is one which I do not care for,—it seems to me to interfere with legitimate trade—in fact it savours of prohibition, but on the facts which have been produced by this Select Committee,

and also on the facts which I have ascertained in my own constituency, I do recognise that there was a necessity for this Bill, and that it has, up to a point, certainly been successful. On the other hand, Your Excellency, there are certain people who have been hardly hit by the provisions of this Bill—people who were legitimately engaged in the trade of sugar, and who have had to be sacrificed. The few have to suffer for the good of the many. But at the same time though I recognise it is necessary, and I accept the recommendations of this Committee, I do think we ought to treat these people with as much sympathy as possible, and see whether we can in any way mitigate the operations of this Bill. The chief point which seems to me to arise is that very arbitrary powers have been granted to local officials with regard to the issue of permits; among other things a man has to get a licence to possess his own property, which seems a little beyond what is absolutely necessary, and I do feel that if the licence is being issued it should be done more on the lines of liquor licences which are issued by the Licensing Board. It would be more satisfactory and give a greater feeling of security than the present system, where the only appeal in the case of a licence being taken away by the district officers's ruling is to the Senior Commissioner of the Province. In this Report, however, it does seem that the Committee recommend that we should try and avoid introducing amendments to the Ordinance, but if it is found that the Ordinance is not complete—that the provisions are not satisfactory, surely it is only right that the necessary amendments should be brought in? With that proviso, Your Excellency, I wish to support the recommendations of this Committee.

The motion was put and carried.

BILLS.

HON. ACTING ATTORNEY GENERAL: Your Excellency, I beg leave to move the Suspension of Standing Orders to enable Government to introduce and move through all its stages during the present Session a Bill intitled "An Ordinance to Amend the Arbitration Ordinance, 1913."

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

HON. ACTING ATTORNEY GENERAL: Standing Order having been suspended, I beg leave to introduce and move the first reading of a Bill intitled "An Ordinance to Amend the Arbitration Ordinance, 1913."

HON. ACTING SOLICITOR GENERAL: I beg to second.
Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. COLONIAL SECRETARY: I beg to move the suspension of Standing Orders in order to take the first reading of a Bill intitled "The Coryndon Trust Ordinance, 1925."

RT. HON. LORD DELAMERE: On a point of order—I did not bring it up yesterday because it was Your Excellency's first Session, but we had the suspension of Standing Orders moved twice yesterday, and now we are having another motion to-day. Generally in the past it has only been by agreement that this course has been followed, but as far as the Bills on the Order of the Day yesterday are concerned, I think the procedure has been against the Rules of this Honourable Council. I think a Certificate of Emergency has to be signed in a matter of this sort. Naturally, I have no particular feelings in the matter, but I think the Council should adhere to its rules of procedure.

HON. COLONIAL SECRETARY: With regard to these Bills it is only a question of one day. It is simply for the convenience of the House that the first reading should be taken to-day, so that it is made possible for the second reading to be taken before this House goes into Select Committee in connection with the Estimates. It is simply to suit the convenience of the House, really. If the first reading is not taken to-day it can be taken to-morrow, because I think two days' notice is required to be given. In our Rules of Procedure it is impossible to move any Bill on the first or second day of any Session, because it has to have two days' notice, without the suspension of Standing Orders. That being the case it makes it necessary to ask the permission of the House to move the first reading of any Bill on either the first or second day of the Session.

HIS EXCELLENCY: I have consulted the Standing Orders, and as this course is proposed for the convenience of the House I presume the Noble Lord does not intend to proceed.

RT. HON. LORD DELAMERE: I withdraw, Your Excellency, in this instance, but would suggest that the rules should be altered.

HON. ACTING ATTORNEY GENERAL: I beg to second the suspension of Standing Orders.

Motion put and carried.

HON. COLONIAL SECRETARY : Standing Orders having been suspended, I beg to move the first reading of a Bill intituled "The Corydon Trust Ordinance, 1925."

HON. ATTORNEY GENERAL : I beg to second.

Motion put and carried.

HON. COLONIAL SECRETARY : I beg to give notice that I shall move the second reading of this Bill at a later stage of the proceedings.

HON. ACTING ATTORNEY GENERAL : Your Excellency, I beg leave to move the suspension of Standing Orders to enable Government to introduce and move through its various stages during the present Session a Bill intituled "An Ordinance to Amend the Civil Procedure Ordinance, 1924."

HON. ACTING SOLICITOR GENERAL : I beg to second.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL : Standing Orders having been suspended, I beg leave to introduce and move the first reading of a Bill intituled "An Ordinance to Amend the Civil Procedure Ordinance, 1924."

HON. ACTING SOLICITOR GENERAL : I beg to second.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL : I beg to give notice that I shall move the second reading of this Bill at a later stage of the Session.

HON. GENERAL MANAGER, UGANDA RAILWAY : I beg to move the suspension of Standing Orders in order to enable the second reading to be taken of the Supplementary Appropriation (Railway) Bill, 1925, this morning.

HON. COLONIAL SECRETARY : I beg to second.

Motion put and carried.

HON. GENERAL MANAGER, UGANDA RAILWAY : Your Excellency, I beg to move the second reading of the Supplementary Appropriation (Railway) Ordinance, 1925, and in doing so to follow the usual procedure of stating our anticipations for the current year, explaining the estimates for next year, and commenting briefly on certain matters.

In the Railway Estimates for 1925, Your Excellency, we anticipated a gross revenue of £1,803,896, and a gross expenditure on working account of £1,025,273. The present indications are that the estimate of revenue will be exceeded by £150,000 and the estimate of expenditure by £74,056, which would leave a balance of £299,680 to be transferred to the betterment fund instead of £223,736 as anticipated when the estimates for 1925 were presented to this Honourable Council.

Of the excesses of expenditure over estimate, fuel accounts for £47,500 and loading and unloading vessels on the Lakes for £30,961.

The increase in earnings is due, of course, to increased traffic. For the first nine months of 1925 the total tonnage of traffic carried over the Railway was 695,255—an increase of 15 per cent. over the corresponding period in 1924, 67 per cent. over the corresponding period in 1923, and 91 per cent. over the same period in 1922. On Lake Victoria the tonnage carried for the corresponding period of nine months was 118,018—an increase of 24 per cent. over 1924, 76 per cent. over 1923, and 173 per cent. over 1922. Excluding traffic carried for railway purposes, the increase in public traffic was 71.70 per cent. on the Railway and 175 per cent. on Lake Victoria as compared with 1922. Over the Railway no less than 43.39 per cent. of the total traffic carried for the first nine months of the year was Railway traffic, i.e., construction material and Railway stores generally, mainly in connection with the large programme of construction of new lines and works in progress.

Throughout the year the line and marine services have been hard put to it, with the limited facilities available and relaying in progress, to carry the increased tonnage. Difficulties will be experienced until the big programme of improvements now in hand is much further advanced.

For next year we are budgeting for a revenue of £2,009,800. On the expenditure side I propose to move certain additions in Committee. After allowing for these the estimated expenditure will be £1,117,296. If the revenue anticipation is realised and expenditure can be kept within the estimates, then the amount contributed to the betterment fund for 1926 will be £191,087, as against £299,680 estimated for this year.

I will now explain briefly the increases in expenditure anticipated next year, leaving details to the Committee stage. In making comparisons on these estimates it must not be overlooked that we are comparing estimates with estimates. The actual expenditure this year, as I have explained, will exceed the estimates for 1925.

Under "Maintenance of Way and Works" we are providing for a net increase of £19,768. This increase is necessary to cover the maintenance of new lines and to provide more supervision in connection with the large programme of betterment and renewals works in hand.

Under the head "Transportation" we are providing for a net increase of £97,050, or 23.64 per cent. Provision is being made for a divisional office in Uganda, and for increased supervision and strengthening of staff generally.

An item of expenditure in this department which has occasioned great concern is the cost of fuel. I am providing for an increase of 27,500 only, because we hope to be able to obtain and use more wood fuel next year than we have been able to this year, and we hope also to use coal more economically; but whether we can keep within the estimate is doubtful. We will do our best. For the nine months ended September we spent on the Railway alone on oil fuel £27,969; on coal £64,801; and on wood fuel £31,330. At this rate the total expenditure for the year would be £165,467, or 99 cents per engine mile—an increase of 41 per cent. over 1924. As I have previously explained, in the absence of a coal pier and coaling appliances along the line, the handling of coal is expensive and the way in which it has to be used uneconomical. For oil the first cost is high. Until there are better facilities, the sound policy, of course, is to use as much wood fuel as possible, but unfortunately we have been excluded from cutting in several native areas, while of a total supply of 13½ million cubic feet of wood for which we let contracts, we obtained only 5 million cubic feet, or 37 per cent. for nine months.

For the nine months ended September the cost of fuel for the railway and marine services was £144,503, or about 18 per cent of the total expenditure of the Railway. This compares with a fuel cost of only 5.17 per cent. of the total expenditure on the South African Railways, and only 9.45 per cent. of the total expenditure on English Railways.

There are indications of the presence of coal in this country. I need hardly say that it is highly desirable that everything should be done to encourage prospecting, in view of the extreme importance of cheap coal to East Africa.

Under the head "Maintenance of Engines and Rolling Stock" we are budgeting for a substantial reduction of expenditure. We anticipate for 1925 that the expenditure of this Department will amount to only £147,935, as compared with an estimate of £178,239. Figures indicating reductions of

labour costs in the Nairobi Workshops will, I have no doubt, be of great interest to this Honourable Council and to the Colony generally. I find that the figures are:—

1922	... £90,163
1925	... £63,760 (partly estimated).

As between 1922 and 1925, therefore, expenditure on labour in the Workshops has been reduced by £27,383, or 30 per cent. As against this reduction of expenditure we have done more work. More heavy repairs to locomotives have been carried out, and there has been a large increase in the number of vehicles on the line.

I need hardly say that the reduction in expenditure is due mainly to the policy of the employment of Africans on a large scale under European supervision.

In the Marine Department we are allowing for an increase in expenditure of £23,257, due to additional craft in commission and increased mileage.

Substantial increases are provided for also in connection with Lake pier work, because we anticipate that for 1925 the cost of pier staff and of loading and unloading vessels will be £60,829, as against the estimate for this year of £24,784. I have already given figures showing the increased tonnages on the Lake. The cost of handling on the piers of Lake Victoria per ton this year will probably amount to Sh. 2.20, as against £1.12 in 1924 and 73 cents in 1923. This is far from satisfactory. The cost of handling cargo, according to the latest figures received by me, is Sh. 1.05 per ton at Namasagali, Sh. 3.04 per ton at Jinja, Sh. 1.65 per ton at Port Bell, and Sh. 1.44 per ton at Kisumu. These costs take a large slice out of the Railway receipts on traffic from Uganda.

We have increased largely the European supervision on the piers, but so far at least, we have not got the results I would like to see and hope to obtain by constant attention to the pier work. As from the 1st January next the Lake pier work will be transferred to the Transportation Department, and we shall have experienced practical railwaymen watching and controlling the whole system of working on the piers, the cost and use of labour etc. I hope to see substantial improvements.

INTEREST CHARGES.

Turning now to the net revenue account, I would invite attention to the interest charges for next year, which will amount to £434,812. The rapidity with which our interest charges are now increasing may be judged by the fact that for the year 1922 the interest charges amounted to £77,964 only.

We anticipate, Sir, that, quite apart from interest charges on Port expenditure, our present commitments in the matter of loan expenditure will increase the interest charges by the year 1929 to about £600,000. This is quite apart from the interest charges on expenditure at the Port.

At the present time, as shown in these estimates, the Railway is contributing to the Colony and Protectorate of Kenya, to cover loan charges in respect of Kilindini Harbour expenditure, the sum of £103,732. The Inter-Colonial Railway Council, in considering these estimates, agreed to pass this item, but only under protest, because it was felt that it was unsatisfactory to make the Railway pay the interest on Port expenditure while the Railway has no means of recovering it by working or other charges. I must go even further and say that I consider making good from Railway revenue losses in Port working is not only very bad policy from the point of view of the general financial position of the Railway, but is unsound on other grounds, and if the policy is maintained it must interfere seriously with Railway development. The Railway will have all it can do to carry non-paying branch lines, and the heavy interest charges on the very high expenditure on the Usin Gishu Railway, without being burdened with additional charges in respect of the Port, unless it is permitted to collect sufficient revenue *per contra*.

If the estimates now placed before this Honourable Council are passed and realised next year, then the balance which will be available for contribution to betterment funds will, as already stated, be £107,087. It will be observed that provision is made for expenditure from betterment funds of £487,500. As the expenditure from the same funds for the year 1925 is estimated to amount to £358,065, it will be obvious that it will be impossible in the future to continue finding improvement expenditure from revenue to the same extent as we have done in the past few years. The fact, of course, is that we have taken full advantage of the good financial position for the period left to us before heavy interest charges become due. This, I consider, has been, and is, sound policy, and it would have been most unwise to reduce rates in such a way as to affect revenue permanently, when we were fully aware that heavy interest charges were coming upon us fairly soon.

I may say that if these estimates are passed and realised, the total amount contributed to renewals and betterment funds by the end of next year will amount to £3,022,077, while the total expenditure will amount to £1,673,487, leaving a balance of only £1,348,590. In other words, while we have made substantial contributions to these funds we are not accumulating the money but spending largely on renewals and improvements.

The balance expected at the end of 1926 is barely sufficient as a reserve. It will be the duty of the Inter-Colonial Railway Council to try and build up the reserve to a higher figure. It follows from what I have just said that, while we are providing for the completion of the relaying of the line as far as Makindu from renewals and betterment funds, there can be no undertaking that the whole of the balance of the relaying, strengthening of bridges, lengthening of loops at stations, etc., to be undertaken in connection with this programme after 1926 can be met from these funds. We may have to fall back upon capital expenditure to some extent to see us through.

In regard to rolling stock, the position is that all the sums available under renewals and betterment funds have been earmarked against stock already received or orders placed, as also all the amounts set aside in the £3,000,000 and £3,500,000 loans. As additional engines and rolling stock will be required I have sought—and just received—authority for certain reallocations in order to find the money.

I have referred to the position in connection with renewals and betterment funds, because I know there is a feeling in the country that we are taking more out of revenue for renewals and improvements than we are justified in doing. It is the case, unfortunately, that in past years insufficient funds were set aside for renewals and improvements, and we have to make up the leeway as soon as we reasonably can. No unnecessary work has been undertaken. The cost of the work we are doing is, I am sorry to say, high, but that is inevitable when renewals and improvements on a large scale are undertaken in busy instead of slack periods.

In the matter of engine power and rolling stock, I may say that during this year we have put into service 18 additional engines. We have on order 18 new G.D. class engines, 6 heavy engines, 6 shunting engines, and 5 Garratt locomotives, while I have just cabled for another 15 shunting engines. The 18 G.D. class engines are due for delivery in England on the 7th November, and should be here at the end of the year.

In the matter of goods vehicles, we have put on the line in twelve months ended the 30th September last 434 additional vehicles. At the present time we are putting goods vehicles on the line at the rate of approximately 50 per week, and the position should be that between the end of September, 1924 (when the goods vehicles started to arrive) and the end of this year—a period of 15 months—we shall have put into service 743 additional goods vehicles, with more to follow. We also have a large order now in hand in England for passenger coaches.

In the meantime we are in an extraordinarily difficult position owing to the lack of sufficient engine power and engine drivers, and this has interfered with the movement of traffic to such an extent as to delay our material for new lines. We cannot carry the pooling of engines any further than we have done in the absence of more enginemen, and I am doing my utmost to obtain drivers from England, South Africa, and elsewhere. Meanwhile the locomotive power is a source of constant worry to the officials of the Railway Administration.

While on the subject of rolling stock I would like, because of past comments in the Council, to say that I appreciate greatly the successful efforts of the Crown Agents to secure quicker deliveries of rolling stock.

On the lakes there will be 14 additional lighters at the end of this year, as compared with the number in commission a year ago. The additional tug now under erection at Kisumu should be on the lake at the end of this year, and efforts are being made to obtain another tug, if possible in sufficient time to be placed in commission to assist at least a portion of next season's traffic.

From the statement of capital expenditure annexed to the estimates—a statement which has been republished for general information—it will be observed that a very large programme of works has been authorised throughout the country. Unfortunately, particularly so far as Uganda is concerned, it is extremely difficult to get the work done quickly, and in both Kenya and Uganda costs are very high. The Public Works Department of Uganda cannot assist us because they also have more work in hand than they can get through.

I would now like to say a few words about the question of Railway rates. I am aware that there is a strong feeling in the country that reduction in rates should be made as soon as practicable, and representations have been made to me from time to time in regard to our import rates.

The position in regard to rates is that since April, 1921, we have reduced the rates on no less than 234 commodities. As typical reductions, I may quote that on petrol—31.54 per cent.; roofing material—31 per cent.; fencing materials—33 per cent.; motor cars on wheels—33.56 per cent. all taken on haul from the Coast to Nairobi. Numerous reductions have also been made in local rates on colonial products and in export rates.

There would appear to be a general impression that the Uganda Railway rates are unduly high. That impression, Sir, is wrong. It is quite true that some of our import rates

are very high, but against that many of our export rates are very low, and the maize rate is below bare running and handling costs.

I have taken some trouble to compare our import and export rates with those in force in other Colonies, including Rhodesia, Nigeria and the Sudan; and I find that on the great majority of commodities our rates are lower than on those Railways, although it is admitted that on a few commodities our rates appear excessive in comparison. The way to judge the rates on a Railway, however, is not to take selected commodities, but to take the rates as a whole. On this railway the policy has been adopted of having low export rates, and it follows, therefore, that we must have relatively high import rates. It may interest this Honourable Council to know that in May, 1925, which was a month in which the tonnage of high-rated commodities was very high, and which, therefore, showed a higher average than usual the average receipts for public goods traffic per ton per mile on the Uganda Railway amounted to 15.94 cents. In March, 1924, March being a heavy maize month, the figure was 13.68 cents. This compares with 18.76 cents in Great Britain on general merchandise (*i.e.*, excluding coal and mineral traffic) in December last, and with 19.50 cents in Nigeria for the year 1924-1925. I have not been able to obtain the receipts per ton per mile on the Rhodesian Railways, but the majority of their rates other than on minerals seem to be higher than ours. Two great disadvantages we have in comparison with the Railways mentioned are that (a) our fuel costs are very high, and (b) we have no heavy mineral traffic to swell our revenue.

Having stated this, I do not wish it to be understood that I am against reductions in rates when it is found practicable to make reductions. I am only too anxious to see rates reduced as soon as it is safe to make reductions. The question of rates is one which is always under the consideration of the Inter-Colonial Railway Council, and I think I can say that when the Railway is relieved of the interest charges on the Port expenditure, the opportunity will be taken to make reductions for certain classes of traffic, especially building materials. I cannot, however, at the present time hold out any hope of an all-round substantial reduction in import rates if the present low export rates are to be maintained, and I believe the policy of low export rates to be sound.

May I now, Sir, deal briefly with the general position in regard to new lines under construction.

On the extension from Thika to Nyeri the line has been completed and handed over for open line working as far as Punda Milia, and for the carriage of public goods under construction arrangements as far as Fort Hall; and it is anticipated that the complete line to Nyeri will be ready for public traffic by June or July, 1926.

On the Solai Branch Kampi-ya-Moto (8½ miles) Station will be opened for public traffic under construction arrangements on November 1st, and Lake Solai Station (the terminus) should be opened by the end of the year.

On the Kitale Branch Soy Station will be opened for public traffic under construction arrangements on November 1st; Hoey's Bridge before the end of the year; and Kitale early in 1926.

In connection with branch lines, difficulties arise from time to time because of the tendency to demand every possible facility. In a developing Colony, if we are to have branch lines—which are not likely to pay for many years to come but which are nevertheless necessary for development purposes—it must be accepted that the general standard in the matter of station and other facilities cannot be up to that of the main line.

One difficulty we are always up against is the absence of roads. There should be a road policy, and road approaches to railway stations should be built at the same time as the railway line. It is indefensible to multiply stations and sidings and extend lines because of the absence of necessary roads. This is a matter the Kenya Government should tackle.

There is a tendency also, Your Excellency, to take exception to our charging branch line rates. I am firmly of opinion that we should not build branch lines unless the people to be served are made to pay branch line rates. There is no purse of Fortuna into which we can dip our hands to pay for facility after facility without sufficient revenue to cover additional expenditure. It is quite unreasonable for the Railway, on lines like the Kitale and the Solai branches, where maize is likely to be carried in large quantities, to be expected to do the extra work without any addition to the ordinary Sh. 1 per bag maize rate from which we pay a percentage for handling at the Coast. If, with every branch line, the Railway is to get no additional revenue on bulk commodities, but to carry the additional expenditure, the railway could not face additional branches. Branch lines are of such value to the areas they serve, and save the farmers so much in road transport, that there is no justification for taking exception to branch line charges.

The work on the extension of the main line to Uganda is progressing favourably. We hope to complete the line to Mbulamuti early in 1927.

The position in regard to surveys is that one survey party is constantly at work making reconnaissances and preliminary surveys in connection with suggested branch lines in Kenya, and another survey party is at work in Uganda.

In Kenya the Donyo Sabuk, Machakos, Kericho-Sotik, Sergoit, and Subukia areas have been examined. A preliminary survey from Gilgil to Thomson's Falls is in progress.

In connection with the large free loan recommended by the East African Commission for further transport development, I have submitted recommendations from the Railway point of view, but the Governments of Kenya and Uganda will, no doubt, consider the matter in detail before submitting final recommendations to the Secretary of State for the Colonies. I do not wish to enter into details or to prejudice any recommendations the two Governments may afterwards decide to make, but I would like again to urge a bold policy in regard to Railway construction, and especially extensions of the main line. In my opinion, we should aim at a through line to the Congo and at various Railway extensions in Uganda, as well as further branch lines in Kenya, together with extensive development at the Port of Kilindini.

Turning now, Sir, to Staff. It may interest the Council to know that the number of Europeans employed at the end of 1923 was 296; at the end of 1924, 394; at the present time the number is 478; while the 1926 estimates provide for 578. At the same time, there has been a substantial increase in Asiatic staff, and a very large increase in Native staff. A matter in which keen interest is taken is that of European apprentices. The system of employing European apprentices is, of course, quite new. I find we have at present seven in the Transportation Department, two in the Printing Press, two in the Marine Department, one in the Engineering, two in the Stores, and twenty-nine in the Workshops. The great majority of these youths were born in the country.

I will ask the new Superintendent of the Line to tackle the problem of training for the Transportation Department. We must gradually extend our training facilities for European youths, for Asiatics who were born and have grown up in the country, and for Natives.

I will not delay the House further at this stage. Honourable Members will, no doubt, ask for more information during the general debate, or when the various heads of expenditure are considered in committee.

I would, however, like to take this opportunity of expressing my appreciation of the very hard work put in by so many Railway and Marine officials during this most trying year. We have had a very trying time for many reasons. The figures I have quoted, showing the increases in traffic, will indicate the strain the Railway staff and the Marine staff have had to meet. For various reasons we have been very short of senior officers during the year, while, with the recruiting ground for trained railwaymen so far away, it always takes time to obtain additional staff. During this year there have been, from time to time, serious criticisms against the Railway. Some of the criticism has been justified. Some of it has unquestionably been of an unreasoning and unreasonable character, inasmuch as the physical and staff difficulties with which this Railway is faced are frequently ignored. Through it all Railway and Marine staff have worked very hard to meet public requirements as well as they could with the facilities at their disposal; and as the Head of the Railway Administration I say publicly that I deeply appreciate their services. One section of my staff of whose work criticism seems fashionable is that connected with the Lake Marine services. I have no wish, Sir, to excuse any shortcomings in the Marine service. I expect the Lake officers to remember that they are in a commercial service which exists to serve the public; and the public also must be reasonable in criticism. With better organisation and more officers, the work of the Marine service has greatly improved in recent months, and I trust that the figures I have quoted will bring home to the public the amount of work put in by the officers in the Lake services during the year.

RT. HON. LORD DELAMERE: Your Excellency, I cannot let this opportunity pass without saying just few words about the Railway on general lines. I will not this year throw bouquets to the same extent as I have already done because I think everybody gets tired of it and I think the Honourable General Manager would be the first to get tired of it. I hope he will take it as "read" as far as I am personally concerned as well as everybody on this side of the House. There were several matters which came up during the Honourable Member's speech and I will take them as they appear according to me in the order he took them. I would first of all like to congratulate the Honourable Member on the extraordinary good work done in training Africans in the Workshops and I think the thing that stands out from what he said is the difference that can be made in Africans being properly taught and disciplined as against the case of the Lake Ports and other places where there is no discipline at all and where you get this very high cost of handling and other things owing to a different policy altogether, more especially in Uganda. I

have been away for some time and I am afraid I am a little behind hand and do not know the facts, but I think everybody on this side of the House must agree with the Honourable General Manager that the Railway cannot be expected to pay towards the Port over which they have no control and from which they do not draw the revenues. Whatever the differences of opinion may be on other points about the Port that stands out as something we must all agree on. I do not think perhaps some new Members here quite realise what the Railway has done in lessening the burden of the finances of this country and when you think of what the position was in 1921 when we borrowed, or it was on the list to borrow; something like £8,000,000, and we did not quite understand how we were to pay, and to-day the position is almost entirely opposite owing to the better finances of the Railway and I think everybody must say what a wonderful thing it is. I do hope Honourable Members who do not have quite so much to do with matters of this kind will not go back on the policy that if you are going to have low export rates—and we must have them if we are going to build up an export trade in this country—you have got to have high import rates. The Honourable General Manager has said he does not want anybody to think that he will not put down rates if he can possibly do so. But I hope he and the Railway Council will not be frightened into lowering rates simply because of a popular clamour on these subjects. When this matter first came up there were several commodities in this country which could not be got out of it simply because the Railway rates were so high it did not pay to move them. The policy is the right one in a young country like this and I hope people will stick to that policy and support the management of the Railway on that particular point.

With regard to new lines I think everybody will agree that we are getting a lot of work done and getting it done quicker now. If you compare the cost of the Uasin Gishu Railway with the lines we are building at present there can be no question that there is a great deal of difference between them. We are getting on very fast and apparently doing the work very well. With regard to the branch lines, I hope that before very long—I hope before the end of this year—it will be possible to get out a detailed schema with regard to the branch lines which are at present on the tapis as to how they are going to be financed, how the loan is going to be raised for their actual construction and so forth, and whether this Colony will have to guarantee them for a time because the present traffic will not cover their running, though the possibilities of the future may ensure its success. I think that it is a question which Government should very carefully go into now and as soon as possible. We ought to get these surveys finished on

the few lines on the tapis at present, and decide whether we can build them, so that the people round those particular lines or where these lines are going to be may be in a position to start work before hand so that when the lines get started—as in the case of the Trans Nzoia and Solai—the people will be able to grow the stuff and so when the line is built there may be something to carry away at once. The development of certain districts depends very much on the people knowing as soon as possible in advance what is going to be done and in view of the fact that the Honourable General Manager has said that the lines which are being built now will be finished apparently pretty soon and in 1937, I imagine he will be ready, provided money is available and the policy of the Government is such, he will be ready to start other work on branch lines and under these circumstances time is short for people to get on with their development so that the stuff will be there ready when the lines are built. In the case of the Trans Nzoia they carried all their stuff by ox wagons for one year. I think a great deal of that stuff was carried 140 miles to the line and I do feel very strongly that if these things are going to be done people ought to know and it is greatly to the advantage of the Railway and the Government they should know as soon as possible.

With regard to the standard of Stations on these branch lines. The Honourable General Manager has said if you want to build a lot of lines you must cut down expenditure on these sort of things as station buildings. Honourable Gentlemen who were not on this Council some time ago do not remember that a motion was passed on exactly these lines that we should get on with colonial lines of not a very high standard and try and keep down the expenditure on everything like luxuries in the way of buildings and so on and I hope everybody will support the Honourable General Manager in that matter. Everybody wants the Railway station and, as the Honourable General Manager said, unless a proper road layout is made at the time a line is building the people who are on the old roads which may not be the new one want stations on the old roads. I must again congratulate the Honourable General Manager on what is being done in teaching in the Railway. The teaching of the European and African apprentices in the Railway is a very fine thing for this country indeed and I only wish other Departments of Government in building and other things were taking some steps on such a satisfactory basis because I personally think that outside the Railway, as far as technical education is concerned, the Public Works Department or the Education Department or any other Department, we are getting very little for our money indeed. I do not want to say anything discreditable but we all feel it. On the Railway

we have got high class work being done by Africans and I cannot see why that should be confined only to the Railway services.

I am very sorry to have to disagree on one point with the Honourable General Manager and I am afraid it is a serious point indeed. I do not feel this country would be wise, and others agree on this side of the House, for this country to take over loans from the Imperial Government if they can possibly avoid it. One reason is that if you get money easily you are liable to take too much. People in England are hard up and I do not see why this country cannot raise its own money and pay for it. With regard to this line to the Congo. I have no particular right in speaking of other countries but I must say it will be absolutely wrong for Uganda, with a surplus of a million to take money from the people in England. I presume she can do it and find the money to pay for it; even under the present system I think facilities should be given to her to do what this country has done, to stand as far as possible on its own legs in this matter. The £3,500,000 loan is already being used chiefly for the promotion—and I think quite rightly—of the cotton trade in Uganda and I cannot help thinking she should, with the surplus she is making and the riches she has got, finance her own affairs and not ask for Imperial loans from England.

The last thing the Honourable General Manager referred to was the question of the criticisms on the Railway. I believe the Honourable Gentleman rather liked the criticisms on the Railway and I have a sort of idea the Railway rather enjoys it! The Honourable General Manager has the chance of getting up here, and in other places and answering it whereas the staff cannot answer it. But I do think it is a pity these criticisms should come on in quite the way they have. Every organisation, which is properly organised, thinks that it should be criticised but we have had a lot of criticism this year which has been largely uninformed. It must be remembered that the Railway has practically doubled the traffic in two years and naturally other things increase but when criticism is raised because the Railway wish to add a clerk to its staff without turning the whole thing upside down because the work has been doubled, well, the least said the better. One must remember the difficulty of getting European staff in this country is tremendous, and getting them down to work and so forth. We ought to think very carefully about such things before criticising. I am inclined to do it myself. After all, I am afraid I have thrown one or two bouquets, but I hope they have not created a reaction, and that some of my friends will not

get up and refute what I have said! I must again congratulate the Honourable General Manager most heartily on what he has done and I hope he will go on doing it.

HON. J. E. CONEY : May I first of all associate myself with the Right Honourable Gentleman in anything he has said as to the good work of the Railway—we all know how much this Colony owes to the very able administration of the Honourable General Manager. There is one remark, however, which I rather wish the Right Honourable Gentleman had not made in this Council in the presence of the Honourable General Manager, and that is when he asked—I think he asked the Honourable General Manager—not to listen to the clamour for reduction of rates. I am very sorry about this. The figures which were given by the Honourable General Manager require a good deal of study before they can be understood. A subject with so much detail must be studied before it can be answered—if there is an answer to it. One figure, however, which I was able to catch was that the profit for the year 1924 is something like £229,000, before any provision is made for betterment and other funds. If the Railway were a commercial concern they would consider paying a dividend if they had a profit of something like £300,000. I do suggest that it has to be remembered by the Railway Administration and by the Government of this Colony that that sum of money is being taken from the communities of Uganda and Kenya. In the year 1918—in March—a surcharge was placed on Railway rates for Government purposes in this Colony. That surcharge was eventually incorporated in the Railway rates. The Honourable General Manager has stated, and gave us some figures, of the reductions that have taken place in certain rates since then, but the fact remains I think that rates in this country, in spite of what the Right Honourable Gentleman says, are high if a profit of £300,000 can be made in one year. I do suggest, therefore that although I agree with the Right Honourable Gentleman that if it is a question of raising export rates we must not consider that—some of the import rates are unduly high, and I am very glad indeed to hear the Honourable General Manager himself foreshadows at least some reductions in the rates of building materials. (Hear, hear).

Your Excellency, may I refer to the remarks of the Honourable General Manager with regard to the maize rate. We hear so often of the generosity of the Railway Department in carrying maize at this flat rate of Sh. 1 a bag. I suggest that the rate pays the Government and pays the Railway very well; I suggest that this Colony would not be in the position it is to-day if Government and the Railway had not agreed to that export rate: It is no good saying that it costs us more than one shilling to handle the maize and to carry it to the Coast

and hand it over to be exported. The Railway must remember, and the Government must remember, that the prosperity of the European element in this country—and to a great extent the prosperity of the natives in this country—has been built up to a very considerable extent on the maize industry, and if it were not for the export rate the maize industry would not have been established as it is now, and would not have been able to carry on. For that reason only I am rather sorry if the Honourable General Manager cannot see his way clear to apply that flat rate on the branch lines. I believe it would be a pity, and I think it is a pity that on this commodity an extra rate is to be charged. I understand—perhaps my information is incorrect—that 3d. a bag extra is to be charged on the branch lines for this maize—in other words that the flat rate would not apply to branch lines. I think that the profits the Railway are making should go in part to subsidising such industries, for if that is done prosperity will result and increased traffic will follow, as has been proved in the case of the main line, and they would make it up that way.

I cannot understand why, in making comparisons with the England rates, the Honourable General Manager excluded coal and minerals. Maize has been included in the Kenya figures and the figures given are not a parallel.

HON. GENERAL MANAGER, UGANDA RAILWAY : I have not got that.

HON. J. E. CONEY : I am talking about the English conditions. Your Excellency, I would like to say this: I am particularly interested in this branch line in the district that I have the honour to represent here, and I have seen some of the work which the Uganda Railway has done in the direction of branch railway lines, and I would like to say that this Government were wise—far wiser probably than they knew when they decided to hand over the construction of these branch lines to the Railway Administration. I think the way in which the Kitale Railway is being built—the way in which it is being carried out by the Honourable General Manager's Engineering staff and others, must be known and seen before it can be appreciated. I do not want to say anything against contractors or about contractors, but we have had experience of contractors and their work in this country, and the Railway work is really standing as something extraordinary.

The Honourable General Manager referred also to surveys which are to be made, and the Right Honourable Gentleman asked for some further information on this point. I understand some of these surveys have been made, and I would like to ask Government that the reports should be laid upon the

table of this Honourable House. I would like to emphasise very much the point made by the Right Honourable Gentleman. It is only right that the people in the districts concerned—from the Government and Railway point of view, and from the point of view of the producer—should know the programme of construction contemplated. The Right Honourable Member very aptly gave an illustration of the Trans Nzoin. It is true that when it became known that the branch line to the Trans Nzoin was to go through people felt quite safe and began to largely increase their acreages under cultivation. The results I think have been extraordinary when you consider the position there a few years ago as compared with the position to-day, and I believe the same would apply to many other areas in this country. The Right Honourable Gentleman has mentioned Thompson Falls, Donyo Sabuk and several others, and I do hope the Government will consider a programme and the financing of it, and make some commencement so that preparations can go ahead for the traffic for the Railway when it comes there.

There is one other matter to which I must refer, and in fairness to other departments with which I have in some way been connected I feel I ought to make a statement. The Right Honourable Gentleman referred to the excellent work which is being done by the Honourable General Manager in the apprenticing of Europeans and other nationals in the Colony. I know what good work is being done, and there are quite a number of South African Dutch in my constituency and in the adjoining constituency who have availed themselves—and still more probably will avail themselves—of the opportunities which the Honourable General Manager is offering to them. In fairness, however, to the other Departments I would say that Government some time ago appointed a Committee to consider whether the same system could not be extended to other Departments, and I have been amazed at the help and encouragement which Heads of Departments have offered to this suggestion, and I would like particularly to mention the Honourable Director of Education, who is giving us much help, the Honourable Director of Surveys, who is opening his Department to European Apprentices, and also the Honourable Postmaster General, who has provided employment for several young lads. Were it not for them it might easily have happened that these lads would have joined the ranks of the poor white class—to use a common expression.

RT. HON. LORD DELAMERE: On a point of explanation, this apparently has taken place since I had knowledge of the facts. I was speaking of last year. I am very glad to hear this.

(Council adjourned for 15 minutes).

HON. T. J. O'SHEA: Your Excellency, there are many aspects of the interesting statement made by the Honourable General Manager with which one would like to deal but I shall confine myself to one. Before turning to it I should like to say that while I have no great skill in the art of making up bouquets I think I may add to what has already been said on the subject that the country has a profound admiration for the manner in which the present General Manager has endeavoured to run his Department. That admiration is based entirely on the fact that he has endeavoured to run it on the lines of a sound commercial enterprise. Nevertheless we do not consider him above criticism and I feel sure he does not resent the criticism if it is of a reasoned nature. The two previous speakers have already dealt with a couple of the aspects of the statement made and I feel sure others will deal with other aspects, but I wish to speak on a few minor matters. There is considerable discontent among the lower grades of the Transportation Department. Whether the grounds for their discontent are such as can be removed by the Administration I do not know. I do not know the grounds of their discontent specifically so that it will be understood that I am just voicing their discontent without knowing it is justifiable or not. I understood they suffered from housing difficulties; there are considerable difficulties in the way of men making suitable accommodation for their wives and children; they have to work unduly long hours. These are matters which should be mentioned so that the Honourable General Manager can inform us if these complaints are justifiable. There is one aspect of complaint which probably affects the general public as much as themselves. I am informed that engine drivers and guards have to work 80 to 100 hours per week. I should like to know if that is the case? They are very well paid for that particular class of work on the Railway and are well paid for working many hours, but 80 to 100 hours per week is excessive time to employ a man and to expect efficiency and the public may suffer very considerably as a result of such long hours being worked. The Honourable General Manager has mentioned in the course of his statement the high cost of constructing the Uasin Gishu Railway. I do not think it is out of order in view of that statement to point out that the contract under which that Railway was built was made, I understand, by the Colonial Office and not by this Government and so made on such a basis as made it inevitable the cost would be high and unfortunately this country has got to stand the cost which might otherwise have been saved. I am informed that a large sum of money incurred in the construction of this Railway went to the Uganda Railway for freight on materials carried for the construction. I should like to

know if that is the case because I have been told it is a fact. Turning to the main topic of my criticism, that of inward freights. I cannot help but be surprised that the Honourable General Manager, who stands out in this country as a man with a strong logical mind, should have to base his case upon a very illogical fallacy and to have to draw a very nasty red herring across our trail. He bases his case upon our exports and not upon the imports. He also stated, or rather he also referred to the demand for an all round reduction for inward freights: No such demand has been seriously put forward for an all round reduction. I have taken a close interest in this question and I am under the impression in the demands put forward for individual reductions cases have been made out on the merits of each case for such reduction. I am afraid I cannot argue with him on the basis of taking freights as a whole as I know figures can be juggled to a great extent and I am unable to follow them and he having all the inside information and I having none cannot pick holes in his case. Taking certain individual cases on their merits I can argue logically. Take the question of cement and kerosene. The Honourable Member for Plateau North in speaking just now pointed out very rightly the benefits that have accrued to the country from the adoption of the very wise policy of carrying our export maize under cost. A very strong case can be made out for a reduction on the inward freight on kerosene and cement on the very same grounds that the benefits to the country as a whole of carrying these commodities at less than present cost of carrying, or rather than present prices, would result in great benefits to the country. The agricultural community has now arrived at the stage when very much larger numbers of working oxen are required for working programmes in hand. In consequence oxen have become very costly. Diseases are reducing their numbers and they are slow in their work; even if all the oxen that we required could be obtained they would prove too slow for the development programmes in hand in the agricultural districts. Farmers have had to turn their attention to mechanical power and I think figures can be produced in the course of the next few days to satisfy any reasonable person that the farming community have been compelled to adopt mechanical appliances for farming purposes and that they are a sheer necessity and that it will be in the interest of the Railway itself to show every possible consideration for a reduction in the cost of transporting kerosene. I was very pleased indeed to know the Honourable General Manager gave some faint ray of hope that there would be a reduction on the freight of building materials. If any such reduction can take place it must include cement and I think, Your Excellency, an enquiry on the subject of buildings costs in this country is bound to bring out at least one fact that the

cost of cement in this country is very high largely because the cost of bringing it from the Coast—Railway freight from the Coast—is responsible for the high cost of building. In conclusion I have been very largely interested in the apprenticeship scheme. I should like to add my note of praise to the work which has been done by the Railway in this connection. I feel sure that very substantial benefits will accrue to this country from the action of Government in now tackling the problem of our rising generation. Only yesterday Your Excellency informed this Council that accurate figures were not available as to the number of children in need of education in this country but I think you can find figures to show that the number is one thousand. Of that number I have formed the opinion that during next year at least from 130 to 200 will be looking for a means of living and that figure will be extended. In addition you have a large population of Asiatic children who have been born in the country. Whatever my views may be on that question I cannot help but recognise the problem of the Asiatic children in this country has got to be met. We are launching out on very expensive schemes for the education of the native and I have come to the conclusion as the result of living 19 years or thereabouts in this country that the best lines on which the native has got to be educated are those adopted by the Railway Department.

HON. SHAMS-UD-DEEN: Your Excellency, I think every Member of this House must fall into line with the congratulatory and complimentary remarks made to the Honourable General Manager. However, I must take upon myself the odious task of criticising certain aspects of the Railway estimates. Your Excellency, to begin with I think that the method of the preparation of these Supplementary Estimates is open to a certain amount of objection. I must admit that I am not in a position to criticise in more detailed fashion the various items in the Supplementary Estimates. It seems to me.

HIS EXCELLENCY: Order, order. The Honourable Gentleman is out of order in discussing the Supplementary Estimates, we are discussing the main estimates at the moment.

HON. SHAMS-UD-DEEN: I have before me the draft Supplementary Estimates of the Uganda Railway for 1925.

HIS EXCELLENCY: We are discussing the Estimates for 1925 on the second reading.

HON. SHAMS-UD-DEEN: I have been under a misapprehension all the time. I thought we were discussing the Supplementary Estimates for 1925. I have a distinct recollection.

RT. HON. LORD DELAMERE: Your Excellency, on a point of explanation. The Order of the Day is wrong. It says "1925" and not "1926." But the Honourable Member might have found that out for himself before now.

HON. GENERAL MANAGER, UGANDA RAILWAY: I think the mistake made by the Honourable Member is due to the fact that the title of the Bill is the Railway Supplementary Appropriation Ordinance, but it deals with the main Railway Estimates.

HON. SHAMS-UD-DEEN: Your Excellency the Estimates for 1926 and the Supplementary Estimates for 1925 are two entirely different things. The Order of the Day says the "Supplementary Estimates for 1925" and I have been going on the basis that the debate is being conducted on the Supplementary Estimates for 1925. I am quite sure some other Honourable Members have been under the impression that the 1925 Estimates were being discussed.

HIS EXCELLENCY: I do not wish to deprive the Honourable Member of speaking on the Supplementary Estimates. Council is discussing the second reading of the Supplementary Appropriation Ordinance.

HON. TREASURER: The Railway Appropriation Bill for the year is always referred to as a Supplementary Appropriation Bill because the Government's Bill is the Appropriation Bill.

RT. HON. LORD DELAMERE: Would it be in the power of the Honourable Treasurer and Honourable General Manager to find some other words to distinguish the two Bills? I must say it is puzzling. My lack of knowledge of the papers stood me in good stead and I think from what the Honourable General Manager said we are discussing the Railway Estimates? Could not the word "Supplementary" be changed to something else.

HIS EXCELLENCY: I think the Noble Lord's suggestion is a good one and that the nomenclature should be changed.

HON. SHAMS-UD-DEEN: I should like to say a few words on the draft Supplementary Estimates for 1925. Here there is a bald statement of figures with certain remarks in the beginning explaining the total sums. I am under the impression that the method adopted as far as the Supplementary Estimates of the Colony are concerned is that when a further sanction for money is asked for some details are given as to how that increased amount of expenditure has become necessary. In the present circumstances it is almost impossible to

form any idea as to what has actually necessitated the increase in expenditure. For instance, it is stated here with regard to (c) the Maintenance of Engines and Rolling Stock.

HON. COLONIAL SECRETARY: On a point of order, the Honourable Member is discussing the Supplementary Estimates for 1925. They have only been tabled to-day. The Honourable General Manager has put before the House the Estimates for 1926. He has explained the reason why those Estimates have been framed and the Railway policy for next year. I think the House will be able to discuss the Supplementary Estimates for 1925 on a separate occasion.

HON. SHAMS-UD-DEEN: If I can have an assurance that an opportunity will be given later for discussion of the 1925 Supplementary Estimates.

HIS EXCELLENCY: The Honourable Gentleman can be assured he will have an opportunity of discussing the Supplementary Estimates but he is only entitled to discuss Estimates now before the House and these are the main Estimates and not the Supplementary Estimates. The Honourable Member will be in order in discussing the main Estimates.

HON. SHAMS-UD-DEEN: The Honourable General Manager has told us that he is making an effort to absorb a large number of African staff in the Estimates for 1926. But going through the 1926 Estimates I have come to the conclusion, and I hope I am not wrong, that the increase of staff consists of 40 Africans involving an increase of expenditure of £1,422 as compared with 99 Europeans involving an increased expenditure of £43,815. I am quite prepared to substantiate these figures and I am in a position to give the details of these figures. There is also an increase in the Asian staff of 153 involving an increase in expenditure of £17,784. Your Excellency this does not bear out sufficiently the principle enunciated by the Honourable General Manager whereby this Honourable House has been given an impression that more African staff is being absorbed in the Railway service. I think when this House resolves itself into Committee I shall be able to throw some further light as to how certain savings have been effected. I have a suspicion in my mind that a good deal of money has been shown as savings by an arbitrary method of cutting the salaries of the Asian staff which in my humble opinion amounts to nothing less than robbery. There has been some correspondence between the General Manager and the Colonial Office and by some circumventing method a one-sixth cut.

HON. DIRECTOR OF AGRICULTURE : On a point of order I think the Honourable Member should be asked to withdraw the word " robbery ". It is not in keeping with the dignity or the language used in this Honourable Council.

HON. SHAMS-UD-DEEN : Every measure must receive the sanction of this Honourable Council which sanctions expenditure and certain methods for increasing or cutting or regulating the salaries of officials. This matter has been turned down by this House yet this one-sixth cut is being introduced by arbitrary methods. The taking away of one-sixth portion of the salary of the staff which has been working under a sense of security for over a quarter of a century cannot be described by any other method.

HIS EXCELLENCY : If the Honourable Gentleman repeats that word I must ask the Honourable Member to withdraw it.

HON. SHAMS-UD-DEEN : I have no desire to repeat it Your Excellency.

HIS EXCELLENCY : I understand the expression is withdrawn.

HON. SHAMS-UD-DEEN : The soundest principle for any Railway Administration should be efficiency coupled with economy and I think that all other questions racial or political or otherwise should not count with the Head of a Department who is running a business concern. I submit Your Excellency that any consideration for providing for either European or Asian population in this country should not come into the programme of the Honourable General Manager of the Railway. I personally do not know by what right any European or any Asiatic is in this country ; it is a Crown Colony and I think if any community is entitled to any consideration it is the Britishers and British subjects. I cannot imagine how a Greek or an Armenian or other foreigner should have any consideration to be employed as an apprentice or otherwise on the staff of the Uganda Railway. Reference has been made to lower rates. My opinion is the Honourable General Manager is not and will not for a considerable time be in a position to lower any rates so long as he does not reduce his overhead charges which I have tried to show are heavy. I can show that in the Railway and in the workshops and many other Departments more than two or three Europeans have been employed where one Indian had carried on efficiently a certain job for not one or two years but for sixteen years or more. I do not suggest that the people who are doing these jobs now are not efficient ; they are carrying out their duties as efficiently as

their predecessors did, but look at the increased expenditure? Only in exceptional cases where European supervision is necessary European appointments must be made, otherwise if you can get an efficient Asian or native he must be employed and so much money saved to the country. A further aspect of the Railway is I think that if the public knew generally the number of accidents or averted accidents that have taken place on the Uganda Railway during the last two years I consider many people will arrive at the opinion that the economy effected is not at all consistent with the risk to the public safety. I should like a statement as to how many accidents and averted accidents as compared with the last twenty years have occurred during the last two years. The policy of employing natives is a very sound one but the policy of putting natives in positions of responsibility which involve a certain amount of public safety is not a very sound one. We require more time. I believe in the gradual process of training by which I think the African will take a far greater portion of employment on the Uganda Railway than they do at present, but there should be no precipitation in this matter. I think the Honourable General Manager will be able to reduce his overhead charges if he employed a cheaper and efficient staff. As regards the rolling stock and other machinery which is being referred to ; I have a word to say about the coaches on the Railway. I have noticed on the Uganda Railway they have still got that very invidious distinction of European and Asiatics marked on the carriages whereas both of the communities pay the same sum of money but they are given a different kind of accommodation. There are a few obsolete and uncomfortable second-class carriages on the Railway which are invariably allotted to Asiatic passengers and up to date carriages are marked for Europeans only. I personally think it is a case of undue preference being given to one race. I hope the Honourable General Manager will take that into consideration and remove that undue preference. Then again we come to the question of further facilities and accommodation being given to passengers of different nationalities. The European passenger pays exactly the same amount but gets different treatment in the matter of carriages and he finds a waiting room for him at the end of his journey. The Asiatic gets a very much inferior class of conveyance and finds no waiting room for him. I am afraid I must express myself no matter how unpopular I may appear to be in expressing my opinion as regards the various surveys being made in the country. I understand that when these surveys are approved these Railways are going to be constructed out of loan funds. The policy, I maintain, that should be followed in this country should be that where money is sanctioned the native community should be taken into consideration first and foremost.

If it can be proved that the construction of new railways will increase the native trade and the prosperity of the natives, by all means carry on these arrangements and raise loans to construct railways, but I think as an ordinary individual I must lodge a most emphatic protest against myself being saddled to pay a portion of these loans, and my children and grandchildren, to repay these loans which are now being expended for the benefit of a particular portion of the community. If it was being spent for the benefit of the natives I have no objection to lodge and it would be my duty to subject myself and my children and grandchildren to pay money in the form of taxes which is expended for the betterment of the natives in whose country we live, but I think it is my duty to lodge a protest on this occasion as against the loans being allotted for the benefit of a particular community. All the Railways which have been constructed here so far have been constructed with the object of benefiting one section of the community. I am afraid I must express my inability for not having prepared myself for these Estimates to-day as I was not aware they would be taken.

HON. W. MACLELLAN WILSON: There have been a few roses thrown about this morning, and there have been a few thorns adhering to the stalks. I do not wish, however, to deal either with the roses or the stalks, but there is one point to which I must refer. I must express my great sorrow at hearing an Honourable Member of this House get up and bring in the question of racialism, where personally, as a plain fair-minded man, I have seen none. (Hear, hear). Particularly with regard to the question of carriages. Mr. O'Shea tells me that he has been in a first-class carriage with an Asiatic compartment in the same carriage labelled "second-class," and I think it is a great pity that these trivial things are brought up and take the time and attention of this Honourable House.

I think nearly everything I have thought of has already been dealt with by my colleagues on this side of the House, but there is one more point I wish to bring up. I want to ask the Honourable General Manager to explain it to us. He mentions that there is a traffic of 43 per cent. of the railway construction material being carried. Now in looking at the Estimates and the receipts from Railway traffic I find certain sums of money put down for passengers traffic, and a certain amount received from goods traffic. I should like to know if that Railway traffic is entered under "receipts from goods traffic" or whether it is carried free. I would like to know whether the material for construction of new lines is being carried free, because, in my opinion, the actual cost of carriage of material ought to be added to the cost of new lines so that

the correct total can be arrived at. There are many points in connection with this that need explaining, and I am sure the Honourable General Manager only wants his attention called to it, and I am perfectly sure he will give us details of how this thing is worked.

HON. M. A. DESAI: I do not know whether I am in order in bringing this amendment up now. I believe that I am, but I will be guided by Your Excellency's ruling. The amendment reads:—

"That this Honourable Council is of opinion that the Estimates of the Revenue and Expenditure of the Uganda Railway including Branch Lines and Marine Services for the year 1926 be returned to the Department concerned with instructions to re-draft them, eliminating the colour-bar existing in the Railway services."

HIS EXCELLENCY: Will the Honourable British Indian Member please give me that amendment in writing? (Amendment in writing handed to His Excellency).

This amendment amounts to a complete negative of the Motion before the House, and I therefore must rule it out of order.

HON. J. B. PANDYA: I have nothing to say as far as the personal abilities of the Honourable General Manager are concerned, but in regard to the traffic generally I think that the Honourable General Manager has been able to satisfy a certain portion of the traffic and a certain portion of the Colony at the expense of others. I amplify these remarks by quoting instances where in the case of Kenya goods have been delivered with very great speed, and therefore the commercial community of Kenya think that they have got in the Railway service a very able General Manager, who could let them have their goods within a very few days, but the experience of the commercial community at the other end of the Railway is very bad. They have not received their goods for three months in some instances. There have also been cases where one package has been delivered and the balance of ten packages not delivered until after a delay of two months. I think the Honourable General Manager knows that during the last season the commercial community has suffered very greatly in the country, as well as the export traffic on that side, and therefore the Railways have not been conducted in a very efficient way, as they ought to have been conducted in the interests of the whole Railway.

Now with regard to these very low freights on imports and exports. I should like to say that although to a certain extent it is quite right that the export rates should be low in comparison in order to support the beginning of a certain production, I maintain that when that produce is established and is in the market that that produce has to be considered from the point of view of the market rates ruling at home or at other places, and if high prices are ruling I see no justification for such low rates. That policy ought to be properly considered by the Inter-Colonial Railway Council when they decide to give again reduced rates on exports. They should take into consideration certain commodities which can very well pay a high rate. Then again, consideration should be given to other commodities which cannot afford to pay a high rate, and where these are concerned the import freights should come down to a certain extent.

Apart from the necessities of life and the trade goods there are also other lines, as mentioned by the Honourable Manager, such as building materials, which ought to have a preference. The cost of building is very high throughout the Colony, and the Railway ought to give facilities and reduce the rates for building materials.

With regard to the efficiency of the staff, I should like to ask the Honourable General Manager certain questions. I would quote the instance in which about 86 bales of cotton were burnt on the 15th July last, and the owners were only informed after three months and twelve days of this. Well, I do not think that an accident of this nature requires very much time for information to be sent to the consignees. I do not think this can really be called "efficient service." Then there is another instance where some bales were burnt in March last, and the consignees have only been informed now. Well, that is a very long time, and I will not say that the Honourable General Manager can be congratulated upon the very efficient services which he carries on. I also know of an instance where a very big cotton firm has decided not to export any cotton next year. They exported last year 6,000 bales, but they cannot afford to do so now because there is no certainty at all of getting the cotton through within a certain period of time—and that should not be so. A very grave handicap is being imposed upon the trade in this very important commodity, in which Kenya is also interested as the Coast particularly is interested in the development of Uganda and other cotton districts, as a very large amount of business is being done at the Coast. It is impossible for the commercial community to make contracts if conditions are going to remain as they are. I quite realise the impossibility of improving matters unless the marine transport service is increased, and I know

that this cannot be increased at a moment's notice, but I think it ought to have been realised by the Honourable General Manager that this state of affairs was going on for some time, and therefore some provision ought to have been made. I would like to ask the Honourable General Manager on behalf of the merchants interested what arrangements he has made to cope with this traffic which is expected in 1926—whether he thinks the trade will suffer in the same way as in 1925, or whether he thinks that we have sufficient accommodation for the traffic which he expects in 1925. I have heard that he has made some improvements—that he has suggested some additions to the Marine Docks, and that sort of thing—but still I do not think that these are quite sufficient to meet the traffic which is expected.

Now, with regard to the expenditure side, I should say that the salaries of the Asian staff have been materially reduced, and there seems to be some differentiation made between the European staff and the Asian staff with regard to the leave rules on the Railway, and I think this matter needs looking into. There seems to be some differentiation between the leave rules on the Railway and the leave rules of the Protectorate—and the Railway seems to be much worse off for it. The Protectorate leave rules provide that after 33 months' service three months' leave shall be granted, whereas in the Railway they get, after four years' service, 100 days' leave—that is about 25 days to a year.

I do not understand this, as the Kenya Railway is also part of the Kenya Government, and the Kenya Railway servants are looked upon as Kenya Government servants. I would like to know the reasons for the differentiation in the leave rules of the Railway service as compared with the Government service. I think that the Honourable General Manager will give this matter his attention, and his kind consideration, and see that the Asian staff are not subjected to any differentiation in this way. After all it all depends on the treatment given to a staff as to how satisfied they are. I should not be at all surprised if the staff on the Railway were dissatisfied with this state of affairs.

With regard to the maize traffic, I quite agree that to a certain extent the maize traffic requires the support of the country in the way of a very low railway rate, and the Honourable General Manager has also said that this traffic is being carried to-day at a loss. But in view of the fact that the industry is now properly established, and in view of the fact that the market rates at home have got something to do with the increase of rates which are ruling in this country, if the Railway cannot afford to take maize or any other article at

such a low price the matter should be looked into, and an adjustment of the Railway rates may be found necessary in view of the import rates.

I think the Honourable General Manager for mentioning that he thinks the Asian children in this country should also be taken into consideration in connection with the apprenticeship scheme. I am not aware of any instances where he has taken them in as apprentices, but I shall bring to the notice of this Honourable House that at the Coast particularly you have Asians and Indians who have been there for the last three centuries—they have been established in this country for six generations, and those children ought to be given the same treatment as others, and that they should get the same advantages that are accorded to other races in the Railway service and any other service, and I have no doubt that the Honourable General Manager will recognise that principle, and that he will take steps to get Asian children brought into the apprenticeship scheme.

With regard to the question which has been raised by the Honourable Member for Kikuyu, that the Europeans do not get preferential treatment on the Railway, I should like to contradict that statement, from personal experience. Mr. Shams-ud-Deen has made it quite clear, and everyone of us has seen that a differentiation is made, even in the same class. In the last two days I have heard of an instance in which an Asian was refused a first-class ticket because there was no other Asian who could be put into the same compartment with him. I wish to bring this to the notice of the Honourable General Manager, just to show him that this preference is still in existence, and I think it should be done away with. I do not wish to emphasise the racial point of view, but I should say that there should be no racial point of view, although I must admit that after a protest had been made in the instance I have quoted the refusal to issue a ticket was withdrawn. I am surprised, however, that the word "European" is used. As Mr. Shams-ud-Deen has pointed out the Britishers of course have a certain preference and right, but I do not understand why when the compartment is marked for "Europeans" only foreigners should have the same privilege. I do not think it is fair, and I think the word "European" ought to be deleted and abolished, and the words "British subject" substituted therefor, so that the only difference is as between British and foreigners.

I think the 1926 Estimates show a very large increase in the expenditure, and the Honourable General Manager has said that the Port development interests should not be debited to the Railway—that the development of the Port has got

nothing to do with the development of the Railway, or something like that. I think the development of the Port is the most important item in the development of the Railway, and the Railway also depends a lot upon the development of the Port. I think if the Honourable General Manager takes the Port with the Railway he has got to take the charges as well, and meanwhile pay the interest until the Port and Railway are taken separately.

With these remarks I think I have shown that the Honourable General Manager has not very efficiently conducted the service, and I think in future—in 1926—he ought to show better results than he has shown in 1925.

HON. W. C. MITCHELL: I am afraid I am not a Pelman student, and therefore I have failed to absorb a great many of the details contained in the very excellent report of the Honourable General Manager of Railways, but I have, at the same time, absorbed—and I am sure that every Honourable Member has absorbed—the main idea which underlies his report—it is a presentation of immense progress, carried out, to my mind, most efficiently. (Hear, hear).

In presenting his draft Estimates the Honourable General Manager asks for our support to enable him to carry on in the future. As far as I am concerned, and I think I can speak not only for the Members on this side of the House, but for those outside the House as well, he will have the support which he has now, and he will have it in the future as well, as long as he can present figures to us on much the same lines as those which he has presented this morning.

There are one or two points in connection with the Estimates which I would like to mention. We are apt to judge the services of the Railway—I am speaking possibly more from an outside point of view—from the angle of rates more than from any other angle. The Honourable General Manager has made it quite clear to us this morning that there are certain definite factors which have a very determining effect on the rates that he has had to charge, in order to meet his working expenses, interest and sinking fund. One is the question of fuel. It was very illuminating to learn that the cost of fuel in Kenya is over three times the cost of fuel in South Africa, that is to say, proportionate to the total overhead charges, and over double the proportion of overhead charges that obtain in England.

I should have liked to hear whether any definite co-operation exists between the Forestry Department and the Railway Department, not only with the idea of supplying wood fuel at present, but also to see that a supply of wood fuel will

be ensured for the future. There are many other demands for wood fuel besides those made by the Uganda Railway, and we have to look to the future, because wood fuel is not a thing which can be produced at a moment's notice.

On the question of the Railway having to meet interest and sinking fund charges on Harbour works, there again I think is a factor which has a very determining effect upon the question of rates. I personally am strongly opposed to the Railway being called upon to meet Harbour charges, whether it has control over the Harbour or whether it has not. I consider that the Harbour should carry its own interest and sinking fund charges, whether it is under the control of the Railway or whether it is under the control of a separate department. It seems to me that we are very apt to lose sight of the real issue if we concentrate upon the necessity—the so-called necessity—for a cheap Port. My own opinion is that the only way to have a cheap Port is to realise what the Port is costing us and to foot the bill. If the bill is being footed by some other department, the question of actual cost is very apt to be subordinated to something else, whereas, in my opinion, the real facts ought to be known and faced.

On the question of staff: I regret extremely that this question should have been made, or endeavoured to be turned, into a racial issue by certain members of this Honourable Council. Reference was made to the appointment, or the proposed appointment, of certain European officials on the Uganda Railway. A statement was made that we wanted cheaper and more efficient officials on the Uganda Railway. I shall never wish to raise a racial issue in this Honourable House, but if Honourable Members throw down the gauntlet they must expect to have it picked up, and as far as I am concerned I say quite definitely that if we want a cheap and efficient Railway service we want more European officials.

HON. J. B. PANDYA: Question!

HON. W. C. MITCHELL: On the question of cost with regard to those officials, I have before me the report of the Select Committee of Legislative Council, dealing with leave and passage rules for Civil Servants in Kenya Colony. This report was drawn up by a Select Committee of Official and Elected Members. I believe it represents views which are mutually agreeable to all those who are interested in them. I believe also that it indicates a line which, without inflicting any hardship on Government officials, can be definitely followed in the country, and I hope that consideration of the recommendations of the Select Committee will be kept in view when the question of new appointments to the Civil Service arise.

HON. MOHAMED KASSIM: I have a few words to say as regards the efficient working of the Railway. So far as the traffic in Kenya is concerned I have no instance before me that requires any words, but I have something to say with regard to the traffic from Uganda. Cotton seed is being picked in Uganda for export to Europe, and there have been several consignments of cotton seeds picked from Uganda which were accepted by the Railway only on condition they were loaded and checked by the consignor. Although the Railway have on several occasions been requested to do so, the reply has been that the Railway have not consigned. There have been several consignments for export to Europe which have never been dealt with at all. There is one instance where 188 bags of cotton seeds from Jinja, which were loaded and checked by the consignor, which, after two or three months, it was discovered had not reached Kisumu at all. Besides there have been so many shortages of cotton seeds which have been discovered after delivery, and the reply has always been that the Railway have taken the goods as being loaded and checked by the consignor. So far as the efficiency of the working of the Railway in Uganda is concerned it has been very unsatisfactory, and this also applies to the country's goods. Some goods sent to Uganda did not arrive there for three months. We hope this state of affairs will be remedied next year.

So far as the surplus in the Railway estimates is concerned, I will say one word to instance that the import freight is very high. When the present Honourable General Manager took over the Railway, cotton piece goods to Kisumu were charged at the rate of Sh. 8 per 100 lbs., and it is now Sh. 27—about 350 per cent. more. Although this was done originally at the time of universal depression as a temporary measure, it has since been included in the freight rates. When taking this 350 per cent. increase into consideration it must be remembered that the native is the principle sufferer. I do hope, therefore, that when reductions are considered, consideration will be given to the native trade as well as to cement and kerosene and building materials.

I hope also that the Honourable General Manager will see that accommodation in the way of carriages is improved and that the waiting room deficiency will be given attention.

(Council adjourned to 2.15 p.m.)

HON. M. A. DESAI: Your Excellency, I beg leave to move an amendment to the Vote of the Railway that the Estimates for the year 1926 be reduced by Sh. 2,000.

HIS EXCELLENCY: I am afraid I cannot in accordance with Standing Order No. 30 accept this amendment. Standing

Order 30 reads " A motion may be amended (a) by leaving out certain words in order to insert others or (b) by leaving out certain words or (c) by inserting or adding other words."

This is a separate motion without any reference to the motion before Council. I must therefore rule it out of order.

HON. M. A. DESAI : In the first place I wish to record my strongest possible protest against the taking of the Estimates at this Session though on the Order of the Day it is shown as the Uganda Railway Estimates for 1925. I wish to criticise the speech of the Honourable General Manager. Your Excellency, I am very very sorry I am unable to join in the chorus of congratulations offered by previous speakers. The Honourable General Manager has shown us big profits. Your Excellency, his method of effecting profits in the administration and working of the Uganda Railway was in the first place done by reducing the substantive salaries of the Asian members of the staff by one-sixth and I would like to learn from the Honourable Gentleman what proportion in the Estimates comes by way of this one-sixth cut. It is natural that that section of the community which is specially benefited by his administration would naturally offer him congratulations. Fortunately I have the honour to represent that section of the community which has been hit very hard by his administration. He quotes that his administration is very efficient and taking that for granted for the sake of argument, if there is efficiency in the Uganda Railway it is mainly due to the members of the staff and a large portion of the members of the staff belong to the community I have the honour to represent here. Taking that as a fact, Sir, I hope that every reasonable gentleman will agree that these members of the staff deserve promotion and not a one-sixth cut in their substantive salaries, and I hope the Honourable General Manager will give his serious attention to this subject. I heard from two of my Honourable colleagues in this House that the racial question was raised. I regret it very much but the matter was raised by some Honourable Members on both sides of the House and they are more or less responsible for it. We cannot get away from the fact that it is there though I hope in future we will be able to eliminate that. The Honourable Member for Kikuyu told us we were talking from a racial point of view in travelling. I hope before the work of this Session is finished we will be able, with his co-operation to have eliminated this distinction so that we will not have occasion in future to refer to it. The right to use waiting rooms is attached to the purchasers of first and second class tickets. Every reasonable man will agree that the use of the waiting rooms should be at the disposal of gentlemen holding first and second class tickets irrespective of racial considerations. We want to work in this Council with a very

good sense of co-operation and I hope that in future debates we will take such a line that we will be able to eliminate such matters and work with the fullest co-operation. Another point was raised that the European members of the staff are very efficient. As I stated already I do not like to argue on these lines but unfortunately circumstances compel me to do so. I should like to learn from the Honourable General Manager whether it is a fact that the European station master of Mombasa left the station and sailed for South Africa without informing anybody and taking with him about Sh. 1,800 belonging to the Administration? I would also like to learn from the Honourable General Manager whether an European employed at Jinja misappropriated about Sh. 8,000? I would also like to know from the Honourable General Manager how many European station masters were found to be unfit and had to employ Asiatic station masters though he was committed to the policy of engaging as many Europeans as he could? This will go to show that all Europeans are not as efficient as they are represented to be. Posts filled by Asians with efficiency were filled by Europeans; this is not economy. A lot has been said about encouragement of the natives. I have got three statements here showing one from the despatcher of the General Manager's office who says that he is a very competent despatcher. He does all the despatching work yet he has the good luck to draw Sh. 70 per month while Europeans draw Sh. 400 a month who do very little more. If this man is paid Sh. 150 the Uganda Railway would be able to save a couple of hundred shillings every month. I have another instance of an Indian driver named Ahmad Juma who was engaged in 1900 and who is a special class driver drawing Sh. 230. European drivers are drawing Sh. 1,000 per month. This is the gentleman who averted an accident at Samburu and was presented with Sh. 90. Because he is an Asian and though he is doing the same work he only draws Sh. 230 per month. I commend the services of this gentleman to the Honourable General Manager. Another gentleman is occupying a position which was formerly occupied by Asians and is drawing Sh. 400, whilst the previous pay was Sh. 150. I understand he has not received any promotion for the last five years because the African grade is such he cannot get any more promotion. I understand he was very highly reported on by the ex-Superintendent of the Line, Mr. Elias. These are the things I wish to draw the attention of the Honourable General Manager to. We have heard a lot about exports being carried for next to nothing. That is being done at the expense of the importing community. As is well known in this country only a section of the community can grow something and export something.

The golden rule is the greatest good for the greatest number. Here we are imposing very heavy customs and import duties for the good of one particular community.

HIS EXCELLENCY: Order, order. The Honourable Member is not in order in discussing import duties on the Railway Estimates.

HON. M. A. DESAI: I bow to Your Excellency's ruling. I will refer to the Railway freight on imported goods. It must be admitted if not willingly, then unwillingly, that that is not following the golden rule of the greatest good for the greatest number and I mention this fact for the information of the Honourable General Manager. I would like to be in the position to congratulate him next time the Estimates come up if the Railway rates on imports are reduced to the lowest extent. We are at present handicapped over this matter because it was not on the agenda for to-day.

HON. R. S. NEHRA: Your Excellency, I rise to congratulate the Honourable General Manager and also to criticise him. I only want to say a few words in answer to the remarks made by one of the Honourable Members on the opposite benches. It was stated that he personally disliked any question verging on racial issues. I was very glad to see that he did not like it and I am also of the same opinion that such questions should be altogether avoided, but I would suggest the racial question was not raised by the Indian Members. If the Honourable Member looks at the printed Estimates he will find statements made as to Europeans, Asiatics and Africans. May I suggest that is a challenge thrown up by the Government itself, either willingly or unwillingly I do not know. In departments the services are graded according to designations. What necessity is there to put down the distinction of Asiatics, Europeans and Africans. I can assure the Honourable Member neither I nor my friends have any desire to take up the racial question in the Council here because we want to co-operate with the Council and the Government and the other members of the community and I would express the hope in the future such things will be avoided by the Government as much as possible. After a great deal of trouble and after a lot of pressure being brought to bear on the Honourable General Manager provision was made for a waiting room at Mombasa railway station for Asiatics. I do not know if it was on the instruction of the Honourable General Manager or on the initiative of the station master that that waiting room is now not available for Asiatics for whom it was constructed. The last time I left Mombasa I saw this waiting room for Asiatics being used as a go-down or storeroom.

RT. HON. LORD DELAMERE: Your Excellency, on a point of order. We are discussing the broad principles of the Bill on the second reading. Are the personal experiences of the Honourable Member anything to do with the broad principles?

HIS EXCELLENCY: I understand the Honourable Gentleman who is speaking is endeavouring to explain a principle of the Bill by an experience of his own, but I hope he will not elaborate it too far.

HON. R. S. NEHRA: It would be very incumbent on the Honourable General Manager if he paid more attention to the convenience of arrangements made for Asiatics in the department and the public. As a well established principle of the English race is the principle of fair play I submit that if a thing is done it ought to be done with the grace which is becoming to the position the Honourable General Manager occupies and also to the traditions of the British nation. I would again reiterate that if only the attitude of the majority of the unofficial Members was not the same as it is unavourable at present all the racial questions could be very easily avoided.

HON. LORD FRANCIS SCOTT: Your Excellency, the Honourable Mr. Desai stated just now that the low rates on the Railway for exports was contrary to the principle of the greatest good for the greatest number. I submit, Your Excellency, that is the very argument which justifies the low rates on exports. This country we live in is dependent entirely upon productions of the soil; we have no manufactures or minerals to speak of and the welfare of the country depends on products of agriculture. If we wish to get imports into this country the way we can get them is to enable the inhabitants of this country to pay for the imports. This refers not only to the European population as has been insinuated but to the natives who are agriculturists and there is not the slightest doubt the low freight on maize has not only established prosperity amongst the European farmers but has also enabled a large quantity of native produce in maize to be exported from this country. Your Excellency, I do submit therefore that it is a right principle on which the rates of the Railway should be fixed—to encourage exports as much as possible so as to enable the exporters to pay a higher rate for the imports, but I do hope the Honourable General Manager will, wherever possible, lower the rates on imports which in themselves are going to help towards reduction in the country and I specially refer to such things as kerosine and petrol which are so essential for agricultural production. I should like to support very much the remarks made by the Honourable Member for Plateau South on that point and also cement which is not

directly connected with production but is for the welfare of this country in every form of expenditure we have to incur for housing and so forth. I support the Honourable General Manager's system of rates but I do hope he will favourably consider these particular things to reduce the rates as low as he can. There was one point raised by the Honourable Mr. Pandya I think where he said the branch railways which were proposed were only for a small section of the community. I submit the only justification for branch railways is on economic grounds. If any district can show that a branch railway will be justified on economic grounds whether that district is cultivated by natives or Europeans or anybody else then the branch railway is justified. If on the other hand it cannot be shown it will be an economic proposal then it should be turned down. It is not a racial question; it is a question of the economical development of this country.

HON. GENERAL MANAGER, UGANDA RAILWAY: Your Excellency, I am sorry I have not had the opportunity of classifying all that has been said under topical heads so I shall have to deal with the remarks made more or less in the order in which they were made. Before I start lest there should be any misapprehension in regard to a statement made by one of the British Indian Members—I think the Honourable Mr. Kassim—let me say that not a single railway rate has been increased since I have been in the country. I repeat not a single rate has been increased since I have been in this country. The statement that the rate for cotton cloth has been increased since I took over the management is quite incorrect. Dealing first with the Noble Lord's remarks I would like to express my appreciation of the spirit in which he has dealt with the Railway Estimates. There are some points on which I do not agree with him. That perhaps is not surprising. I am not a politician and I am not going to look on the question of Railway loans from a political standpoint. So far as I am concerned, as General Manager of the Railways the more I can get out of free loan the better and I shall certainly try and get as much as I can out of free loans. I was very pleased indeed the Right Honourable Member referred to the success of railway construction under departmental control. It will be remembered that I had a great battle for that principle last year and I think it must be admitted that this Colony and also Uganda owe a debt of much gratitude to Major Rhodes and his staff in the way they have handled the new construction. I think this Colony is extraordinarily lucky in having the services of a chief engineer such as we have in Major Rhodes. One other remark made by the Right Honourable Member I should like to traverse in fairness to the Public Works Department and the Education Department and that is

his reference to results in the training of natives in the workshops. The reason, Your Excellency, why I pressed so strongly for the training of natives in the workshops is that I felt they would be in a shop which could be well disciplined, properly organised, and the native would be under complete control and have every facility for training. It seemed to me at the time the Railway had been somewhat remiss in past years in not taking advantage of the workshop facilities for native training. Now the Director of Public Works has no such workshops and the Public Works Department and the Education Department training outside of the Railway is rather in the nature of trade schools than workshops. I merely draw attention to this because though I consider the Mechanical Engineer in charge of the workshops and his staff have done excellent work I would not like to leave the impression that other departments could not have done equally well with the same conditions. The Honourable Member for Plateau North has referred to a profit this year of £300,000. He has described the amount we are contributing to the betterment fund as a profit. I tried to make clear this morning that we were spending faster than we are getting the money into the betterment fund. If we are to deal with this £300,000 as a profit and reduce Railway rates accordingly it simply means the work authorised must stop or the money be found in another way. We only expect next year £191,000 to be contributed to the betterment fund which is an indication of what is going to happen in the future. With the increase of interest charges the amounts left over for betterments must steadily decrease. The time will come—it may come at the end of next year—but the time will certainly come, when the Railway Council will have to define exactly what we should contribute to betterment funds and what surplus over gross expenditure can be used in reduction of rates, but it would be highly dangerous to do so at the moment. The surcharge incorporated in railway rates some years ago has been referred to. I was not here when the surcharge was applied and it is no use my going into past history which I do not know anything about beyond Colonel Hammond's Report but I understood the position to be that sometime in 1920 the surcharge was added to Railway rates. We have, however, long since lost that surcharge. Colonel Hammond introduced tapering rates in the place of uniform ton mile rates. Colonel Hammond and the Railway Council reviewed all the rates and since my arrival there have been numerous reductions of rates. The earnings per ton per mile-to-day are a large percentage below what they were before the surcharge was imposed. Before the surcharge was added the opportunity was taken by Colonel Hammond and the Railway Council to make numerous adjustments in Railway rates so that it is almost impossible to go back now; all we know is the rates are lower. As regards

the maize rate I was careful to say I fully approved of the policy of low export rates for a commodity, such as maize but Honourable Members must not be unduly sensitive if I refer to the low rate again and again for the reason that you cannot have this very low export rate however justified it may be and then go and forget all about it and clamour for other reductions. We must always bear in mind these low export rates exist when consideration is given to applications for other reductions in Railway rates. The Honourable Member for Plateau North said he thought it was unfair for me to exclude coal and minerals from my statement about English rates. My reply is that as a railway man I would make myself ridiculous if I included coal because coal and mineral traffic generally are totally different to ordinary merchandise. I said this morning that we have unfortunately no large mineral traffic; if we had a large mineral traffic we could afford to do a lot more in the way of reduction of rates than we can do now. Mineral traffic is very easily handled from a Railway point of view. It is normally heavy traffic loaded by mines and off-loaded by special appliances. We have not the advantage of such a traffic here. Tanganyika has more from the Belgian Congo and it has been of great benefit to them in improving the financial position of the Railways there. The same applies to Rhodesia and South Africa. The South African rates could not be what they are if it were not for the coal traffic. The Honourable Member has referred to the rates on kerosine. Representations have already been made to the Inter-Colonial Railway Council for a reduction in the rate on fuel oils. I do not quite know whether a reduction is sought on the rate for petrol as well as for kerosine but I should say what is really required and desired is a reduction in the rate for kerosine and crude oil. It is the case that the rate for kerosine is really a very low rate in comparison with other Colonies. We might as well start on that basis for that is the case. Our rate is lower than the rate in South Africa and very much lower than the rate in Rhodesia, but that does not mean I am personally opposed to a reduction if it can be shown that it is to the advantage of the community that a reduction should be made. Up to the last meeting of the Council sufficient information was not available. I shall see that the matter is again brought forward at the next meeting and I hope that those who are asking for a reduction will be able to let us have sufficient information to enable us to judge the position. I am sure the Council will consider the matter as sympathetically as they can. In regard to petrol I may say that the rate on petrol from Mombasa to Nairobi works out at Sh. 6/6/ per 100 lbs. The rate from Durban to Johannesburg works out at Sh. 8/42. Yet it is a fact that petrol is sold in Johannesburg at a much lower price than in Nairobi so that the Railway freight is not the only reason for

high costs. When I came to Nairobi the first petrol I purchased I paid for at the rate of Sh. 44 a case. I immediately made enquiries as to why the cost was so high. I was solemnly informed it was due to Railway rates. The Railway rates at that time was Sh. 7/50 a case. Later the Railway rate was reduced to Sh. 4 a case. Almost simultaneously competition came into the picture. Some other petrol found its way to the country and there was reduction in the selling price of petrol—not of Sh. 4—but of Sh. 13, so that the Railway rate was proved not to be the cause of the high price. I understand from an article in "East Africa" that petrol is landed at South African ports at Sh. 1/6 a gallon while the landed cost at Mombasa is Sh. 2/1½. I do not know whether these figures are correct but certainly we ought to investigate the landed costs at Mombasa to find out where the difference comes in. The Inter-Colonial Railway Council will consider the matter sympathetically on such information as can be put before it. As regards cement and building material. I can say right away that any reduction in the rate on cement to be of any real use would involve the sacrifice of a considerable sum from Railway earnings. That is a fact. The Railway Council intends, as soon as the question of the interest of the Port expenditure is settled, to face this question of the cement rates, but it has got to be carefully examined. One Honourable Member stated he was not aware that there had been a demand for all round reductions in rates. I can assure him that there have been suggestions of that sort. He stated that in all cases where applications have been made the cases have been made out. That is not so; but I know of no instance in which a case for reduction has been made out, and in which we could possibly afford the sacrifice, that the Railway Council has not agreed. Railway rates, I repeat, are always being studied by the Railway Council and there is never a meeting of the Council but anything from ten to twenty rates questions come up. They are always being examined; every application made is put up to the Council and examined. The Honourable Member for Plateau South also referred to alleged discontent amongst the European staff. Well, Sir, I can only say this that if there is serious discontent then it is a most extraordinary thing that the European Staff Union has not made representations to me to that effect. I believe the Railway staff understands the position. I agree that the housing is most unsatisfactory; that, Sir, is why we have a large housing programme on hand. Far too many of our people are out of houses, but we are building as fast as we can; houses have been sanctioned for a good many. It takes time to get the work done and the material over the line. We also intend very soon commencing with a very big building programme for Nairobi. Houses are highly necessary and we are doing our best to provide them.

The Honourable Member for Plateau South also referred to the long hours worked by engine drivers. I would advise Honourable Members to be very careful how they criticise the working hours of running shift because it is a very difficult and intricate matter. Certain statements were made a little while ago which led to certain comments which were based on insufficient knowledge. Having said that let me admit quite frankly that we have engine drivers to-day working hours which are much too long. It is quite possible that there have been cases of men working over 70 hours in a week and I regret it should be so but as I stated this morning we are very short of engine drivers and until we get more drivers there is no alternative except to let traffic stand. Yesterday we had 170 trucks at Voi; 160 at Makindu and a large number at Nakuru not moving owing to the lack of engine power and drivers. I have been trying since January to get engine drivers. I have asked for a very urgent cable to be sent to the Secretary of State pointing out the trouble we are getting into owing to the lack of drivers. I am also in communication with South Africa and India and we are doing our best and hope that as regards engine drivers we shall be in a better position shortly. In the meantime long hours are inevitable. The men are paid very well but that does not justify long hours and I can assure the Honourable Member that as soon as we have a sufficiency of staff we will get on to the question of engine drivers' hours. But they will never have an eight-hour day. A driver must always take his engine from one engine depot to the other.

Another remark made by the Honourable Member for Plateau South was in connection with the costs of the Uasin Gishu Railway. Personally I did not make that remark in my statement with the object of provoking discussion, and I am sorry discussion followed. I made a simple statement of fact—that the cost of the line is high and that we have to carry very heavy interest charges in consequence. The cost of the line will stand in our books at about £15,000 per mile. I did not say whether it was justified or unjustified—I made a simple statement that the cost was large and that we would have to face very heavy interest charges. That is a fact we cannot get away from. The line will stand on our books at £15,000 a mile, and the Honourable Member has asked me how much of that is due to Railway rates. Your Excellency, £1,000 a mile was due to Railway rates. I do not attempt to defend those rates. I would not dream of defending them. They were arranged and charged before I came to the country. They resulted in the earnings of this Railway for 1922 showing a profit instead of a loss. It was a nominal profit. I could not very well intervene; there were difficulties in connection with the thing which made it a very doubtful policy for me to interfere. But I have taken very good care to see that no such policy is being continued.

The Honourable Member for Kikuyu wanted to know whether we are charging capital account with rates on new construction, too. The reply is "Yes"—we are charging for new material carried to construction on capital works at the rate of two cents per ton per mile for carriage of new material for new works. That may seem a low charge. (Capt Cony: Hear, hear). The Honourable Member for Plateau North says "hear, hear" (laughter), but it is precisely the same rate as he pays for maize from Eldoret to the Coast (hear, hear). (Laughter).

With regard to the questions raised by the Honourable Member—Mr. Shams ud Deen: I am afraid the Honourable Member rather let himself go this morning in the words he used. It has been suggested that I circumvented by indirect ways this Honourable Council in connection with the reductions in the rates of pay for Asiatic Members of the Railway staff. Now, that is not so. The particular reductions I may say were agreed to in 1923 and they commenced in 1923. I cannot say what the Railway has saved by it—but certainly they have not saved anything like the figure the Honourable British Indian Members seem to think. If the Honourable British Indian Members could work out the rates of pay and tot them up they will not find the result quite as big as they seem to think. But I do not know precisely what they are referring to—the cut in the case of the re-employment, or whether they are referring to new entrants coming in at the new rates.

Your Excellency, I have noticed no tendency on the part of the Asiatic staff after the re-grading to rush away from the Railway service. There has been no such tendency. The statement has been made that we have lost a lot of our best men. What does happen in the Railway service is this: that some of the men when they get to a certain point in their service, when their resignation means the payment of a big gratuity, they sometimes resign and take the gratuity, but it is extraordinary how many people apply for re-employment.

In regard to the Workshops, the Honourable Mr. Shams-ud-Deen suggested that there was increased expenditure in consequence of the employment of more Europeans. I think the figures I quoted this morning proved conclusively that there has been a very substantial reduction in Workshops expenditure, although we have far more Europeans there now.

With reference to accidents, the Honourable Mr. Shams-ud-Deen apparently had in mind the three accidents which took place early this year. I challenge anyone in this country to show me that any one of those accidents could be attributed directly or indirectly to reductions in expenditure. In two cases the magistrates on the enquiry found that the accidents

were due to excessive speed on the part of the drivers. We did not have less than one driver—we had one driver, as previously, the same number of firemen as previously; and in the other case we also had exactly the same staff as before. In the third accident the native signalman happened to make a mess of the points. In regard to that I should like to mention that we have now in the country—just arrived, although the orders were placed a considerable time ago—six interlocking sets, and we are now proceeding to instal them. Those interlocking sets, if they are a success—as we hope and trust they will be—will be further increased in number, as there is money on the Estimates this year for an increased number. They will, of course, be a source of greater safety; but it must not be overlooked that the traffic has increased enormously, and it is no good talking about what happened five years ago, as the traffic has more than doubled since then. The number of collisions on this Railway are not exceptional; on the whole I think the staff is extraordinarily careful.

Regarding carriages—I am sorry that there should be complaints in this connection. As I said this morning we have a large order for passenger coaches in England—three trains if I remember correctly—which will give us a far better opportunity of improving the accommodation all round. At the moment of course we have got to use such coaches as we have—use them as best we can, and it is a fact that some of the older coaches came originally from India! Some of them are still in use, too! (Laughter). We are trying to improve matters—and some of the new coaches are to be of the corridor type.

Now to come to the question of waiting-room accommodation. One Honourable Member said that he had arrived at a station where there was no waiting-room for him to go to. Another said that the Asiatic waiting-room was not available when required. Now, if the station master at Mombasa used the waiting-room there to stock parcels, well I am not in the least surprised, because if I were in his position I would be tempted to do so myself and for this reason. At a Session about two years ago or so the Honourable Mr. Shams-ud-Deen made a great point of building waiting-rooms for Asiatics. We have four such waiting-rooms—one at Mombasa, one at Kapiti Plains, one at Nairobi, and one at Kijabe. I asked for a census to be taken for a week as to the extent to which these waiting-rooms are used. This was the result:—

Mombasa : Nil.

Kapiti Plains : Once in the week.

Nairobi : Once for 4 hours.

Kijabe : Twice.

I was not satisfied with that, and I asked for another census to be taken for another week. The second result was worse than the first! :—

Mombasa : Nil.

Kapiti Plains : Nil.

Nairobi : Nil. (Laughter).

These rooms are there, but they are not being used, and if the unfortunate station master can seize a waiting-room which is not used, and use it for his stores purposes, well I must say I do not blame him too much as I would be strongly tempted to so use it myself.

The Honourable Mr. Pandya made what I cannot but refer to as an unfortunate statement. He rather suggested that the traffic in Kenya was moved rapidly at the expense of traffic up to and from Uganda. I was very sorry to hear that suggested. Only the other day a prominent member of the Kenya European community came to me and solemnly told me that he thought that we were acting very unfairly towards him by allowing trucks to go past his door to Kisumu! I am sorry to hear it suggested that we favour either Kenya or Uganda, because we do nothing of the sort. I look upon the Railway as one and have always refused to do otherwise. It is one Railway and we must work it as one Railway. The delays referred to are presumably those which took place during the period of serious congestion. I have had to write so much about that congestion that I really do not feel like saying more, but it must be remembered that the big difference between Uganda and Kenya traffic is that the Uganda traffic must be taken across the Lake—and that is where the delays occur. The delays do not take place at this end—on this line.

With regard to the increase in Marine Transport, I have said over and over again that we are doing everything we possibly can—we could not have got more across the Lake than we have done in the time at our disposal. Our Workshops at Kisumu have been working as hard as they can all the way through. At the present moment there is a tug being erected and three more lighters. You cannot do more. If we had a river up to Lake Victoria we could have bought steamers and sailed them up that river, but unfortunately these have to be taken up to the Lake in pieces and put together up there. As I have told the people in Uganda, the extent to which the additional tug and lighters will help them will be the additional assistance they will get, but beyond that we cannot assist until we get the line through. I believe that we shall not have nearly the same trouble next year as this year with the Uganda traffic. Amongst other things we are going to regulate the traffic.

In reference to cotton seed ; of course where cotton seed is burnt I would not like to undertake that we would always locate the ownership very quickly—it all depends on how much gets burnt and the extent to which it is burnt, but an Honourable Member also referred to cotton seed short-delivered. It may surprise this Honourable Council to know that only yesterday I had a telegram from Numasagali asking me to authorise the expenditure of £100 in the purchasing of additional bags to re-bag the cotton seed. The simple fact is that the cotton seed is put into bags of inferior quality, which cannot stand the journey, and they burst all over the place and we have to collect the seed as best we can. I consider that the cotton seed as carried at present is a menace to the whole of East Africa, and I hope I will get the Medical Department to support me. I think it ought to be put into bags of prescribed quality, otherwise we cannot guarantee anything.

The Honourable Mr. Desai has referred to Ahmed Juma. I am very sorry indeed to find Ahmed Juma's name mentioned on the floor of this Honourable Council. I do not think he deserves it. He is much too good a man. I am quite sure he has not inspired this statement. Regarding other rates of pay, I can only say we are paying our natives in accordance with the usual scales of pay. In due course these scales of native wages will evolve like everything else, but to my mind it will be a bad policy to start too high.

With regard to the two Europeans who were alleged to have misappropriated money, it is quite correct that there were two bad cases, but I do not really know what point the Honourable Member wishes to establish, because the same thing has occurred in quite a large number of cases amongst our Asiatic staff!

HON. M. A. DESAI: On a point of explanation—I was just showing up the efficiency!

HON. GENERAL MANAGER, UGANDA RAILWAY: I am not aware that the fact that two Europeans turned out badly really explains the efficiency or inefficiency of the European staff any more than I would regard the five successful prosecutions recently against members of the Indian staff as reflecting on the efficiency of the Indians. Some of our Indian station and pier masters are really good men!

The Honourable Mr. Desai I think also said that I was committed to the policy of engaging as many Europeans as possible. I should like to know who committed me to that policy? I have not been committed to any such policy—I am not a politician (laughter), and I am not here for any political

purpose—I am here in a business capacity, and I am going to engage the staff that I think it is necessary to engage so as to secure efficiency—whether that staff is European, Indian or Native, and that answer cuts both ways!

I think I have traversed most of the points raised. I think in Committee Honourable Members will ask questions regarding various details, which I shall do my best to answer.

HIS EXCELLENCY: The question before the House is that the Bill be read a second time.

Motion put and carried.

HON. GENERAL MANAGER, UGANDA RAILWAY: I beg to move that Council go into Committee to consider the Estimates in detail.

HON. TREASURER: I beg to second.

Motion put and carried.

In Committee:

Vote A.

HON. GENERAL MANAGER, UGANDA RAILWAY: I beg to move certain additions. That this vote be increased by £2,220 to provide for one additional District Engineer at £700, one Assistant Engineer at £500, and £105 local allowance, and £825 for water supplies. One of the appointments is for extra supervision in Uganda, where the work is very heavy—and one for the Headquarter staff. The money provided for water supply is for water to be supplied by the Nairobi Municipality at cost price. We have had an agreement for a period of years which has now come to an end. The agreement was made in connection with the handing over of the water supply to the Municipality some years ago. We now have to make provision at cost price for this supply.

HON. SHAMS-UD-DEEN: May I ask the Honourable General Manager if he will let us know what has necessitated the employment of a land surveyor at £600?

HON. GENERAL MANAGER, UGANDA RAILWAY: Provision is made for a land surveyor because we expect there will be a lot of work in connection with godown sites and certain other land matters.

HIS EXCELLENCY: The question is the addition of the £2,200 to Vote A.

Motion put and carried.—Vote A as amended passed.

Vote B.

HON. SHAMS-UD-DEEN : May I ask the Honourable General Manager why this Colony is being debited with the salary of the Divisional Superintendent of Uganda. I believe there is one Assistant Superintendent of the Line and one Superintendent of Locomotives. I do not know whether they are meant for Kenya or Uganda.

HON. GENERAL MANAGER, UGANDA RAILWAY : It is necessary to have a Divisional Superintendent in Uganda to control the services there. His salary will be debited to the whole of the Railway vote and not to the Colony.

With regard to the Assistant Superintendent, as far as I know he will be employed in Kenya, but I reserve the right of course to employ him wherever I think fit!

I now beg to move the addition of the sum of £920, to include water and wages, the same as on the Maintenance Vote.

HON. SHAMS-UD-DEEN : I find here there is an increase of nine traffic, rolling stock, and locomotive inspectors. I want to ask the Honourable General Manager if he thinks that he has got no British Indians in the service who are competent to be promoted to these grades, or is it a set policy of the Railway Administration never to promote any member of the British Indian staff, no matter how efficient he is, to the higher positions, such as traffic inspectors, etc.

HON. GENERAL MANAGER, UGANDA RAILWAY : Some of the posts in the Department have been filled by imported Europeans, but the men usually engaged for these posts are trained railway-men who have had experience on other railways. I know of no European or Indian member of the Railway staff here competent to fill any position for which I am getting men from overseas. It is my policy never to engage a man from outside the Colony if a suitable candidate can be found locally.

HON. M. A. DESAI : May I ask the Honourable General Manager whether he is prepared to consider the claim of Mr. McHardy to the post of Superintendent of the Line, and if not, to state his reasons?

HON. GENERAL MANAGER, UGANDA RAILWAY : I prefer not to discuss individual cases of any of my senior officers. (Hear, hear.)

HON. M. A. DESAI : Arising out of that, I believe if the claims of particular officials are superseded it is the business of this House to know about it.

HIS EXCELLENCY : I think the answer is that the Honourable General Manager is responsible for the efficiency of the Railway staff, and that his answer is final.

Vote B, with addition, passed.

Vote C, passed.

Vote D.

HON. GENERAL MANAGER, UGANDA RAILWAY : I wish to move the following addition to Vote D. Add under D. (1), High Commissioner of Transport, £1,000; Private Secretary, £150. Add under D. (IV) Watch and Ward, £1,356; and under D. (VI) Advertising, £2,500. The provision for the High Commissioner of Transport and Private Secretary is self-explanatory. The additional provision for watch and ward is due to the arrangements made with the Superintendent of Police to re-organise the Railway Police, in order to better safeguard the Railways. The amount of £2,500 for advertising was approved for insertion as a contribution towards the Trade and Information Bureau in London. The total of the additions comes to £5,006.

HON. LORD DELAMERE : I would just like to ask the Honourable General Manager whether he can give us any statement as to how soon there will be a report on the question of Branch lines—this has been before the Council already. Also how soon the economic and Railway surveys on those lines will be finished, and when he will be in a position to give us information as to which of these lines can be built, and which of those lines the Railway think they can possibly take over, and which they expect the Government will guarantee—I want to know how long it is going to be before this will be done.

HON. GENERAL MANAGER, UGANDA RAILWAY : I have always held the view that this Honourable Council should formulate a branch line policy, and that it should be before them to decide whether any more money will be required, and if so what sum should be tacked on to the loan to provide for further branch lines. So far as the Railway is concerned, we have made reconnaissances of most of these lines mentioned this morning. There is one survey proceeding now, and another one to follow. If it is desired that these should be placed before the Inter-Colonial Council when all surveys are completed, I have no objection at all to placing both these reports and the

economic reports before the Inter-Colonial Council for discussion, and then to make a statement, but I do not think it would be wise for this Honourable Council to say whether or not it is going to increase the loan and to what extent.

RT. HON. LORD DELAMERE : I do feel with the Honourable General Manager that it is for the Government to do that, but I think also there are certain things on which perhaps the Honourable General Manager in his Inter-Colonial Council can clear the way, provided the Government tackled the matter. I understand that the amount that the Honourable General Manager put forward under the Free Loan—I do not know whether he is altering it—was 170 miles of Railway, at a cost of about £850,000.

HON. GENERAL MANAGER, UGANDA RAILWAY : I will quote the outside figure. I am investigating branch lines totalling 170 miles, and I have estimated the cost at a rough average of £5,000 a mile.

Vote D, as amended, passed.

Vote E.

HON. SHAMS-UD-DEEN : May I ask the Honourable General Manager to throw some light on these alterations? I find that the post of Marine Superintendent at £835 is abolished, and in his place the Assistant Marine Superintendent is engaged at £775. What are the reasons for the various alterations?

HON. GENERAL MANAGER, UGANDA RAILWAY : The point is that it is proposed to abolish the post of Marine Superintendent at Lake Chioga and to have an engineer in charge of the work there. A senior engineer has been there for some time in connection with the erection of a new steamer. There is always an engineer at work there, and instead of having a superintending marine officer as well as the engineer we have selected one of our senior engineers and put him there as engineer in charge. That is the reason for the abolition of the post of Marine Superintendent at Lake Chioga. The post of Assistant Marine Superintendent must be graded as the second post, but instead of being stationed at Lake Chioga we are going to have him at Lake Albert. I may say that this post at Butiaba is at present filled by a Commander, and of course that cannot continue—it is purely a temporary arrangement.

With regard to the " Marine Engineer " I think the title " Chief Marine Engineer and Works Manager " is far better and a more comprehensive title than that of " Senior Marine Engineer," and I think the increase of £100 per annum maximum is fully warranted by the importance of the post.

HON. W. MACLELLAN WILSON : On page 51 : 9 (b), Up-keep of light, Lake Victoria. I see here was £200 last year voted, and £200 is voted again this year. May the Honourable General Manager give us some information as to those lights, and I should also like to know if the steamers are now running at night-time?

HON. GENERAL MANAGER, UGANDA RAILWAY : I am sorry I have not got very full information with me. The Lake is not yet well enough lit to enable ships to be run to any great extent at night, and I think we shall not be able to go beyond running the steamers at night time in a small way, as is being done at present, because there are many difficulties in the way. It is not easy to get satisfactory lights, and there are many islands to be lit. If the Honourable Member wishes further information on this point I will get it for him.

HON. W. MACLELLAN WILSON : My reason is that it is some years since I was up at the Lake, but when discussing the point with the Marine men who were up there at the time they were of the opinion that much more work could be done if there were lights on the Lake and night work done with extra staff.

HON. GENERAL MANAGER, UGANDA RAILWAY : This is a matter which I used to discuss quite a lot after I came to the country, because I was very keen on having the Lake lit, but it was found on investigation that the problem was very much bigger than we anticipated. It is a very big problem and so far we have not succeeded in solving the problem. I have also discussed with marine officers the question of searchlights, but the general opinion is that searchlights would not be effective.

HON. SHAMS-UD-DEEN : On page 47—I see that two posts of engineers in the workshops have been abolished, which cost £837, but three foreman at a cost of £1,200 have been inserted as new posts—I want to know whether it is due to increased work or merely is an alteration of designation.

HON. GENERAL MANAGER, UGANDA RAILWAY : In the marine workshops we have been in the habit of using ship's engineers. We have now definitely decided to go in for a system of native training such as we have at Nairobi, and are employing foremen artisans instead of ordinary ships engineers. That is what this means.

Vote E, passed.

Vote F, passed.

Vote G.—£62,807.

HON. J. B. PANDYA : In regard to Item 9—Educational Scholarships; I should like to know who gets these.

HIS EXCELLENCY: I think it would be convenient if Honourable Members when asking questions would indicate the page.

HON. J. B. PANDYA: Page 55—Item 9.

HON. GENERAL MANAGER, UGANDA RAILWAY: This item was inserted by me for the first time last year because cases came to my notice of men with families in areas where there are no schools finding it difficult to arrange for the education of their children. I wish to provide for assistance to get those children to schools up-country.

With reference to grants-in-aid—I speak from memory—but I remember two cases in which we gave grants-in-aid to the extent of half the boarding fees at an up-country school. Application has recently been made by one of our Asiatic staff, and I have taken the line that if the circumstances are the same we will give the same assistance. But I do not remember getting the information as yet.

HON. CONWAY HARVEY: Perhaps the Honourable General Manager would give us some further explanation of the increase of £2,800—the explanation on the “Amendments to Estimates” issued is not particularly comprehensive.

HON. GENERAL MANAGER, UGANDA RAILWAY: I would now take the opportunity of moving the addition of £2,800 to this vote. It means exactly what it says, Your Excellency—Incorporation of Local Allowances in Salaries. After these Estimates had been prepared I found that this amount was provided for in the draft Government Estimates, presumably so that provision could be there in case the Secretary of State for the Colonies agrees to the adjustments which have been recommended. I do not know whether he has agreed or not, but I am making this provision in case he does agree.

HON. COLONIAL SECRETARY: The Secretary of State has not agreed as yet. The proposal has been referred to him, but it has been referred for consideration to the Governors in the neighbouring territories.

HON. CONWAY HARVEY: As a contingent liability, Your Excellency?

HON. J. E. CONEY: With regard to what the Honourable Secretary has said, this recommendation which was put up to Government was accepted by the Government a long time ago, and it was also suggested that this proposal should be accepted as from the 1st of July this year. We thought at the time

that this recommendation was made on very just grounds, and as the recommendation was made we think that the Secretary of State should at least say that it will be done, so that the Civil Service may know; after all, it is only a matter of adjustment between the different Territories. It was considered by Government to be a just proposal.

HON. W. MACLELLAN WILSON: Assuming that it will be allowed—this incorporation of the local allowance in salaries—perhaps the Honourable General Manager will explain why he has put down an additional sum of £2,800. Is it not so that all the local allowances have been put in in the Estimates, and that the salaries pertaining to each individual have also been put in.

HON. GENERAL MANAGER, UGANDA RAILWAY: Discussion on the general question should be raised on the Government Estimates rather than on the Railway Estimates. (Hear, hear). This provision is made simply because similar provision appears in the Government Estimates. I suggest that the principle should be discussed in connection with the Government Estimates. We are subsidiary to the Government in this respect.

RT. HON. LORD DELAMERE: Surely the difference is that under the original system the sliding scales for certain higher officials were not included; under the recommendations of the Committee we are going back to the old system, under which the officials up at the top get the 20 per cent. the same as anybody else, and I think that is the difference.

HON. COLONIAL SECRETARY: That is correct. It puts everybody on the same basis as regards the 20 per cent., but the Secretary of State has expressed a desire that if salaries are going to be increased they should be increased in connection with the proposals which he has received from the Governments of Tanganyika and Uganda, as the three services are the same, and it is asked that there should be discussion between the three Governors before he can consent to increases of salaries. I think I may say on behalf of them all that they have expressed the same view as the Honourable Member for Plateau North.

RT. HON. LORD DELAMERE: It was a stipulation made by the Civil Service at the time, and it has nothing to do with the question of whether a man's salary is right or wrong, and I think it is a matter which should be settled. I had the pleasure of talking to the Governor of Tanganyika the other day and he takes the same view as the Secretary of State has

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put forward, but I do not see what that has got to do with this country at the moment, even although I do like to see co-operation. I think this Government should press to get the matter put through on the lines suggested, and I do hope that this matter of the local allowance will be settled right away. We have always tried to separate the question of local allowance from that of salaries. The two questions are entirely separate. The question of a man's salary should be taken on its merits as an entirely different issue.

HIS EXCELLENCY: Perhaps I may say in reply to the Honourable and Gallant Member for Plateau North and the Noble Lord that I very much appreciate the view they have taken on this matter, and I am myself pressing that this change should take place. I am trying to arrange for an early meeting with the two other Governors concerned, as the Secretary of State has asked that the system should be co-ordinated.

HON. R. S. NEHRA: How is it that the legal expenses are the same this year as last year?

HON. GENERAL MANAGER, UGANDA RAILWAY: This item "legal expenses" covers a payment made to the Legal Department of the Government, for services rendered, and also covers general legal charges in court cases. Proposals have been made for a Railway solicitor, but the appointment has not yet been made.

RT. HON. LORD DELAMERE: Does the Honourable Gentleman suggest it should be put out to contract? (Laughter).

HON. R. E. NEHRA: How is it the legal expenses are the same? That is what I want to know.

HON. SHAMS-UD-DEEN: I was going to say that I am very sorry to hear that the Honourable General Manager is going to create another post, because I always view these things with a good deal of fear, as, after all, if a Railway solicitor is appointed it means he will have to have an assistant and a secretary, etc. I should certainly advocate that he pay the Legal Department so much in fees for ordinary services rendered. Therefore I think the question of the Honourable Member becomes a very relevant one!

HON. LORD FRANCIS SCOTT: May I ask the Honourable General Manager a question with regard to Item 5—dealing with exchange?

HON. GENERAL MANAGER, UGANDA RAILWAY: Take the last question first. This exchange is the amount paid in the transfer of money from here to England, or to South Africa, or to India, as the case may be. It is what the Bank collects from us on transfers.

With regard to the item "Legal Expenses," I am sorry Your Excellency I cannot see how we are to move any increase! (Laughter).

With regard to the appointment of a Railway solicitor, I am quite satisfied, and the Inter-Colonial Railway Council is satisfied, that the appointment is necessary. It is an appointment which is necessary, and which becomes necessary in any Railway as the Railway grows. We find some considerable difficulty at the present time in getting our work done properly owing to the absence of a Railway solicitor in the Railway establishment.

Vote G, as amended, passed.

Vote I, passed.

HON. SHAMS-UD-DEEN: I want some explanation with regard to Abstract H.

HON. GENERAL MANAGER, UGANDA RAILWAY: Abstract H is an indirect expenditure abstract. It is the expenses for the stores, stationery and printing. The full amount of this expenditure is already provided for under the other abstracts. That is to say, these departments work and charge out their total cost to the departments which get their services. Therefore, it is not necessary to vote the money twice. It is already voted under other heads.

HON. SHAMS-UD-DEEN: I want to say that if there is no need for these things to be discussed why do they appear in the Estimates at all?

RT. HON. LORD DELAMERE: The Honourable Member is out of order—there is no motion before the House!

HIS EXCELLENCY: I am in some difficulty with regard to this abstract. I cannot put before the Committee any sums which are not voted. At the same time the details of this particular vote occur nowhere else. But I quite understand the Noble Lord's objection—there is no motion before the House.

RT. HON. LORD DELAMERE : I should think the Honourable Gentleman should bring it under "General Charges," but I have no particular feeling about it at all—I was simply pointing out that it was not in order.

HON. GENERAL MANAGER, UGANDA RAILWAY : I can give an explanation. I cannot say precisely what this difference is due to, but I should say it simply means that there have been changes in personnel and that there are more men probably at a lower rate included in the larger number than there were included in the smaller number.

I have not the slightest objection to the Honourable Member applying to my office for information—I will certainly then be able to tell him what difference there does exist—if any.

HON. W. MACLELLAN WILSON : May I call attention to the same page 57—Item 8—There is an additional expenditure for the coming year of £528 for two Asiatic special grade clerks. I take it that they have been taken out of the lower grade and put into the high grade.

HON. GENERAL MANAGER, UGANDA RAILWAY : Yes.

Vote J, passed.

Vote K.

HON. W. A. M. SIM : Item No. 2 on page 66. I shall be glad if the Honourable General Manager will give us more details. Is it intended for Railway traffic or is it intended to carry a road alongside this Makupa Bridge?

HON. GENERAL MANAGER, UGANDA RAILWAY : We have got authority to investigate the position in connection with the Makupa Bridge. We have to strengthen the bridge in any case, and the Railway suggested that the principle should be adopted of investigating whether we should not have a combined road and railway bridge, and adopt the principle of a causeway with a span in the centre, instead of the ordinary metal bridge. Well, I have just had authority from the Colonial Office to proceed with the necessary investigations by an engineer as to whether it is possible to do this, and what the cost is likely to be.

Vote K, passed.

Vote L, passed.

HON. GENERAL MANAGER, UGANDA RAILWAY : I now beg to move that the Estimates as amended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY : I have to report that the Railway Estimates for 1926 have been considered in Committee of the whole House and have been approved, with certain amendments.

HON. GENERAL MANAGER, UGANDA RAILWAY : I beg to give notice that I shall move the third reading and passing of this Bill at a later stage of the Session.

*(Council adjourned to 10 a.m. on Friday,
October 30th, 1925.)*

FRIDAY, 30th OCTOBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Friday, the 30th day of October, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

ADMINISTRATION OF THE OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to Mr. HAROLD MENCH GARDNER.

HIS EXCELLENCY: Honourable Members of Council, I instructed the Clerk of Councils yesterday to make a slight re-arrangement of seats in the Council Chamber. I have done this for the general convenience of the Council and particularly for those who are responsible for the reporting, and who have been suffering under considerable difficulties, but I am not sure myself whether it is going to improve the thing or not; but what we want to do is to suit the whole Council and not some parts of it. Therefore, if any of you have any suggestions to make, please do not hesitate to come forward with the suggestions. We want things arranged to suit everybody.

May I also make one other suggestion in reference to our proceedings? It is the rule in the House of Commons that when any Member who is speaking is addressed by the Chair he resumes his seat while the Chair is speaking. I think that is a good rule. It is, however, sometimes difficult for Honourable Members who are speaking from memory to remember this, but in the House of Commons they are usually assisted to their seats by the Members on either side, and I think it would make for the convenience and comfort of all concerned if the same rule is observed in this Legislative Council.

MINUTES.

The Minutes were read by the Clerk of Councils.

HON. W. MACLELLAN WILSON: Your Excellency, I think there is perhaps one thing which is not correct in the Minutes—I refer to the Motion by the Honourable Dr. J. L. Gilks. It refers to the "working of the Sugar Ordinance" and not to the "provisions" of it.

HON. J. L. GILKS: The Motion should read:—

"That the Report of the Select Committee appointed to consider the Workings of the Sugar Ordinance, 1923, be adopted."

CHAIRMAN: Does that meet with your objection, Mr. Wilson?

HON. W. MACLELLAN WILSON: Yes, Your Excellency.

Minutes confirmed.

BILLS.

HON. COLONIAL SECRETARY: I beg to move the second reading of a Bill intituled "An Ordinance to Supply a sum of Money for the Services of the year ending the 31st December, 1926."

I do not propose to deal at any length with the Estimates for next year. They have been in the hands of Honourable Members for some weeks and an explanatory memorandum has been furnished to all Members, which will, I hope, be found useful when the Estimates are considered in detail. I would only state here and now that it was in no light-hearted spirit that the Government put before the Council Estimates showing a deficit of £69,858. It is fully realised that Government must show the justification for asking the Council to meet such a deficit.

It will be seen on a study of the Estimates that the increases under most of the heads are generally small and that nearly the whole deficit is made up by additional expenditure on account of medical services, which account for an increase of £61,553. As has been stated in the memorandum referred to this excess will be considerably reduced owing to the position as regards recruitment, housing, etc., of medical officers. The increases under Public Works amount to £68,852 and under Education to £26,985. The increase under Agriculture is £21,560.

It will be realised that the increases in two departments are almost equal to the whole deficit, while on two other departments the additional expenditure represents one-third of the total deficit on the Estimates. Government, however, believes that increased expenditure in medical services is urgently necessary.

Government fully recognises that the Estimates as now put before Council are capable of revision and earnestly desires that they should be submitted to the fullest consideration and criticism while it commends to the Council generally the proposals now put forward.

The Estimates in the past few years have been referred to a Committee of the Council composed of the Elected and Nominated Unofficial Members, with the Treasurer, and

Colonial Secretary as Chairman. It is suggested for the consideration of Council that the same course should be followed this year, except that it is suggested that Official Members of Council be invited to attend any meetings of the Select Committee besides the discussion as regards their own departments when Estimates are being dealt with in which the Departments are interested, for example the Public Works and Education Estimates have much in common and the Public Works and Medical Estimates also.

It may prove a saving of the time of Honourable Members if they can agree as to which subjects they are desirous of discussing. If they do not desire to be present throughout the meetings of the Select Committee it will help to save their time if they make their wishes known, when every effort will be made to arrange a programme so as not to require their presence in Nairobi longer than may be necessary.

In conclusion, I desire to express my deep acknowledgment to the Heads of Departments and to Mr. Northcote and Mr. Lambert of the Secretariat for the trouble they have taken in the preparation of these Estimates.

HON. TREASURER: I beg to second the Motion.

HON. CONWAY HARVEY: I am not quite sure that I am in order in saying what I wish to say, but I have no doubt Your Excellency will speedily put me wise on that point. The Honourable Gentleman who moved this Motion announced the fact that publicity will be given to the explanatory memorandum which has been issued in connection with this Budget. I do not think that that memorandum should go out unchallenged. If it does the public will naturally conclude that it is taken as read by members of this Honourable Council representing the country as a whole. I do take the strongest possible exception to the following statement: "It must be apparent that in a country where the labour supply is far below requirements . . ." I do not think that is a correct statement of the situation, and I think it can be nothing but extremely harmful to the progress of the Colony for an unchallenged statement of that description to go out to the world. One of the primary needs of Kenya, if we are to worthily achieve our destiny, in my humble opinion is increased European settlement, and increased industrial activity. It will not encourage new capital and new settlers to hear that the labour requirements as they stand to-day are insufficient for present needs. (Hear, hear.) I maintain, and I confidently believe I have overwhelming public opinion behind me in the most emphatic possible statement that the labour requirements of Kenya are

ample, and more than ample, not only for present requirements, but for all requirements of legitimate industrial expansion for the next ten years, if they are properly organised. (Hear, hear.) At the present moment they are not. At the present moment labour legislation is notoriously incomplete, and such scrappy legislation as we have is not effectively administered. I do not wish to labour this point unduly, and with these words I will confine myself to briefly stating that in my humble opinion that clause in the explanatory memorandum is not an accurate statement of the situation.

HON. COLONIAL SECRETARY: Your Excellency, I am obliged to the Honourable Member for the Lake for calling my attention to this sentence. It was only put in as explaining one of the reasons for increased medical services, but I think perhaps it is putting the position too strongly, although it was only intended to call attention to the fact that we had to consider these medical questions in respect of the Reserves, and that we had to consider not only the interests of the natives of this country, but the question of labour supply in the Reserves and out of the Reserves, and the general labour force of the country; the more labourers there are in the country the better the acreage developed. I am quite willing to modify anything suggested. But I would point out that the statement was put in from the point of view of the acreage of the country and the general demand for labour throughout the country.

RT. HON. LORD DELAMERE: I suggest the words "the very possible potential requirements" or something of that sort be put in. I am rather at sea because I understand that the second reading of the Appropriation Ordinance that the Government has been taken.

HIS EXCELLENCY: It is before the House now. It is being taken now, but it has not actually been passed.

RT. HON. LORD DELAMERE: No, Sir, but I did hope to hear the statement of the Honourable Member. It is entirely my fault for being late, but it is unusual to take it so early.

HON. J. B. PANDYA: I do not know that I am in order on the second reading to make a few remarks on the Estimates as a whole. With regard to this matter I should like to say a very few words. From the expenditure point of view I can see that these Estimates are based on a great prosperity which, in the eyes of the Government apparently, is expected from the Colony. I do not consider that these Estimates and

this expenditure, which is based on such a large income, are justified. But the deficit which is there has always to be depreciated, because the first thing in any country's estimate is to balance the budget, and I do not think that the circumstances of this Colony justify any departure from this rule. I agree that there are still a great many sources of revenue open to the Government if they really think that the extra expenditure is justified, but I do not know that at this present juncture the Government will be justified in tapping those sources of revenue, because the capital of this country is required and higher taxation is not justifiable. There is one tax which could perhaps be levied now or at a future date, but I do not think that the tax would, in the eyes of the Government, be justified. I refer to the undeveloped land tax, which in all countries brings in a very large revenue, and in time to come will be a great source of much revenue to this Colony, and is a source which should be and can be tapped at a future date when the expenditure of this Colony justified such taxation.

I should like to draw the attention of Government to the fact that the contributions which the different communities make to the taxation of the Colony—I have worked out the amounts myself—are as follows: Natives about 60 per cent., Europeans about 20 per cent., and the Asiatics 20 per cent. I have worked out these figures with great care, and they may stand a little variation one side or the other, but I think on the whole they are correct. I wish to mention these figures with the view of comparing the benefits in medical and educational services which the different communities get in this Colony, and I think in view of these comparisons the Government should very favourably consider the claims of the different communities in that respect.

The education vote as a whole is about 8 per cent. of the total expenditure, whereas in other countries the education vote is about 18 per cent. and 10.5 per cent. and so on, and I think Kenya's 8 per cent. is very low. I therefore think that in future the education vote has got to be increased. From the point of view of the community which I represent there are so many children now who cannot be admitted in the schools as there is not adequate teaching staff, that I think the education vote in this respect requires much augmentation. In comparing the figures I find here that the Europeans have 23 per cent. of the whole education vote, the Indians have 12 per cent., and the Natives have 65 per cent. I agree that the natives should have a large vote, and that they should benefit in that respect, but I think that Government should also favourably consider the claims

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of the Indian community in regard to the education of their children, and the vote here of 12 per cent. in my opinion should be increased.

With regard to medical services, I think on the whole the Indian Community has no medical facilities. They have no special hospitals, and the ordinary accommodation they have is very limited in comparison with the taxation and in comparison with the community which is in this country.

I would point out further that the Estimates show a 22 per cent. increase in expenditure over 1924, and 12½ per cent. increase over 1925. I think that this increase may be justifiable on certain grounds, but in view of the fact that the Colony cannot afford to bear such a large increased expenditure the whole situation, in my opinion, should be reviewed again.

I notice, however, that the provisions for the Asiatic services do not show any material increases in grades or promotion of staff, whereas there are many new appointments in the clerical staff of the Europeans.

HON. CONWAY HARVEY: On a point of order, if in contravention of the Standing Orders the Honourable Member is allowed to read his speech, may I reasonably suggest that he read it slowly?

HON. J. B. PANDYA: I was not reading my speech—I only have some notes prepared. If the Honourable Member wishes to read the notes he can do so!

HIS EXCELLENCY: I must ask all Honourable Members to pay attention to Standing Orders, which do not permit of the reading of speeches. I was not aware that the Honourable Member was reading his speech.

HON. J. B. PANDYA: I was not reading my speech.

HIS EXCELLENCY: I accept that explanation.

HON. J. B. PANDYA: With regard to these services, I would just like to draw the attention of the Government to the fact that in the higher grades the Indians have not received that share which they ought to have received in view of the fact that they have been subjects of the Government for so many years. Then there is another thing: the housing accommodation of the Asiatic staff is at present not satisfactory, and whatever amount they get in the way of house allowance is hardly sufficient to enable them to get decent housing accommodation. I would suggest that this be also considered by the Government.

In reference to the increases for medical services, these in my opinion are justified from the point of view that the natives have hardly any services in the reserves, but the increased staff proposed does not seem to be going to have the increased material necessary at their disposal.

With regard to the Postal Department, it seems that this Department, although their balance of revenue over expenditure shows a net profit of £30,000, which they get in running the services for Uganda as well, I draw the attention of Government to the fact that if possible if any service is introduced to this country the commercial community should benefit, and I do not think that that will indicate any loss to the revenue—I refer to the reduction in postal rates.

With regard to the Police Vote, I would say that the police protection in townships is very inadequate and from the point of view of the Coast community we think that much more facilities should be granted.

As regards the Public Works Department, the whole system of roads requires more attention, particularly at the Coast the roadmaking is handled in such a way that the money does not seem to have been well spent, and I should also like to mention that the requirements at the Coast are very much neglected in comparison with the road system of the Colony as a whole. We have there, Your Excellency, very bad roads, they have not been improved, and the replies given to our request are always that there are no funds available. The ferry system is also an integral part of the road system, and I am glad to see a certain amount has been provided for this in the Estimates, but the amount so provided is not enough, and more should be put in later.

There are also no fire appliances at the Coast, and a great deal of valuable property is unprotected. I would therefore ask Government to consider this favourably as well.

With these few remarks I would like to say that in my opinion the expenditure Estimates are not justified, and they should be so altered as to show that the services obtained from taxation give better results.

HON. H. F. WARD: Your Excellency, the Honourable Colonial Secretary in introducing the Budget for 1925 stated that the deficit was largely caused by an increased expenditure for increased services on four departments, the Medical, Public Works, Education and the Agricultural departments. In what I have to say I do not propose to deal at all with the Medical Department for two reasons, the first being it is obvious and

agreed by everybody that considerable increased attention has to be paid to the health of the natives in the reserves, and secondly I am sure I am voicing the opinion of everybody on this side of the House that we are only too glad to leave these matters in the hands of the very able gentleman in charge of that department. So that the principle underlying this increase in the Public Works, Education and Agricultural Departments I think can fairly be put as a real intention to develop the native resources of this country and to increase native progress. Obviously it is so from the explanatory statement in regard to the Education Department. With regard to the Public Works Department our only chance of getting local costs down is to develop our native resources to the fullest possible extent and with the Agricultural Department the increases are largely to assist the natives in the development of their holdings. The sums involved are considerable and I think it only right at this point to examine the Government policy in regard to native progress and native development with a view to discover whether we are on the right lines and whether we can improve the policy in any direction.

In order to do that, although comparisons, I think, are to be regretted, I think we should see what progress has been made in the same direction in adjacent territories of East Africa because it is obvious if they are ahead of us we have a wide field of experience on which to draw. I think anybody who has had the advantage of travelling northwards to Uganda and the Congo, and westwards through Tanganyika Territory and the borders of Nyasaland would agree that in native development Kenya is hopelessly behind, that is to say, in the technical training of natives and the use that is made of the natives as artisans or in the lower grades of clerical service. I think, in my humble judgment, we are the last of the territories in East Africa in that respect. The reason is obvious. In order to discover whether we can benefit by exchanges of experience with these countries may I just give one or two examples of what has been done, although I am fully aware Honourable Members must know the details. In Nyasaland under the wonderful mission systems of Dr. Laws and Dr. Heywood which have been running very much longer than the missions here, a system has been worked which seems to contain all the elements of what is required. In the first place the natives appear to be properly disciplined. In the second place he has a definite standard of training. These standards are so exact that if you get a first class mason you can rely on that man's qualification and you know exactly the work you can trust him with. Thirdly, they have been

so very wise in not allowing the native to reap the full pecuniary benefit of the progress we are giving him—a most essential and vital point if we are going to make the best of the native developments. In the other countries you can vary the economic rates of pay, obtain artisans of good class and clerical staff trained to such a degree that the ordinary layman can lay out his buildings in the only terms he understands, which is the measurement, and briefly describe it, and leave it to his native staff. They build in stone and brick, and they are very good at making doors and windows, and they can make bricks and tiles to order and can contract in every branch of building. There is one clear standing example in a large Government station called Iringa, which has one main all-weather road to Kilos-4, a number of buildings in stone, and a suitable amount of Public Works stores, etc.; the whole of that is looked after and done by a Nyasaland native drawing Sh. 150 a month. It is almost impossible for anyone to say we have reached that standard in Kenya. The reason seems to be, I think, that owing to Government policy years and years ago the standard of labour and the standard of wage has been set entirely by the imported artisan and if you judge these other countries by that standard you find that for one reason or another the imported artisan has not been utilized to any great extent and therefore the only other alternative is to develop the native resources. The suggestions I put with the greatest respect to Government are firstly that if we are going to make the most that is possible of the native resources of this country we have got to institute a definite policy what I would like to call demobilising the imported artisan and by that I mean in the most definite terms that the imported artisan must, year by year, be cut down to a real definite basis and each year Government departments strictly rationed so that in the current year they can show they are employing less than in the past year. Combined with that I do suggest a definite policy for the native peoples of this country. If they cannot be found trained or semi-trained they should be taken on actually as apprentices from the start, and it has been the experience of people in this country that you can take the raw untrained native of the country and put him in small numbers in direct contact with the trained artisan and so bring him up to a fairly efficient state of qualification. There should also be close co-operation with these other territories with a view to importing trained natives from other parts who, by their example, can show our natives the sort of thing they attain to be if they work seriously. Further, I would suggest that if I am correct and that we are not at the moment on the right lines, that a large proportion of the Education Department Vote should be devoted to teaching those who in turn have got to

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teach. In other words, that if you cannot get the people from other parts of East Africa with the experience I have outlined, we should go to the expense of paying the necessary funds to have our teachers sent down there and learn how they are doing it, and I believe that if we are to produce proper people some such steps are essentially necessary. With regard to the Agricultural Department and the growing of crops. There are two principles involved. Firstly that if the natives are to be taught to develop their own lands in better and better methods it must be forced upon their attention from the start that the first essential to progress is work, but I am afraid that the method which has been largely used in other countries of putting development of the natives from the point of view that if they grow certain economic crops they can thereby escape work possibly altogether is wrong and I think that in other countries it is amply proved that proceeding along these lines only leads to disaster and the deterioration of the native rather than his improvement and I believe in other territories where native development has been pushed a little further than we have that natives use the purpose of growing economic crops for making no contribution in the way of labour and employ more and more of their own men to grow these economic crops for them. It is fatal to allow that to spring up in Kenya and the essential is to see that all the policies for the improvement of native resources should proceed on the principle that whatever the native gets or has done for him he must work. Secondly, I do think it is really a disaster if the native is allowed to take the full benefit of the crops off his land. I believe nothing will undermine natives quicker than by growing suddenly rich. It leads to idleness and discontent and dissatisfaction, and leads, in my humble judgment to deterioration and I do submit for consideration that the only possible way to handle the development of the rich natives' lands by the natives in their own interests is to take a large proportion of the proceeds of the sales of their crops and definitely place that in native trust funds for the improvement of the native races, their crops, and, if necessary, subsidising those native crops when the markets go against them. I am sure if we do not adopt these two principles in our policy we will only go the road others have gone before us and we shall, instead of doing good by the natives, do great harm.

HON. J. E. CONEY: Your Excellency, there is one statement made by the Honourable Mr. Pandaya that I must, if you will allow me, challenge, and that was when he was referring to the Medical services. I think he said at present there were hardly any medical services in the native reserves. I am glad to be able to do so on this occasion and if you

will allow me to refer to the report which was made by the East African Commission on this Colony—I think in that report justice was not done to the Medical Department in this Colony. I do not think for one moment, in fact I am sure it was quite unintentional and probably lack of time or opportunity or it may have been even that the Honourable Principal Medical Officer is too modest and did not push himself enough to get himself advertised and the work that he and his staff were doing. Your Excellency, I have been in the position of seeing a lot of the work of the Medical Department in native reserves and in the hospital here in Nairobi. The Honourable Principle Medical Officer will forgive me if I say that he knows and anybody who has come into contact with his officers knows what a devoted staff he has got. I think the British Indian Member cannot know—it is impossible that he can know—the work that is being done by the Medical Department in native reserves when he makes that statement. I am very glad that the medical service is to be extended. The European Unofficial Members I think, or a large number of them, are committed to a large increase in the Medical Vote because they realise the absolute necessity of it, but in agreeing to it they do not subscribe to the doctrine that the Medical Department has failed in its duty in the past. Your Excellency, the Honourable Member for Nairobi North rather frightened me while he was speaking but I think I am rather calmer now. I thought that he was going to say, and rather gave the impression at the beginning of his speech, that in comparing natives of this Colony with the natives of adjoining Colonies, the natives of Kenya were backward and if he meant that I am sorry I cannot subscribe to that. I think the natives of this Colony—the vast majority of them—I am not referring to natives of the Northern Frontier District, but the vast majority have far more civilisation than the natives of adjoining territories. I admit that in the particular class of artisans and perhaps clerical staff this Colony has not gone ahead, but I do not think that the Government of this country can be altogether blamed for that. I think it is, as the Honourable Member has said, due to the fact that there was in this country for better or for worse a population of artisans who were able to do the work and it was not that in years gone by that it was necessary or there was not the energy to train the natives and I do not think very much help was given in those days to native training. I do think that Kenya is doing to-day in this Colony—whether on the right lines or not I do not know—but they are trying to do what should have been done years ago to fit the native to take his proper place in the Colony of which we are all members.

HON. J. W. ARTHUR: Your Excellency, with regard to the proposals before us in the Estimates of 1926 I should like to say a few words in regard to two special Departments, that of the Medical and Education Departments. Much has been said this morning with regard to what the Medical Department is doing for the natives in this country and it has been said, and rightly said, that the staff of the Medical Department has done a very great deal for the natives in the reserves. I gladly add my own personal praise of the knowledge of the work done by the Medical Department in the native reserves. On the other hand one cannot look back through years that have passed and say not that the Medical Department but the Government have in the past fulfilled their duty to the natives in the reserves from a medical point of view, because I do not think enough money has been spent on the native people to which they were entitled to from taxation which they paid. With regard to the new votes that are down for increasing the medical services there is no one who is interested in the betterment of the native peoples who cannot but see that it is absolutely necessary to have these increased medical votes. With regard to the actual working out of these votes I cannot personally agree entirely with the way that the vote has been worked out, and when we get to the Committee stage in regard to the Medical Vote I personally will have suggestions to make in regard to it. I believe that the Medical Department should make use of every agency that it can possibly use in the great task it has before it. I believe that only by doing so will the native peoples be helped to the fullest and greatest extent. I think there are agencies to-day in the country—I refer to medical—who have trained doctors and trained nurses and it is my opinion that these should be used in the medical scheme of the Government so as to make them more efficient and more helpful to the native people. In regard to the Education Vote we were presented the other day with a document entitled "Recommendations for expenditure by the Director of Education for 1926, based on the report of the Committee on Grants-in-Aid for Education in Kenya." With regard to this document it would be unfair for this document to go out into the world as being absolutely correct in the facts as portrayed to us here. I take one instance to show why I think the figures are not altogether accurate. On page 5, under the Church of Scotland Mission, Kikuyu. I do so because I believe Unofficial Members on this side will only look on these figures in view of the Estimates before us and wrong impressions may be given to us. Taking the present Government share to the Church of Scotland Mission, Kikuyu, the figure that is put down is £3,011. I do not think that figure is very far out but probably £2,500. On the other hand the present

Mission share is put at £2,086. The figure I make it with regard to Kikuyu there is an expenditure of £2,909, an increase of £900 on the figures given to us. With regard to the Government's new share it is put down at £1,677 which is near the figure, but the new Mission share is put down at £1,300. I make it £2,072. In these figures there is no account taken of the overhead charges of the Mission and there will need be added to the expenditure a figure of £920 as representing these overhead charges and this on the educational work alone. I am not referring to anything which might be looked upon as the religious side or medical side—purely on the educational side. The total figures to Government for Kikuyu next year works out at £1,989, but it only means a decrease to the Mission of £836 and I think if these figures given with regard to other Missions are possibly not altogether accurate and in dealing with these figures the increase should not be taken merely as stated or as approximately stated because they do not represent the whole entire facts of the case. With regard to the preliminary notice regarding these estimates. There is a statement made with regard to the bankruptcy of the Missions. That is not a correct statement. It means they have not the money to pay their liability, which is not correct. (It is referred to Kikuyu and Tumu Tumu that they must curtail their expenditure to the extent of £1,500. They must curtail their expenditure to £1,500 between the two stations. The education estimate is being increased this year. The Honourable Member for Nairobi North has told us what he has seen in his travels as to the work which has been done in adjoining territories, and has pointed to the fact that the natives of Kenya are backward. In that connection it is only right to remind the Members of this House that in these other territories educational work was commenced long before it was in this country. For example it has been going on in Uganda for over 50 years. The Nyasaland Missions of Livingstone and Blantyre have been in existence for the same time. There you have had a preliminary education preparing the natives of those countries to take their place in the country's life as industrial workers and clerks. It also should be stated in this House that in these countries the education has not been assisted by Government; it has been done entirely by the Missions both in Uganda and Nyasaland. With regard to what the Honourable Member for Nairobi North said that in that country it was possible to get artizans who could be given a plan to work and work to that plan. Emphasis has always been laid in this House on the importance of industrial training for the native peoples of this country and I think in regard to that matter every one of us is in agreement. On the other hand it would not have been possible to have produced in Nyasaland men of that capacity as clerks or in the laying out

of plans if there had not been the basis of a literary education and I think in the framing of Estimates on industrial training we must remember the literary side must be kept at least in its proper place so that the natives may be trained and produced to the standard at which they have been found in other places. I am glad to see extra provision is being made on that side, which is essential for industrial training. With regard to what was said about the slowness of the development of the native in this country from the point of view of his not having had the chance to develop because of the others who were there to undertake the industrial work in this country. That is true and I believe because of that element in this country the training of the native peoples has been retarded in its progress and that is one of the reasons why to-day the native is not as far on as he might otherwise have been. In regard to the training given in the Uganda Railway in connection with the training definitely of artisans for this country, one appreciates the great work which has been done by that Department. On the other hand, as the Honourable General Manager said yesterday, the Education Department is not exactly in the same position nor do I think that the training given in the Railway would exactly fit the occupations that are desired for the natives of the country in connection with the settlers and it seems to me outside the Railway there is the necessity of developing technical training of artisans who are trained not as specialists in one job, but a good all-round training. With these words I would say with regard to these Estimates from the native point of view, both on the medical and educational side, far more is being attained in the estimates for the natives' development in this country.

HON. T. J. O'SHEA: Your Excellency, in introducing this Motion which is now under discussion, the Honourable Colonial Secretary gives an assurance that it was in no spirit of levity that the Government brought forward a Budget showing a deficit. I accept that assurance, but I am not at all satisfied that in drafting the Budget Government observed sufficient restraint against the tendency, so common in this country, to be over-extravagant in times of apparent prosperity. The Budget has been referred to as a "Boom Budget." It certainly has some of the elements of a "Boom Budget"! I sincerely hope that in an effort to make it balance the strongest possible stress will be laid upon the cutting down of expenditure so as to make both ends meet. One of the greatest increases is in connection with the medical services. I have been reminded by my Colleague, the Honourable Member for Plateau North, that we on this side of the House are committed to much heavier expenditure on medical services in the Native Reserves. I am prepared to admit that we are

all committed to a policy of expansion of medical services in the Native Reserves, but I do not admit for one moment that we have given a blank cheque to the Government for wasting money—to be extravagant of money in the Native Reserves. The Medical Vote as drafted is, in my opinion, based upon extravagant and wasteful finds. If it were possible to decrease it as drafted I should have very little difficulty in pointing that out, but as I understand it has been re-drafted and cut down before we had an opportunity of discussing and criticising it, we are rather at a disadvantage.

However, I like to make it perfectly clear that as far as my commitments in connection with native medical services are concerned they do not apply any extravagant schemes or any hasty or ill-thought out schemes, such as I would consider as foreshadowed by the draft Medical Vote.

Further, Your Excellency, I consider that in connection with the Military Vote there should be a strong effort made to reduce expenditure. It would appear from a comparison between the years 1913/14 and 1926 that it is much less expensive for this country to be at war than to be at peace! For 1923/14 our expenditure on Military Services is £54,000. Next year it is proposed that we expend something in the neighbourhood of £124,000. Since that figure was placed before us I understand an increase has been suggested. In connection with that figure I think it is necessary to point out certain changes that have taken place in this country since 1914. In the first place we have had Jubaland taken away from us. It was not with our consent that Jubaland was given to a Foreign Power. We were never asked to agree, and we contented ourselves with "a dignified protest," as I understand it is termed in diplomatic circles. We were assured that the loss of Jubaland would be compensated for by a considerable reduction of expenditure in the Military Vote, but, Your Excellency, I ask where is that considerable reduction shown in next year's Estimates?

Again, we have this year arranged for the handing over of the Northern Frontier to the Police. Provision has been made in the Police Estimates for that for the defence of the Northern Frontier, but I fail to see a corresponding decrease in the proposed Military Vote. In 1914 we had a strong Foreign Power on the Frontier. It was common knowledge that there was a possibility of a war between that Foreign Power and the British Empire. Nevertheless, we were able to content ourselves with a comparatively small expenditure on Military Services as compared with the amount we are now asked to expend. I ask where to-day are the elements against which we are providing in our Military expenditure? We have no unfriendly power on the Frontier. Have we any internal

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elements? If so, then I think there is a grave commentary on the administration of this country, but it would be hard for anybody to show if there is no grave discontent why there should be any necessity for the upkeep and expenditure of a military force. Honourable Members on this side of the House have for several years past pressed upon Government the desirability of introducing a Defence Force, and I understand that the Military Authorities in this country are satisfied with the introduction of such a Force; it would save military expenditure to a considerable extent.

I would like to ask Government why our commitments in respect of military expenditure are not considered in the light of those statements? Again, a comparison between the military expenditure of this country and of Uganda, and of Nyasaland, shows that our expenditure is greatly in excess of the expenditure of these two other East African Territories. I have not got the figures for Tanganyika, but the force maintained in Tanganyika is not greatly in excess of ours, and I would like to have a statement as to how it is that these other East African Dependencies can maintain peace and security with so much less expenditure than in our case.

One other Department I should like to talk about is the Secretariat. In 1913/14 the expenditure under Secretariat was £6,000. For next year we have been asked to vote practically £20,000. Your Excellency, I have the strongest possible objection to voting any increased expenditure upon that Department, because in my opinion it epitomises everything that is wrong and bad and faulty in the system of administering this country. It epitomises a policy of concentration which is responsible for a lot of our ailments. The existence in its present form of that Department takes from the heads of other Departments a degree of responsibility that these men should not be divested of. I feel certain, Your Excellency, that no considerable reform in the Government of this country is possible without a close examination of the effect that the existence of the Secretariat in its present form has upon the country.

HON. R. S. NEHRA: Your Excellency, I think, taking the Estimates as a whole, I would not call them an example of good finance, I personally would congratulate the Government if they acted on the policy of cutting their coat according to their cloth. More particularly having regard to the circumstances and the fact that there is so much talk about the heavy loans that this country wants for the Extraordinary Works. I do not see why the country should not try to keep within its means because the credit of any country depends upon its Budget. I do not think the country

is justified in right away starting with a deficit, and in my opinion it would in the end pay the country to cut their Estimates, and I sincerely hope that the Members, Official and Unofficial—particularly those who will be on the Select Committees—will try their best to bring them down so as to show at least a surplus, in order to keep the country's credit as good as possible.

Now, with these few remarks on the general principles of the Budget. I would like to make some observation, particularly with regard to one Department, and that is the Post and Telegraphs Department. The fact that the Honourable Postmaster General has shown us some savings does not require any comment, but there is a peculiar point in this, because I should say his way of saving is not a very desirable way of doing things. I have some knowledge of the work of the Post Office, and I think everybody will agree that as the prosperity of this country is increased, and will increase in the future when it develops, so will the traffic be increased. Already the mails have increased, the telegraphic communications are very heavy at the Coast, but the staff of the Postmaster-General is shown as being very inadequate for the Post Office. As will be seen the Postmaster-General asks, besides last year's amount for overtime allowances, which was £2,500, for another commitment in the shape of an increase in these overtime allowances of £200. Now, I would like to state that this policy of overtime allowances is very bad, and I think it is very, very dangerous as far as the utility of the service to the public is concerned, because these overtime allowances merely show that these are paid to the employees of Government to do work besides the work they do in the usual hours of duty. Now, at the Coast there are so many mails coming in and going out every fortnight that it is making the work of the Post Office officials very heavy in the way of sorting. I think that a great injustice is being done to the Post Office employees by relying on their working overtime. Again, too little attention is also being paid to the transportation of mails from the Post Office to the station at Mombasa, and altogether the working of the Post Office at the Coast is not satisfactory. Why, even the Postmaster at Mombasa has to help with the incoming and outgoing mails, as also nearly every employee at the Post Office. It is not fair that the employees should have to work on Sundays, holidays, and night after night. I would therefore ask this Honourable Council to request the Honourable Postmaster-General to abolish this system of overtime allowances.

With regard to the transporting of the mails to the Post Office, at one time there was a Post Office van, but fortunately—or unfortunately—it was a very old Post Office van which was taken over from the Public Works Department a long time ago. That van has been out of use for some time, and instead of buying another Post Office van I would suggest that a one-ton lorry be purchased, or that the Postmaster should call for tenders for the transporting of the mails at the Coast.

HIS EXCELLENCY: I would remind the Honourable Member that we are discussing general principles at the moment, and he is going into very small details with regard to the Budget. The Second Reading is on the general principles. I have been trying to discover on what general principles the Honourable Member is talking, and I have not been able to do so.

HON. R. S. NEHRA: I submit to Your Excellency's ruling, and I would only insist upon this: that the working of the Post Office at the Coast is not in a satisfactory state at present, and that the system of overtime allowances be abolished. Further, that satisfactory arrangements should be made for the transporting of mails at the Coast. I would respectfully submit that instead of the Honourable Postmaster General showing a little saying he should spend a little more money and get satisfactory service in connection with the mails and the Post Office at the Coast.

(Council adjourned for 15 minutes.)

HIS EXCELLENCY: I think it will be for the convenience of Council if I state that in future Council will not sit as a rule on Wednesday or Friday afternoons. We will only sit on the mornings of those days, if a meeting is held at all. With regard to the business to-day I think it will be for the convenience of Council, and particularly of Members living at some distance, that the second reading of this Bill should be taken to-day. I propose if the debate is not finished this morning we will go on this afternoon, but as a general rule the Council will not sit on Wednesday or Friday afternoons.

HON. W. MACLELLAN WILSON: Your Excellency, I associate myself with the remarks made by the Honourable Member for Plateau South. I do not wish to traverse what has been already said, but I should emphasise one point which he made in regard to the medical needs of the native reserves. Personally I have given no pledge in that matter to anyone. Without going into details which have not been laid before us of the revised Estimate, I would like to point

out the great difficulty in rushing tactics in dealing with natives. Natives are not running about seeking for European medical attention or for European civilisation or anything else and these things have to be built up gradually. It is written somewhere: "Woe unto you when all men speak well of you," and there has been a great deal of speaking well for the Honourable Principal Medical Officer and I am not going to add anything more. He has done a wonderful work, Sir, but in my opinion it comes a great deal short of what should have been done. The Committee on the Budget can go into that though. Reference was made to the Secretariat. The Secretariat has been a hardy annual. I am not going to deal with the Secretariat *qua* Secretariat; I should like to deal with the thing on a larger and bigger principle. If I may refer personally to the position. I came to this country when it was a straddling child with great big clothes on and it could not move and had to be spoon fed. We came out of that into short dresses. To-day we are getting into the position of knickers—and my friend on my right says Eton collars. We are a very lusty infant and the same condition of things, or the same system, let me say, if administration is carried on to-day as when we were a child in short dresses. I contend the time has come when we ought to alter that. I believe with a recasting of the system of Government greater efficiency would be secured and I believe greater economy would be effected. I put that before you, Sir. This Budget I quite realise must go through—I hope it will be with considerable paring—it must through till Your Excellency gets time to consider this point which I have now the honour to put before this House, that we have come to the time when we have to make a new point of departure in what we are striving for and the lines on which we are to strive.

HON. E. M. V. KENEALY: Your Excellency, in considering this Bill I think it is essential to maintain the principle underlying the Bill, the principle of good Government throughout the world and recognised as that which utilizes every available service and specialises in every available service. The Secretariat, I submit, to-day usurps the authority of other departments. If we employ a superman in a department, his opinion should be absolute and reversible only by the opinion of this House. At present quite minor matters of detail are submitted to the Secretariat from heads of departments, whether on the instructions of the Secretariat or whether the individual head of the department is frightened of the issue.

HIS EXCELLENCY: Is the Honourable and Gallant Member illustrating a principle by this illustration?

HON. E. M. V. KENIALLY: Yes, Sir, expenditure of a better allocation between the departments and the expenditure can be better utilised by reducing the Secretariat vote and, if necessary, increasing the other departmental votes. In regard to the Medical Department I maintain that there are at present existing organisations which could supplement that department's vote, such as the Missions and other private organisations, and until we have utilised these to their full it seems absurd to enlarge a department which does not exist in detail. With regard to the Military vote; specialisation there is truly essential. I think all Honourable Members will agree that specialisation of the Military vote is essential and it will be against the principles of the department to engage in minor efforts in gardening and trading which is not within their scope of province and I trust this House will represent to the Military authority that military matters only should engage their attention. In regard to the Public Works Department we have established the principle of referring matters of local interest and importance to local authorities and these local authorities are able to submit their advice and suggestions to the head of the department. In some cases that has been departed from and the local authority has not been consulted, to the detriment of the country and the dissipation of state funds. I could give instances of that, but will do so when the Committee sits. It is a recognised principle the local authorities should be consulted. In regard to the administration of justice it can be very materially reduced if the judicial powers of Justices of the Peace are extended. We have in this country a large number of persons capable of and possessing judicial experience and capable of adjudicating on minor cases and time and money could be saved by this means if these persons were used in an honorary capacity.

HON. SHAMS-UD-DIN: I have no desire to add a speech this morning as I understand that it is the desire of the House to pass the second reading of the Bill this morning. (Hear, hear.) I feel called upon, however, to pass a few remarks on certain points. Yesterday in this House I was accused of having introduced racial questions on the Railway Estimates. I wish, Your Excellency, to take this opportunity to say that I am really out to eliminate all possibility of racial references and that, I submit, can only be done if the Estimates of this Colony are prepared on the principle of showing no distinction or discriminations between various subjects of His Majesty the King. I advocate that the principle of equal treatment for all British subjects should be the guiding factor in the preparation of the Estimates. I must say I was very sorry to notice that the Estimates for

1926 had been prepared on a principle which has been prevalent in this Colony of dividing humanity into three classes, Europeans, Asiatics and natives. I submit that the sound principle should be that merit, qualification, and efficiency and not the colour of the skin or the place of birth of the Government officials should form the consideration in the preparation of the Estimates. One looks in vain in this voluminous document for a single appointment of a British Indian to any of the higher grade positions or even to the intermediate positions. Why? I cannot find any other reason but it being due to a wrong policy to keep a certain section of His Majesty's subjects as drawers of water and hewers of wood for perpetuity. I am wedded to the principle of a united British Empire and no matter how I am treated in Assemblies or in other Houses, no matter how I was called to silence, I will go on fighting for that principle while I am alive. I say it is my ambition to belong to an Empire which does not recognise any differentiations on account of nationality or colour, etc. My conviction is that the British Empire is that institution which recognises the principle of efficiency and merit and it cannot countenance the principle of differentiations on account of nationalities. Reference has been made to the adjacent Colonies. I do not know if I am in order but I think if we take the precedence of adjoining Colonies of the Portuguese and the French no differentiation exists anywhere. A coloured subject can rise—and has risen—to the highest position in the Colonies, to the position of Chief Justice and Acting Governor at times. I know my speech will be viewed with a certain amount of suspicion and it may be said that I am trying to drive in the thin edge of the wedge and am trying to Indianise the services of this Colony. But that is far from my mind. I am out to remove the stigma of inferiority with which British Indian Civil Servants have been labelled by reason of being restricted to subordinate positions which definitely assigns an inferior status to one section of His Majesty's subjects as compared with others.

If I did not advocate the opinions of the community I have the honour to represent in this House I would not be worth my salt and it is my duty on behalf of those people to put before this House with all the emphasis I possess that such discriminations should be eliminated from these Estimates. Reference has been made to the natives of Kenya Colony and it has been suggested that the natural progress of the native is retarded by the presence of imported labour in this Colony and the Government has been blamed for its policy in the past for having enunciated that principle. As far as I am aware the Public Works Department or other

Government Departments have made every possible effort to get labour, not only from India, but from the adjoining Colonies, from Seychelles and other places. If twenty-five years ago the same principle was insisted upon, leave alone the skilled labour, I say that it was a sheer impossibility to get ordinary labourers in this country. The Uganda Railway would not have been built and none of us would have been here at all. If the imported labour was dispensed with I think the Department of Public Works would at once come to a standstill; and it would be a sheer impossibility to carry on the programme of the constructions of buildings because you would be lacking in skilled labour. I submit we are making an attempt to make the child run before it can walk. The natives will no doubt ultimately take their place. Let things take their natural course and I submit that by the force of economic laws all imported labour will have to leave this country in due course of time without any effort on the part of the Government or anybody else. With regard to the Medical vote I find myself entirely in agreement with the Elected Members that the policy of getting an expensive staff from England for which we have got to make elaborate arrangements for housing, etc., is a wrong one. I entirely agree that we must utilise all sources as exist in this country for the benefit and health of the native and after that we must look to various parts of the British Empire for efficient but inexpensive staff for the service of the Medical Department. I submit, Your Excellency, that Indian medical practitioners have in this country taken a very honourable part in the service of the Government. In the past if a sub-assistant surgeon has done work to deserve a vote of thanks being passed in his favour in the House of Commons for attending a British officer he is equally fitted to attend to the health of the natives of this country. I do not advocate that the Indian sub-assistant surgeons should be enlisted wholesale but I submit that the present state of the finances of this country does not allow of such expensive staff being recruited from England. I have a fear, Your Excellency, that there is a tendency to disregard and negative the work of the Economic and Finance Committee which was done about two years ago. I had the honour to be a member of that Committee and I know that Committee worked for nearly three-quarters of the year every day from 9 till 5 and with a great effort put the finances of this Colony on a sound basis. There is a tendency to go back to the old conditions and all that work is being undone. There are signs of prosperity in the country and times are decidedly better, but we are rather premature in presuming that we have again come back to what has been described as the "sunbeam period". We have therefore to be very cautious

how we are going to pass these votes for next year. As far as the Education Department is concerned I am very glad to see that the vote has been increased. I think that is the right thing to do, but I regret that a proportionate amount has not been allocated for the education of the community which I represent and I hope when we come to discuss the details of that it will be taken into consideration. I do not wish to refer to any details but as I know I shall not have the opportunity of speaking again I hope the speech will be reported in the press. I take this opportunity of criticising the Miscellaneous vote and particularly the item as regards this building where the Council meets. I have experienced a great deal of difficulty—if Your Excellency thinks I am out of order I will stop? I think the £200 which has been provided for the rent of this Hall should be eliminated. I think this place is most unsuitable and it is not according to the dignity of this House, to hold its Sessions here. All sorts of noises go on and the acoustics of this house are very bad indeed. I hope that we shall either revert to the practice of holding these Sessions at Government House or some other place well be found. An objection has been made to a statement appearing in the explanatory statement with regard to labour not being sufficient in the country. I personally think, Your Excellency, that it is a very proper thing to give a warning to intending settlers that there is difficulty about labour in this Colony. I saw last year at Wembley all sorts of posters exhibited there inviting settlers to this country wherein it was made known to English public that land was available here, whereas I think the reality is that there is very little or no land for the new settlers. Even in regard to land which is available I think intending settlers should be cautioned that there is—it is no use denying it—difficulty in regard to labour in this Colony. One Honourable Gentleman said there would be no trouble for the next ten years. I submit that the aim of the Administration of this Colony should be not to live on native labour for ever. The idea is to train him and elevate him to a standard of better civilisation and to make him a better citizen of the Empire and after ten years, if we can estimate that he is going to take his position on a higher plane, even then there is a danger of a crisis of shortage of labour and it is only fair that the outside world should be warned against that eventuality. As regard hospital arrangements there is a good deal of anxiety and consternation in Nairobi in regard to the lack of medical facilities for a certain portion of the Indian community in regard to whom it is the duty of the State to provide for such accommodation; that is to say,

the Government servants and the destitute Indians. At the present moment the hospital is about three miles away from the town . . .

HIS EXCELLENCY: Order, order. I have given the Honourable Gentleman a good deal of licence but he is dealing almost wholly with one detail after another. He must speak on the general principles of the Bill.

HON. SHAMS-UD-DEEN: As regards the Military vote, Your Excellency, I am not in favour of decreasing it. I personally think in a Colony like this where the Government will not take advantage of the people in the Colony forming a Defence Force and where a British Indian subject is not entitled to possess even a firearm for self-defence, we ought to increase the Military vote in case of any trouble in this country. I think it would be a very unwise policy to decrease it in any way. I am afraid I have got some other points to speak on which I run the risk of being ruled out of order, but I do not think I should refer to them. In regard to the Police I want to say that this is a department again where as a matter of policy Indians have been denied equal opportunities. There are Indians in the service who have worked there for more than a quarter of a century. European constables are allowed to work their way up to superintendents and higher positions, yet Indians who have worked there for more than a quarter of a century are not allowed to rise above the position of an assistant sub-inspector.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, when I came into this Hall I did not intend to speak, but there are some remarks I should like to comment upon. One Honourable Member has instituted a number of comparisons with the natives of other Colonies. That is a comparison one frequently hears and it is a particularly unjust one. When you are comparing two Colonies you have got to decide when they started and what sort of materials they had and so forth before you can get a just comparison. In this Colony one of the first big things we went for was the Railway and the Railway wanted labour. We had not any skilled labour and the unskilled gentlemen in the Colony did not consider themselves to be labour and we had to take measures to get labour from somewhere else. I have to agree with the Honourable Member that that has set us a standard of wages which has been one of our great difficulties in this Colony. The only point I wish to make is this, that when you compare this Colony with others the only fair way of doing it is to ask ourselves what is the

thing on which that Colony has spent its greatest percentage of money and what is the thing on which we have spent our greatest percentage and then say whether we are behind in these sort of things. Kenya is only behind in the matter of native education and I admit it is behind because it has spent all its time and energy and money on getting very much ahead on other points. I am very pleased to welcome these Estimates. In 1921 I can remember fighting the principle of grants-in-aid to Missions. This year I am pleased to record that your Select Committee which went into the matter has accepted the point of view that education is primarily the function of the Government and when we talk of grants-in-aid we should really talk of grants-in-aid by Missions who are helping Government in what is primarily one of the most important of Government functions. I am going to make a statement which perhaps in view of the many debates is rather a startling one. There is no difference in this Colony between native and non-native interests. If any portion of the body politic is diseased or backward or badly nourished the whole body politic must suffer and we must approach these Estimates in this spirit. I deprecate any discussion that we are spending too little or too much on the native. It is our great difficulty to decide how to spend the money we are spending to the best advantage of Kenya Colony. As I said before I welcome these Estimates and I am sure they will emerge from the Select Committee as a satisfactory answer to all those who maintain we have not yet begun to appreciate our great responsibilities in the matter of native development.

HON. W. C. MITCHELL: Your Excellency, I will endeavour to be brief. I have been waiting and listening to the remarks of Honourable Members of this House who have considerably more experience than I, to see whether I was going to have any avenue opened that would remove one of the difficulties in which I find myself. It is that in moving this Bill the Mover failed to give any indication as to what was the proposal of Government to meet the deficit of some £84,000 which the figures before us indicate. It seems to me, Your Excellency, that we are at present, and have all this morning, been debating something which is incomplete. We know that the Budget must balance before we can pass it. It can only balance either by eliminating some of the services that are provided for in the Budget or introducing some new taxation, which proposals are not before us, or by entrenching on the surplus which we know is at present available or some compromise between these three possibilities. If we had any definite proposal before us it would assist considerably in debating the matter. The four services in

which the principal increases of Government services are provided for we are well acquainted with, and a good deal of criticism has been heard inside this House and outside it in regard to it being a boom period. At the same time I think we should not shut our eyes to the fact that one so often sees the same individual criticising expenditure criticising at the same time the inadequate services. We do want to increase the services of the Medical Department. We recognise the Agricultural Department is catering for the one industry in this country. We recognise the shortage of houses and roads requires further expenditure in order to improve the conditions of this country and we are all agreed the condition of the country has reached a stage when further expenditure has become necessary and inevitable. In regard to the three or more different possibilities I have indicated of meeting the deficit of this Budget I can only say my own view is that there seems to be possibilities of still providing for each of the services which have been budgeted for by introducing greater economy in the way in which these services are to be secured. An illustration, I notice there is a sum of £53,000 provided in the Budget for passages. I question very much whether we are getting the best value to-day from shipping companies in regard to the provision of passages for Government officials. That is a large sum annually and I think there should be sufficient competition amongst these companies to enable us to get a substantial reduction in that amount. In the Agricultural Department there is an amount of £17,000 provided for travelling allowances. That is a very high sum for one department to spend in spite of the fact that I realise a great deal of the agricultural services are rendered away from headquarters. In the Administration there is an amount of £9,466 under various heads providing for station hands. I understand this is an item which provides labour when officers of the Administration are on safari, and I suggest now with the greater means of access provided by roads and motor cars that possibly such a head as that is capable of substantial reduction. I think I have given sufficient illustrations to indicate the view I hold with regard to the further consideration of this Budget in Committee. There is one other item which comes under review. There is an amount appearing this year of £12,000 under Widows' and Orphans' Pension Scheme. I find that by taking the figures for the last three years the total amount given to revenue is £31,750. I may misunderstand the way in which the account of this Fund is kept but it seems to me if we are taking such large amounts as that under general revenue a time may come when the expenditure in this same Fund will be exceeding the revenue and although I am not doubting for one moment

that Government has the security to meet any demand that may be made upon it in regard to this Fund I do think that to take it into general revenue is a mistake in principle. One other remark in conclusion. The Audit Department provides for a sum of £16,371 and I find that under Appendix A the only endorsement which is provided by the Audit Department, which is the department provided by this country to safeguard the proper expenditure of public money and the presentation of its accounts, is the one word "Examined". Such an endorsement in a commercial firm would not be accepted.

MR. HON. LORD DELAMERE: Your Excellency, I must apologise to the Honourable Mover of this debate for not having been present when it started. It has put me in a difficult position, because I did not know until this moment that any suggestions had been put forward with regard to the method of dealing with the deficit. Honourable Members on this side of the House feel quite definitely, I think, that it would be a mistake to introduce during the debate on the Budget any question of new taxation, if it could possibly be avoided, because although there may be certain points of view with which Honourable Members are not familiar at present, and with which they may in the future have sympathy, yet it does make it difficult for Honourable Members to look in an unprejudiced way on any form of taxation when it is rather forced upon them by a deficit in the Budget which they consider need not necessarily be there, because I do think that Honourable Members on this side of the House feel that we are trying to do a little too much at once. I am perfectly willing to admit that I, as one of Your Excellency's counsellors, have the same responsibility in these matters as the Honourable Colonial Secretary and other people, but I have been away, and I do feel that if we decide in one particular year to make a bid for getting our medical services on to the right footing, for the sake of argument we will say that this is not the year to try and do several other things on a very much bigger scale at the same time.

I am not going into any details because I think those are for consideration by the Sub-Committee which is going to sit on the Estimates.

I am a little puzzled regarding one figure of £84,000, which the Honourable Mr. Mitchell mentioned. I do not understand how that was arrived at.

HON. W. C. MITCHELL: On a point of explanation—the Draft Estimates for Revenue and Expenditure for the year 1926 show a deficit of £69,838, and a document which has

just reached us in connection with the Revenue Estimates for 1926—on page 3, gives a total increase on printed Draft Estimates of £14,599.

MR. HON. LORD DELAMERE: Your Excellency in your speech stated that there were certain changes with regard to the Budget as it is presented to Honourable Members. The original deficit, as the Honourable Member has just said, was about £70,000. I understand that the Honourable Treasurer has since then found £15,000 extra revenue, which brings that deficit down to £55,000. I think Your Excellency and your advisers have found methods of cutting down the Medical vote by something like £15,000 again. But against that Your Excellency has found it necessary, owing to the fact that the Military is in the melting pot, to recommend that a further sum of £15,000 or £16,000 should be entered in the Estimates for an extra company of the K.A.R., so that those ~~last~~ two things—the saving on the Medical vote and the increased revenue—just about balance with the extra expenditure on the Military, so that we come back to the same sum of £55,000 approximately as the deficit. Now, I do suggest that owing to the fact that Your Excellency has not been very long in the country and that we have the pleasure of having here with us to-day a new Commanding Officer of the King's African Rifles that that is the reason—and for that reason alone—why this Military expenditure is kept at a higher figure than most of us would hope would be the normal level.

This is really a Military issue, and I do think that as our neighbours on the Northern Frontier belong to the League of Nations some of this expenditure should not be necessary if the Imperial Government take certain steps in the matter of revision. I think this matter should be taken up by the Military Government, to see whether some of this extra expenditure of £15,000 cannot be done away with and not left on the surplus Estimates. I personally feel very strongly about that, and think it would be wise, rather than to introduce new taxation, to take the deficit as it stands, after going through the Estimates and balance the Budget from the surplus in hand. I am quite willing to agree that theoretically that is not quite the right course to take, and the Honourable Treasurer will probably say that "we are budgetting on indirect taxation and that we must, therefore, have a working capital for contingencies so that we will always have sufficient money to cover any deficit next year in the Budget". He will also say what Your Excellency has already said, that when we have a large sum outstanding for unallocated Railway stores we should have something

against that. That last argument I do not agree with altogether. Government is not in the position of a company, which would have its assets against that liability. The numerous buildings in the country, land, forests, etc., are not included in the Kenya Budget under the methods of Government accounting. Therefore I do say that if this country went into liquidation—which, of course, is absurd, because, with the exception of the South American States in the old days, no countries go into liquidation—even then it would still be possible to find a very much larger sum from the assets of the country than the amount of the value of the unallocated stores. But in any case, however that may be, I do believe that to introduce at the present time during the debate on the Budget new taxation, which would give people in this country an idea that they had been, to a certain extent, driven into a corner about a deficit in the Budget, which would bring about further taxation, would be a definite mistake on the part of the Government, with the greatest possible respect. I believe if you can get—and I think you can get—certain sums off the Estimates in this Sub-Committee, that when that is done you should then take the rest and pay for it out of the surplus. After all we had a surplus last year, and we have a deficit this year. Even if you used the surplus funds to provide for the deficit you would be in a much better position than you were two years ago and it would then be the duty of Government and of its officials to try to do better next year and to get the finances of the country into such a position that the surplus balances would be able to grow.

Before I leave this matter there are one or two points which I do hope the Government will consider: that they will leave this matter open until the Sub-Committee has sat, and that they will ask everybody—Heads of Departments and everybody else to do their very best—I am sure they will do their very best in any case, and I am sure a little encouragement is always good—to bring down this deficit by normal methods. I myself believe that it can be brought down, provided the country is willing to make certain sacrifices and to say that if we are having this great medical advance this year we cannot afford to have everything else at the same time.

With regard to the Military vote, I must say that I agree with my Honourable Friend the Member for Plateau South that it does appear to somebody who is a layman like myself in these matters that the military expenditure is inordinately high but, with the exception of Mr. O'Shea, Elected Members are not opposing this because Your Excellency has just arrived in the country and we have also a new Officer

Commanding Troops, and perhaps a meeting of East African Governors get down to the subject, savings will be made which cannot be indicated in the present Budget.

I was going to say that I have lost a little the thread of the principles of the Budget this morning, and it is rather difficult to back to this. We all know—we have heard it a dozen times this morning, that the four largest votes are the Military, Medical, Agricultural and Public Works.

With regard to the Medical vote, there has been a misunderstanding undoubtedly among Unofficial Members in regard to this matter. I myself with two or three other elected members were members of a sub-committee which had recommended that Dr. Gilks' recommendations be carried out *in toto*, and as far as I knew—and I believe I was certainly under the impression, that other members had been asked—two other members had been asked—to a meeting which was being held to discuss these proposals, and if there has been any mistake I must ask Honourable Members on this side of the House to accept my regret. I have, as far as I am concerned, pushed this matter along as much as I could in advising the Government, because I believe, as an individual, that this matter is of the greatest possible importance to this country, and that it has got to be done.

I am glad that Your Excellency has found means of saving a certain sum of money by cutting down the pace at which we want to travel. We people who live in the country see certain things and how they affect the country, and we want to get on as fast as possible, and I think it is a good plan to have checks of this sort occasionally. I am sure that the Honourable Principal Medical Officer will agree that his keenness carried him away a little bit; he has not stopped to think where this large staff is going to live and be housed, and things of that sort; but I congratulate Government on having taken this step. I am sure we all do, and the only difference of opinion is as to the pace. The country wants to carry on at a pace that is suitable and can be maintained.

With regard to education, everybody must believe that this is another of the questions which must be pushed forward with all speed, and that it must be pushed forward economically, bearing in mind whether the country is getting its money's worth and the results. I am not clear—with all greatest respect to the Honourable Director of Education—that we are getting the results in the Education Department, at any rate in some things, that we ought to be getting, and I think everybody will agree with that. I know it is very difficult, and I think the suggestion put forward by Your Excellency in your opening address that, on the technical

side we are getting up someone from Nyasaland to advise us, is to the best possible advantage of the country, because there is no doubt that Nyasaland, for some reason or other, having been extremely lucky in the early missionaries, on the technical education side, has laid the foundation by the training of a number of industrious skilled artisans, which none of the other countries in East Africa have done. I think undoubtedly that is the right way to deal with it. If we get someone from Nyasaland to advise us in Kenya as to the methods we can get along with the work.

With regard to the literary side of education, I entirely associate myself with what the Honourable Rev. Dr. Arthur and the Honourable Chief Native Commissioner have said, as far as literary education is used for the forwarding of the practical interests of the natives.

As far as the Agricultural Department is concerned, I have not had time to go into the Estimates, and I think we should leave that for the Sub-Committee to examine, but it does seem to me, in a time of stress like the present, that the addition of the sum of £21,000 is rather large. As the Honourable Member for Nairobi South has pointed out there are some very big votes.

With regard to the Public Works Department, I think that the increase of £69,000 in one year on public works, at a time when in addition to the ordinary work to be carried out under the votes, Government is contemplating a large amount of work under loans this year, is a very large increase indeed. Although we are all, I am sure, in favour of making a system of roads second to none, I think it is quite possible that we are trying to go too fast.

We have got to bank on one or two things, and I think we have got to go a little bit slower than we are going at present.

I am not going into this question of how much each race gets out of the Estimates. I do not think it is a particularly good plan. Honourable British Members might say that probably we have got a big share, and we do not want to disturb our position, but that is not so. After all, if any one community is not getting enough out of the money which is here, they ought to make out a case and not merely say that some people are getting more than they are. There may be certain reasons why in certain cases some people are getting more, and I would suggest to the Honourable Mr. Shams-ud-Deen that he should read the figures—the official figures—which were handed to us on the question of the taxation per head of Europeans, Indians, Goans and Natives, and that he should work out from them whether anyone was

being unfairly taxed or not. I think he will find that to a certain extent the boot is on the other foot in contradistinction to what he said.

There in another point. It may be argued that we will damage the credit of the country if we use surplus balances to meet a deficit, but I would point out that the last time we borrowed money was in 1921, and when the Budget was first presented to Council that year it had a deficit of £412,000, and no hope of getting it in, as far as we could see at the time. There was nothing to show that the Railway, which had a loss of £18,000 I think that year, would be able to pay interest and sinking fund. Yet we managed to borrow money, at a high rate of interest I must say, but within a very short time those shares stood at 112, and I believe that these matters can be exaggerated a good deal, and although Kenya is in the limelight, I do not think everybody is looking at us with a spy glass to see whether we are meeting our deficit from surplus funds or not, and I do hope Government will not attach too much weight to that argument. What I believe will damage the country more than anything is, in my view, a feeling of uncertainty, when it is approaching a period of comparative calm, by the introduction by Government, without consent if I may say so, or without agreement, of any system of taxation at the present time.

I believe myself—I am not speaking for anybody else on this side of the House at present, because I have been away—but I think that Member on this side of the House will agree with me—that the Elected Members would meet with the greatest possible sympathy any proposals put forward by Government as to an education cess or anything of that sort, but I believe it would come very much better as a voluntary act in that way than if it is forced on the unofficial community in this country by a deficit on the Budget and the idea that they have been jockeyed by Government into a position by that deficit. It is a great pity that the Budget should be drafted and issued before presentation to this House, because it makes it very difficult to alter. Everybody wishes that as soon as the Budget is presented to this House, the Press and public and everybody else should be able to criticise it in any way, but the first people who should have got at it should be the members of the House. I hope that that will not happen again.

I am sorry to have taken up the time of this Honourable House for so long, but I hope I have kept more or less to the principles, because it has become a lost art in some ways. However, I hope that Government will consider that method of dealing with the Budget, and at any rate will give us every facility to get the expenditure lessened.

HON. COLONIAL SECRETARY: I have some difficulty in replying to the debate, in view of the fact that the speeches by the Honourable Members on the opposite side of the House show some differences of opinion.

I do not propose to deal with individual cases, or to deal with anything but the general principles of the Budget for 1926. I think the speeches which have been made by Honourable Members on the other side of the House do show that there is some difference of opinion as to how a Budget should be drawn. I think they have emphasised the difficulties with which Government is faced at a time like the present in estimating their expenditure for the forthcoming year. We hear from one Honourable Member that this Colony should not stand still. We hear from several others that there are various ways in which that development should be increased and that there are various ways in which that development should be increased and that there are various ways in which our products should be developed, and that more expenditure is required rather than a reduction in the amount budgeted for. We are told that this Budget is in some places described as a "Boom Budget". It is not a "Boom Budget," except in the best sense of the word "boom," which means perhaps that the Colony is doing well. Nobody, I think, wants a boom for Kenya—what we want is steady, gradual progress, and I do not think that we can obtain such progress unless we look to it and see that our machinery is well oiled, and that our departments are fully equipped for the progress which is coming by leaps and bounds. We have to keep up with the actual progress and development of the country, and I do not think that can be done unless we proceed in certain directions and provide for absolutely necessary services. We believe that this House should look at the country from the point of view of anyone who visits it from elsewhere. I am sure they would realise that there are many services which are extremely deficient, that there are many people who are badly housed, and that there are many people working in offices which are quite inadequate for the state of this country, and there are also many people who have no transport facilities to enable them to make more money for themselves and for the country, and it is really with that in mind that we have tried to produce a productive Budget—productive not merely from the increased revenue point of view, but also from the point of view of the people of this country. Of course, I am speaking for all peoples—we have got to leave out all those questions as to whether we are improving one race or other. That is only an underlying principle in regard to the Budget, which has been drawn up in the interests of all the people in the country—to the advantage of all races in this country, and in order that all the races

should progress. Taking the votes in detail, like Education, Medical Services, Public Works and Agriculture—Education and Medical I need not deal with in detail, but they are obviously for the progress and development of the people of this country—both economically and morally.

As regards Public Works, you, Sir, in your speech to Council dwelt on the importance of these works, and I do not propose to deal with that question any further now, but a remark was made by an Honourable Member with regard to the heavy expenditure on Public Works, and it has been suggested that part of this expenditure might possibly be met from loans. The position is that the Public Works Department has rapidly reached a stage where it is absolutely unable to meet the requirements of the present day. We cannot ask for a loan in the world's markets to repair and put in order our existing buildings and roads. We can only ask for loans which are required for new works. I think it is necessary to ask for money in the Budget for existing works and existing roads and for the development of a department which really needs a certain amount of increase in staff and needs money for necessary annual services.

With regard to the various points which have been raised in the House, as I have said before I do not wish to go into details, but there were one or two points which I think need elaborating. Much has been said with regard to the Military expenditure, and I think it was taken for granted that Government has asked for an additional £15,000 on account of the 6th Company for the King's African Rifles. Those proposals are not included in the Budget and are not before Council. Government has to consider the matter from every point of view—from the point of view of the Military authorities, who are experts on the subject; and from the point of view of the demands upon the Imperial Treasury in this country. It is perfectly true, as pointed out by the Honourable Member for Plateau South, that there is no considerable reduction this year on Military expenditure, even though the Cession of Jubaland has taken place, and there have been changes in connection with the administration of the Northern Frontier Province. At the same time I would point out that the increase is about £2,000 only if the 6th Company is not included, but there is every prospect in 1927 of there being a considerable reduction in expenditure. There must necessarily be some heavy expenditure on the taking over from the Military Administration and the substitution of Civil Administration. That being so, the Colony is being asked to approve a scheme which has already been recommended by the Inspector General. The comparisons

with 1914 and 1915 are beside the point. Conditions then were entirely different from what they are to-day, and I do not think any comparison can be made.

Allusion was made by several speakers to that Hardy Annual—the Secretariat. Well, I feel I must say something on behalf of the Department which I personally represent. It seems to be taken for granted by Honourable Members that the Secretariat represents centralization—that the business of the Secretariat is to do the work of Heads of Departments, and that this is their principal concern. The Secretariat, I may say, would be glad to be relieved of any work of that kind. They do not wish to do work of Heads of Departments where Heads of Departments can carry out any measures on their own behalf. I should be extremely sorry to see this country governed by specialists. I think it was suggested that every Department should be run by a specialist. It is very necessary to co-ordinate the opinions and the activities of specialists, but we must be careful to see that any one specialist does not run the country into very heavy expenditure. The Secretariat should be the clearing house for a good deal of work, and it should be the central office where references are kept, and be the central office which conducts the correspondence of the country. I dare say I might make a better appeal to Honourable Members by saying that we have a very considerable correspondence with the Secretary of State for the Colonies which all goes through the Secretariat, and has to be dealt with there. Further, all the work of the Executive and Legislative Councils must necessarily be done through the Secretariat. The work of all Commissions, the correspondence with the Crown Agents, and all extra-territorial and all outside correspondence with other Territories is done through the Secretariat. The correspondence with administrative officers is extremely small, and we have asked administrative officers, if possible, to still further reduce the correspondence.

I entirely agree with the Honourable Member for West Kenya regarding the defects of centralization, but it is absolutely essential that there should be an office where the questions of policy should be worked out in detail and memoranda prepared with regard to general questions of policy. We have heard of conferences which are to be held, conferences which have already been held, and conferences which are to be held in future. Well, if all these Conferences are being held and are to be held we must be ready with the necessary data and particulars which will be required at these Conferences. That is the work of the Secretariat, and anything which takes away from their work and relieves them of unnecessary work will certainly be advantageous.

I would now refer to the figures quoted by the Honourable Member for Plateau South. He appears to think that the total under "Secretariat" of £20,000, with an increase of £5,000, is money spent entirely on the Secretariat. That is not the case. The actual increase in this year's estimate on account of the Secretariat is £1,700, and that increase is really made up by the appointment of one officer and five junior clerks. The rest of the increase has nothing to do with the Secretariat, except that it happens to be brought in under that heading in the Estimates. There is a sum of £1,000—publication of debates; there is a sum of £1,500 for travelling expenses of unofficial members, and if these Estimates are analysed I am sure it will be found that there is not a large increase in the vote of the Secretariat.

I will not deal here with the question of Education, because various criticisms have been made by other speakers. I would only point out that this year we are trying to face the difficulties with which the Honourable Director of Education has been faced in the past—the difficulties he is suffering from on account of lack of staff, lack of financial assistance, and other things. The result of the recommendations made by the Grants-in-Aid Committee is that a suitable increase is to be made in the grants to be paid to Missions. Now I think Honourable Members will find in a reference to comparisons between Kenya and other countries that there have been many difficulties in connection with technical education including the employment of natives who have not completed their course and are not in possession of competency certificates. One of the reasons for the results obtained in other countries is to a large extent due to the fact that the assistance given has been spread over a number of years. It is only within recent years that the Education vote has reached any considerable proportions in the Budget of the Colony. Now I think a study of the figures in Nyasaland will show that during the last five or ten years much money has been spent on technical education there, and that comparisons cannot be drawn between that Colony and Kenya. I entirely agree that we have got to be more successful than perhaps we have been in the past. But there have been difficulties, and there still are difficulties. There is not only the difficulty with the employee, but there is also the employer to contend with in this country—I refer to the employer who will engage Africans without certificates. It is a fact that an African who has been through a Mission technical course and thinks he can go out and get Sh. 25 a month will go out and try to earn money instead of finishing his course. We have got to be far more strict in the issue of certificates, and I think we must also ask employers to be far more strict in their enquiries when engaging Africans.

That is the only way to get the African to realise that technical education does not consist in spending a certain amount of his time in the workshop in the mission school. Of course, I am not reflecting on the good work of the mission schools, which we all realise, but I am sure they will agree that we must go very carefully into the question of the technical education of Africans.

With regard to the statement made by the Honourable Member for Nairobi South, his figures, as has been pointed out by the Right Honourable Member for the Rift Valley, were incorrect. There is an amount of £14,000, and I dare say we shall find on going through the Budget in Select Committee that there are other headings in which savings can be effected, but it is necessary to warn Honourable Members that heads of departments have expressed the view that the services as proposed should receive further consideration. Every head of department will come before this Committee and he will express his wants. Every head is only too anxious to see his department go ahead in the interests of the Colony. We shall be faced with tremendous demands, and I think we shall probably have to be somewhat firm in refusing demands, but at the same time there are demands which are only just and reasonable in the interests of this Colony, and those we have to face.

I do not propose to go into the question of taxation. It has already been stated by Your Excellency that this is a matter for further consideration. Our present duty is to enquire not only into the Budget and satisfy ourselves that there is not lavish or unnecessary expenditure in many departments, but rather to make quite certain we are trying to meet not only the present situation of this Colony but the future situation in Kenya. (Hear, hear.)

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

Motion put and carried—Second reading passed.

HIS EXCELLENCY: The question is that the Bill be referred to a Select Committee consisting of the Colonial Secretary, Treasurer, Acting Chief Native Commissioner, and Elected and Unofficial Members and such Heads of Departments as may from time to time be required.

Motion put and carried.

(Council adjourned sine die.)

TUESDAY, 8th DECEMBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Tuesday, the 8th day of December, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

ABSENT.

Honourable J. B. Pandya.

Honourable R. S. Nehra.

Honourable Hemed Mohamed bin Issa.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY: Honourable Members of Legislative Council, I have had to call you together again mainly in order to complete the consideration of the Estimates for next year. The Select Committee which you appointed at the beginning of last month has completed its report and that is now in printed form before you. I have been most carefully through the report of the Select Committee and I am prepared to recommend all their recommendations to you. The Select Committee consists practically of the whole of this Council apart from certain of the official members. It is practically a Committee of the whole Council. I think I can assume that the Official Members of this Council who are not members of the Committee are unlikely to oppose the recommendations of the Committee. I presume therefore that the Estimates as now revised will receive your favourable approval, and I hope you will be ready to clothe them rapidly with the vesture of full legislative enactment.

The main feature of the Estimates as now presented is that instead of the deficit of £69,858, which was the main feature of the original estimates presented to you, we have now a surplus of £4,156. Part of this desirable result was already apparent in October, for the Honourable Gentleman, the Treasurer, as I then informed you, was able at that time to estimate for an increase of revenue of £14,599, reducing the then deficit to something a little over £55,000. That deficit of £55,000 has now become a surplus of £4,156, mainly owing to a further increased estimate of revenue.

The reduction in the Estimates of Expenditure amounts only to £16,098, and this reduction is balanced in the main by an essential provision of expenditure from loan on necessary

accommodation, equipment and housing. I am perfectly satisfied that the Select Committee have been wise in avoiding any reduction in the development of necessary services. What they have done is to balance the need for providing accommodation with the need for increasing services. It is a profound mistake in this Colony to increase staff without provision for accommodation and essential equipment. The provision of both should go hand in hand, and I believe the Select Committee have been wise in taking that view.

The main reason for the transformation of a deficit into a surplus is a gratifying increase in the Estimates of Revenue. I should like to say that this change in the Estimates of Revenue implies no reflection on the Honourable Gentleman, the Treasurer. The original Draft Estimates were prepared in May. Full details were not then available, and there was not the information then which was afterwards laid before the Select Committee.

I think it has been wise that no further increase has been estimated in Customs revenue. This is probably a conservative estimate, but the effect of the partial drought in the Colony has to be considered. I have called for a careful report of the effect of drought upon the Colony, because it has caused me considerable anxiety. The report which I have had presents the following conclusions. Within the 10 mile coastal belt the crops are above the average. In the midlands and the highlands as far as the Elgeyo Escarpment the crop yields are below average, and in some areas have suffered heavily. The trouble has been poor distribution of rain rather than deficient rainfall. Broadly speaking, the increase in the cultivated area in the Colony will hardly compensate for the lower yields in maize and wheat; and further, the shortfall of coffee may be heavy. Drought may also somewhat affect the quality of our produce and therefore the average price. There is no reason whatever for despondency as to our situation, but in the circumstances I am convinced that it is wise to be content with a conservative estimate of Customs revenue.

The main heads of increase in revenue come from Land Sales, £25,000; increased sales of Licenses, Duties, etc., £19,825; and increased returns of Fees and Services, £5,700. These increases, I am glad to say, are mainly due to reproductive expenditure; that is, to the increases in the Administrative and Veterinary Services. To these increments must be added, as I have already said, the increased estimate of revenue of £14,599 under various heads which the Honourable Gentleman the Treasurer announced in October. With

some further minor adjustments, partly by way of reduction and partly by way of increment, the final revised estimate of increased revenue totals £57,916. As against the original estimate of expenditure that would still leave a deficit of £11,942, but the reduction of £16,098 effected in the estimates of expenditure has turned that deficit into a surplus balance of £4,156, which I announced to you.

I wish to repeat and repeat with emphasis that this satisfactory result is not due to either any reduction of new provision for essential services or to any over-sanguine estimate of revenue. The event in my opinion is much more likely to show an increase of revenue over expenditure than the reverse, and I am particularly gratified that the Select Committee has produced this desirable change in the Estimates without trenching on the surplus balance of the Colony.

I should like to say one word in passing on the question of salaries—official salaries. Some information on that point is owing to you. As many members know, I went down to Moshi a few days ago in company with the Governor of Uganda to meet the Governor of Tanganyika Territory, because we had had instructions from the Secretary of State that the new scales of official salaries would not be accepted until some understanding was arrived at between the Governments. I am glad to say we arrived at an understanding in all particulars. The main lines of the understanding at which we arrived will be submitted to Executive Council, and then, of course, have to go home for the approval of the Secretary of State. But I may say at once (and this is what mainly concerns you here) that the cost of the revised scales which we adopted is fully covered by the provision made in the present Estimates for 1926. It involves no change in that respect, so that by carrying the revised estimates as presented to Council you will be making full provision for salaries in 1926.

Having said that in passing, I come now—and I will only deal with the subject briefly—to the broad aims of policy which underlie and justify these estimates. I think it is well to summarise our aims at the last stage of the consideration of the Estimates in this Council. I propose to analyse these aims under three headings, the headings of Native Welfare, Public Works, and Education. I select these headings because they comprise between them the main services essential to the general welfare of the Colony.

The proposed increase of expenditure on posts and services in these Estimates—I exclude interest charges and public

works, because they are hard to allocate—the increase in expenditure on posts and services amounts to £136,753. This expenditure works out as follows:—

Native Services	£51,634
General Services	£36,432
Non-Native Services	£18,687
	<hr/>
	£136,753

You will observe that the increased provision for Native Services is double the increased provision for General Services, and that the increased provision for General Services is double that for Non-Native Services. The proportion of money spent on native welfare is therefore high and is something like two-thirds of the total increase.

I am sure the general principle of this is sound, and the specific objects are sound also. They include increased medical services, pay for native headmen, grants-in-aid to missions, industrial training and training of native teachers, veterinary work, and among other minor things a hydraulic engineer for water-boring in the reserves.

I am very glad this full provision has been made for native welfare. The welfare and contentment of the native population seems to me, from what I have seen of the native population, largely dependent on three considerations:—

First, Land. I will not deal with that now, but I think it is important to say in passing that the gazetting of the Native Reserves is now complete, that the notices of the proposed boundaries have been published for some time, that the period of the notices will shortly expire, and that there is no ground whatever for the natives of this country to think their lands will not be secured to them.

Secondly, native welfare depends on native education. The total increase on this is £16,492. It is of the very greatest importance to the Colony that money devoted to native education should be spent on really sound and practical education. I am not at the present stage of my experience a great believer in literary education for natives. It is useful up to a point, and there are a certain number of natives who can benefit by a literary education beyond what is known as the 3 R's. But I have seen that literary education is very apt to degenerate into mere repetition and copying without educational value. To repeat words like a parrot or copy a motto like a design serves no true educational purpose and has no true educational worth. It is most important that all who are responsible for native education should consider and consider again what the

effect of the literary education being given has upon the native mind. There are many examples in other parts of the world to show how important that question is. The most essential point is to my mind training in craftsmanship and hygiene.

So far as technical instruction and craftsmanship are concerned, a new experiment is being tried at the Alliance College, Kikuyu. There is a strong governing body appointed for that college, and the aims, I think, are broad and wise. They are medical training, technical and agricultural training, literary education, and developing the training of African teachers. I shall watch with hope and interest this experiment.

We have also made provision for a new Supervisor of Technical Education and we are at the moment, I hope, securing at least one Instructor from Nyasaland. I hope indeed we will be able to get more, for I have observed at the school at Waa how valuable the training in craftsmanship is for native peoples.

The Grants-in-aid to Missions have been increased by £7,148. Government is very sympathetic in this respect and will be guided in the future consideration of grants purely by the value which on inspection it attaches to the education given.

We have also provided for increased help in forestry and veterinary work. A new veterinary unit is to be established at Ngong, partly to serve as a centre for inoculation against East Coast Fever, and partly as a central training depot for natives in the care of cattle. I attach the very greatest importance to the training of the native population in economic animal husbandry. I have seen enough of the Colony even in three months to realise that the reckless multiplying of poor stock and the denudation of some reserves must not continue, as it would be absolutely fatal to native welfare. There are gratifying signs that the natives are anxious to help themselves, and are voting sums for better services.

The most important thing of all to my mind in native welfare is, however, the care of health and training in hygiene. I think that adequate provision is made for that, considering the fact that we have also to provide accommodation and equipment if the increased staff is to be of any value. The total increased expenditure on medical services is just under £45,000 and of this just under £30,000 is for native services. The reduction of the original estimate for native services is balanced by increased provision for accommodation and equipment. This is essential both for staff and patients and is, in fact, the limiting factor in medical development.

We are proceeding with the provision of medical officers and nurses as rapidly as accommodation permits, and I am glad to see that the employers of labour are also helping greatly in attending to the medical welfare of their native labourers. All can see the excellent results of medical attention of that kind—cases where a weedy set of labourers have come into a farm and in a few months under good feeding and medical attention have become unrecognisable. I hope these efforts will not be relaxed, as Government can only proceed at a certain pace, and cannot do everything. We therefore look to employers to continue and develop this excellent work with energy, with vision and enthusiasm.

The central point in native medical welfare is sanitation and the normal care of health. It is a battle against fatalism, a battle against the fatalism which has hung like a darkness over the mind of the native for centuries. We are fighting that battle on the whole courageously and well, but I confess I should like to see something more done for the welfare of native mothers and children. There is a very high rate of infant mortality. This mortality is not only a bad thing in itself, but also means that amongst the surviving children there is a very high percentage of unfits.

I desire to call very particular attention to this aspect of the subject, because all expenditure for the purpose of improving the health of the native population and the care of native children is twice blessed; for everything that increases the health and well-being of the natives, not only spreads contentment under our rule, but also tends directly to enlarge the labour supply. The importance of both these aspects of medical expenditure is emphasised by expert reports on the physical standard of the natives. The lowness of that standard was pointed out, for instance, by the Labour Bureau Commission of 1921, and nothing illustrates it more clearly than the fact that physically fit males between the ages of 15 and 40 are calculated here as forming only one-seventh of the total native population, whereas in normally fit populations they constitute one-fifth. I am told indeed that from 20 to 25 per cent of males of the right age amongst the natives of this Colony are unfit for any hard work, and that given the necessary medical care over a comparatively short period the number of fit males of working age might be increased (independently of any increase in the birth-rate) from the present figure of 350,000 to 450,000 or 500,000.

That may be too optimistic a view; but this is certain—that nothing could do more for the natives of the Colony or for the Colony in general than such a change, since labour could be more readily supplied, and not only the quantity but the quality would be improved. Then a much higher standard

of performance in labour would gradually be evolved. Many other problems would be solved by the solution of this one problem, and I am sure it is worth every effort which we can devote to it.

So much for native welfare.

I come now to the second heading I mentioned to you—Public Works—and I have only a few words to say on that subject, because a report on the loan expenditure proposals will shortly be presented to you and I shall have an opportunity of saying something then.

The first of all public works is the Railway. That is covered by its own Estimates, and I am satisfied that the development of branch lines is fully provided for.

Next is the Harbour. I should like even now before their report is handed in to thank the Harbour Commission for the energy and promptitude with which they have set to work. All the members have been working very hard, and from what I have heard of the care and thoroughness with which they have conducted their investigations the report will be a very valuable one for the Colony and may indeed be a landmark in its history. The Harbour will in all probability require further heavy loan expenditure.

With regard to Roads, Honourable Members of Council know that I have strong feelings, and I am very glad therefore to observe that out of £50,000 allocated to roads in Public Works Extraordinary, £5,000 has been earmarked for tools and plant. I think that is a wise and essential provision. I observe that £18,000 has been cut out of the proposed provision in the draft estimates, but that will be compensated by expenditure on new roads from loan, and the main sum of over £90,000 in the Public Works Recurrent for maintenance and improvement of roads remains untouched.

With regard to housing and public buildings, there is much to be said. I think it will be better to deal with it when the Report of the Select Committee on loan expenditure is presented; but I should like to say here one word of welcome to the distinguished architect, Mr. Herbert Baker, who has come out to assist us in this matter. Mr. Baker is a genius who, with the inspiration and friendship of Cecil Rhodes, transformed the face of South Africa. I know that he is inspired by the beauty of this country and by the spirit of its pioneers, and I am sure that we in our turn will be greatly benefited and inspired by his advice.

The only other item I desire to mention under public works is Hospitals. There are large sums provided for Hospitals, and I am sorry that development has to some

extent been delayed by the non-arrival of necessary material from England. That is the main feature which has delayed the provision of adequate hospital accommodation for Indians in Nairobi. I am satisfied that the demand for a separate hospital for Indians in Nairobi is a just one, and I am therefore asking Council to make provision for that hospital accommodation in the immediate future.

I come now to my last heading, that of Education. If these Estimates were the last word on education, I should not be satisfied with them. The proposed increase on native education in these Estimates is £16,492; on European education £2,400, and on Indian education £2,060. Of course, that does not allow for provision from loan, which I shall touch on in a minute.

With regard to Indian Education, I understand that loan provision is now being made not only for the new Indian school in Nairobi, but for the building of an Indian hostel in Nairobi, to which I attach great importance.

A fresh site is also going to be given to the Indian girls' school in Mombasa. I visited that school only a few days ago and I was much dissatisfied with the surroundings in which it is at present housed. A fresh permanent site will be provided as soon as possible, and arrangements are being made temporarily to rent a more suitable building. I am also prepared to consider the use of the top storey of the Indian school in Mombasa as a hostel pending the completion of the hostel in Nairobi, but I am not sure that the accommodation will not be required for other branches of Indian education. Government has an open mind on this matter. It is also prepared sympathetically to consider in due course taking over the Indian schools at Kisumu, Machakos and Lamu. I am much gratified to find how strong Indian enthusiasm is for education and I shall do my best, with, I am sure, the help of the whole of this Council, to see that Indian aspirations in this matter are satisfied.

With regard to European education, loan provision is being made, I am very glad to say, in addition to the boys' school at Kabete, for the junior school at Nairobi, which is at present in a deplorable condition, and for the development of the schools at Nakuru, Eldoret and Kitale. But buildings are only the necessary framework and foundation. We must furnish them with staff, equipment, system, and sound ideals. The need is enormous. Since last I met you I have had a census taken in Nakuru and Naivasha, and the results are very significant. In Naivasha there are 92 children under 17, and I have taken that age because it will be generally agreed that in a community of this kind education should begin, at

any rate, not later than the sixth year and continue till the end of the school term in the seventeenth year. Of these 52 are boys and girls of school age—that is, over 6 and under 17. Of these 32 are attending school, and 11 are receiving private tuition. The remaining 9, or about 18 per cent., are receiving no education at all. In addition there are 40 children under 6, who will be requiring education very soon.

In Nakuru the total number of children under 17 is 297 or nearly double the figure given in the census of 1921. Of these 167 are of school age; 110 are attending school; 15 are receiving private tuition; and 42, or 25 per cent., are receiving no education at all. In addition there are 130 children under 6 years of age to be provided for in the near future.

On this there are two observations to be made. In the first place, it must not be assumed that all the children of school age who are receiving no education at present have never had any schooling at all. Some undoubtedly have been at school and have left prematurely; others in actual fact have never been to school. But whichever may be the case, the percentage of these children is a terrible danger to the Colony. Children ought to go to school when they reach school age, and remain at school till they have passed school age. Nothing less should satisfy the European community in this keystone colony.

In the second place, I must call attention to the high proportion of children under school age as compared with boys and girls of school age shown in both these returns. The period under school age is a period of 6 years. The school age period is a period of 11 years, or nearly twice the number of years comprised in the earlier period. In spite of that the numbers under school age are nearly as large, or in actual figures only 20 per cent. less than the numbers of school age. That single fact demonstrates most eloquently how rapid will be the increase in the demand for educational facilities during the next five years.

Apart from the loan funds for building, there is no provision to meet this great need in the Estimates. I do not complain of that, because the buildings must first be completed; and before educational reforms are brought in, it is essential that the system and organisation should be sound. I am therefore deferring making any definite proposals on this subject till early next year, because I want the organisation to meet the conditions and needs of the Colony, and that requires very careful consideration. The importance of the subject is so great that I desire to only put well sifted and carefully thought out proposals before this Council. In the meantime I hope building will go on.

With these broad reflections, Honourable Members of Council, I commend the revised Estimates to you.

Let me repeat what I said at the beginning. There is no avoidable reduction of new provisions for essential services; there is no over-sanguine estimate of revenue. These are in my opinion—and I have studied them most carefully—sound and practical estimates, and I consider they will be justified by the event.

MINUTES CONFIRMED.

PAPERS LAID ON THE TABLE.

1. Unforeseen Expenditure for Quarter ended 30th June, 1925.
2. Education Department Annual Report.
3. Native Affairs Department Annual Report.
4. Rinderpest Inoculation Committee's Report.
5. Report of the Select Committee on the Draft Estimates, 1926.

HON. COLONIAL SECRETARY: I beg to give notice that I shall move the following motion on Thursday next, the 10th December:—

"That this Council records its deep regret at the death of Queen Alexandra, and desires respectfully to express its sympathy with His Majesty the King-Emperor and all the Royal Family."

QUESTIONS.

HON. M. A. DESAI: On behalf of the Honourable Hamed Mohamed bin Issa, I beg leave to ask the first question on the Order of the Day, in his name:—

"Will the Government be pleased to lay before this Honourable Council all papers relating to the question of service for the African Civil Servants?"

2. Are all the Arab and African Clerical Staff of the Civil Service who are now in the service and those engaged since 1st April, 1920, brought within the purview of the provisions of the Code of Regulations in force to-day, without any distinction in the privileges accorded thereby?

3. And are the Arabs who are in the employment of the Government considered as Asiatics?"

HON. COLONIAL SECRETARY: The papers on this question are very voluminous, but if the Honourable Member will state what particular papers he desires laid before this Honourable Council, the necessary permission will be asked from the Secretary of State.

2. Arab and African Clerks who were on the recognised establishment on 1st April, 1920, come within the terms of service for Africans which will be promulgated shortly.

3. The reply is in the negative.

HON. SHAMS-UD-DEEN: On behalf of the Honourable Mr. Pandya, I beg leave to ask the question standing in his name on the Order of the Day:—

"Has the attention of Government been drawn to the recommendation of the Mombasa District Committee that Indian rupees may be allowed free importation as other currencies? And will the Government allow such free importation?"

HON. COLONIAL SECRETARY: The answer to the first part of the question is in the affirmative.

2. The answer to the second part of the question is that Government is not prepared, as at present advised, to allow such free importation.

BILLS.

FIRST READING.

HON. ACTING ATTORNEY GENERAL: I beg leave to introduce and move the first reading of a Bill intitled "An Ordinance Relating to the Custody of Children."

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

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I shall move the second reading at a later stage of the session.

HON. ACTING ATTORNEY GENERAL: I beg leave to introduce and move the first reading of a Bill intitled "An Ordinance to make provision for the Punishment of Incest."

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the session.

HON. COLONIAL SECRETARY: I beg to introduce the first reading of a Bill intituled "An Ordinance to make provision for the taking of a Census of Kenya as and when required."

HON. DIRECTOR OF AGRICULTURE: I beg to second.
Motion put and carried.

HON. COLONIAL SECRETARY: I beg to give notice that I shall move the second reading of the Bill at a subsequent date during this session.

HON. ACTING ATTORNEY GENERAL: I beg leave to introduce and move the first reading of a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance, 1913."

HON. ACTING SOLICITOR GENERAL: I beg to second.
Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the session.

HON. ACTING ATTORNEY GENERAL: I beg leave to move the first reading of a Bill intituled "An Ordinance to Consolidate the Law relating to Corporal Punishments."

HON. ACTING SOLICITOR GENERAL: I beg to second.
Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I shall move the second reading of this Bill at a later stage of the session.

HON. COLONIAL SECRETARY: I beg to move that Council resolve itself into a Committee of the whole House to consider the provisions of a Bill intituled "An Ordinance to apply a sum of money for the service of the year ending the 31st day of December, 1926." The Report of the Select Committee has been circulated.

HON. TREASURER: I beg to second.
Motion put and carried.

In Committee:

Head I.—Public Debt Funded.—Passed.

Head II.—Rent and Interest to H.H., the Sultan of Zanzibar.
—Passed.

Head III.—Pensions and Gratuities.—Passed.

Head IV.—His Excellency the Governor:

HON. J. E. CONEY: There is one question I want to raise: I do not see the necessary alteration made in the Estimates as now presented. I refer to Item 1, which is not in accordance with a vote taken in this Honourable Council, and no explanation has been given as to why that vote has not been adhered to, seeing that it has already been taken in the Legislative Council of this Colony.

HIS EXCELLENCY: Moved as an amendment to Head IV, by the Honourable and Gallant Member for Plateau North that the original Estimates passed by the Legislative Council with regard to the Governor's salary be adhered to, and that £500 be inserted in the Estimates for that purpose.

HON. TREASURER: I think the amendments made in the report should be added to the schedule before that schedule is passed.

HON. COLONIAL SECRETARY: The Estimates are as amended by the report of the Select Committee so that it embodies all the recommendations of the Select Committee.

Head IV.—His Excellency the Governor.—Vote passed as amended by the addition of the sum of £500.

Head V.—Secretariat:

HON. J. E. CONEY: The Colonial Secretary did announce that he was going to ask the Government to appoint a Committee to consider the organisation of this particular Department, and I do not know whether he has yet had time to do so.

HON. COLONIAL SECRETARY: A promise has been given to that effect and will be fulfilled. I am afraid I have not had time to go into the question of the formation of that Committee as I have been continually engaged up to this time. I would, however, ask Honourable Members to accept my assurance that these new appointments will not be filled until the Committee has reported.

Head V.—Secretariat.—Passed.

Head VI.—Official Gazette and Printing:

HON. J. E. CONEY : May we be furnished with data up to date as to how far negotiations have proceeded with regard to the amalgamation of the Railway and Government Presses?

HON. COLONIAL SECRETARY : A report has been received from the Joint Committee which we appointed to investigate this question. The recommendation was received that amalgamation should take place, if possible. There are, however, certain difficulties in the way. One of the difficulties is with regard to the supervision of the combined Presses. We are in consultation with the Railway Authorities in that respect, because it is essential that both the Government and Railway should be satisfied with regard to the supervision of the Press, and it will be necessary to appoint one person to have charge of the two Presses. There are also other questions in regard to which we are in communication with the Railway.

I am afraid we are not, as yet, able to put a detailed scheme before the Council, but I can assure Honourable Members that a full report has been received and can be tabled during the present Session so that Honourable Members can read it.

Head VI.—Official Gazette and Printing.—Passed.

Head VII.—Administration :

HON. J. E. CONEY : I raised one point in Committee with regard to the Administration, and I understood the Colonial Secretary took a note of it and said—so I imagine—that he would deal with it later. I refer to Item 147 : Chief Native Commissioner. I am not sure that the Honourable Colonial Secretary did not say that the Committee would consider it when the Secretariat vote came up.

MR. HON. LORD DELAMERE : I wish to support the Honourable Member who has just spoken. I think everybody on this side of the House feels that the matter of this post has got to be very carefully gone into, because it has always been known to the Government, and incidentally I think to Hon. Members on this side of the House, that certain things which have happened during the last year make it rather desirable that this change should take place at present. I would refer for instance to what is generally known as the Bell Case, where, in addition to a great many things being done which I think Honourable Members are all agreed should not have been done, the officer in charge of this post must have been responsible or at any rate must take the responsibility for the fact that native witnesses who came before the Commission

were told that they were not to say certain things; and I say that is a very serious charge indeed to bring against any Head of a Department.

I also want to give notice that I shall bring up another case where natives in a certain area were treated in a way which is a disgrace to the Administration of this country, and I will bring that matter up as a motion in this Honourable Council within the next day or two. I feel very strongly that this country is running risks by having in its Administration an individual who through his lack of knowledge of the African is not the right person to run such an important department as the Native Affairs Department.

HIS EXCELLENCY : I can, of course, make no comment on the things which happened before I reached the Colony, but with regard to the point raised by the Honourable and Gallant Member for Plateau North and the Noble Lord, I will give them my assurance that I am going most carefully into the matter.

HON. ACTING NATIVE COMMISSIONER : I should like to ask a question. I put up certain suggestions with regard to Items 160 to 170; I suggested certain alterations there, and I was assured that the Government would go into the matter. I should like to ask if I am right in bringing the matter up again at this stage. Actually the difference is only £20.

HON. COLONIAL SECRETARY : It is a small point really of distribution of staff. It is merely a question of absorbing two clerks in other departments, and I think if we can absorb those clerks without considerable additional expenditure, the proposal of the Honourable Acting Chief Native Commissioner will meet the case. I should, however, like to ask for further time to consider the matter.

HON. W. C. MITCHELL : Under Item 23, may I ask what is the position with regard to the Report which was issued a considerable time ago by the Select Committee on Leave and Passage Regulations for Civil Servants?

HON. TREASURER : Does the hon. Member refer to the sub-committee of the Committee on the Estimates?

HON. W. C. MITCHELL : No, the Select Committee was, I understand, appointed by this hon. Council.

HON. TREASURER : I think there is some slight misunderstanding. I think the hon. Member is referring to the report of the committee on conditions of service, which included as one of its items the question of leave and passages.

HON. COLONIAL SECRETARY: A sub-committee was appointed to go into the question of leave and passages, and this Committee did report some ten months ago, and that report has been before the Secretary of State for a very considerable time. The reason of the delay is due to the fact that this matter was referred to the other Territories and Colonies who are supposed to be in rather a similar position to ourselves. Apparently the other Colonies do not like suggestions which emanate from here as applied to the services in those Colonies and Protectorates, for reasons—no doubt very good reasons—which they have put up. The Secretary of State has now informed us that he is prepared to agree to the recommendations of the Committee for the Colony of Kenya. (Hear, hear). The only point is that the provisions which were made in the recommendations of that Committee that the leave period should possibly be further extended with advantage to the Colony has been suspended for the present—for further consideration by the Committee.

HON. T. J. O'SHEA: I would like some information with regard to the item "Station Hands."

HON. COLONIAL SECRETARY: I am unable to furnish any information with regard to that to Council at the present time. This matter will have to be looked into by the different Administrative Officers, and a report will then be submitted.

HEAD VII.—ADMINISTRATION.—Passed.

HEAD VIII.—TREASURY.—Passed.

HEAD IX.—CUSTOMS.—Passed.

HEAD X.—PORT AND MARINE DEPARTMENT.—Passed.

HEAD XI.—AUDIT DEPARTMENT.—Passed.

HEAD XII.—JUDICIAL DEPARTMENT.—Passed.

HEAD XIV.—LEGAL DEPARTMENT.

HON. J. E. CONY: I want to raise a point here. I want to protest about the manner in which the salaries of officials are being dealt with. Take Item 3. There has been an increase in the salary of this officer. I am not suggesting for one moment that it is not justified and that he was not underpaid before, but when cases have been brought up in this hon. Council and in other places we have been told that the Government were considering the revision of the whole of the salaries. I do not know that in considering this particular post the posts of say junior administrative officers and others have been considered at all. I am rather inclined to think that because perhaps the Legal Department is more

in touch with Headquarters of Government they can push a little more and use a little more influence, and so get some individual case considered.

There was a case which I considered merited an increase very urgently—and which had, I think, the sympathy of all the Unofficial Members—in another Department. I was told by the Hon. Colonial Secretary—and quite rightly, too, probably—that the matter would be considered when the general question came up. Therefore, I want to know why a particular post—such as this one—is taken up and considered, and put into the Estimates. In fact, I was told that the Secretary of State has already approved of it, but he would not have approved of it if a case had not been put up to him, and I suggest that there are a large number of posts in Government Service which should have been considered at the same time.

HON. COLONIAL SECRETARY: With regard to the question of principle, in connection with the increase of salary, the position has been correctly stated by the Hon. Member for Plateau North. No increases, however, have been included in the Estimates for this year except in very few instances, of which this is one. The case of the Senior Crown Counsel has been before Legislative Council on several occasions, at the instance of the Hon. Member for Nairobi South—who is at present on leave (Capt. H. E. Schwartz), and he made a strong recommendation that the pay of the Senior Crown Counsel should be increased. It was not agreed to for insertion in the last Estimates. The question was brought before the Select Committee inquiring into the Terms of Service and Salaries appointed by the Economic and Finance Committee. It was also considered by the sub-committee on Anomalies at the time we had to fill the posts of several Crown Counsel. It was found by the Secretary of State that we could not get the men we wanted unless we paid higher salaries, and this scale is one which was recommended to us and approved by the Secretary of State. I may say that the post has not yet been filled. The increase is not considerable, but in the opinion of the Secretary of State it was absolutely necessary in order to enable him to get the right type of men required. It is because of the recommendation of the Secretary of State that we have incorporated these salaries on a somewhat higher scale in the Estimates.

HON. CONWAY HARVEY: May we hark back for a little. I should like to know if the Government will take the necessary action to carry into effect the recommendation of the Select Committee on Estimates. They recommend that the word "examined" should be replaced by something

more in accordance with commercial accountancy and practice—that it should be replaced by something like "audited and found correct".

HIS EXCELLENCY: I am sorry—I cannot allow the hon. Gentleman to discuss an item which has been carried. I would remind him and all hon. Members of this Committee that it is one of the necessary gifts of a member of a Committee to be rather quicker than the Chair!

HON. CONWAY HARVEY: I bow to Your Excellency's ruling, but it is a little hard to keep your eye on six papers at one time!

HIS EXCELLENCY: In deference to the wishes of the hon. Member I will pause a little longer after each item has been read out.

H. 5 ZIV.—LEGAL DEPARTMENT.—Passed.

HEAD XV.—POLICE.

HON. J. E. CONY: I want to ask the Hon. Colonial Secretary a question. I refer to the motor lorries which are plying for hire between Nairobi and the adjoining townships, and in particular between Nairobi and Thika. I should think quite a number of the Members of this hon. House must use that road. I use it very seldom myself, but when I do use it and meet any of those lorries I very hurriedly get to the side of the road and wait for them to go past. I believe they are an absolute danger. I very frequently have noticed in the newspapers reports of accidents occurring on that road, and the sufferers are nearly always natives. I do not think the Police are exercising sufficient care in the way in which they are issuing these licences. I also think those lorries are doing a very great deal of damage to the roads I have referred to and other parts of the country. I do think the licences for the privilege of carrying passengers should be very sparingly given and that the licence should also be a very heavy one.

RT. HON. LORD DELAMERE: I think I entirely agree with the hon. Member who has just spoken with regard to the issuing of licences—the Police should take more care going to back him when he says that you should punish everyone—you cannot punish the innocent, with the guilty question of damage to the roads, however, is quite a different one. I do submit that the roads of this Colony now have

got to be built for heavy lorries as well as for other things. I do hope, however, that the Police will take steps to make the drivers more careful. If a man is convicted his licence should be endorsed, and on the second occasion taken away. The hon. Gentleman went with admirable celerity into the ditch, but the position of the old Kikuyu woman with a large load is different, and it is disgraceful that driving of that kind should be allowed.

HON. CONWAY HARVEY: May I ask Government when the reports of the Committee of this hon. Council on the subject of Stock and Produce Thefts will be laid on the table of this hon. Council? Statements were made repeatedly by the Police that they were unable to function adequately for the prevention of theft of stock owing to imperfections in the legislative machinery. We do think that a very early opportunity should be given to the Members of this hon. Council to discuss the details of this legislation and to make such suggestions for such improvements as may be necessary for the more effective discharge of police responsibilities in that connection.

POLICE DEPARTMENT.

HON. COLONIAL SECRETARY: With regard to the question of motor lorries the attention of the Commissioner of Police will be called to them by the publicity given to the matter to-day. With regard to Stock Thefts, that Report has now been received and will be laid on the table during this week or the beginning of next.

HON. LORD FRANCIS SCOTT: May we have an assurance that the proposals by the Commissioner of Police for the re-organisation of the Police, with special reference to the Northern Frontier will be dealt with as soon as possible?

RT. HON. LORD DELAMERE: With the greatest possible respect I seem to be disagreeing with all hon. Members on this side this morning! I do think that is an important thing and I do trust that a matter which is going to alter the whole Police organisation will not be hurried through as the hon. Member suggests.

HON. LORD FRANCIS SCOTT: I only hope the matter will not be allowed to drop because it is serious.

RT. HON. LORD DELAMERE: In that case, Your Excellency, I am in entire agreement with the hon. Member.

HON. COLONIAL SECRETARY: Your Excellency, a Committee has been appointed and the system has to be considered in outstations and we have also to see what the effect will be in the native reserves. I think it will be better to take the whole question as one.

HON. T. J. O'SHEA: Your Excellency, I also wish to draw attention to a matter which is causing considerable anxiety, I am referring to a recent murder trial. It is a very delicate matter to discuss, but I think it is only right to draw Government's attention to the point that a considerable number of people in this country are very much alarmed by the recent judgment in a murder trial and we are not satisfied at all that the activities of the Police in investigating that crime are such as to satisfy the people that the efficiency of the Police in such matters is all that is desired, in consequence of which there is an opinion abroad that the verdict is not what it might have been and is one causing great anxiety in this country. I have brought the matter up now on the spur of the moment as I cannot see when I can raise it again. At the moment I prefer to say nothing further except to draw Your Excellency's attention to the grave anxiety.

RT. HON. LORD DELAMERE: I should like to congratulate the hon. Member on the constraint he has used while speaking on such a subject.

HON. COLONIAL SECRETARY: Government will call for a report on the case and see the case investigated further.
Police Vote put and passed.

PRISON DEPARTMENT.

RT. HON. LORD DELAMERE: There is just one word I should like to say on this vote, Your Excellency. I think it was quite well understood by the Committee that steps would be taken by Government as soon as possible to go into the question as to how far these Detention Camps would enable Government to bring down expenditure in the outer districts and I understand some steps would be taken in regard to that. I just wanted to make the matter public.

HON. COLONIAL SECRETARY: The Interim Report has been received from the Commissioner of Prisons and deals only with the lock-up side of the question. From that Report it shows that one prison can be dispensed with, but I think Government will require further information in the

matter. It is necessary to inquire into the conditions of each station. The Commissioner of Police has been instructed to furnish that Report as soon as possible.

RT. HON. LORD DELAMERE: Where criminals are sentenced they should go into proper prisons, but where they are not convicted as criminals they should not go into prisons.

HON. SHAMS-UD-DEEN: Your Excellency, there is a great deal of dissatisfaction amongst the Indian community regarding the diet and clothing of the prisoners in this country. I do not wish to go into details, but I do hope in the near future the Government will be pleased to appoint a Committee to go into the question of the diet and clothing of Indian prisoners and consider such improvements as may be advised by such a Committee.

RT. HON. LORD DELAMERE: Your Excellency, I have nothing to say about the feeding of prisoners, but I would like to hear something from the Hon. Director of Medical and Sanitary Services. I have an idea that some inquiry was held some time ago.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, such inquiry as was possible was directed towards an attempt to find out the actual food value of native foodstuffs. It had no connection with the feeding of any other section of the community.

HON. SHAMS-UD-DEEN: Your Excellency, if an opportunity were given to the Indian representatives to represent their side of the case it would be very desirable. Food from the point of nutrition might be a very useful thing indeed, but I think the authorities should take into consideration the kind of food a prisoner had had during his life and the minimum of food to which the prisoner has been used. As regards clothing. The Portuguese prisoners in this Colony are treated on entirely different footing from what the British subjects who happen to be unfortunate enough to find themselves in prison and on these grounds I think it is a matter which should be gone into.

HON. COLONIAL SECRETARY: The matter will be investigated further by Government.

Prison Department Vote put and carried.

MEDICAL DEPARTMENT.

HON. W. MACLELLAN WILSON: Your Excellency, it is my very painful duty to suggest a reduction of Item I by £100. I do it, Your Excellency, to call attention to a condition of things which I think might be remedied. I am perfectly certain the Hon. Director of Medical and Sanitary Services will be assured that I am bringing it up from no personal motives whatsoever. The history of the Medical Services in this country, Your Excellency, is rather a vague sort of thing. The only medical service given originally was medical service for Civil Servants and the servants. That went on for a great many years. It was a very small service and it had a very small amount of work to do. Of recent years, and particularly since the war, it has been borne in upon the Government of this country and I am sure on the inhabitants and the settlers that medical attention should be given to the natives of this country. The thing was started some few years ago by a previous Medical Officer and he thought he solved the problem by utilising an organisation which is at present in existence in the country—the organisation of Missions—and he gave what was called subsidies to Missions. There came what was called the economic cut and these subsidies were discontinued. The work of the organisation of the Department therefore devolved upon the Hon. Director of Medical and Sanitary Services and he has had a very hard job and a very uphill fight and he has done the work, I must admit, remarkably well considering that it was a new work and a new scheme had to be evolved.

We have in these Estimates quite a large addition for medical services in this country, of which Your Excellency remarked this morning about two-thirds are going to native services. But when we are dealing with medical services amongst the natives we are dealing with an enormous job, and I do think that there should be a further reorganisation of this Department and this Department's work. The Department has got staff allotted to it, but even we must admit in spite of these additions the needs are almost enormous. If I may be permitted to say so, I think the Honourable Director of Medical and Sanitary Services would be the first to admit the impossibility of giving medical services to the natives of this country—three millions of them—and I am speaking about medical services as against the question of public health. The point I should like to raise was a reorganisation in his staff with the idea of working in co-operation with other organisations which are at present existent in the country. In saying this I am not neglectful of the fact that public health as public health must be and must remain purely and simply the function of the Government. But as apart from public health,

there is a certain amount of medical attention. Your Excellency this morning in your speech made a reference to which I am sure all settlers will be grateful, of the amount of work done by settlers medically for natives. Your Excellency did not mention that it was to these natives only that the settlers gave medical attention, but to those natives also who came to settlers from the reserves. That is the principle, and the only principle that I can see we can work upon to get any sort of decent medical services in this country, to do something which is going to make a difference to the health of the natives in this country. There are in this country, spread over the country, various missions. I happen to have been in touch with missions for many years from the opening of the country in 1895. I have seen their work. I remember the days when natives would not come to missions for medical attention. You have to gain the confidence of the natives, and I would remark that the the Honourable Director of Medical and Sanitary Services in Committee the other day admitted that point, that they must gain the confidence of the natives. To this extent I notice in his revised budget he has got double the amount of medical officers to medical officers of health, because first he must begin treating the natives of the country before he can begin putting sanitation services upon them which they will accept. These missions to which I have referred have done until recent years practically the sole medical work which was done amongst the natives of this country, and my contention is to-day that the Honourable Member in charge of the Medical Department, if he would utilise the services of these missions would get much more work done and the same amount of money would go much further. I will not go into details on that point; I am perfectly certain that my Honourable Friend who represents the Missions will give figures to show that can be done, and it seems to me that is the only way we can attempt to touch the three million natives in this country. We have had the information given to us by the Honourable Director of Medical and Sanitary Services that he is commencing a new scheme. When I first heard of it I was not very favourably impressed by it, but I think it might work out a success. There is a place near Maseno and at Maseno I understand the Honourable Gentleman is going to station a medical officer of health to do certain work amongst the natives there. He will be attached to the mission and will be working in co-operation with the mission. I see the Honourable Member shakes his head; I understood him to say that though. I may be mistaken, but if that is not the way it is done, it should be done, that the Government Department responsible for the medical work of the country should utilise the services of the people who are in the country. To-day the Missions have got the confidence

of the natives, and are able to do medical work, and are actually doing public health work which the Government ought to be doing. One other point, and it is this. This country was a Protectorate; we were governed by a bureaucracy. We had a hard fight to make our voices heard in the old days. We made our voices heard, and to-day we are honoured, I think, with full confidence by Government in asking our assistance and advice in other ways for the better government of this country. To-day there is hardly a department in Government which is not utilising the services of the settlers in this country, one way or another, for the better government of the country. The Game Department do it; the Veterinary, the Post Office, the Public Works, and even the Administration are using them, and especially would I mention Education. We have a report on Education laid before us which is a masterpiece of wisdom—a Committee specially appointed to go into this question of the best way to carry out education in this country. That Committee has suggested the close co-operation between Government and the organisations in the country, so that they shall work as one and with one mind. That, Your Excellency, is what I would ask for the Medical Department. I would suggest that a Committee might be formed to go into this question just as was done in the educational work.

HON. J. W. ARTHUR: Your Excellency, I am in some difficulty, as though I agree with what the Honourable Member has said, yet I am against the principle of cutting wages, so I cannot favour the course proposed by him, and I do not know how I can put forward what I want to say. I want to move an amendment—

HIS EXCELLENCY: There is an amendment before the House already.

HON. J. E. CONEY: Your Excellency, I am very sorry the Honourable Member has raised this matter. I think it should not have been raised except to have made an increase in Item 1 of this vote. The Honourable Member has suggested that this Department wants reorganising, but I do suggest that there is no vote in the Budget that has been more carefully considered than the Medical Vote. Through the co-operation of Government with the Unofficial Members, it went first before the Economic Committee, and they at least are pledged to the staff expenditure that there is in this item. It has been considered very carefully by yourself, Sir, and has been considered by the Committee which sat on the Estimates. This is an old question which comes up here every year. The Honourable Gentleman thinks that the work done by the

Medical Department can be better done by the Missions. I and other Unofficial Members disagree with that entirely. I do not know whether the Honourable Member thinks this vote is one penny too much? Your Excellency has foreshadowed it will be increased in future years; the Honourable Member quoted from your speech this morning. May I just make from memory another quotation? I refer to what is being done by the settlers for the labour in this country. It is perfectly true it is a legal obligation upon employers of labour to give medical attention to their labour, but I think they do, as far as they are able, give more than they are legally bound to give. You ask the European population to go on with that, and reminded them that Government could not do everything at once, and I think that should be said to the Missions. We realise what the Missions have done and are doing for the native population of this country, and the Government must realise that too, and I am sure we are all deeply grateful to the Missions. If there can be co-operation in the Medical Department; I know the Honourable Director of Medical and Sanitary Services is very anxious to co-operate with the Missions, and I do suggest that the Missions should be asked to do everything they can to relieve the Government as far as they could—because Government cannot do everything at once. The Honourable Gentleman referred to the grants-in-aid to Education. I am glad that he thinks that the Report which that Committee submitted was a good one, and he asked that the same system should be extended to the Medical Department. I suggest the Honourable Director of Medical and Sanitary Services has only just got, when this vote is passed, the money for doing what is required. It is not the reorganisation of this Department as stated. If in a year it is found there are ways in which the Medical Department can co-operate with Missions I am sure the Honourable Director will make suggestions to Government. In regard to Public Health, the Honourable Member suggests the Missions are doing Public Health work. Public Health is the duty of Government, and no matter who takes it on or helps Government in it, it must always remain the duty of Government, and the vast proportion of increases in this vote are for the public health of natives.

HIS EXCELLENCY: Does the Honourable Member for Kyambu wish to press his amendment?

HON. W. MACLELLAN WILSON: There may be other Honourable Members, Your Excellency, who may wish to speak on the subject.

HIS EXCELLENCY: I ask the Honourable Member because the Honourable Rev. Dr. Arthur has an amendment to make, and I think it will be easier for the Honourable Member to withdraw his amendment.

HON. W. MACLELLAN WILSON: It is my full intention to withdraw it, but I do want to say something in reply.

RT. HON. LORD DELAMERE: Your Excellency, there was one point the Honourable Gentleman made in his speech. He said the cutting down of these grants to Missions is on account of the economic cut. That is not so. It was because the policy of Government was altered and these works were taken over by the Medical Department. That was the chief reason. The Honourable Mover gave us to understand that if you want to do public health work you have got to do ordinary medical work in order to bring the natives up to doing it. If you adjust public health is the duty of Government, Government has got to do a great amount of ordinary medical work in order to attract the natives and deal with the situation. I am sure that every Honourable Member on this side will agree that when the Department is reorganised with sufficient people to do the detailed work that the first person who will admit that use can be made of certain private organisations, such as Missions, in this country will be the Honourable Gentleman in charge of the Medical Department. I understand from the Honourable Mover of this amendment that the Honourable Director of Medical and Sanitary Services has already taken steps at Maseno to get into touch with the Mission there. I understand the advice of Dr. Cook, who has great experience of child welfare and women—the betterment of the position of women from the medical point of view—has been given, and is receiving very sympathetic consideration, and I feel myself that the question of women and children is better dealt with by Missions than by any other organisation. I am sorry that this matter was brought up in this way, because I do not know how anybody can ask that the Department be reorganised when a start is being made to get these services going.

HIS EXCELLENCY: May I make a suggestion? It is extremely inconvenient to discuss an amendment which the Honourable Member does not mean to press. If he will consent to withdraw his amendment he can speak on that amendment and exercise his right to comment on the same one. It will clear the discussion of the Council.

HON. W. MACLELLAN WILSON: That will suit my purpose, Your Excellency.

HON. J. W. ARTHUR: Your Excellency, I beg to move the following amendment:—

“That the vote for medical grants to Missions be increased to £5,000 and that the allocation of these grants be prepared on some similar basis to that recommended by the Grants-in-Aid Committee on Education.”

Your Excellency, I desire to bring this motion forward because of the fact that though this matter was very fully discussed in the Select Committee, the matters discussed in that Committee and the decisions come to are not reported, and therefore you yourself, Sir, have not had the opportunity of following what was said, nor has the public in general, and I think from the point of view of the matter being brought to the notice of the public that this matter should be reported fully in Council. With regard to the notices made on pages 10 and 11 of the Report of the Select Committee. I was not aware that Item 122 as outlined giving details of the £1,000 was exactly as given us now. My impression was that the first three items were in connection with Maseno only. If it is not so, and this is the correct form of distribution, then I am glad. With regard to the statement on page 11:—

“After hearing the information provided by him and by Dr. Arthur on the medical staff and work of the Missions, the Committee concur with the opinion of the Director of Medical and Sanitary Services that the sum provided in this item should not at present be increased, but that every effort should be made to incorporate the mission medical services in the scheme for medical aid in the native reserves, and that where possible Government and Mission medical work should be co-ordinated.”

I think it is only right to say that the findings of that Committee were unanimous in this respect, that there was the general sympathy of the Government Members and the Elected Members on this side that they did not desire that the Missions should in any way suffer or that their system of medical treatment should not come into the Government scheme. The only reason was that there were no funds this year. I would like to take one instance of what happens: There was a period of three years during which the Tumutumu hospital was assisted by Government. Before that time, in 1910, there were 837 in-patients treated. In 1920, there were 2,300; in 1921, 2,234; in 1922, 1,608; and when the grant was dropped in 1923, the number came down to 1,083. In regard to out-patients: In 1919 there were 29,000; in 1920, 75,000; in 1921, 115,000; in 1922, 75,000; and when the Government grant was dropped came down to 31,000. My

argument is there. With very little assistance from Government the Missions were enabled to do an enormous amount of additional work for the natives. Last year we had to drop several dispensaries at Tumutumu simply because we could not carry on. In regard to that I think I have given figures showing that with a little additional expenditure the amount of work done can be greatly increased. A great deal has been said of the amount being spent on public health as against medical services—that, is curative treatment. It has been stated all along by the Honourable Director of Medical and Sanitary Services that the Government is responsible for the public health side, and his programme was largely on that basis, but I would point out the increase for the service in this work was £16,000, but the increase on the medical side was £14,000. I do not think the argument for sanitary services alone is proved by the figures given to us. The Government realise that the medical side is as equally important as the sanitary side. The fact is also proved by Your Excellency's own figures, when you stated that the labour supply is bound to increase to 500,000. It will not increase because of the public health side only, but also because of the curative side, and for that reason I say I think it is important this matter should be considered now, and that a definite policy should be laid down. It is very unsatisfactory for the Missions to be in a state where they do not know where they are in regard to finance. For three years we had Government support, and suddenly that support was withdrawn. I cannot agree with the Right Honourable Member for the Rift Valley who said it was not an account of the economic cut. If that was not the case, Government ought to have stated the reason why the Mission subsidies were being dropped. The Right Honourable Member has referred to the services of Dr. Cook at Maseno. I would point out that in connection with the Missions it is the object of the Missions to get the best possible men for their work. I would point out in connection with this money I have asked for, that at the moment there are seven doctors and seven nurses in the five hospitals I am talking of, and I feel very strongly that the services of these men and women who have given their lives to this work should be utilised to their fullest and greatest extent. I think that they are not being so used just now. I shall give one small reason. Take Kikuyu. When this cut came we had to drop practically every one of the trained medical assistants. We had to keep our white staff which had been obtained. We had to do away with some trained staff, with the result that a greater burden has been put on the doctors and nurses. The doctors and nurses ought to be able to be set aside to do the work in a supervisory capacity, so that the women under their charge will do their work properly. Their

work is wasted when they have got to undertake work themselves which should be done by trained staffs of boys and girls, and I think the reference to Dr. Cook is that at Kikuyu as a result of the grant given this year there will be stationed a medical officer in addition to myself who is an experienced man. There is at Tumutumu a young doctor just out of his College career and full of energy. There is an experienced man at Maseno who has had experience of many sides of the work, and there is also an experienced man at Githumu. I think it is a pity when these men and nurses are there and the opportunity of doing their best is denied them because of the want of a small increase in the amount given by Government; their energies and the amount of work they can do will be undoubtedly lessened. It will be a great thing if this matter can be settled once and for all this year. There seems to be no principle behind this matter as to how this grant has to be spent. The distribution of the grant this year to my mind has been given on no basis whatever, if these figures are true. Tumutumu is doing an enormous amount of work to what Maseno is doing, and to give a grant to Tumutumu of £250 and Maseno £450 is out of all proportion, and I have suggested in my motion a definite basis on which these grants should be given. My own motion is worked out on the lines of the grants-in-aid to Education, and the amount I have given to thoroughly equip and enable these hospitals to get going this year on an increased scale with the resultant benefits to the country is based on that Grants-in-Aid Committee's Report, and some similar report should be made the basis on which these grants are given, and I further suggest that in the allocation of these grants there should be a committee of medical men of Government, of missionary doctors, and private practitioners, and I am quite sure that will appeal to the Honourable Director of Medical and Sanitary Services in his consideration of this great problem he is faced with, for after all this is a work required to be done by the whole country, and it needs the best brains if can get, and if you leave out the Missions and private practitioners of this country I do not think you are bringing to the Colony the brain-power required for the solution of these problems. Further, I think there is some co-ordination necessary between the Medical and the Education Departments, and I think that something should be done in the way of the formation of a definitely recognised Committee which would advise Government on these matters.

HON. E. M. V. KENNELLY: I wish to second this amendment. In the interests of efficiency and economy, I think it is essential that the existing organisation should be utilised. We are building up at the moment a magnificent organisation.

We have no doubt of that; but we have at present existing organisations and it is more economical to utilise such facilities as already exist—and economy is the dominating factor in this matter, as well as efficiency. Economy has been insisted on tremendously in the matter, and I suggest that the country would be saved tens of thousands of pounds—not only in money but in welfare work for the native population—if the present organisations were utilised. I do not think, Your Excellency, that we are concerned with Missions as Missions—we are only concerned with them in their capacity as providers of medical facilities. There are very few professional men to-day who will not sell their services in the best market for what they will fetch, whereas the medical missionaries do not do so; they accept infinitely less than their market worth. Since we can get medical men at a smaller salary through the Missions—men with greater qualifications and men who come in closer personal touch with the natives—why not make use of the services of such men? I think, Your Excellency, in the interests of economy and efficiency an excellent case has been made out.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, the scheme for the increase and proposed reorganisation of the Medical Department was put up with the object of providing a skeleton organisation for the country. It was largely put forward with the idea of providing some form for the beginnings of a medical organisation in such parts of the country where such does not exist at the moment at all.

The existing organisation, to which the last Honourable Member who spoke referred, is carrying on, as it has always carried on, very good work in parts of the country, and they provide an organisation there. There are other parts of the country, however, such as Lumbwa, Kerio Province, and so on where there is nothing at all, and this is the beginning of a scheme for such parts. When this scheme comes into full operation, it will not by any means be what you might call a full and complete organisation.

We have heard the Honourable Dr. Arthur talk about the burdens put on the doctors and nurses in the non-Government organisations, and pointing out that they are engaged largely in routine work, and that there is a great waste of energy. The burdens are no less where the Government organisation is concerned, and the waste of energy which goes on now in these large reserves where you have one man in charge of an enormous district with very nearly half a million population to look after is perfectly colossal. He is called out over the whole of his district when there is a plague. He has

a large hospital to supervise, and he has also all kinds of activities in the way of seeing that the trading centres are kept clean. Well, I cannot imagine any better example of waste of energy than when a man has to be in charge of a district and is expected to do work like that. He cannot possibly do it; it is bound anybody to do it.

The Honourable Dr. Arthur, I think, also rather comes down on the statement which I have several times made, that this is put forward largely with the idea of public health, and he points out that there is a larger number of medical officers who will be required to be employed under this scheme than there will be medical officers of health coming forward. I would like to point out that the increase of medical officers which is asked for is as 20 to 45, while the increase in medical officers of health is 20 to 4, exactly 500 per cent., and I think therefore that the contention that what has been said about public health not being true falls to the ground.

It has not been actually said, but I think it has been hinted that the Medical Department does not co-operate with the non-Government organisations. I think that is not true. I could give instances that were mentioned in Committee. I do not know whether very much will be served by repeating them again here, but perhaps it would be just as well to repeat them. Reference has been made to a scheme of co-operation with the Maseno Mission. The Government has entirely cleared out of one area where there is a Mission; it has shut down its hospital, and it has gone away, and it has paid the Mission to get on with the work there.

I may say that the Government was considering this question of waste of energy, and it was thought that where in a district there were two medical centres, seeing that medical officers are so scarce, it would be better to shut down, and they paid the Mission medical man to do the extra work.

Education was referred to. I would say that I summoned a meeting with the various Mission doctors, at which we discussed the matter, and drew up a syllabus to be followed in Government institutions and non-Government institutions for the education of dressers. I think, Your Excellency, even this will go to show that we are not wholly oblivious to the existence of non-Government organisations.

In its present form this scheme is just the beginning of things only; we are getting our organisation started, and until we can sit down and think—at the present time there is not one of us has five minutes to sit down and think; we are doing routine work, and we are up to our eyes in it—we cannot put forward a scheme more clearly nor more fully than this. It is

only the beginning. If this vote is going to mean a reduction in the Government scheme, then I think it is a thousand pities. I do suggest that it may be a case of robbing Peter to pay Paul if we are going to be cut down in one direction in order to give another section of the population more than they already have. I have no hostility towards any of the organisations that are carrying out medical work, and I do realise that we have got to co-operate. I contend that we are co-operating at the present time as far as we can co-operate, but we cannot go on until we get more time and more staff.

I do not want to traverse the numbers that have been given by the Honourable Dr. Arthur, but I would suggest that possibly there is another explanation of the drop in numbers, and that is that the existing Government organisation began to realise that they were not doing the work that they should have been doing, and have since been doing in the reserves.

The suggestion was that the Missions possibly are doing the work and the Government is not doing anything.

Reference was also made to the way in which the payment of the grant to the Maseno Mission is being made.

Your Excellency, I admit that this is being paid in monthly instalments at the rate of £450 a year, but the reason for its being paid in monthly instalments is because the Mission has very largely been unable to maintain its doctor, so this year the work has been, to a large extent, carried out by a Government medical officer. That is the reason for it. There is no ulterior motive in the payments being made in that way. I do trust that any increase in this vote will not result in spoiling the scheme that has been put up, and I do trust that it will not lead to the natives in one part of the country receiving more medical attention than they are already getting, and that the natives in other parts, who are getting no medical attention at all, will continue to get none.

HON. M. A. DESAI: I consider it my duty to support the Honourable Director of Medical and Sanitary Services, and oppose the amendment of the Honourable Dr. Arthur. I would like to see that hospitals are run by the State, and grants-in-aid given to Missions where the Government cannot put up their own organisations.

RT. HON. LORD DELAMERE: I would like to say one word, and that is, I did not understand Dr. Arthur to say that there was any ulterior motive in these allocations; I think he said there was no motive. I am going to vote against this amendment simply because we thought it over very carefully in committee and we voted against it because we thought that the

Medical Department was not at present in a state to think the thing out properly, and to recommend grants in such a way that the country would necessarily get the best advantage from it. I have the greatest sympathy with the amendment, and I hope that next year, or perhaps sooner, steps may be taken to find out how far the medical organisation can take advantage of the Missionary doctors and nurses in this matter.

HON. SHAMS-UD-DEEN: I am afraid that I find myself at variance with my Honourable Friend, Mr. Desai, who has just opposed the amendment, but my experience has been throughout that it is the soundest policy always for the Medical Department to co-operate with the missionaries. I have mentioned once before in this Honourable House that the natives of the country go to the missionary people with entirely different views. The native looks upon a medical officer in the reserve as a representative of the Government, and thus also representing a certain amount of authority; whereas he looks upon the missionaries as his friends and he expects them to look after his soul as well as his body. My personal experience is that the natives really go to the missionaries with greater confidence and a greater sense of love in their minds than when they go to the Government medical officers.

The Honourable Director of Medical and Sanitary Services has told us that he has not got the reorganisation of the Medical Department into full operation. He simply wants us to wait. Why should we wait where there are other channels at our disposal, when there are other people who are quite prepared to co-ordinate and co-operate with the Medical Department, and I think that the policy as formulated is simply one of—to use a local phrase—"bado kidogo," and I certainly see no justification for it.

HON. W. MACLELLAN WILSON: Your Excellency, I have been placed in rather a difficult position. First of all, I should like to deal perhaps with a few remarks which have been made by various speakers beforehand. The Honourable Member for Plateau North made mention of some fact—that we have been pledged to this expenditure. Now, I have been pledged to no expenditure. I have not been approached in any committee, neither have I been approached personally with reference to any medical expenditure whatsoever for the year 1926. Therefore, I am not pledged, and what I have been doing is perfectly open and above-board, and I think I have a right to do it. I have not said that the work would be better done by missions. What I did say was that the work being done by missions was not thoroughly and properly and fully utilised by the Government, and I still maintain that point.

I did not say, although my Honourable Friend the Member for Plateau North suggested it, that I did think they were doing too much through the Medical Department. I do not think we are doing too much through the Medical Department. I have the greatest sympathy, Your Excellency, with the position in which the Honourable Director of Medical and Sanitary Services finds himself; I know for a fact that he has not known which way to turn.

He has not known how to undertake a tenth part of the work that lies before him, and that is the whole of my charge. Why should he not call in and utilise the services of others who are equally efficient, equally expert, and have had many years—perhaps along these lines—of experience, and who can assist him with their advice?

I said distinctly that public health is the duty of Government. I thought I had made it perfectly clear.

I will not deal with the Right Honourable Member's reference to an economic cut, because that point has been fully dealt with by the Honourable Dr. Arthur. I have seen it myself in black and white that the deletion of the grant to medical missions was due to the fact that they had to make an economic cut in that department.

The Honourable Dr. Arthur suggests a committee of medical men—representatives of Government, missions, and private practitioners. Well, I can tell you that had I been asked to suggest a committee I would have added the names of some ordinary honest business men along with those before-mentioned. (Laughter.) If there is anything I am afraid of it is a committee of experts—(laughter)—and I hope that the Honourable Member representing the Native Interests in this Honourable House will reconsider that matter and get some ordinary commonsense men on the committee. We did not have highly-educated or technical men on the Education Committee, but we turned out a good report—I was not on it. (Laughter.)

I will now deal with the last point which has been raised by the Honourable Director of Medical and Sanitary Services, and I know it is true. He says that he has not had time properly to consider the whole thing. He has not, I know, and he has to be here to put up suggestions in connection with these Estimates for various things. I will not go too much into details, although I am reminded of the fact that the Medical Estimates have had to be practically re-drafted, which all goes to show how great this work is going to be which has to be done by the Medical Department, and that is why I support the suggestion for a committee. I do think that we should get this question dealt with right away by a committee.

HON. COLONIAL SECRETARY: Your Excellency, I very strongly supported last year the proposal that there should be a sum of £1,000 included for medical grants to missions, and I find myself in agreement with a good deal of what the Honourable Dr. Arthur said, and with the last proposal made by the Honourable Member for Kikuyu, because I feel that in putting this motion before Council in the way it has been put Government cannot possibly accept it, and I also feel that the £1,000 included last year for missions was not as fully worked out perhaps as it is now possible to do it. Conditions are different from what they were last year. We now have proposals put before Government for a very full programme of work in the Native Reserves. There is a new scheme which involves the employment of a very large number of doctors who are to be brought out here, and who will work in the Reserves. This Colony owes an enormous debt to the missions for the work that they have done in this connection. Government is thoroughly sympathetic towards giving assistance to missions. The difficulty is what form that assistance should take. As the Honourable Dr. Arthur points out, Government did give grants at one time. Those grants ceased, and there has been considerable discussion as to the possibility of renewing those grants and giving the missions financial aid in the work which is being done in the Reserves, but it is necessary now to work on similar lines to those at Maseno, by employing a missionary doctor or a medical missionary as an officer in charge of a hospital or as an officer who could be brought into the scheme for Government work in the Reserves, and I would suggest for consideration that the Honourable Director of Medical and Sanitary Services in putting up his proposals for dealing with medical work in the Reserves in which a mission is already established—in which there is a medical mission doing work—should put forward proposals which will bring those missions into his scheme. I am sure that by doing so it would not only mean a saving in doctors, but it would also mean a saving possibly in dispensers and other assistants, and I am confident that the Government would accept this proposal; but to give grants at this time, to increase this sum of £5,000 for distribution, as suggested by the Honourable Dr. Arthur, does not meet the case.

I would therefore ask the Honourable Dr. Arthur not to press this motion, but to be assured—I say this on behalf of Government—that we are absolutely in sympathy with medical mission work. We believe that this work is of the greatest advantage to the natives in this country. We believe also that if that work is done in conjunction with Government, that it will be to the advantage not only of the Missions, but also to the advantage of Government, because you will bring in the

humanising element, and I am sure the Honourable Director of Medical and Sanitary Services will be the first to welcome such an ally in his work in the Native Reserves. But to give grants is to detach it, because we have not got a scheme. It is not like the Education scheme, because there we have a definite policy with regard to the schools and it all forms part of a regular system. What we have been asked to do to-day is to give grants where there is no actual scheme of grants-in-aid.

I admit, and I am sure Dr. Gilks will agree with me, that we should have the assistance of the Medical Missions in this matter, that we need their assistance, but I do not think that the best way of doing it is by giving additional grants, which is merely going to detach them. It should be brought in by a system of co-ordination, which is really what the Government and the Missions want.

HON. J. W. ARTHUR: In reply to the various speeches which have been made, there is only one thing that I want to say. It has reference to the remark of the Honourable Director of Medical and Sanitary Services in regard to the medical officers and nurses and others in the Medical Department. I would like to associate myself with what has been said about the work of these men and women in this country. I personally know of the work that has been done in the Native Reserves by these men and women, and I would not like it to go out to the world that I have said anything against their work.

In regard to my motion and the request of the Honourable Colonial Secretary not to press it, I am going to withdraw the motion, but I will give notice that I desire to move a motion later on some time that a committee be appointed to advise the Honourable Director of Medical and Sanitary Services on this matter.

I would further ask leave to withdraw the motion with the consent of my seconder.

HON. E. M. V. KENEALY: With the proviso that this committee will be appointed to deal with the matter and to advise the Honourable Director of Medical and Sanitary Services, I am prepared to give that permission, but not otherwise, because I think it is a matter which does need going into thoroughly.

HON. W. MACLELLAN WILSON: May I suggest that this is a double-barrelled motion; that the Honourable Mover might take off one barrel and leave the other? I do not think anyone can have any real objection to its being considered by a committee such as is suggested.

HIS EXCELLENCY: I am afraid I am unable to accept that suggestion because the first part is in favour of increasing the grant to £5,000, and the second deals with the allocation of the grant.

Does the Honourable Member who moved the amendment wish to press it?

HON. J. W. ARTHUR: I do not know. I am in an extremely difficult position; I do want this committee to go through. On the other hand, my seconder does not wish to withdraw without some sort of assurance that Government will appoint that committee.

HIS EXCELLENCY: Perhaps I may point out to the Honourable Member that the motion does not deal with the question of the appointment of a committee, and it is impossible to give an assurance with regard to something which is not dealt with in the motion. If the Honourable Gentleman will move his motion at another time that can be dealt with then.

HON. J. W. ARTHUR: With the consent of my seconder, I withdraw.

HIS EXCELLENCY: The amendment is, by leave, withdrawn.

HON. J. E. CONBY: I wish to move that Item No. 62 be reduced by £10 in order to draw attention and get an assurance from Government on one point. I understand that recently a circular has been issued to the Medical Staff altering the terms of service under which they are engaged. We have heard a great deal in this country about the difficulty of getting civil servants for this country, and I think it is so in some departments that it is found extremely difficult to get the men we want to come out to this country. This certainly applies to the Medical Department. They recognise that if they come out here they are subjected to a great deal of criticism, but they do not mind and can stand it. But under the terms of this circular I understand that any officer of the Medical Department can without his permission or without any questions be removed to the Sudan or some other place—Zanzibar or Nyasaland—anywhere in the East African Territories.

If the Secretary of State thinks that he is going to impose this kind of federation upon this country, I am quite certain he is making a very great mistake. I am quite sure he will not do so by those means, and I should like to ask an

assurance from Government that the circular will be withdrawn and that the Medical Department officers may know at once that it has been withdrawn.

There is one other point. In the same circular, or in another circular, is another provision, that under the terms of the appointment of a medical officer in this Colony he is allowed, with the permission of the Principal Medical Officer, to do private practice. If that is so, and he was appointed under those terms, then that privilege should not be withdrawn. I understand, however, that this privilege has been withdrawn.

RT. HON. LORD DELAMERE: I would like to support the Honourable Member, but I do not quite agree that this is going to lead to federation. (Hear, hear.) Of course, I do not think it is the thing to do, and I believe it is very much against the interests of this Colony. What the Honourable Member has said is very true—it is very difficult to get people to come here, where there is so much criticism in an open Council, and I think having got them they should be allowed to stop. Incidentally, I do not think that anybody is allowed to break an agreement of that sort unless there is a very strong reason which affects the Colony as a whole.

HON. SHAMS-UD-DEEN: As regards Item 31, I should like to commend, for the consideration of the Honourable Director of Medical and Sanitary Services, the question as to why dispensers and other posts are not made pensionable, whereas clerks and other junior subordinates, whose duties are not of a technical nature, are on the pensionable scheme.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: In reply to the second question first, I do not quite know the reasons why these officers have not been put on the pensionable staff. Possibly, as regards dispensers, it may be that they are seconded from another service in which they are pensionable, but compounders never have been pensionable, and I do not know why. There has been no difficulty in getting compounders.

As regards the point raised by the Honourable Member for Plateau North. It is true, Your Excellency, that new Regulations for the Medical Services were issued earlier in the year, and under those Regulations it did appear that people already in the Service were liable to be transferred to other countries, whether they wished to be so transferred or not. Government has been in communication with the Secretary of State on this point, and we hope that this may be altered, because it has certainly created a good deal of dissatisfaction among members of the Medical Service.

RT. HON. LORD DELAMERE: That only deals with the people already in the Service. It does seem to me greatly to the disadvantage of this Colony that if we are getting people who are suitable for this country that they should be under the impression that they might be moved off at any moment somewhere else. I do hope that Government will make representations to the Secretary of State in this connection. If a man chooses to come out here he should be allowed to remain here.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: The Medical Services of the East African Territories have been—I cannot say amalgamated—but a kind of amalgamation has taken place by which members are now recruited for what is called the East African Medical Service, instead of as hitherto for the Kenya Medical Service, or for Uganda.

HON. J. E. CONEY: It seems therefore that I was not so far away from the point when I used the word "federation"! If you have amalgamated this service, then I think the Secretary of State is doing something on which a definite assurance was given to this Honourable Council that no steps would be taken to federate without consulting Kenya Colony, and I do suggest that if you have amalgamated the services of this Department without this Colony knowing anything about it, and without the Medical Officers of the Department being consulted, an injury has been done to this particular Colony, because it is a pity, for the Government servant in this country has to be a different type of man, and I am quite sure in the Medical Department especially he has to study different problems to those of the Sudan, for instance. Your Excellency, I shall certainly press this point unless I get a better answer from Government and get an assurance that they will take some steps to see that the Secretary of State does not impose his will in this connection.

RT. HON. LORD DELAMERE: I would like to withdraw what I said about federation, as if it is clear that the Secretary of State has out of his own head done this amalgamation of Medical Services then I entirely agree with the Honourable Member—I think it is a breach of what was told us—that nothing would be done in this connection without consulting the House. It is very much against the interests of this country, and if these ill-judged methods are adopted it will have the opposite effect of what is expected.

HON. COLONIAL SECRETARY: The position is that there is a committee in the Colonial Office which deals with Medical and Sanitary Services and advises the different Colonies, and

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it was doubtless the advice of that committee and its advisers that there should be established an East African Medical Service which was to include Kenya, Tanganyika, and Uganda. Representations were made from here, and with regard to the rights and privileges of the existing Service the position is as stated by the Honourable Director of Medical and Sanitary Services; but as regards new appointments it is the case at present that officers who apply for appointments in England are told that they are allowed to choose between the three Territories, and that they may be liable to transfer between the Territories.

The representations which have now been made will, if Your Excellency approves, be forwarded to the Secretary of State with the comments of this Honourable Council thereon.

RT. HON. LORD DELAMERE: The Honourable Colonial Secretary said there was an Advisory Committee in the Colonial Office which deals with the Medical Services. I think there should be nobody to deal with the Medical Service of this Colony except the Legislative Council; if the Secretary of State wishes to alter that he has got to use the Government majority in this Honourable Council in order to get it done. I cannot imagine any other way of doing it.

HON. COLONIAL SECRETARY: The Noble Lord has perhaps gone further than I intended. The Committee referred to do not interfere with the Service—they are only an Advisory Committee, and I am sure the Honourable Director of Medical and Sanitary Services will be the first to acknowledge the assistance given by that Committee in so many ways as an advisory body.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: That is so.

HON. T. J. O'SHEA: Your Excellency, a rather serious point was raised by the Honourable Member for Plateau North. It appears to me the issue is whether civil servants in this country are employees of the Secretary of State or of this Government, and that is a very important issue. If they are the employees of the Secretary of State for the Colonies, then I do not see why we should be asked to vote their salaries. On the other hand, if they are the employees of this Government, they are paid by this country, and it is within the rights of this Council to dictate their terms of service. Certainly it is not within the rights of the Secretary of State to compel them to accept such terms of service as would permit of these men being removed from this service without

our permission. The events of this country during the past five or ten years have been such that Kenya is now looked upon as a refuge. The man coming to Kenya now looks forward to his term here in altogether a different spirit to which it is looked upon in Uganda. In Kenya a very large proportion of the civil servants are of long standing because Kenya offers much greater attractions than either Uganda, Tanganyika or Nyasaland. Therefore it is only fair to this country in its efforts to get the best possible medical men by such provisions as would lead good men to accept the conditions of service that the Secretary of State should not alter those conditions without our permission. I submit we should have a very definite ruling on this point, and if it be the case that the Secretary of State, on the advice of an advisory body in London, has completely altered the terms of service, I think it is a very grave matter indeed, and one we cannot overlook. For my part, I want an assurance from Your Excellency's Government that such is not the case, otherwise I cannot vote in favour of the passing of this vote.

HON. W. MACLELLAN WILSON: Your Excellency, I should like to say a word on this. I support what has been said already on this point. There is another point of view. In discussing these Estimates on medical expenditure it may have been thought that I may have been dealing hardly with the Honourable Director of Medical and Sanitary Services. I want to say that this puts him in an absolutely impossible position. If he is going to be the Head of the Department he has got to be the head and the boss, but if the Secretary of State for the Colonies has the right to call upon any of these men to go into a neighbouring territory, it takes power from the Honourable Director, and this is a point which cannot be too strongly emphasised.

HON. COLONIAL SECRETARY: Your Excellency, I think it is only fair to point out in regard to these recruitments to the medical services in Kenya that we have the advantage of an organisation at home which is in immediate touch with officers who want employment in the Colonies, that we do gain very largely by the help of this Committee on which there are men who are well acquainted with the conditions of this country and who have been of considerable help to us in solving our problems. They do many things for us, and are men who have come out here and know things for themselves and I do not think this Colony has any fault to find with the standard of men we have got. This particular condition is only an attempt to form an East African Service, which it is thought will be of help to the whole of Eastern Africa. We have made strong representations to the Secretary of State and we

pointed out that conditions in Kenya are different from Uganda and Tanganyika, but there are many cases undoubtedly where the transfer of officers in the different Colonies is an advantage. If one of these countries is studying a particular problem which may have reached a more advanced stage in Tanganyika or Uganda, it is of advantage to bring an officer from one of these countries here, and similarly to send a Kenya medical officer to Uganda or Tanganyika, where our medical service can usefully furnish an expert. I do not think it is fair to say that the Secretary of State is forcing on us a particular class of man under special forms and conditions. The case is that the Secretary of State has helped us, through his medical advisers at home, to recruit a class of men who are very useful in tropical countries, and who have expressed a desire for service in the tropics. I think in fairness to the authorities at home we should realise the very great help they have given us in the past.

HON. J. E. CONEY: Your Excellency, I do not know of any particularly able men at home who have such great experience of this country. The point I tried to make is that men having chosen a career in this country, and having decided to come to Kenya, would like to work for this country, and like to think they are making the country in which they are going to make their home. Under the new conditions they can be transferred to Uganda or elsewhere. I think it is a very important matter, but I am afraid I have not chosen the right time to bring it up in this Honourable Council. Unless I can get some better assurance from Government on this matter, I shall take an early opportunity of bringing it up by motion in this Council.

RT. HON. LORD DELAMERE: Your Excellency, I feel very strongly that this is a breach of privilege of this Council. I would have brought the matter up myself, and I would feel justified to ask Honourable Members on this side to vote against the vote altogether. I cannot see how this Advisory Board can help us. The point is although the Council votes the money for these things and passes them, yet we get a demand suddenly to say it has got to be altered. I do not think these things are understood at all. If the Secretary of State wishes to alter something he has got to write out an order for the Government of this country to use the official majority. I do not know of any other way he can alter these things. If the Honourable Gentleman is going to bring up a vote of censure against this sort of thing being done I will drop the matter for the moment. The Secretary of State seems to think he can write out something and it can be done; it has got to be done by the constitution of this Colony.

HON. J. E. CONEY: Your Excellency, to save time I would like to follow the advice of this Council and ask the other unofficial members to vote against the vote, and I am sure the Honourable Director of Medical and Sanitary Services will not misunderstand such action.

RT. HON. LORD DELAMERE: Your Excellency, I do not suppose for one moment it has anything to do with the Secretary of State. I am the first person to take off my hat to the people who have attained to such responsible posts. It has something to do with a creature in the lower ranks of the Colonial Office who takes a rubber stamp and puts somebody's name on it, and the man in charge who represents the Colonial Office in the House of Commons has not the remotest idea of it at all. It is the only explanation I can possibly give. I am perfectly certain Ministers in England understand the Constitution of this Colony perfectly well.

Medical Department Vote.—Passed.

Medical Extraordinary Vote.—Passed.

EDUCATION DEPARTMENT.

HON. E. M. KEENEALY: Your Excellency, I see no provision is made for schools in the Nyeri area. May I have an assurance from Government that such schools will be provided as soon as the necessity is justified, and we have the necessary figures to justify their necessity now.

HON. DIRECTOR OF EDUCATION: Your Excellency, that has been recommended in the Report of the Select Committee, and all figures have been sent to Government, and the matter is now under consideration by Government.

Education Vote.—Passed.

Education Extraordinary Vote.—Passed.

MILITARY.

HON. CONWAY HARVEY: Your Excellency, I should like to ask what is the position at the moment with regard to the Defence Force? I do not wish to worry the House by recapitulating all the instances leading up to this Honourable House unanimously passing a Defence Force Bill which was only passed at the emphatic request of every European in the country. The latest developments were, we were assured by the Honourable Colonial Secretary, that the present Government at home agreed to the measure as it stands, with one minor reservation. We shall be glad to know what that reservation is, and when we may expect the wishes of the people of the country to be carried into practice, and put into

effect by the local Government. We do not agree for one moment that the Colonial Office authorities—that august institution—has any right whatever to act in conflict in such a domestic matter as this against the definitely expressed views of the European inhabitants of Kenya.

HON. COLONIAL SECRETARY: Your Excellency, I may say on the last occasion on which this matter was brought up I informed the House a telegram had been received saying that the Bill had been received at home, and the despatch was on its way out here, and that the telegram stated that the Bill had been assented to. I did not say, however, that the alteration was a minor one. That despatch has not yet been received.

HON. J. E. CONEY: Your Excellency, I would like to ask whether Government will consider the creation of a Reserve of Officers for the King's African Rifles. I think it can be done without expense. I see notices in the Gazette that the Reserves are being called up for training now. I feel sure there are a number of late K.A.R. officers who would appreciate the privilege of training with these soldiers, and of serving with them in an emergency, and I do think the material might be made use of. Before the Honourable Officer Commanding Troops replies, there is another point I want to raise, and that is I do not know of another regiment or military organisation under the British Crown where officers have to serve without some allowance in the field. In this Colony there is no such allowance. If it is recognised in this Colony that when Administrative Officers and others travel they have some allowance paid to them for that. In this country I know that officers of the King's African Rifles recently serving in Jubaland were put to very considerable expense in messing, out of all proportion to the cost of living in this country. I have seen how they have to live, and although I have stated in this Council on other occasions that I think the high cost of living was exaggerated, it is certainly not exaggerated to the officers of the King's African Rifles. These officers had to carry practically everything in tins—milk, meat, etc.—and I know that is a very expensive mode of living, and I would like to ask the Honourable Officer Commanding Troops if he has considered that, and if he has put the matter up to Government, and if not, will he do so.

HON. OFFICER COMMANDING TROOPS: Your Excellency, as regards the Reserve of Officers, I think it would be a most excellent scheme. On the Mohamed Zubeir Expedition the Reserve was called up, and there was no Reserve of officers, but sanction was obtained to get whom we could. If we had

a Reserve of Officers who would work with the men and take an interest in the Corps and if they came up and spent a certain period of training with the Reserve, I am sure it would be most useful. As regards field allowance, I did once put up that field allowance at the rate of Sh. 4 4 day per officer and Sh. 2/6 a day for British non-commissioned officers should be allowed in addition to other accommodation. That is done in every part of the world that I have served in at various rates in accordance with the conditions prevailing. In this Colony there is no field allowance at all.

HON. E. M. V. KENNELLY: Your Excellency, under Item 147 the sum of £100 is set aside for the upkeep of the K.A.R. Shamba. This, Your Excellency will admit, raises an entirely new departure in the activities of the military authorities. In the past the military activities of our local forces were to put down any troubles and any risings, and to act in a military capacity, but now they have been transferred to far more pleasant activities such as the cultivation of olive branches at Isiolo. I do not think it is within their scope. It began in a very quiet way with utilising spare labour. It now embraces a new principle—or lack of principle: it embraces the principle of engaging new labour in competition with the settlers. I think it is generally admitted that the settlers' utilisation of the labour is generally more economic than utilisation of labour from the state point of view. It seems peculiar to me this money comes under the ordinary Military Vote and not under the Extraordinary Military Vote. I do not know how the military authority can reconcile itself with the position.

HON. OFFICER COMMANDING TROOPS: Your Excellency, the Shamba at Isiolo was started before I arrived here in 1924. At that time the labour used was drivers and boys resting their oxen when the convoys came in. It was found the labour was not sufficient in 1925, and £200 was asked for for casual labour. In 1925 we saved the Government £1,000 by growing maize. We ground that maize ourselves, and it was sold to nobody. In 1926, we have asked for £400 for labour, and expect to save the Government a great deal more this year. As regards soldiers doing this work instead of going where there is trouble, these soldiers happen to belong to the Transport Corps! There is a quartermaster-sergeant there, and an officer in charge at Isiolo, and conductors as they come in, and this year we expect to save the Government at the very least £1,000.

HON. T. J. O'SHEA: I beg to move a reduction of Item 1 by £100. I do so entirely for the purpose of reiterating my objection that it is excessive. It is entirely out of all proportion to the country, considering the peace and quietness of the

country. I am anxious my vote should be recorded against this military expenditure. For that reason, as a matter of form, I move the reduction of this item by £100.

HON. J. E. CONEY: Can the Honourable Colonial Secretary say if Government has considered these two points of Officers' Reserve and Field Allowance?

HON. COLONIAL SECRETARY: Your Excellency, I am authorised to say Government will consider both points.

Motion that Item 1 be reduced by £100 put and lost.

Military Vote put and passed.

MILITARY EXTRAORDINARY.

HON. E. M. V. KENEALY: Would it be possible, Your Excellency, to transfer that £400 from the ordinary Military Vote to Military Extraordinary? It is an extraordinary item.

HIS EXCELLENCY: I am afraid the Honourable Member is not in order; we have passed from Military Ordinary to Military Extraordinary.

Military Extraordinary Vote put and passed.

Post and Telegraphs Vote put and passed.

POST OFFICE EXTRAORDINARY.

HON. E. M. V. KENEALY: Your Excellency, does this item include the construction of a Post Office at Nanyuki—£150?

HON. POSTMASTER GENERAL: Your Excellency, the provision for building at Nanyuki has been approved in principle, and I take it provision of the building will be included in the Loan works.

Post Office Extraordinary Vote put and passed.

AGRICULTURAL DEPARTMENT.

HON. J. E. CONEY: Your Excellency, included in this item is the sum of £16,950 for Local Transport and Travelling. It seems to be a very, very large sum. This matter was raised in Committee, and I do not think all the Unofficial Members were satisfied with the explanations which were brought forward, and I would ask the Honourable Colonial Secretary if he will undertake that this matter will be enquired into.

HON. COLONIAL SECRETARY: Your Excellency, this matter was discussed at some considerable length in Committee, and I think the feeling was that this matter should be further considered. Government is taking up the matter, not only in respect of the Agricultural Department, but in respect of Travelling Allowances generally.

HON. DIRECTOR OF AGRICULTURE: Your Excellency, in connection with this vote, I beg to move an addition of a new item, following No. 31, to read "Contribution to the Amani Institute, £1,200"; and I would explain for the information of this Honourable House that, following on the recommendation of the East Africa Commission, the Secretary of State is taking steps for the re-establishment of the Amani Institute and yesterday there was received from the Secretary of State a communication giving particulars of his proposals, and expressing the hope that a contribution of £1,200 from this Colony would be made in the Draft Estimates for 1926. He explains further that financial assistance from the Imperial Treasury is not obtainable, but that arrangements will be made for the necessary capital expenditure to be provided out of the ten million loan when that loan is raised. The information furnished in the communication stated that Tanganyika Territory is being asked to contribute £4,000, Kenya £1,200, Uganda £1,200, Zanzibar £1,200, and Nyasaland and Northern Rhodesia £200 each, making a total of £8,000, the estimated recurrent expenditure for 1926. It is estimated further that there will be a capital expenditure of £6,000 in the same year, and with regard to the capital expenditure the Colonial Research Committee are expected to contribute £2,000, and, pending a statement in respect of the ten million loan, the balance of £4,000 is to be provisionally found by Tanganyika Territory. The proposals indicate the intention to appoint a Director of the Institute at a salary of £1,500 a year, and the Secretary of State expresses the hope his proposals will go through, so that his appointment can be made at an early date, and so that the new Director may make recommendations for the organisation of the Institute on a new basis.

RT. HON. LORD DELAMERE: Your Excellency, I beg to support the vote put forward by the Honourable Director of Agriculture. Although it is rather a difficult time, we have a slight surplus (on paper, Mr. Treasurer), and I do think we should give this particular matter a very serious trial. Its success entirely depends on how it is going to be run. If it is done in the right way, it is one of those things which will do more for East Africa than anything else. Our coffee people are very interested in a place of this sort, where you can carry out on a large scale experiments in almost every sort of

crop because Amani starts at coffee level and goes down to cotton level. I personally hope to see in East Africa an Agricultural Research Institute of that sort which will carry out the functions on agriculture in East Africa up to the same standard in which Veterinary Research has been carried out in South Africa. Africa is very forward in veterinary research and very backward in botanical and agricultural research, and I think Kenya is making a very small contribution at £1,200 if they are going to get a thing which is going to have this capital expenditure largely put up by the Imperial Government and the remainder by other countries. I beg formally to support it.

Question that the Vote be increased to £116,574 for the purpose of a contribution to the Amani Institute put and carried.

FOREST DEPARTMENT.

HON. W. C. MITCHELL: With regard to Item 15. Your Excellency, it will be within the memory of all Honourable Members that the Honourable General Manager of Railways mentioned when presenting his budget for next year that a very big percentage of his overhead charges came under fuel. I think I did mention or enquire to what extent the Forest Department was looking ahead with the object of providing fuel for the Railway Department. I should be glad to have an assurance from the officer in charge of the Forest Department that this point is being kept in mind, and particularly in view of the fact that new branch lines are being established and that the demand for fuel may alter from one centre to another.

HON. ACTING CONSERVATOR OF FORESTS: Your Excellency, I have not been advised by the Railway of their future requirements. I am having reports made as to the most suitable centres where they should be established. When the vote for next year is sanctioned there will be enough money to begin these centres.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I beg to move the addition of a sum of £270 in order to obtain the services of another Assistant Conservator of Forests for the last three months of the year. I accepted the principle in Select Committee that work in the Native Reserves should be paid for out of the revenues of native forests. I have not been able at the time at my disposal to go into the question thoroughly and get assurances that money will be forthcoming and if Council will allow me to have this money I give the assurance that the money will not be

spent unless it comes from native revenues, and if we get this man we will be able to make a start in 1927 on his recommendations. The items are:—

Salary	£
Local Allowance	100
Passage	20
Local Travelling	74
Travelling Allowance	56
	20
	£270

HIS EXCELLENCY: The question is that the vote of the Forest Department be increased to £31,571 for the purpose of appointing another Forestry Officer in the Native Reserves.

HON. T. J. O'SHEA: May I ask for an explanation of the passage—£74?

HIS EXCELLENCY: That is for coming out to Kenya.

HON. ACTING CHIEF NATIVE COMMISSIONER: He has got to come out. You cannot divide a passage over three years. The passage falls on the year the man comes out.

HON. T. J. O'SHEA: That is the point I wanted Your Excellency. For this particular class of work a very much better return would be obtained if a man with local experience were obtained.

HON. ACTING CHIEF NATIVE COMMISSIONER: The point is we want a man who has had training in the Forestry Schools at home, and one of the reasons for asking he should only come out for the last three months of the year is so that we can have best pick amongst the candidates who took the examination in July. I am perfectly prepared to get a junior man out and have get acquainted with the conditions.

HON. T. J. O'SHEA: Before any attempt is made to bring a junior man out from home, an effort should be made to obtain the services of a man locally, as it is just the class of work for a local man.

HON. COLONIAL SECRETARY: I do not think it is essential that the man should come out from home. It is quite possible the Forest Department will employ one of their own men, and they need this extra man to supplement their own staff.

HON. E. M. V. KENEALY: Your Excellency, in regard to reserves as applied to Railway fuel requirements. A portion of what was forest reserve in the Nyeri area has been taken from the Forest Department as useless for large timber and given over as a native reserve. In view of Railway requirements, I suggest such areas should be taken back for fuel purposes, and I trust the Honourable General Manager will support me in this.

HIS EXCELLENCY: The Honourable Member is not speaking to the amendment at the moment before the House. The question is that the vote of the Forest Department be increased to £31,571 for the purpose of appointing another Forestry Officer in the Native Reserves.

The question was put and carried.

HON. E. M. V. KENEALY: Your Excellency, in regard to that area of land which is most useful to the Railway Department, it should be re-incorporated in the Forest Reserve. I trust the Honourable General Manager will support me in this.

HON. ACTING CONSERVATOR OF FORESTS: May I ask the area which is referred to?

HON. E. M. V. KENEALY: It is an area which embraces the present suggested terminus of the Nyeri Railway. The natives have no claim whatever to it. It used to belong to the Forest Department. We do know the Railway Department requires timber and I hope they will assist this plea to have it re-incorporated in the Forest Reserve.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I cannot see the connection between this question and the Estimates. It is open to anybody to criticise these boundaries as published, and to put up recommendations. It has nothing to do with the Estimates.

HON. E. M. V. KENEALY: The connection does exist, Your Excellency. We were discussing reafforestation in regard to Railway requirements. The fuel is there and belongs to the Forest Department, and should be handed over to the Railway.

HIS EXCELLENCY: The Honourable Gentleman is perfectly in order in raising this question.

Forest Department Vote put and passed.

LAND DEPARTMENT.

A MEMBER: Your Excellency, before this vote is passed may I ask for an assurance from the Honourable Commissioner of Lands that the increase in staff provided for will obviate delays which have occurred during the last year or two in regard to the subdivision of land?

HON. J. E. CONEY: Your Excellency, may I ask one other question? The Honourable Commissioner of Lands will remember that in this Council last year he made a statement of policy with the approval of His Excellency the Governor. I would like to quote a part from his speech. Referring to some land in North Laikipia, he said: "I would like in this connection to mention the terms. . . for the scheme." That is a year ago. I know for a long time previous to that the matter had been under consideration, and I, who have not the slightest interest in the sheep industry and have no intention of applying for the land, approached Government in regard to this, and I had a definite assurance from Government the matter was going forward immediately. After the statement, which indicated the Government had now come to a decision—I cannot say Government with the Unofficial Members—we were told quite definitely the matter would only mean a few weeks before the scheme would be on the way, and I would like the Honourable Gentleman to tell me what has been given out, and what means were used to give these areas out. In the same debate, the Honourable Commissioner of Lands will remember I raised the question of the lands of this Colony which are being given out by public auction and I suggested to Government that they should take advice and appoint some Committee to advise Government in rating this land. The Government at that time, although they were not prepared to accept it at the moment, I was personally informed by the Governor that he would do so, and I would like to ask the Honourable Commissioner of Lands if that body is in existence, and I would like to ask the Honourable Treasurer to advise this Council whether it is right the assets of this Colony should be given away without reference to this Council. I cannot understand lands being parted with by a Department which is an asset to the whole Colony without a vote of this Council. I do not suggest every application should come before this Council, but I do suggest some advisory body should advise on these applications for land.

RT. HON. LORD DELAMERE: Your Excellency, there is one question I should like to ask and that is whether it would not be possible to leave somebody in the Land Office who can give a decision when the Honourable Commissioner of Lands is engaged on broader questions of policy and so on? With

regard to what has just been said, I personally have not made the slightest secret that the landlords have held up the land policy of the country for several years. The only time the land policy was got forward quickly was when the Land Office had a free hand in the ordinary way. If they give out land wrongly they ought to be indicted before this particular House or whatever the proper way is.

HON. CONWAY HARVEY: Your Excellency, may I add another question to the series of questions which the Honourable Commissioner of Lands will be asked to reply to? We should like to know what is the position at the moment with regard to a proposal to extend the areas for certain soldier settlement farms in the Laikipia areas which are alleged to be uneconomic units on the present acreage basis. A very large number of people are keenly interested in this question, and the public are very short of data in regard to the intentions of Government in connection with the adjustment of this very important matter.

One other question: What has been done by Government to give effect to a recommendation of the Land Tenure Commission two or three years ago that large areas of land which have hitherto been incorporated in the various Reserves—forest glades and such like, which can never be used for purposes of forestry—be taken out of the control of the Forest Department and cut up into farms, and made productive by the settlement of farmers and others?

HON. SHAMS-UD-DEEN: There is one question I would like to ask, and that is as to what sort of plan, if any, is likely to be made available for public use showing where the highlands and the lowlands begin, and *vice versa*.

HON. W. C. MITCHELL: In connection with Item No. 30, Over-embossing Machine, I shall be glad to know when we are going to have this in operation. I am quite convinced we are losing revenue on this. Money was voted last year for this purpose, and as far as I am aware it is at present not in operation.

HON. COMMISSIONER OF LANDS: I will reply in the reverse order, if I may, to the various questions.

The necessary papers for the over-embossing machine have just arrived. The necessary legislation has been drafted and agreed to, bringing Kenya and Uganda into uniformity in this respect. This, of course, has been one of our greatest difficulties, but uniformity has now been agreed to. We have

ordered the stuff both from India and England, and the moment it arrives, at the beginning of the year, I hope to see the beginning of the operations of the over-embossing machine.

With regard to forest reserves and the surveying of land, I would confess at once that I have not found it possible to get as much work done in conjunction the Forest Department during this year as I had hoped to get. We have, I think, however, finished a very important area, the area of Mount Elgon, and I think it should be possible for us to put up, in conjunction with the Conservator of Forests, the report to Government.

With regard to the other areas, this no doubt requires very close survey departmentally, and I will endeavour as far as I can during next year to see that this is done. We had to do rather intensive work last year, including all matters connected with the Native Reserves, which has kept us very busy.

With regard to Laikipia extensions, the Honourable Member for the Kake asks when a decision is going to be arrived at, and those decisions published. I think possibly the best way to put the reply to that would be that the decisions and data will depend on when our deliberations conclude here. As a matter of fact, as soon as Council finishes its sittings, I hope to go to Laikipia, and set to work.

With regard to the terms of the scheme, I am afraid I have not got that with me now, but I would suggest, should the Honourable Member so desire, that I furnish him with a copy, or else lay it on the table of the House.

The next point is I think as to decisions being come to in my office during the absence of the Chief. There again I must admit that during the last year, for special reasons connected with work in the Native Reserves particularly, probably my own absence from the office has delayed matters. I hope that this will be obviated next year, and in any case there is no question why any delay of that sort should again occur.

MR. HON. LORD DELAMERE: Question!

HON. COMMISSIONER OF LANDS: Now the whole point of this Land Tenure Commission in respect of the creation of the Land Board has been several times discussed in Council and has been discussed last year by public bodies and otherwise.

I should like to say at the outset that I have always been in favour of an Advisory Land Board, and in many instances, as it actually happens, before we do anything, we do consult certain local bodies as to this distribution of land.

I think probably the main trend of the argument of the Honourable Member for Plateau North was more or less that if there are further areas of land that can be made available for settlers in the Colony, and if they are not to be auctioned, then it is desirable that recommendations as to their disposal should be made by a Board. (Hear, hear.) Well, Your Excellency, I think the position is really this: We hope to have two auctions next year of farm lands, but I have very grave doubt indeed as to what further lands, after those auctions, will in fact be available. I think so far as I am concerned departmentally I can give an assurance to the Honourable Member that direct alienations will be out of the question, except in one instance only, and that instance is one of the Northern Land, which we hope will some day become available for large sheep operations.

I have not with me a copy of my speech last year, but I think the Honourable Member will find that I said there that Government will deal with such alienations, not necessarily by auction, but by some other method possibly which will involve a Board to advise Government as to distribution of land, so I think his case will be met.

With regard to the scheme, subject to that speech—in fact, almost the next day, or very soon afterwards—the Honourable Director of Agriculture, or rather his Deputy, and the Honourable Chief Native Commissioner and myself made an inspection of the area and wrote, signed and submitted to Government a joint unanimous report. The matter was one of very considerable importance, it involves a very large area of land and it involves certain native claims, and I think I may say, probably, quite possibly, it will have to be submitted to the Secretary of State. I am not aware at the moment as to how far the matter has got. The scheme itself, as a scheme, is ready, and I think they are only waiting for the decision of the Secretary of State, to know where we are in this regard.

I think the next point is the question of additional staff which is badly needed in the Department. I think I can give my assurance that if the additional staff asked for is engaged then the work will be done efficiently, and there will be no further delays. If there are further delays—and there certainly have been delays in the past due to shortage of staff—it will be because either I have underestimated requirements or it will be due to unanticipated pressure of work.

I think the last point is the question of a public plan showing the highlands and the lowlands of the country. As it happens we have no such plan, but we can of course produce a contour plan on a certain scale. I am afraid the topographical branch of the office disappeared some years ago and since its disappearance of course there has been no work of that kind done. A really good topographical map of the Colony in every way would be a most useful thing, but of course the recalculation of the work would cost a great deal of money. Of course, at the present moment we can only deal with things piecemeal and any questions will have to be dealt with as they come in one by one.

HON. CONWAY HARVEY: There is one further point. I think that the land transactions will be greatly accelerated if Government would seriously consider the amendment of the Crown Lands Ordinance, 1915, in order to give the Honourable Commissioner of Lands power to assent to sub-divisions. At the present moment all these trifling sub-divisions of land must necessarily be approved by His Excellency the Governor in Council. That leads to endless delays, and upsets farmers because it adds very greatly to the cost of land transactions. I do submit that the Honourable Commissioner of Lands is sufficiently responsible to be entrusted with that sort of work. I do think there is a tendency these days to clog the Governor in Council with a good deal of detail work which can quite adequately be performed by heads of the various departments.

HON. COMMISSIONER OF LANDS: On a point of explanation, the position with regard to the passing of formal sub-divisions of course is a statutory one, and they have by statute—in fact, on the vote of a former Council—to be passed by the Governor in Council. I am not wishing to suggest in any way any opposition to an amendment of the statute, but that is the position at the moment.

I missed one small point in connection with the question of alienation of land. We have had in existence for a long time a proclamation which enables land at the Coast to be taken up without auction, but it, more or less, not been taken advantage of to any degree for a long time, and I think we shall have now to consider the position, or if not now, very soon.

HON. J. E. CONEY: I am really very disappointed with the statements made by the Honourable Commissioner of Lands to-day. He has not got a copy of his speech, and I have a copy in my hands. It was on the 17th September,

1924, that he made it. I will confine myself to North Laikipia. In this speech which I have before me the Commissioner of Lands said that the scheme was simply awaiting the sanction of the Secretary of State. The whole thing was complete, and he says here in the speech how he proposes to dispose of the land. The whole thing was simply waiting for the Secretary of State's approval. I would remind Honourable Members that the East African Parliamentary Commission visited this country and they looked into this very question of the disposal of this land. That is a long time ago, and the Honourable Commissioner of Lands was far more hopeful in September, 1924, than he is to-day—according to what he has said to-day. I would like to ask if the Honourable Commissioner of Lands can give any definite assurance on this matter. The Honourable Colonial Secretary did give an undertaking to me personally and other Unofficial Members who were with me at the time, that this matter would not be delayed at all, and His Excellency the late Governor went on to say in this Honourable House that he thought in three months' time the whole thing would be settled and a public announcement would be made when this land was available.

HON. COMMISSIONER OF LANDS : It is a difficult question which has been under review by the Secretary of State. I think perhaps it will not be improper for me to suggest that so soon as Your Excellency can spare the time, I might submit to Your Excellency's Government the whole question. We have not yet settled the Native Reserves, which are in a way bound up in this question—at least, we have only just done so—and for these reasons I think the Secretary of State is not giving a final decision. I think the matter should be again submitted to Your Excellency, and perhaps some decision will be obtained.

HON. COLONIAL SECRETARY : I am authorised to say that the matter will be looked into at once by Government.

HON. J. E. CONEY : Thank you.

Land Department Vote, Head XXIV.—Passed.

HEAD XXV.—MISCELLANEOUS SERVICES.

HON. R. W. B. ROBERTSON-EUSTACE : With reference to Item 34, may we be told if any information has been received from the Air Ministry or from the Company which applied for this grant?

HON. COLONIAL SECRETARY : We have had a despatch with regard to this matter, in which they state the Air Ministry said they were prepared to give facilities to Captain Gladstone, acting for the Blackburn Aerial Company, but we have heard nothing more from them.

HON. COLONIAL SECRETARY : I beg to move an addition to an item under this head. I will ask the Council to agree to an increase in the grant to the Natural History Society of East Africa of £150, seeing that we have a small surplus instead of a deficit. (Hear, hear.)

Motion put and carried.

Vote XXV, Miscellaneous Services.—Passed.

Head XXVI, Interest.—Passed.

Head XXVII, Public Works Department.—Passed.

Head XXVIII, Public Works Recurrent.—Passed.

HEAD XXIX.—PUBLIC WORKS EXTRAORDINARY.

HON. TREASURER : Under this head it becomes necessary to deal with the question of re-votes from 1925, that is to say, amounts which have been voted in 1925 and which it is clear cannot be spent within the year. It is necessary, if the Budget is to be a correct statement, that the proposed re-votes should be inserted in the 1926 Estimates. These amount to £17,065 according to the figures supplied by the Honourable Director of Public Works. £9,400 of this amount has been duly taken account of in a financial statement which I propose, with Your Excellency's permission, to place before this Honourable Council to-morrow when the Third Supplementary Estimates for 1925 come up for consideration. Of course, the insertion of this amount will turn the estimated surplus into a deficit, and it is suggested that that being the case it will be justifiable to follow the provisions of Colonial Regulation No. 246, which says that in the case of an excess a note should be put in to explain the manner in which it is to be met, and that the expenditure for the year should be made a charge on the revenue for the year and on other funds of the Colony. The present Appropriation Bill as worded makes that provision.

RT. HON. LORD DELAMERE : In order that this should be cleared up, it must be made perfectly clear that that money has not been written off—I mean in any of our calculations.

HON. TREASURER : That is so.

HIS EXCELLENCY: The question is that "Public Works Extraordinary" be increased from £44,610 to £61,675, in order to include sums voted but not expended this year.

Motion put and carried.

HON. ACTING CHIEF NATIVE COMMISSIONER: I beg to move that this item be increased by a further amount of £4,000 to provide for buildings at Wajeir in the Northern Frontier Province. No provision has as yet been made. There are several officers who are going to be stationed there, and it is extremely difficult to get rooms.

HON. COLONIAL SECRETARY: May I suggest that this matter be further considered because it has been brought before Government and the question has been raised with regard to the existing accommodation there occupied by the Military. I think an extra amount might be included in the Supplementary Estimates, but we have no details at present.

HON. OFFICER COMMANDING TROOPS: As regards the housing at Wajeir, I would like to say that there are two officers there living in a small room which they can just manage to crawl into. We have to get two more platoons down into Wajeir, and the housing problem is one of extreme urgency. The men are living in hovels at present.

Head XXIX. Public Works Extraordinary.—Passed.

HEAD XXX.—TRADE INFORMATION AND PUBLICITY BUREAU.

HON. J. E. CONEY: Before this vote is taken, I hope Government will make some announcement about this new department. I understand that a Committee has been appointed by the Secretary of State to advise the officer in charge as to the methods he should adopt in conducting this department. I wish to point out that is called "Trade Information and Publicity Bureau." I have been given some of the names of the suggested Advisory Committee. One of them I notice is the President or Vice-president of the Manchester Chamber of Commerce. The original idea in asking Government for the establishment of this office in London undoubtedly was to attract settlers. It is no use getting away from that fact; that is what we wanted, and it is not the slightest use have a trade office in London unless you do attract settlers. Trade will depend on the number of newcomers into this country and the production in the country which will result therefrom. If my information is correct—and I am sure the Honourable Colonial Secretary will put us wise on this point—the Committee and the members of

this Committee are not men who, in my humble opinion, could give any very useful advice from the point of view of the intending settler to Kenya. I do hope Government will make some announcement before this vote is taken.

RT. HON. LORD DELAMERE: Following on that, I would also like to get some explanation from Government. I understand that the Secretary of State, or at any rate the Colonial Office, has ruled that this office is not to encourage further settlement on the land in this Colony. I would like to know if this is true, and if it is, on what conceivable policy it is based, as we are entering into very large undertakings, and the only possible way we can pay for them is by population.

HON. T. J. O'SHEA: May I ask whether it would be possible for this Honourable Council to be supplied with copies of the minutes of meetings of the Advisory Board and its recommendations. We have to complain of our difficulties in this country if we want to be considered. It now seems to me that we shall have to go on complaining as the result of all the busy-bodies in London. The number of Advisory Committees sitting in London is so large that I have completely lost count of them; and I think in a very short time there will be very little for us to do here. I suggest that the only control we have as far as this country is concerned is in the collecting of minutes of meetings submitted to us.

HON. F. M. V. KENEANY: Will the appointment of this Committee actually reduce the amount of money received from land sales, because, if that is so, their policy is going to be a policy at variance with ours in this country.

HIS EXCELLENCY: I may say that the membership of this Committee is still under discussion. The Committee, so far as I know, has not yet been appointed, and is certainly not in a position to offer advice at the present moment. The views put forward by several Honourable Members are being represented to the Secretary of State at the present moment, and I know that this matter is still entirely under discussion.

I should also like to say that I have heard absolutely nothing of the instructions to the Committee, about which there has apparently been a rumour which has reached the ears of the Noble Lord. I have heard nothing of such instructions.

Head XXX, Trade Information and Publicity Bureau.—
Passed.

REVENUE.

Head I, Customs.—Passed.

Head II, Port, Harbour and Light Dues.—Passed.

HEAD III.—LICENCES, DUTIES, TAXES, ETC.

HON. M. A. DESAI: Your Excellency, I propose that the revenue be increased by £500, and that licences for arms and ammunition be issued to Indian traders.

HIS EXCELLENCY: The question is that the sum of £701,045 be increased to £701,645 by issuing licences to Indians for carrying firearms.

HON. TREASURER: I suggest that there is no real need for this, even if licences are issued to Indians.

HON. M. A. DESAI: I wish to press this, because no licences are issued to Indians; on the one hand there is loss of revenue, and on the other there is a hardship on the Indian community.

The question was put and lost.

Head II, Licences, Duties, Taxes, etc.—Passed.

HEAD IV.—FEES, MUNICIPAL REVENUE, AND PAYMENTS FOR SPECIFIC SERVICES.

HON. W. C. MITCHELL: If I may I should like to avail myself of this opportunity to refer to Item No. 2. I am not sure that the matter to which I want to refer should not have been brought up under the Estimates of Expenditure, but it is in connection with the recent Bankruptcy Act. The recent Bankruptcy Act provided for an official receiver who would be in charge of matters arising therefrom. This office means very heavy and responsible duties requiring expert knowledge in a particular branch of law, and I am not at all satisfied that without any special provision in the Department of the Registrar General that we shall be able to secure the revenue we should secure from the administration of that Bill, and that the purpose of this Bill for the cleansing of our bankruptcy generally will be secured. I should like an assurance that the staff that is provided for will give all the fees we can expect to get for the administration of that Act.

HON. ACTING ATTORNEY GENERAL: Your Excellency, before this Bill was passed and in anticipation of its early operation we did ask for such an officer, but it was felt that it would be advisable in the first instance to give the new

Ordinance a trial before we put any proposition before Government for an increase of staff. As soon as the Ordinance gets into proper working order and Mr. Keatinge finds that assistance will be necessary, Government will be approached at once.

HON. E. M. V. KENEALY: Item 4, it is possible to register an invention in this country and patent it; and, if so, is there an agreement with other countries by which our patent is permitted in those other countries—foreign and imperial?

HON. ACTING ATTORNEY GENERAL: A patent cannot be registered in this country. It has to be registered at home. That point will be discussed to-morrow, because there is a Patents Ordinance coming up for consideration.

HON. E. M. V. KENEALY: Will it be possible under the Bill for discussion to-morrow to do so?

HON. ATTORNEY GENERAL: The whole idea of the amendments which will come up is to bring the Imperial Legislation into line in all British Possessions.

HON. E. M. V. KENEALY: But there will be provision in this country for effecting that registration?

HON. ACTING ATTORNEY GENERAL: No; the law will be in exactly the same position in which it has been since 1913.

Head IV, Fees, Municipal Revenue and Payments for Specific Services.—Passed.

HEAD V.—REIMBURSEMENTS.

HON. TREASURER: Here it will be necessary to insert £370 as a reimbursement in connection with the item which was moved to-day by my Honourable Friend on my right, for providing additional assistance to the Conservator of Forests.

Question put and carried.

Head V, Reimbursements.—Passed.

Head VI, Posts and Telegraphs.—Passed.

Head VII, Earnings of Government Departments.—Passed.

Head VIII, Revenue from Government Property and Royalties.—Passed.

Head IX, Sale of Government Property.—Passed.

HEAD X.—MISCELLANEOUS RECEIPTS.

HON. W. C. MITCHELL: I would like to ask why the item of £250 shown under "Factory Sites" on page 22 is not included under rents of lands. Why the distinction?

HON. TREASURER: It means special rents paid by special agreement with the persons on these sites; I do not really think it matters very much under which head it goes. I do not mind in the least where it goes in, but I think this is a very convenient place for it.

Head X, Miscellaneous Receipts.—Passed.

Head XI, Interest.—Passed.

Head XII, Land Sales.—Passed.

HON. COLONIAL SECRETARY: The Appropriation Bill as amended by the Report of the Select Committee having now been through Committee, I beg to move that Council resume its sitting.

HON. TREASURER: I beg to second.

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

Motion put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that the Colonial Estimates for 1926 have been through a Committee of the whole Council, and reported to Council.

HON. COLONIAL SECRETARY: I beg to give notice that I will move the third reading and passing of the Appropriation Bill at a later stage of the Session.

*Council adjourned to 10 a.m. on Wednesday,
9th December, 1925.*

WEDNESDAY, 9th DECEMBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Wednesday, the 9th day of December, 1925, HIS EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

ABSENT.

The Honourable T. Fitzgerald.

The Honourable J. B. Pandya.

The Honourable R. S. Nehra.

The Honourable Hemed Mohamed bin Issa.

His Excellency the Governor opened the Council with prayer.

PAPERS LAID ON THE TABLE.

Schedule of Compensation granted for losses during the Masai Disturbances, 1922.

Minutes confirmed.

QUESTIONS.

HON. M. A. DESAI: I beg leave to put the first question standing in my name on the Order of the Day:—

"When does the Government propose to publish:—

(a) The correspondence showing the reason or reasons of the Masai trouble of 1922;

(b) Evidence recorded and findings given by the inquiring authorities as regards the claims of various traders for compensation?"

HON. COLONIAL SECRETARY: (a) The draft report of the Committee of Enquiry into the reasons of the Masai Disturbances in 1922 is being circulated to Members of the Committee for approval. The report has been delayed owing to the deaths of two members of the Committee and the absence of a third on leave.

(b) A return is being prepared showing the claimants for compensation and the amounts claimed and allowed, and will be tabled.

HON. M. A. DESAI : I beg leave to ask the second question standing in my name on the Order of the Day :—

" Will the Government please lay on the Council Table a list showing the names of the claimants of the Masai Reserve for compensation for damages; amounts of claims; amounts allowed and disallowed; claims rejected and reasons for allowing, disallowing and rejection in each case."

HON. COLONIAL SECRETARY : A return is being laid on the table showing the names of claimants and amounts allowed and disallowed in each case.

HON. M. A. DESAI : I beg leave to ask the third question standing in my name on the Order of the Day :—

" (a) How many applications for possessing revolvers and how many for possessing rifles were refused by the Police authorities and administrative officers in Kenya during the last ten years?

(b) Of what nationalities were the applicants so refused, and more particularly how many Europeans and how many Indians or Asians were so refused, and reasons for such refusal? "

HON. COLONIAL SECRETARY : (a) 76 applications to possess revolvers and 113 applicants to possess rifles have been refused during the last ten years.

(b) 1. The nationalities of the applicants cannot be exactly stated, but of a total of 189 applicants refused 138 were made by Indians and Goans, and 51 by Arabs, Somalis, and Africans.

2. There is no record of any refusal of permits to possess arms of precision to Europeans during the last ten years.

(c) Refusal has generally been based on the policy of the better prevention of the traffic in firearms with natives.

HON. M. KASSIM : I beg leave to ask the question standing in the name of Mr. P. B. Pandya on the Order of the Day :—

" Has the attention of the Honourable the Director of Surveys been drawn to considerable delays in getting certified plans resulting in material loss and delay in getting conveyances ready? And will the Honourable the Director of Surveys take steps to remove this disability? "

HON. DIRECTOR OF LAND SURVEYS : The answer is in the affirmative and provision for two additional computers and one additional draughtsman has been made in the Draft Estimates for 1926.

MOTIONS.

HIS EXCELLENCY : Mr. Shams-ud-Deen not being present, Council will pass over the motion standing in his name and take the motion standing in the name of the General Manager of Railways.

HON. GENERAL MANAGER, UGANDA RAILWAY : I beg to move the motion standing in my name :—

" That this Honourable Council approve the Supplementary (Railway) Estimates, 1925, as printed and laid on the table."

Your Excellency, a copy of the Supplementary Estimates, as circulated, contains an explanatory memo, and I do not think there is very much more for me to add, except that we are watching very closely the question of the cost of fuel, which is one of the most serious matters before this vote.

HON. TREASURER : I beg to second the motion.

HIS EXCELLENCY : The motion is :—

" That this Honourable Council approve the Supplementary (Railway) Estimates, 1925, as printed and laid on the table."

Motion put and carried.

HON. TREASURER : Your Excellency, I beg to move the motion standing in my name on the Order of the Day :—

" That this Honourable Council approve the Third Supplementary Estimates, 1925, as printed and laid on the table."

These Draft Estimates were prepared for the October Session and advantage has been taken in the interval to obtain the further requirements of the departments, and I propose to move certain amendments as we go on, item by item. It is usual for the House to resolve itself into a Committee to consider the Supplementary Estimates but before doing so I shall read my statement.

(Treasurer's statement read).

I now beg to move that Council resolve itself into a Committee of the whole House to consider the Supplementary Estimates item by item.

HON. COLONIAL SECRETARY : I beg to second.

HIS EXCELLENCY: The question is that this Council now go into Committee in order to consider the Third Supplementary Estimates, 1925.

Motion put and carried.

In Committee.

II.—Rent and Interest to H.H. the Sultan of Zanzibar, passed.

III.—Pensions and Gratuities, £3,500.

HON. TREASURER: I beg to move the increase of this amount by £150, and in this connection it would be helpful to Honourable Members if I point out that in the statement which I have handed round, if they will look at page 2 of the Third Supplementary Estimates they will find explanations of each amount which I will be inserting in the Estimates.

Motion put and carried.

III.—Pensions and Gratuities, £3,500, passed as amended.

IV.—H.E. the Governor.—Personal Emoluments.

HON. TREASURER: I beg to move that this be increased by a sum of £404.

HON. J. E. CONEY: There is one matter here which I raised in Committee, and there was confusion because it had reference to Government House, Mombasa. I understood that something was being done to Government House, Mombasa, but I now understand from the Honourable Director of Public Works that he knew nothing about it. Has the matter been cleared up, and has anything been done in this connection?

HON. COLONIAL SECRETARY: Special provision is included on account of furniture and the furnishing of the house, but nothing has been included for the buildings. The matter, however, is not under consideration.

HON. J. E. CONEY: I think the Honourable Colonial Secretary will remember there was a question of £3,000 which had already been voted. It was to make the house habitable so that people could stay there.

HON. COLONIAL SECRETARY: I think I might say, for the information of Honourable Members who were not present at a subsequent Committee meeting of the Select Committee—the Honourable Member was not present—it was pointed out that there is a sum of £1,800 which is to be expended on Government House, Mombasa, but it was not on the buildings; it was to be expended on new furniture and some small alterations, but nothing extra on account of new buildings.

Personal Emoluments, passed as amended.

Contingencies, passed.

Head IV.—H.E. The Governor, passed as amended.

Head IVa.—H.E. The Governor, Extraordinary, passed.

Head V.—Secretariat.

RT. HON. LORD DELAMERE: Under which of these items does the thing with a very peculiar name come?—Gestetner!

HON. TREASURER: I beg to move the insertion of an item "Typewriters, etc., £45." It is to meet the cost of a Gestetner duplicator machine for work in connection with Legislative and Executive Council meetings.

RT. HON. LORD DELAMERE: We were told the other day that it was very much against the policy of the Secretary of State that special road-making machinery should be bought from America, although it can only be got from that country. I imagine that machines are made in England, and I can hardly believe that this is an English machine.

HON. COLONIAL SECRETARY: On a point of explanation, this is an English machine.

RT. HON. LORD DELAMERE: Well then I think before Government buys the machine they must ask the manufacturers to change the name of it. (Laughter).

HON. J. E. CONEY: I wish to raise one point here. The Honourable Colonial Secretary will remember that some undertaking was given to this Honourable Council that the reporting in this Honourable Council would be done by a staff of a sufficient number to do it, and I want to know what arrangements have been made, and whether that vote will come under this head, or where it is going to come in, if it is going to appear at all.

HON. COLONIAL SECRETARY: Your Excellency, there can be no question that the reporters in this Honourable House are very overworked at the present time, and it is absolutely necessary they should be given further assistance. The matter has only been delayed on account of the fact that there is a Hansard Committee which is going to consider the whole question, and one of the Terms of Reference to this Committee is that they should consider the steps to be taken with regard to the reporting of the debates.

HON. J. E. CONEY: I know nothing about the reporting part of it; what I do know is that the reporters are very overworked. I take it that they are being paid extra for the work they have to do?

HON. COLONIAL SECRETARY: It is proposed to give special remuneration to these officers who have been doing the work this year.

Head V.—Secretariat, passed as amended.

Head VI.—Official Gazette and Printing, passed as amended.

Head Xa.—Port and Marine Department, Extraordinary, passed.

Head XV.—Police, passed.

Head XVIII.—Education, passed.

Head XVIIIa.—Education, Extraordinary, passed.

Head XIX.—Military.

RT. HON. LORD DELAMERE: May I ask what that increase of £2,550 under travelling allowance is?

HON. OFFICER COMMANDING TROOPS: The expenditure is due to the Mohamed Zubier Punitive Expedition entirely.

HON. T. J. O'SHEA: May I ask whether any of this money has been recovered from the sale of confiscated stock?

HON. OFFICER COMMANDING TROOPS: £849 has been recovered from the stock that has been sold. The cattle were sold at absurd rates it seems to me, but they were sold by public auction.

HON. T. J. O'SHEA: I suppose that £849 means that 2½ per cent. brokerage has to be paid to Government.

RT. HON. LORD DELAMERE: What was the number of cattle sold for £849, and to whom were they sold, and to what sort of people?

HON. OFFICER COMMANDING TROOPS: I cannot give you that information at present; I can let you have it this afternoon.

Head XIX.—Military, passed as amended.

Head XIXa.—Military Extraordinary Expenditure.

HON. TREASURER: Your Excellency, I beg to move the insertion of an additional item under this head "Payment to Uganda for the services of the 4th King's African Rifles. £650" in connection with the recent Jubaland trouble.

Question put and carried, and Head XIXa passed, as amended.

Head XXI.—Agricultural Department.

RT. HON. LORD DELAMERE: Your Excellency, may we now have some explanation of the sum of £900 travelling allowances? We all think the travelling allowances of this Department are very high as it is.

HON. DIRECTOR OF AGRICULTURE: Your Excellency, the position is stated in the explanatory notes. The provision is to cover the cost of travelling of technical officers. The Estimates for 1935 fell far short of the needs of the Department for travelling allowances and in spite of the fact that travelling of officers has been very considerably restricted and kept under very close control the vote was exceeded before the end of the year. It amounted to this; either technical officers had to sit still and not perform their duties or the Department had to ask Government for a supplementary vote.

RT. HON. LORD DELAMERE: Your Excellency, I would be glad if Government would go into this question of the travelling allowance of the Agricultural Department. We worked out the original vote out to £240 per man! We came to the conclusion that, owing to the great increase of quarantine stations and owing to the fact that a special vote has been put in this year for the flying column or whatever you call it for rinderpest inoculation, that this matter must be gone into thoroughly. The policy of the Department has been changed and in these circumstances it does seem to me wrong that travelling allowances keep going up. The Honourable the Director of Agriculture has said they cannot travel unless this money is provided. I would like to take that with a big grain of salt. I would like to get an undertaking from Government they are not going to let this matter drop.

HON. COLONIAL SECRETARY: Your Excellency, an undertaking was given yesterday by Government and I think Government is satisfied from enquiries made in Select Committee that this matter should be gone into not only in regard to the Agricultural Department but also to other Departments.

Agricultural Department vote put and passed.

Head XXIV.—Land Department, passed as amended.

Miscellaneous Services.

HON. T. J. O'SHEA: Your Excellency, I would like some information regarding outfit allowances. It seems a large sum in relation to the amount originally provided for.

HON. TREASURER: The Honourable Member wishes for an explanation of the increase?

HON. T. J. O'SHEA: I asked if the amount was not unduly large in relation to the amount originally asked for.

HON. TREASURER: If it is known that as many officers as were expected to be appointed were not appointed the outfit allowances would not be greater and that would mean a saving on the vote.

HON. T. J. O'SHEA: May I ask the cost of outfit allowance per head?

HON. TREASURER: £30 per head.

RT. HON. LORD DELAMERE: Your Excellency, with regard to this item £37, compensation to the dependents of two Masai accidentally shot. Has that amount been collected from the gentleman who shot them? I do not exactly see why Government should pay because someone is accidentally shot. I would like to hear what the facts are.

HON. COLONIAL SECRETARY: Your Excellency, the facts are the officer was at the time a member of the Public Works Department, who left almost immediately after the accident and it has therefore not been found possible to recover the money in this case and as the accident occurred when the person responsible was a Government official it was felt there is some responsibility on the part of Government to pay this sum.

RT. HON. LORD DELAMERE: I am not satisfied with this explanation, Your Excellency. When you are paying somebody up it is the easiest thing to collect money from them. As the man left soon afterwards I presume it was owing to his own negligence. I cannot understand why he was not run in for it. Did the Court not order compensation to be paid to the relatives?

HON. DIRECTOR OF PUBLIC WORKS: When the judgment of the Court was given the sum was not collected from him as it was regarded as purely an accident. His work had not been entirely satisfactory.

RT. HON. LORD DELAMERE: I cannot accept that Your Excellency. Does the Honourable Director of Public Works mean to tell me the two things had nothing to do with each other or were put in the same envelope by mistake?

HON. CONWAY HARVEY: I do think, Your Excellency, that what the Honourable Colonial Secretary said creates a dangerous precedent. I do think the officials of the Government should pay for their pleasures like anyone else and if this gentleman mistook two Masai for two buffalo what might not the next man mistake for a mosquito?

HON. TREASURER: Unless the Government do compensate these people I take it they will not be compensated.

RT. HON. LORD DELAMERE: On what is this compensation based? If it was not an order of the Court against the man, on what is it based? I am not going to vote against it as the people have got to be compensated. I want to know why it was not collected from this man?

HON. COLONIAL SECRETARY: The amount of compensation was calculated on the report made by the officer in charge of the Masai Reserve. I think the position of Government is this. Government is the employer of the man who was responsible for this act and as they could not recover the money from this man Government, quite rightly, paid up the compensation as any good employer would do and accepted the responsibility.

RT. HON. LORD DELAMERE: I am going to vote for this amount but I cannot understand why it was not collected from this man in question and the fact the employer has to pay it now and should pay it has nothing to do with it.

HON. M. A. DESAI: Your Excellency, I would like to ask whether any compensation has been paid to the two Asians who were murdered.

HIS EXCELLENCY: Order. That question does not arise on this point.

HON. W. MACLELLAN WILSON: Your Excellency, the Honourable Colonial Secretary raised quite a big principle. He said he thinks the Government being the employer of this individual should be responsible. There are a great many employers in this country and if one happens to have an individual who becomes temporarily insane and runs amok it is going to land us in for payments which we cannot possibly afford to pay. The principle must be considered from another point of view. I am willing these people should be paid some compensation but not on that principle.

HIS EXCELLENCY: I would like to point out to the Honourable Member who has just spoken and other Honourable Members they will be voting for the sum to be paid to these particular Masai and not voting for any principle.

RT. HON. LORD DELAMERE: Government should not have failed in the first instance to do what it should have done and collect the money from the man responsible. I cannot accept the explanation that by some curious coincidence this man got sacked for something entirely different.

HON. TREASURER: Your Excellency, I disagree entirely with the Noble Lord. How can he say Government should have collected this money? On what charge? They cannot take the man's salary. If it is a legal matter we can only do it on the order of the Court.

RT. HON. LORD DELAMERE : Any decent fellow would have paid it himself.

HON. COLONIAL SECRETARY : The man in question was drawing a salary of Sh. 400 a month and was dismissed and it was quite impossible to get the sum of £37. I think Government accepted the liability in this matter and the case must be judged as an isolated case. Where Government does consider it can compensate for an act of its employees I think it has the moral obligation to do so.

HON. E. M. V. KENEALY : Your Excellency, can this money not be paid and drawn from the Native Trust Fund instead of from general revenue?

HON. ACTING CHIEF NATIVE COMMISSIONER : Your Excellency, I submit this is not a native matter at all. If this official by a mistake shot two Members on the opposite side.

RT. HON. LORD DELAMERE : Hear, hear!

HON. ACTING CHIEF NATIVE COMMISSIONER : If this official by a mistake shot two Members on the opposite side there would be precisely the same claim on the Government that their dependents should receive compensation. The accident of their being natives does not make it any claim on the Native Trust Fund.

Amount of £37 put and passed.

Cold Storage.

HON. J. E. CONEX : Your Excellency, may I ask if this Cold Storage Plant has been erected, the date it was opened and other information the Honourable Director of Agriculture can give?

HON. DIRECTOR OF PUBLIC WORKS : Your Excellency, the Cold Storage building and plant have not yet been erected. The reason is there has been certain delay with the Crown Agents in England as certain alterations in plans were advised and we are now about to get a contract for this building. The plant has also been ordered and will be out here in time for the coming season. We are trying to expedite it as fast as we can.

RT. HON. LORD DELAMERE : Your Excellency, it depends on when the building is built. I feel very strongly on this matter. We held a Committee on this question of dairying and Government had ample notice. Other people had to take action and have prepared themselves for this particular thing and I do think there is something wrong somewhere. There was one period when the papers were lost in the Secretariat for five months. That, I think, was proved to the hilt.

Perhaps the Honourable Colonial Secretary will be able to put the blame on some other Department! They were lost for five months and I understood that they were lost in the Secretariat. If somebody else lost them that is all right. Five months is nothing in this thing, as a great deal of more time has been lost in this matter.

HON. J. E. CONEX : Your Excellency, I am glad the Right Honourable Member agrees it is a serious matter. The Noble Lord sat on the Committee with myself and others. I know of some of the steps which have been taken by outside bodies to see this scheme put into force. They have had to send to Australia and South Africa to get experts to advise them. In one case where they have obtained an expert from Switzerland that expert has been sent down to South Africa and on his advice a creamery has been erected and yet the cold storage plant on which the whole of this depends, the plans are lost or the Crown Agents are giving advice, and the plant is just about to be ordered. The whole industry might very easily be upset because of the delay of the Government in this matter.

HON. COLONIAL SECRETARY : Your Excellency, I do not know what grounds the Noble Lord has for stating the papers were lost in the Secretariat. I am unaware of that but I do not think it is this case. Quite apart from that both the Honourable Director of Agriculture and the Director of Public Works will agree this matter has been one of almost weekly and monthly reference to the Secretariat in regard to the erection of these buildings and I do not think this department can be blamed in the matter. The trouble is of getting material from England and getting it erected on the spot. Advisers have been called in and there has been a difference of opinion. It has been urged upon the Government how important the matter is and all departments concerned have done all they can in the matter. Delays with the Crown Agents and others make it necessary perhaps for Government to be somewhat behind-hand in the construction of buildings of this kind.

RT. HON. LORD DELAMERE : If the Honourable the Inarticulate Member representing the Agricultural Department would say something I am sure both he and the Honourable Director of Public Works could both assure the Honourable Colonial Secretary that it was found at a meeting presided over by Mr. Northcote that these plans were lost by the Secretariat for five months.

HON. DIRECTOR OF AGRICULTURE : Your Excellency, apparently I am expected to say something in this matter. I think it was chiefly a matter concerning my friend the Honourable Director of Public Works inasmuch as the question of the erection of the building and the installation therein of the

cold storage plant itself is a matter for his department. As far as my department is concerned since my return last year this service has been regarded in a sense as the department's pet child and no delay has taken place in the matter. Every effort has been made to expedite the completion of the service and as the Honourable Colonial Secretary has said numerous telegrams have been sent at short intervals to the Crown Agents and the Colonial Office urging upon them the importance of the matter of urging that there should be no delay. So far as the departments are concerned I do not think the work could have been expedited any more than has since it was taken in hand nearly a year ago.

RT. HON. LORD DELAMERE: Your Excellency, I entirely refuse to accept that explanation. The matter could have been expedited at least by six months. The Honourable Director of Public Works has not answered my question.

HON. LORD FRANCIS SCOTT: Your Excellency, how long is the progress of the country going to be held up by the action or inaction of the Crown Agents, in addition to the few months delay in this country? We heard yesterday that hospital accommodation for Indians had been held up for over a year. Last year the drying and cleaning plant was held up for the same reason. We have heard the Honourable General Manager say how he has been held up for lack of provision of rolling stock. It seems that the progress of this country is held up because our representatives in England will not look after our interests and get things done expeditiously.

HON. DIRECTOR OF PUBLIC WORKS: Your Excellency, the plans were, as far as I am aware, not held up in the Secretariat. I do know the Crown Agents have gone to a lot of trouble to get into touch with manufacturers and it has been necessary to alter the plans originally submitted by my department in order to make the plan fit in with the building. The plant has been ordered and I hope to get a contract for the construction of the building in a week. I cannot say how quickly this matter could have been expedited by the Crown Agents.

RT. HON. LORD DELAMERE: Your Excellency, if the plan were not held up in the Secretariat it was the Honourable Gentleman who held the matter up.

HON. DIRECTOR OF PUBLIC WORKS: I do not agree with the Noble Lord's presumption. There was no delay in my department. This matter has been treated as exceptionally urgent.

RT. HON. LORD DELAMERE: Your Excellency, I have heard of pet children being spoilt. What I want to know is what happens to the other children in these departments?

HON. COLONIAL SECRETARY: With regard to the statement that the plans were lost in the Secretariat for five months. I shall be sorry to think if the plans were lost in the Secretariat for five months that the attention of the Secretariat was not called to the matter.

RT. HON. LORD DELAMERE: Your Excellency, I will at once withdraw if I am wrong.

HON. COLONIAL SECRETARY: I will look into the matter.

HON. TREASURER: Your Excellency, I beg to move the insertion of a sum of £200 as this Colony's share of the demarcation of the Tanganyika-Masai boundary.

RT. HON. LORD DELAMERE: Your Excellency, there is in existence an international boundary which everybody knows perfectly well. I cannot understand why, when the two territories are under one Government you should proceed to spend £200 on making a boundary between two villages of the one country to prevent cattle passing between one village and the other. It is a complete waste of money.

HON. E. M. V. NENEALY: Your Excellency, does this imply the demarcation of the new boundary or the old boundary? The old boundary existed from the time when the Germans were there.

HON. TREASURER: The Honourable Acting Chief Native Commissioner, I understand, is not in a position to explain.

RT. HON. LORD DELAMERE: I heard the League of Nations mentioned. If the League can put pressure on the Imperial Government to do one thing I cannot understand them having power to put pressure on this Colony.

HON. W. MACLELLAN WILSON: Your Excellency, may we have reasons for this boundary being drawn up?

HON. COLONIAL SECRETARY: The whole matter was raised from Tanganyika Territory. The Tanganyika Government have done this work and asked us to contribute to the cost of it as it did involve the boundary between Tanganyika and Kenya. With regard to further extension of the boundary the Tanganyika Government has made further proposals which we are not prepared to accept. As this work had been done we felt ourselves under an obligation to pay part of the cost. That is my impression of the correspondence which came from the Tanganyika Government.

RT. HON. LORD DELAMERE: Your Excellency, if the Honourable Acting Chief Native Commissioner has any explanation to give I propose this vote be put back. If he has

not I must vote against it. I cannot imagine how another Government can run this Government in for certain sums without making arrangements before-hand.

HIS EXCELLENCY: I think it will be for the convenience of the Committee if I defer putting the question of this amount till after the interval.

Head XXV.—Miscellaneous Services.—Compensation of Ebrahim Shengo.—Land at Kwale, £100.

HON. TREASURER: By a decision of the Land Titles Court a writ of possession was issued in favour of Government in respect of an area of 100 acres which had been occupied for 20 years by one Ebrahim Shengo. On this land there are 500 coconut trees, over half of which this man has planted besides other fruit trees. The area in question is in the middle of and contains some of the most important land in the Kwale Township Reserve. Also the main water supply of the Government station is on this land, and reasonable precautions to safeguard its purity cannot be taken if it is on land controlled by a private individual. While Ebrahim Shengo had no right to plant on this land, the fact remains that the Government allowed him to stay there for over 20 years, chiefly because it was not realised that he was on Government Reserve, and it is considered reasonable that he should be compensated for removal by a payment of £100.

Passed.

Expenses in connection with salvaged goods and ambergris, £150.

HON. TREASURER: A large quantity of ambergris was found at Lamu, and the amount payable is considered too large to be regarded as trivial and payable out of the vote. "Sundry."

RT. HON. LORD DELAMERE: Are there any other salvaged goods included in this?

HON. TREASURER: I am not certain. If any salvaged goods are dealt with they are dealt with under the same head.

Passed:

Compensation.—Loss of s.s. Swahili.—£5,000.

HON. TREASURER: In 1918 the s.s. Swahili, belonging to the English Navigation and Trading Co., Ltd., was sunk, and the Company alleged that this arose from the result of military operations and on this ground claimed damages from Government under an agreement made in 1914.

Following arbitration an award was made that Government was liable for damages, which were assessed at £5,000. Government on the recommendation of its legal advisers endeavoured to obtain a settlement on lower terms, but in

August last, by which time an appeal was pending to the Privy Council, the Secretary of State advised Government to avoid the costs of further litigation in the matter by agreeing to the payment of £5,000 to the Company in full settlement of their claim. Government agreed on the condition that the Secretary of State was satisfied that no reduction was possible, and payment has now been authorised by the Secretary of State.

RT. HON. LORD DELAMERE: Does not some Honourable Member of this Council know what the value of that boat was? I understand it is worth nothing like that sum, but I may be quite wrong.

HON. COLONIAL SECRETARY: I may add with regard to this matter that we have been advised from England that any further appeal would only very likely be a waste of money, and they would be likely to succeed in it, and it is merely on those grounds that we accepted the decision.

RT. HON. LORD DELAMERE: I think Government was responsible for this matter. The question I was getting at was the sum. This boat was on the Juba River. What I want to get at is whether £5,000 is not an exorbitant sum for this boat or not. I have an idea it is.

HON. COLONIAL SECRETARY: I can give you the information with regard to this matter. The £5,000 is based on the Arbitration held at Mombasa by Mr. Frudd, who was the Arbitrator in the matter, and he said the £5,000 represented the amount of the boat and was the value of the boat at the time immediately after the war when there was a very great demand for shipping. We have always disputed this value and considered it was an excessive amount, but in view of the fact that there was this reference to arbitration and that this sum was mentioned, and in view of the fact that certain requirements were not fulfilled, it was thought proper to settle the matter as it has been settled now. Of course we could reopen the question again, but if we do, in the opinion of the Secretary of State, we should be taking advantage of a legal point, of which the Government alone could take advantage; and it is also considered that the costs of the proceedings to the Privy Council would probably in the end amount to a great deal more than we are now asked to pay. In view of all that it was considered best to pay this amount.

RT. HON. LORD DELAMERE: This has raised another question, and it is this; and I hope nobody will think that I want in any way to say anything against or about Mr. Frudd, but on a question of principle, when a boat belonging to a private person has been sunk by a Government vessel, surely the very last person who should be asked to arbitrate is a man who represents private interests, however unbiased he may be personally.

HON. COLONIAL SECRETARY: Mr. Frudd was the Arbitrator appointed by the Court, and the Government accepted the position.

RT. HON. LORD DELAMERE: I understand.

Compensation.—Loss of s.s. "Swahili," £5,000, passed.

P.W.D. Loss on sale of stores, £10,200.

HON. TREASURER: In the year 1920 a quantity of hoes (surplus P.W.D. stock) to the value of £11,155 was sold by Government to W. R. Parr and Co. Before the debt was liquidated the firm became insolvent. Up to date £282 has been received in cash and it is anticipated that about £800 will be realised from two remaining assets of the firm. The balance is regarded as irrecoverable.

HON. CONWAY HARVEY: I should like to know exactly why the Public Works Department accumulated no less than £11,000 worth of hoes. It seems to me an inordinate quantity. It represents between 30,000 and 40,000 hoes. There must be some explanation as to how they came to accumulate.

RT. HON. LORD DELAMERE: I am afraid the War Council at home was responsible in this matter. It was at the time the Ministry of Munitions were stopping goods coming out from England. It was believed that there might be a shortage of hoes in the country and an order which was considerably too high was given on the suggestion of the War Council.

With regard to the other point, it says before the debt was liquidated the firm became insolvent. When did the firm become insolvent? The debt was incurred in 1920.

HON. W. C. MITCHELL: Might we also have some information regarding the two assets which it is presumed are going to realise £800? As far as I am aware they will not realise such amount.

RT. HON. LORD DELAMERE: Besides which how are two assets paid into this particular account?

HON. TREASURER: This matter has really been in the hands of my Honourable Friend the Attorney General for a considerable time and he is watching the Government's interests in the matter, but one of the assets is shares in the Kilos Sugar Foundry. I cannot remember the other one, it is a small one. But the principal asset is this Kilos Sugar one, and it is a good asset. The other asset is a debt which we know the Receiver of the country will recover.

RT. HON. LORD DELAMERE: The debt was incurred in 1920—when was it that the firm became insolvent?

HON. TREASURER: I am not in position to give the information, but I do know that all the steps necessary will be taken that can be taken to safeguard the Government's interests.

RT. HON. LORD DELAMERE: Since the firm went insolvent. I want to know when the firm went insolvent and what was done before that to collect this debt in the ordinary way by the Department?

HON. TREASURER: The difficulty in a Committee like this on Estimates is that one is not in a position to call in people to give detailed information. I am afraid if further information is required on this point I can only ask Your Excellency to hold it over until after the interval.

RT. HON. LORD DELAMERE: I thought that the Treasurer was expected, before he wrote an explanation, to get accurate and correct details from the people involved.

HON. TREASURER: I quite agree, but it is extremely difficult to know what information is required.

(Committee of Council adjourned for 15 minutes.)

HON. TREASURER: Your Excellency, I have not had time to get the information the Right Honourable Member wanted in regard to the loss of stores, £10,200. I am prepared to withdraw this item to save time. I would ask for a Finance Committee to be appointed so that these Estimates can be put before that Committee on the same lines as the annual Estimates are put before this Committee. It would save a great deal of time.

HIS EXCELLENCY: The item £10,200, Loss of Stores, is withdrawn.

HON. COLONIAL SECRETARY: With regard to the Tanganyika-Masai boundary. I find a few years ago the Tanganyika and Kenya boundary was re-surveyed, and demarcated because of disputes between the Wachagga of Tanganyika Territory and the Kenya Masai of Loitokitok. There were also inter-tribal difficulties and the Acting Governor of Tanganyika proposed re-surveying and demarcation of a line between pillars 54—57.

On the advice of the Senior Commissioner, Masai Reserve the late Governor agreed to demarcation between pillars 55—45. This demarcation was undertaken by the Tanganyika Government who have now billed Kenya with half the cost of the labour employed. They have apparently given the surveyors services free.

RT. HON. LORD DELAMERE: Of course, this entirely changes the whole matter. Our Government agreed to it before it was done. It does not at least alter the main issue that it is to my mind an absurd business.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I think the Honourable Member is under a misapprehension. These beacons are between the Wachagga and the Masai and not between Masai and Masai. The dispute arose over the destruction of some forest on the Tanganyika side of the boundary and it was not certain whether they were Tanganyika or Kenya Masai and it was eventually decided they were Tanganyika Masai and taken to Moshi and punished there. The Administration officer on the Kenya side said they were Kenya Masai and should not have been taken to Moshi and punished. It gave the impression to the natives there was friction between the two Governments and it was thought better to deal with the boundary in the manner explained. There was also a dispute between our Masai and the Tanganyika Masai with regard to water holes and there again it was a question whether it had not better be demarcated by a trench. I am not quite certain as to what is being done, but I have written to find out what the position is.

RT. HON. LORD DELAMERE: I am still a little bit at sea. The statement started by saying it was between the Wachagga and the Masai and then ended by saying whether it was between the Kenya Masai and the Tanganyika Masai. I am still of opinion it is a great waste of money and it does seem to me if there is friction between the two administrative officers on both sides of the border I think it would have been very much better to issue an order to them as friction in these native countries is undesirable. If you put up this ditch between them it will show there is a great deal of friction between the two Governments.

Question put and passed.

RT. HON. LORD DELAMERE: Your Excellency, may I go back to the question of cattle that was sold? Your Excellency said the Honourable Officer Commander Troops could furnish the information. I think it is a pity these things always happen like this. The same thing happened in Jubaland last time and a large number of stock was taken and destroyed and the country got nothing out of it at all. The start of the sale was 275 head of cattle at Sh. 2 apiece. I cannot believe that somebody ought not to be made responsible for that sort of thing. It would be a different matter if they were taken into a fly country and had to be sold at a moment's notice. It was wrong to sell them like that. I am afraid it will make people think in Nairobi they are going to get cheap meat, but

I am afraid it will not be so. May we have some statement as to who is responsible for this sort of sale? There must have been some officer who was responsible for this sale, for these cattle were presumably handed over to an officer to sell. Or were they handed over to a Somali in Jubaland? The net proceeds I see here are Sh. 16,985 which is £840 for 2,430 head of cattle.

HON. E. M. V. KENYALY: Your Excellency, if these cattle were sold to their previous owners it really means that Government was only getting 2½ per cent.

HIS EXCELLENCY: Order, order. I was not clear under what head this question came up. I am afraid it is not possible to debate on it now. If the Honourable Member wishes to raise the point it must be raised on a motion.

RT. HON. LORD DELAMERE: I bow to Your Excellency's ruling and beg to give notice of a motion on this subject.

Head XXV.—Miscellaneous Services, passed as amended, subject to withdrawal of the item, £10,200, Loss of Stores.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I beg to move the insertion of a sum of £3,500 to provide for a hospital, office, store and quarters for a Medical Officer and Sub-Assistant Surgeon in the Lake area.

RT. HON. LORD DELAMERE: Your Excellency, I think it is most unsatisfactory that so many of these items of Public Works Extraordinary should have to come up under Supplementary Estimates. They are not things of urgency and can be put up in the ordinary way with the Estimates. It is essential to have these things put in in the proper manner with the annual estimates and it is against the Colonial Regulations to bring it up in this manner. I do not think it is a good plan to do it in this way and it is not debated in comparison with other and more important items. I would like to hear more about this hospital although everybody must agree that sleeping sickness has got to be dealt with. Is it in a sleeping sickness area? I only want to know what is being done and how it fits in with any other schemes.

HON. W. C. MITCHELL: Your Excellency, may I ask if this money has been spent on this work? I cannot imagine the money will be spent before the end of this year.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, owing to the fact that this year we have a full staff of Medical Officers it has been possible to go into the question of sleeping sickness and how much sleeping sickness there is and the steps that are required to combat it. We have not been able to do it before. One Medical Officer

has been detailed at his own request for this work and he has been living in the sleeping sickness area for the last six months. We found there is a great deal more of sleeping sickness than we thought there was and it appears there are indications that it is spreading. It has become a great danger over a wide area of country. It has spread along the shores of one of the rivers across which there is a considerable amount of transport and it is quite possible a very large number of people are getting infected. It is quite evident there are large numbers of cases that want attention. We have endeavoured to do the best we can at Kisii, a matter of 30 miles away, but it is very difficult to get patients up there. They do not like it and they are in a strange country. I was up there for two or three weeks in the district looking into matters a little while ago and it appeared to me it was very desirable to provide some sort of accommodation for patients, for such patients as cannot be treated in their own villages, people who were too ill, and that the Medical Officer should be provided with proper and decent accommodation. Your Excellency and this Council will understand that living on this shore of the Kavirondo Gulf is not the healthiest of areas in the country. The wards that are provided are merely bandas with a roof and sides of matting. The large expenditure is for proper accommodation. It is in the middle of the sleeping sickness area and there is furthermore quite a considerable population within easy reach of this place who will be able to attend for venereal diseases which is also another curse in that particular district. We hope to get on with clearing in a systematic way. It will, we hope, result in large areas of land which were formerly uncultivated and deserted by the natives from the ravages of sleeping sickness coming again under cultivation and such natives as have been driven right away from the Lake shore will return. These natives at present go down to the Lake shore to get their poles and draw their water and I do think Your Excellency that an institution such as this is likely to prove a very big economic asset to the country. We have got a man who is extraordinarily keen on his work and we might let him get on with it.

RT. HON. LORD DELAMERE: Your Excellency, with the greatest respect to the Honourable Director of Medical and Sanitary Services when he says we ought to let the man get on with it; it ought to be possible to bring these things up in the ordinary estimates of the Colony. I do not understand whether this is to include preventative measures in the control area or a hospital for incurable diseases. The Honourable Gentleman spoke about its spread.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, the infection is palpalis or rather vector

palpalis. The idea is that we shall get on with preventative measures. It is impossible for a man to live 30 miles away and try to advance these preventive measures from the distance. That particular river to which I have alluded has been absolutely cleared and when I was up there a few weeks ago it was planted. The result is there is a mile and a half of cultivated land which had been absolutely deserted and over which the bush was growing up and getting more dense and it was becoming a danger to the surrounding country. The whole thing is being worked out with the aid of entomologists and we are getting out a definite plan of campaign which will be followed. It is proposed that the Medical Officer himself will spend only a proportion of his time actually at the hospital. He will be where he will have to carry out a survey of the whole of the population of that area, find out who are infected and there will have to be measures taken to render the population non-infectious who are found to be infected with trypanosomes and those who are too ill to be looked after where they are will be moved into this more or less temporary hospital. I say temporary, because it has been designed by the Public Works Department so that it can be taken up and if necessary when one area has been dealt with it can be moved to another. It was not possible, Your Excellency, to put this into the ordinary estimates for 1926 because up till the last few months we did not have the staff and could not get on with the work. We are only just beginning to find out about it.

RT. HON. LORD DELAMERE: Your Excellency, I am all in favour of these particular steps being taken but I still think it deplorable the whole policy of dealing with sleeping sickness on the shore of Victoria Nyanza should come up purely on a question asked by somebody on the Supplementary Estimates. I cannot understand why it should not have been put into the 1925 estimates. I should like to know whether it is possible to spend this money during this year?

HIS EXCELLENCY: The point which I want the Honourable Director of Medical and Sanitary Services to address himself is whether this money can be spent in the present year and how much has been spent.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, when this was put up I understood the money could be spent this year.

RT. HON. LORD DELAMERE: Your Excellency, the reason why these things should be brought up in the ordinary estimates of the year is that Colonial Regulations say it should be done so in order that any new policy can be debated in the proper manner. Supposing it had been a particular matter this Honourable Council could not agree with at all? A new policy is started and buildings put up and this Honourable

Council has no knowledge of the facts. Fortunately it was not so in this case. It might be competent for this Honourable Council to suggest that preventive measures are better than curative measures. I am not speaking against this, but I do think it is a pity things are done in this way.

HON. TREASURER: That completes the Supplementary Estimates Your Excellency. In connection with the item under discussion I would say it does happen at times when urgent expenditure has to be incurred and I should like to make it clear the expenditure is not incurred without due authority being given to the spending authorities. In this case a Special Warrant was signed by Your Excellency on the 1st November and that has allowed time for this to be completed before the end of the year.

RT. HON. LORD DELAMERE: Your Excellency, I hope Government will give an assurance that these methods will not be followed in the future—it is a bad plan. For anybody to say it is right that a thing should be put into the Supplementary Estimates rather than in the ordinary Estimates a month later does not carry much weight with me in a thing which has been going on for the last twenty years.

HIS EXCELLENCY: On the general question as to whether these sums should be put into Supplementary Estimates. I think there is much weight in what has been urged by the Noble Lord. I am still somewhat unfamiliar with the system of voting money in the Colony but it is obviously desirable that large sums for permanent works of this kind should go into the Estimates for the coming year, but I think cases of emergency must arise and this was a case of emergency in that sleeping sickness was spreading and it was under that information I personally signed the warrant against what was stated to be an imminent danger. On the other hand it is clear this Council should have some means of discussing even emergency expenditure of that kind and the procedure I had in mind for dealing with it and which I will suggest to Members at a later date is there should be some standing Committee of Council to deal with emergency measures of this kind and they can go into it at once and control of expenditure maintained while absolutely necessary expenditure may not be seriously delayed.

The question that £3,500 for Hospital be inserted put and carried.

Head XXVII.—Public Works Department, passed as amended.

Head XXVIII.—Public Works Recurrent, passed as amended.

Head XXIX.—Public Works Extraordinary, passed as amended.

HON. TREASURER: I beg to move that the Third Supplementary Estimates as amended be reported to Council.

Motion put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report to Council that the Third Supplementary Estimates 1925 have been revised in Committee of Council and have now been reported to Council.

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

“That this Honourable Council approve the Third Supplementary Estimates, 1925, as printed and laid on the table, and as amended in Committee.”

HON. COLONIAL SECRETARY: I beg to second.

HIS EXCELLENCY: The question is that the Third Supplementary Estimates, 1925, be approved as amended in Committee.

Motion put and carried, Third Supplementary Estimates passed as amended in Committee.

HON. SHAMS-UD-DEEN: I beg to move the following motion standing in my name on the Order of the Day:—

“That this Honourable Council is of opinion that there no longer exists any justification for a Protective Tariff on Imported Wheat and Wheat Flour and that this should be removed and a *status quo* established; and also, that these commodities should be rated as foodstuffs on the Uganda Railway and charged accordingly.”

Your Excellency, I must first of all apologise for being late this morning, but I can assure Honourable Members it was beyond my power, owing to some trouble with the motor-car.

The reason why I have brought this motion in is owing to a great deal of feeling amongst the general community in the Colony and especially the community whom I have the honour to represent in this Honourable House, regarding the growing increase in wheat flour.

About three years ago when the protective duty was introduced in this Honourable House I was then in favour of protection of the local industry of wheat and wheat flour. I am still in favour of that principle to-day, but I am not satisfied in my own mind whether the conditions in force three years ago should remain to-day.

The price of flour has risen from nearly Sh. 42 to a rate prevailing in the beginning of this year of Sh. 58. That is an alarming increase in itself and demands investigation. I think it would be a good thing to obtain comparative prices of the imported flour and the local flour and wheat.

For the information of Members of this Honourable Council I will now show the comparisons. My information is that the wheat flour in Bombay, which I understand is made from wheat from Australia, but I am not certain of that, costs in Bombay Sh. 36—it varies between Sh. 33 and Sh. 36 per bag, and the wheat itself only costs Sh. 22. My own impression of the difference between the wheat and wheat flour is that there is nothing in the growing of the wheat in this country, and the recent prices I understand were fixed at Sh. 22 to Sh. 24 during the next two months. Now this compares very favourably with the price of wheat, especially in Bombay, but there seems to be something wrong with our milling costs in the Colony, because in India the difference between the wheat and the wheat flour, that is to say: the flour of the best quality is Sh. 14, whereas in this country wheat is Sh. 24, and the flour at the present moment is Sh. 58, which is a difference of Sh. 36. Now that I think demands very careful investigation. We see that wheat flour which is made of the wheat which travels somewhere between a distance of about 2,000 miles from the north of India to Bombay, and if it comes from Australia the distance is still greater, is sold there at Sh. 36—that is flour of the best quality.

I cannot understand why the cost of living should be so increased in this Colony. As far as atta is concerned the type of flour that is used by the Indian community, and I may say the Indian community are the largest consumers of atta—as far as the milling is concerned and as far as I know, in India it really only costs not more than a couple of shillings to grind a bag of wheat for the purpose of making it into atta that is consumed by the Indian community. I have seen women take the wheat to mills and having it ground in five minutes and paying two annas for a rupees' worth flour. There are a certain number of natives who like to buy flour, but the majority of Indians will eat atta that is made out of wheat, and it should really not cost them more than Sh. 2 to grind; if the cost of wheat is Sh. 24 or Sh. 26 the cost of milling should not exceed Sh. 4 in Nairobi.

I have got to examine if by removing the duty or by reducing the duty that we have got at the present moment it is likely to harm the industry of wheat growing in this Colony. I submit Your Excellency that the present duty of 33 per cent. is no longer justified. If the Bombay flour was to be imported into the country at Sh. 36—that is, starting from Bombay at

Sh. 36, and the costs, including the ocean freight, insurance, landed charges and wharfage charges comes to Sh. 3/75, and if we had a duty of 10 per cent., which amounts to Sh. 3/80, and also bring it to Nairobi on the basis of ordinary railway freight—it was Sh. 4 before the present increased rates were introduced—the price of imported flour in Nairobi should be Sh. 45/50, which cannot possibly harm local industry, because I maintain that we could buy here from the market, at any rate for the consumption of the Indian community, at a figure which must possibly be higher than Sh. 13.

When this protective duty was introduced it was considered that unless the difference between the price of the imported flour and local flour was very great the customers would not be induced to buy the local flour.

But the time has now come when even a difference of Sh. 3 to Sh. 4 between the local and imported flour will compel consumers to buy the imported article. But we have to take into consideration the capacity of the Colony to grow wheat.

At the present moment there is, quite apart from the price of the wheat, a scarcity of wheat and the wheat growers cannot possibly meet the demand of the country.

Then again I do not think it will be out of place to take into consideration the cases of the Uganda Protectorate and the Tanganyika Territory, who were brought into line as far as this territory is concerned simply to help this Colony to place this industry of wheat growing on a proper basis. At the present moment in Kisumu a bag of flour costs—that is, imported flour—Sh. 70/44, and at Kampala it costs Sh. 73/85. People have got to pay these enhanced prices, and they have been living in the hope the last three years that Kenya would be able to grow enough wheat for the three territories. Those hopes have not been fulfilled, and I think the time has come when the whole matter should be reconsidered, and if the protective duty is not removed it should be reduced to such an extent that it should be enough to protect the local industry and to make the millers explore further avenues of bringing down their costs of milling.

I am not against the principle of protection, but there are certain limits to it. We have had three years of it, and I reckon that in three years the industry has had time to establish itself.

I am so much in favour of the principle that in 1922 I took great pains to get the millers to introduce the right kind of flour in this country. In 1923 it was suggested in a Committee that the Indians had boycotted the local flour, but that is a statement which is quite inaccurate. I personally went to the extent of making all sorts of experiments in company with

Captain Burton of the Agricultural Department, and I also personally made experiments with no less than forty different kinds of flour in my own house, and I went from one eating-house to another and introduced the local flour. I think a great deal of credit is due to me for having introduced the local flour to the Indian customers who are large consumers of the atta.

I have been blamed very much by my community for having increased the cost of their bread and they say I have been told by my constituents that it is my duty to have the matter rectified now, because they have now to pay much more than the increased price for their flour, and I think the time has come when, if this Honourable Council cannot pass this motion and reduce the duty to ten per cent.—which I think will be a great relief to the adjoining territories also—the matter should be submitted to a Special Committee to be appointed to investigate the whole matter thoroughly and to report to this Honourable House its deliberations.

I do not want to take up any more of the time of this House. I think I have put all the principal points before Honourable Members.

However, I want to say one more word about what has been said with regard to the danger to the local industry. I see in a lot of the reports on wheat growing that there is no danger to the local wheat growing industry, because there is a possibility of their getting from Sh. 15 to Sh. 20 at any time for exporting local maize for South African markets. They can compete very favourably with the Indian wheat also, which is Sh. 22 in Bombay, which cannot possibly compete with the local wheat here. There seems to be something wrong with the milling process in this country. I cannot say at the present moment whether there is some sort of arrangement between the different millers, but there seems to be something wrong, and I am convinced that the trouble lies with the millers and the milling process in this country. When there are only one or two mills in the country the price of flour should be very much lower.

I submit that the time has come when the whole matter should be reconsidered.

HON. M. A. DESAI: I beg to second the motion.

HIS EXCELLENCY: I will put the motion to the whole House. (His Excellency read the motion).

HON. J. E. CONRY: The Honourable Gentleman who moved this motion said that there was a general feeling amongst the general community in this country against this import duty. I am sorry that I must disagree with him. It

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is quite true that the question was one considered by the Committee who originally recommended to Government the protective tariffs on local commodities which eventually Government agreed to.

I am very sorry that I find myself at a disadvantage, it is purely my own fault. One of the reasons is that I rather understood from Mr. Shams-ud-Deen, perhaps incorrectly, that this motion was not coming forward. In any event I feel quite sure that the Council could not accept the motion as it stands, and in fact I think the Honourable Gentleman spoke almost against the motion himself, because under the motion we are asked to recommend that the protective tariff should be taken off altogether and yet he himself suggests that some enquiry should be made before this is done. He suggested, further, that in any event the duty might be lowered.

I have said that I cannot agree that this feeling that the duty should be taken off is general throughout the community. There has been a feeling amongst the growers in this country that on account of the competition amongst the local mills over the wheat which was available that the price had been forced up so high in this country for wheat that there was danger—and in fact the thing that actually happened was that the price of atta and flour in Nairobi had been forced up.

When this was realised, as the Honourable Gentleman has said, the merchants and the growers got together in one district in this Colony and came to an agreement, the effect of which was that the consumer should not be called upon to suffer because of the protection which the Government were giving to this industry.

Mention was made by the Honourable Member of the price of wheat in Bombay. As I have not the figures in front of me I must accept the Honourable Member's figure as correct, but I will mention another figure, and in this connection I am quite sure I am right. A few days ago the price of Australian wheat on the Liverpool market was quoted as 20s. 8d. per bag, and I say we cannot grow wheat in this country and compete with a figure like that.

The Honourable Mover said there was nothing wrong with the growing of wheat in this country. Well, I must disagree with him. I wish it were so, but there is unfortunately something wrong with it. I know we are still experimenting with a crop which, in my humble opinion, will be a very big industry in this country one day, but I think that the Agricultural Department, although they have given some time to it, have not given anything like enough care to this breeding of wheats, which will give both disease resisting varieties and

yielding varieties of wheat for this country, and I think that the Agricultural Department have, if I may say so with every respect, been rather neglectful of this industry. I think they have got to take some blame for the position of the wheat industry in this country.

If the Honourable Gentleman who moved this motion will take a trip up-country and see some of the wheat that has been grown there last year, and see some of the yields that farmers are getting after a great expenditure of money, and see the damage which has been done to wheat on many acres, I am sure he would have some sympathy with the farmer; in other words, we are still experimenting in wheat and it is impossible for the farmer to go on experimenting and at the same time have to compete with the European markets.

The Honourable Gentleman has referred to millers. I am not a miller—I know nothing about milling, but I have got some sympathy with millers. The Honourable Gentleman says he thinks there are one or two mills in this country. To my knowledge there are five or six, and to my knowledge at least some of those mills are kept idle for a large portion of the year. I am talking about wheat mills, and I suggest that if the cost of milling is high in this country it is because to a very great extent these mills cannot get wheat to grind and their overhead charges have to go on as they have no means of getting wheat in this country to keep their mills going at their full capacity.

I would like to make one suggestion to this Honourable House and that is that the export of wheat from this country should be prohibited. I understand that the Honourable Director of Agriculture sees no need for that. The position is that a short time ago the farmer who was accepting the protection of Government to the extent of Sh. 12 per bag for import duty for his wheat did so because of the fact that exporters were exporting wheat when there was a shortage in this country, and if the Honourable Director of Agriculture is waiting until that occurs again, I say it will be too late then to do anything. It was only because the world's prices dropped that the exporters and merchants stopped exporting. If that happens again there is a temptation on the part of merchants to put up wheat and export it, and I think Government ought to say immediately that there was to be no exporting of wheat until the local demand is met.

There is another suggestion I would like to make, and this is made without consulting my colleagues in any way, and that is I think that Government might consider allowing the importation of wheat into this country under licence. I think at the present time when it is recognised and admitted by every-

body that there is a shortage of wheat in this country, and if there is not sufficient wheat to go round after this harvest is reaped, I think the Government should consider whether they should not, under licence, allow the importation of wheat sufficient to meet the local demands, not only of this country, but also Uganda and Tanganyika, for whose help to the colonists we are all very grateful. We are indeed grateful to those colonies for helping us to establish an industry, and I think if this suggestion were adopted by Government, they should allow the importation of wheat under licence in sufficient quantities to cover the requirements of Kenya, Uganda and Tanganyika.

The Honourable Mover suggests an enquiry. I would remind him that there has been an enquiry quite recently. Your Excellency's predecessor appointed a Committee of Enquiry to enquire into the effects of these protective duties, and I suggest that the report of that Committee should be laid on the table of this Honourable House.

HON. DIRECTOR OF AGRICULTURE: Your Excellency, it would be idle to assume that any debate which may take place on this subject will alter the opinion of those who are either ardent protectionists or free-traders.

I do not therefore propose to attempt to convert either the one or the other, but I will endeavour to place before the House a statement of the case.

Admittedly there is a divergence of opinion among different sections of the community, but the matter is one which should be viewed in relation to the interests of the Colony as a whole.

In this connection I would quote from the Customs Tariff Committee's report in 1921—the first body to examine the subject fully—that Committee reported *inter alia*: "Capital is not attracted to a new country for investment in industries new to a Colony unless the investor is satisfied that a fair interest and profit is to be made on the undertaking. . . . When a local industry has to compete with supplies from other countries where the industry is well established it starts at a disadvantage as its costs of production and manufacture are likely to exceed those in the older country until such time as the new industry gets firmly established. . . . It has therefore to be admitted that unless sufficient protection is afforded progress will be restricted and industries which might prove to be of great value to the country will fail to become established."

Again, "It is therefore in the interests of all sections of the community that the resources of the country should be exploited and developed and even if they have to contribute

directly towards the cost it is held that the benefits to be derived outweigh any disadvantages. Provided that favourable conditions exist for production the payment of perhaps a slightly increased rate for a consumable commodity for a few years may result in considerably reduced and steady prices in the future when the industry is in a thriving position and local competition sets in."

Up to August, 1921, the duty on wheat and wheat flour was 10 per cent., from that date until May, 1922, it was 15 per cent. In 1922 the matter was very fully considered by the Economic and Finance Committee who strongly recommended that in order to husband and develop the Colony's resources and to establish the wheat industry a high protective duty was essential.

After lengthy negotiation and full consideration by this Honourable Council—when a free vote was allowed—the policy of protective duties was carried by a majority of 27 votes to 3, and the duty was fixed at 30 per cent. That remained in force from May to September, 1922, when it was altered to a specific duty of Sh. 6 per 100 lb.—approximately the same in its incidence.

What has been the effect of this policy?

Wheat growing commenced in this country in 1908 but little progress was made until 1922. In the Census year 1921 the acreage was 7,858 acres and the production 12,913 bags. In 1922 it had increased to 13,696 acres with a production of 25,513 bags. In subsequent years there has been a steady increase reaching in 1925 to 21,085 acres planted as at June 30th, and with a production for the year preceding of 61,069 bags.

To that acreage figure there should be added sowings in July and August last, which will bring the crop for this year to about 30,000 acres with an estimated production of about 75,000 bags.

Between 1921 and 1924 there was a drop in the importation of flour from 78,000 cwt. to 45,000 cwt.

It is to be admitted that the wheat crop is not yet sufficient to displace imported flour, but the figures quoted are an indication that progress is being made.

Allowing for the needs of Uganda and Tanganyika, who are interested parties inasmuch as the same duty applies to all—also for increased consumption, it is estimated that a further 15,000 acres of wheat will be required fully to provide for East African needs. With the advance of settlement and the development particularly of farms at the higher altitudes the object should be attained within a few years.

It should be remembered that during the last few years wheat growing has to some extent been in competition with maize—a crop which on account of abnormally high prices has yielded considerable profit. With a fall in the price of maize greater attention is likely to be given to wheat growing.

And now I would refer to an enquiry held this year. It will be recalled that this House, on motion of the Right Honourable Member for the Rift Valley, desired that an enquiry should be held for the purpose of ascertaining the results obtained from the Protective Duties placed on various articles produced locally. That enquiry was conducted by the Economic and Finance Committee, who recommended that no alteration be made in the protective duties.

The Committee further established the fact that prices, at the time of the enquiry, had steadily diminished in spite of the imposition of protective duties, and further that in the case of wheat flour there had been no exploitation of the local consumer by the producer.

In this connection I would quote the facts.

In 1922, before the duty was raised, the price of flour ranged from Sh. 50 to Sh. 62 per bag. In 1924 and up till a few months ago it had dropped to Sh. 48 per bag, and while during periods when the world's market price of wheat was high, flour was also high in price—Kenya flour remained steady. It was further established that during certain periods the price of imported flour would have exceeded the price of the local article, even if the duty had only been ten per cent., and the railway freight much lower.

The world's market price of wheat fluctuates considerably.

At one period wheat was selling in Kenya at a lower price than its value for export.

With wheat ranging from Sh. 50 to Sh. 80 per qr. of 480 lb. in the London market, the value of wheat for export at Kenya stations would vary from Sh. 16 to Sh. 20 per bag of 200 lb.

The selling price at the moment is Sh. 24 per bag and for deliveries after this month it is Sh. 22.

It is true that during recent months the local millers have been obliged to raise the price of flour to Sh. 58 per bag on account of the rise in the price of local wheat due to a shortage at this season of the year, but it is hoped that prices of local flour will fall.

At present flour prices overseas and even if the duty were reduced to 10 per cent. the cost of imported flour would

not be substantially less than the price of local flour and certainly not sufficient to enable the baker to reduce the price of bread.

The price of the loaf has, however, not been raised. It remains at 48 cents for a loaf containing a percentage of imported flour, but it is still 44 cents for a pure Kenya loaf. In this connection it should be observed that when the duty was 15 per cent. the price of the loaf was 50 cents.

A point which at one time exercised the minds of those responsible for deciding the policy to be adopted was the quality of the loaf which could be baked from pure Kenya flour. As the result of experiments by bakers and wheat growers it has been demonstrated that with the improved milling plants erected and the varieties now grown a nutritious and palatable loaf can be baked from pure Kenya flour. Atta flour, chiefly used by the Indian community, is also made from Kenya wheat alone, and I am informed that its quality is quite acceptable and satisfactory.

A most important point in connection with the establishment and progress of the wheat industry is the flour milling plant. Whereas in 1921 the position was far from satisfactory and the capacity of the one mill in the country was small, marked improvements have since been made. To-day there are modern milling plants with a capacity of 150,000 to 200,000 bags of wheat per annum, a capacity sufficient fully to meet the whole requirements of East Africa.

There can be no doubt but that without protective duties money would not have been invested in the milling industry, and in its absence progress in wheat growing would not have been made.

Before closing this review of the position I would mention that the Board of Trade in South Africa—then a statutory non-political body—recommended that the duty on wheat and wheat flour imported into that country should be doubled and my study of their report has prompted me to place before this House a statement showing how the farmer, the miller and the baker participate in the amount realised from the sale of bread.

I will now read a statement showing share of cost of bread received by farmer, miller and baker including distributor.

Basis.—Take 1 bag of flour, 200 lb.

Producing 250 loaves at Cts. 44.—Sh. 123/20.

1. Taking wheat at Sh. 24 per bag of 200 lb. and yielding 70 per cent. flour. Farmer receives Sh. 31/28 = 27.8.

Corresponding percentage in South Africa, 31.25.

2. Miller at present sells flour at Sh. 58 per bag of 200 lb. Receives Sh. 58 less Sh. 34/28 paid for wheat plus value of bran Sh. 2, say Sh. 25/72 = 20.9 per cent.

Corresponding percentage in South Africa, 19.25.

3. Baker including distribution sells for Sh. 123/20 less Sh. 60/25. Sh. 58 paid for flour plus railage Sh. 2/25. Receives Sh. 62/95 = 51.1 per cent.

Corresponding percentage in South Africa, 29.25, including delivery.

Those figures are not quoted with any object of showing that one party more than another receives an undue share of the proceeds but rather to clarify our ideas on the subject generally.

Now as to the incidence of the duty and railway freight.

The duty of Sh. 12 per bag of flour represents 0.7 per cent. of the selling price of the loaf and the railage of Sh. 12/56 per bag to Nairobi represents 10 per cent. Supposing that each were halved there would only be a possible reduction of 4 to 5 cents on the selling price of the loaf—a possible saving of Sh. 20 to Sh. 30 per family per annum.

It is further calculated that the price of bread would only rise or fall by 4 to 5 cents per 1 lb loaf if the price of wheat alters by Sh. 6/66 per bag.

The reference in the motion to "rated as foodstuffs" is not quite understood. Excepting in the case of maize and rice and certain produce carried at special export rates, the rate on ordinary foodstuffs for human consumption is higher than that applicable to imported wheat and wheat flour.

I regret very much that I have occupied the time of the House for so long, but I think it will be realised that the subject is rather a complicated one and I have endeavoured to confine myself to the salient features of the motion itself. I would say in conclusion that Government is unable to accept the motion.

(Council adjourned to 10 a.m. on Thursday,
December 10th, 1925.)

THURSDAY, 10th DECEMBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Thursday, the 10th day of December, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

Absent :—

HONOURABLE T. FITZGERALD,

„ R. S. NEIRA.

„ HEMED MOHAMED BIN ISSA.

His Excellency opened the Council with prayer.

MOTION.

“ That this Council records its deep regret at the death of Queen Alexandra and desires respectfully to express its sympathy with His Majesty the King-Emperor and all the Royal Family.”

HON. COLONIAL SECRETARY: In moving this Motion this morning I feel that I am expressing not merely the views, feelings and sentiments of the members of this Honourable House but also of all the races in this country. We desire, Your Excellency, to express our deep sense of loss and regret at the death of Her Majesty Queen Alexandra. Queen Alexandra's name has been a household word in England for the past sixty years. She has been with the British people in every branch of their work and their lives and she always showed the very greatest interest and sympathy with all classes of the population. We further wish to express on behalf of the Colony and Protectorate of Kenya, as loyal subjects of His Majesty the King, our sympathy with His Majesty, with Queen Alexandra's beloved grandchildren who visited this country this year and all the members of the Royal Family and our sense of the great loss they have sustained.

RT. HON. LORD DELAMERE: Your Excellency, on behalf of the Elected Members I would like to second the resolution put forward by the Honourable Colonial Secretary. I have nothing to add to what he has said. It is the unanimous wish of everyone in this country that our loyal and humble sympathy should go out at a time like this to His Majesty the King and the Royal Family.

HON. ACTING CHIEF NATIVE COMMISSIONER: On behalf of the two-and-a-half million natives of this Colony I, speaking as their representative, desire to associate them with the Motion which is before the Council. With that Sovereign, who in times of trouble or of tribulation, of earthquake, flood or famine is always the first to express his sympathy with the losses of the humblest of his subjects, to that Royal House, which is always the foremost whenever a helping hand is required, the natives of Kenya desire to express their sympathy in this their hour of sorrow at the death of a gracious lady, to whom our whole Empire owes so deep a debt of gratitude for those high standards of rectitude and duty that she kept ever before the eyes of her family and her people. It is my privilege as their spokesman to support this Motion of condolence and of respectful sympathy with His Gracious Majesty our King-Emperor and all the Royal Family.

HON. SHUKH ALI BIN SALIM: Your Excellency, on behalf of the Arab community I wish to express our sorrow at the news of the death of the Queen Mother. The grief of His Majesty the King and of the British people is shared by the peoples of the British Empire, and by all those who are under the protection of the British Flag.

HON. SHAMS-UD-DEEN: Your Excellency, in supporting this Motion I am quite certain that I am only expressing what is in the innermost hearts of every British Indian in this Colony, and incidentally what are the feeling of three-hundred-and-sixty millions of His Majesty's subjects in India. Your Excellency, Queen Alexandra I think perhaps after Queen Victoria was the most popular and beloved Queen of her people. Her death is the loss not only of the whole of the British Empire, but from the Eastern point of view and the devotion of the Eastern people to their sovereign, it is a great loss to the Dominions, including this Colony. I very heartily support this motion of condolence.

HIS EXCELLENCY: Honourable Members of Council, I think it is well that this Council should record, as it is about to do, its sorrow at the passing of Queen Alexandra and its sympathy with His Majesty the King-Emperor and all the Royal Family at the great loss which they and we have sustained. Queen Alexandra had three especial gifts; she had the gift of beauty, royal in its dignity and radiant in its charm; she had, too, a heart of gold and throughout a long life she was untiring in her efforts to assist and relieve all pain and distress. She had also another gift, which came perhaps largely from her great goodness of heart; she had unflinching tact, illumined by a sweetness and serenity quite her own. Wherever she went and whatever she did, she had

the gift of always finding the right expression. That perhaps was the reason why her popularity was so strong throughout a very long life. Throughout that life, during nearly forty years as Princess of Wales, during the much shorter period when she was King Edward's Consort on the Throne, and during that chequered age through which she has survived King Edward's death, those gifts of hers shone out, never assertive but never dimmed. With her there passes from our life not only a much beloved personality, but also an historic figure which became part of our annals early in the Victorian age. It is well, therefore, that this Loyal Council, through speakers representative of every community in the land, should record its sorrow at her passing and its respectful sympathy with His Majesty the King-Emperor, her son, and all her sorrowing family.

I will ask Honourable Members of Council to stand in their places while I put the question.

The question is:—

"That this Council records its deep regret at the death of Queen Alexandra and desires respectfully to express its sympathy with His Majesty the King-Emperor and all the Royal Family."

The Motion was put and carried, all Members standing.

PAPERS LAID ON THE TABLE.

Report of Select Committee of Legislative Council on Loan Proposals, 1925.

Minutes confirmed.

HIS EXCELLENCY: The Honourable Colonial Secretary desires to make a statement.

HON. COLONIAL SECRETARY: Your Excellency, I very much regret to inform Honourable Members of Council that unwittingly I gave information which I subsequently found was incorrect. It is with regard to the Defence Bill. I believe I did inform Council that a telegram had been received from the Secretary of State to the effect that, except in one particular, the Bill was approved and a despatch with regard to it was being forwarded. I regret to find now, on reference to my papers, that the telegram referred to the Arms and Ammunition Bill and not to the Defence Bill. I am very sorry that this mistake has occurred. It does not of course affect the question with regard to the Bill. I can inform Council exactly how that stands, but the information I gave was wrong, as this telegram referred to the Arms and Ammunition Bill. The fact that this was not discovered before is due to the fact that we were awaiting the despatch.

The position with regard to the Defence Bill is that the Secretary of State in a despatch has stated that he is willing to agree in principle to the Defence Force Ordinance of 1921, but he requires to be satisfied with regard to the proposed employment of the Defence Force, its training and its cost, etc. That information was sent to the Secretary of State. No reply has, as yet, been received, and he has been asked for further particulars to be put before Legislative Council.

The following telegram has been received from the Secretary of State:—

"Not yet possible to give decision which is to be considered by sub-committee of Overseas Committee. Sub-Committee will not meet before the Autumn."

That is the last word we have had with regard to the Defence Force. A telegram will now go to the Secretary of State asking for information with regard to the Defence Force; and if possible to cable such information so that it can be conveyed before the end of this Session.

I am extremely sorry for the mistake that I have made. It was due to the subject of the telegram not being understood, and I desire to express my regret to the Council. (Hear, hear.)

MR. HON. LORD DELAMERE: I would just like to say on behalf of Honourable Members on this side of the House that nobody can expect more than that. Everybody makes a mistake now and then. May I ask if the Autumn referred to in the telegram is this Autumn or next Autumn? (Laughter.)

HON. COLONIAL SECRETARY: This Autumn. (Laughter.)

HIS EXCELLENCY: Council will resume discussion of the motion moved by Mr. Shams-ud-Deen.

HON. M. A. DESAI: Your Excellency, I was a member of the Committee referred to by the Honourable Director of Agriculture. I was the only Indian member and I put in a minority report stating that in my opinion it was not necessary to impose the protective duties. That did not mean that I was not in sympathy with the growers in the Colony. We were told that the wheat industry then was suffering from three things. Many a time crops were destroyed by game, then the crop suffered from disease, and the third thing was that the Indian community and others had a prejudice against the locally grown wheat.

From the speeches made yesterday I take it for granted that there is no danger from game to the wheat crop. There is still danger from disease, and I would have been very pleased to hear something from the Honourable Director of Agriculture, whose department was charged as being neglectful towards the wheat industry by the Honourable Member for Plateau North. I must express my disappointment that he should not have told us how he proposed to save the wheat crop, instead of which he gave us a very long history of the wheat industry. I am very pleased to see that the prejudice with which the Indian community were charged no longer exists. I did say in my minority report that if efforts were made to popularise local wheat and flour that complaint will disappear.

I am very glad to see the interest taken by my Honourable Friend, Mr. Shams-ud-Deen, to remove that prejudice and I see a very bright future for the wheat industry in this country.

While I am in sympathy with the wheat growers of the Colony, I also want to see that the country's wheat flour and wheat is protected. The complaint in 1921 was that there was an excess of wheat. To-day we have a complaint that there is a shortage of wheat. We are told that wheat growers are not in a position to export wheat because more mills have come into existence and that such competition has taken place that the price of wheat and wheat flour have gone up extremely high.

I also heard the Honourable Member for Plateau North say that the wheat growers have also got great difficulties to contend with. I sympathise with them, but at the same time I am very anxious to see that we do something to remove these difficulties instead of allowing them to become permanent. We were told by the Honourable Mr. Shams-ud-Deen that Australian wheat could be purchased in Bombay at Sh. 22, while the same wheat could be purchased in Liverpool at 20/6d. I do not see any reason why the Kenya wheat also cannot compete with the Australian wheat. There are some reasons why the Kenya people cannot compete with Australian wheat in the markets of the world and it is necessary that we should appoint a Committee to enquire into the reasons for this.

I also heard from the Honourable Member for Plateau North that owing to the shortage of wheat some of the mills are remaining idle for the better part of the year. Well, that is another reason why we should remove the protective duty and do something to help the local mills to get wheat for milling the whole year round. I would like to see that

the Kenya wheat and flour is used not only in Kenya but in India and other countries of the world, and we should devise means to that effect.

The Honourable Director of Agriculture has told us that because the price of maize was very high that is the reason why the wheat growers instead of going in for wheat went in for maize. Well, the wheat growers and farmers have got to choose—they must know which crop will suit them best. It is clear that the country must also be given a chance to buy the cheapest from wherever they can get it. We should have some guarantee from the wheat growers that they will grow wheat and that they will not keep the country without at least the wheat required for this country. If they produce sufficiently in large quantities then the prices will not go up as they have gone up recently.

In this connection I would also draw the attention of the Honourable Director of Agriculture to the fact that we should also interest natives to grow wheat in this country.

In conclusion, I would urge on the attention of members of this Honourable House that a sufficient case has been made out for the appointment of a Committee to enquire what other difficulties with wheat the wheat growers have to contend with in this country; why the Kenya wheat cannot compete in the markets of the world, and how the consumer can be protected from inflated prices.

HON. CONWAY HARVEY: Your Excellency, I wish to associate myself with the terms of the Motion, Sir, in so far as it indicates a desire to reduce the ever rising cost of living in Kenya, but for reasons which have already so lucidly been given by the Honourable Director of Agriculture, the Honourable Member for Plateau North and for various other reasons of my own I shall certainly vote against the Motion. In my opinion in the first place it tends to defeat its own object. Primary consideration in introducing this comparatively small measure of protection for a small potential industry was to make the country self-supporting so far as the most important article of diet is concerned. Were that not done this small country would at any time be entirely at the mercy of speculators and dumpers and to show how nobly the wheat growers of Kenya have responded and in complete contradiction of the last speaker's statements that at one time there was an excess of wheat in the country over its requirements I should like to point out in 1919 93,000 cwts. were imported into Kenya which, after the introduction of this particular tariff fell in the year 1924 to 48,000 cwts., that is, a reduction of approximately 50 per cent. The duty itself so far as the cost of the loaf is concerned is entirely

negligible. At Sh. 12 per bag it only amounts to a mere trifle of 4 cents per loaf. If that was reduced to the small figure of Sh. 8 per 100 lbs., the cost per loaf would then be decreased by 2 cents and assuming a person eats one loaf of bread a day it would only affect his annual living budget to the extent of Sh. 7. That is a mere trifle compared to the advantages derived from the whole country by having these thousands of pounds being kept in circulation in this country which formerly went out of the country to buy this flour. Wheat is grown on the high altitudes of Kenya from 8,000 to 10,000 feet generally, and at these altitudes other economic crops cannot be grown. That being so, the present policy of Government tends to create avenues for the profitable employment of capital and offers golden opportunities for more intensive settlement. Another very important point to my mind is that constant changes of tariffs must invariably be bad for any country. Capital is invariably a shy bird and will never flow into a country which does not inspire confidence in the minds of investors and I do suggest, Sir, that by following the terms of this motion we shall most surely bring Kenya into disrepute in the minds of investors all over the world.

HON. T. J. O'SHEA: Your Excellency, this motion has been hanging over our heads for months now, and if I may use an Irishism, now it has fallen I feel weight taken off my shoulders. I am sure that the Honourable Mover is not himself satisfied that his motion is the right way of dealing with the situation. The Honourable Member for Plateau North and the Honourable Director of Agriculture have given various reasons to prove that that import duty on wheat has had a very desirable effect in stimulating the trade of this country. The prime reason that justifies the import duty on wheat is the fact that the production of wheat and the manufacture of flour taken together constitute the chief industry and practically every country in the world recognises the necessity of safeguarding its food supplies. During the war we had various examples of the great danger of importing wheat and while at the present time it may be possible to import wheat or wheat flour into this country cheaper than we can produce it, it is nevertheless sound policy to look to the future and see that any opportunities in this country are developed. It is absolutely necessary looking to the future of Eastern Africa that some portion of these territories should be utilised for the production of wheat and I can see if it is a strong justification for the maintenance of the import duty. The Honourable Mr. Desai did not think there should be any protection if people in this country were deliberately taking advantage of that duty to profiteer. The duty protects the

millers, the producer, and the baker. Now so far as the farmer is concerned, I do not think any sound argument can be brought forward to prove the farmer is profiteering. The price of Sh. 20 has been mentioned as the price to-day in Liverpool and the price in Kenya is Sh. 24, but only two months back the price of wheat in Kenya was Sh. 22 and the price in Liverpool was Sh. 25. Again in recent weeks a large body of the wheat farmers of this country have voluntarily combined to keep down the price of wheat and have so far refused to take advantage of circumstances to obtain a high price. These things are proof that the farmer is not profiteering on the protection of these duties. Turning to the miller, it is an undoubted fact that the cost of flour in comparison with the price of wheat is in this country out of all proportion to what it is in other countries. There are several reasons for that, some of which do justify the miller in the price he charges in the local market and one of them is undoubtedly the fact that during the larger part of the year the mills have to stand idle. We cannot expect the price of flour and bread to be reduced in this country unless we can keep the mills going all the year round. And when we turn to the price of bread in relation to the price of wheat and flour it requires very careful investigation. In England in September last—my figures are approximately correct—the price of a 200 lb. bag of wheat was Sh. 25. The price of flour was Sh. 37 and the price of bread Sh. 66/9. In Kenya the price of flour at the mill to-day is Sh. 26/50. The price of flour is Sh. 54. Bread, the product thereof, if I take the figure of the Honourable Director of Agriculture, is Sh. 123. I suggest these figures require investigation. It seems to me from a close study of this subject that it is not with the farmer but at the other end of the scale that the trouble lies. I have made one or two calculations and I have figures here which I think are worth consideration. If a baker is using 5 bags of flour a day, and I understand there is one baker using that quantity, after paying for the flour and the master baker—there would be one European baker—there is an amount of £5,000 per annum to cover all the rest of the costs. I think that is a very eloquent figure and is one that convinces me that an enquiry into this question on the cost of living in relation to wheat products is one requiring investigation. I feel certain that while it is necessary to reject this motion it is equally necessary not to let the position lay where it is to-day. Unless something is done to remedy the situation from the point of view of the consumer there will be no security for these people who are dependent on the wheat industry. For one thing I think it is necessary Government should take some steps to prevent the interference of speculators in the handling of such an important commodity as

wheat and wheat products. I have reason to believe that some of the mills have to pay very much more for wheat than they would have to pay if they could deal direct with farmers. A case in point. On Sunday last in the absence of my colleague who deals with that part of our business, I had occasion to conclude a deal in wheat. While I was seeing to the delivery at the station—I had purchased at Sh. 24—an Indian drew the man alongside and had a conversation with him. I had reason to suspect the conversation. The Indian offered that farmer Sh. 32 per bag. That was pure speculation. I have reason to believe that certain merchants in Eldoret during recent weeks have purchased very considerable parcels of wheat at Sh. 30 knowing full well that the mills are endeavouring to secure supplies at a price not exceeding Sh. 24. The farmer is not benefiting; the miller is not benefiting and certainly not the consumer. An offer was made to me last year to place a sum at my disposal which would have enabled me to buy up a very substantial proportion of the wheat in this country and had I done so we might possibly have made several thousands of pounds out of a primary food crop. It was not done. The situation in the country during the past months has been such that it only requires a combination of unscrupulous people to hold this country to ransom over the food supplies for the next few months. I suggest an enquiry is necessary. Uganda is suffering considerably in the present situation. Flour there is now in the neighbourhood of Sh. 73 per sack. That being the case I must pay my respects to the patience and calmness of the people of Uganda in putting up with the situation and in saying so I must point out the Uganda Railway is to a considerable extent responsible for that and unconsciously the Honourable General Manager is profiteering as well as the rest. He is unwittingly taking an advantage to charge a rate for which it is not necessary to meet the situation. I am sure he will go into the question and consider whether it is not possible to alter the rates so that when flour is to be carried such a long distance as from here to Uganda the sliding scale can be made in favour of Uganda. Otherwise Uganda will not put up with the position much longer. The Honourable Mr. Desai has raised the question of exporting wheat. I think I am correct in saying the only wheat exported from Kenya is a few parcels exported for experimental purposes merely to try what the overseas markets thought of the wheat of this country. I do not think there need be any great fear that any attempt will be made to export wheat from this country for many years. On the contrary the price fetched locally is a better price than would be obtained overseas. In conclusion I feel compelled to vote against this motion but at the same time I would like to add my voice to the request for an enquiry. An enquiry is

certainly necessary in the interests of the people who have to purchase the wheat produce of this country and it is desirable in the interests of the wheat growers, millers and the bakers that something should be done to meet the present situation and if nothing is done we will have to face the position again in the next few years.

HON. MAHOMED KASSIM: Your Excellency, I beg to associate myself with the mover of this motion and I beg to say that the figures supplied by the Honourable Director of Agriculture I do not agree with. The Honourable Director of Agriculture said the Railway only got 9% and the Customs 10%. In fact the Railway gets 36% on the importation of wheat flour and the Customs gets just as much, so between the two services they get 72%. The cost of atta landed in Mombasa is Sh. 33 per 200 lbs. The special duty on it is Sh. 12 and the freight to Nairobi is Sh. 12/61. The freight to Kisumu is Sh. 18/72 and to Uganda Sh. 22/82. So far as Uganda is concerned the protective tax and the railway freight comes to nearly 100%.

HON. DIRECTOR OF AGRICULTURE: On a point of explanation Your Excellency. The Honourable Gentleman who is speaking has evidently misunderstood the figures. These percentages of 9.7 and 10% were in relation to the total proceeds of the sale of bread from one bag of flour.

HON. MAHOMED KASSIM: I did not misunderstand the Honourable Member. That is not a right comparison. The export rate for wheat flour is as low as 80 cents per 100 lbs., so that when the world markets for wheat is high the farmer will feel inclined to export his wheat to some other country. They are protected by the import duty on the one hand yet it is to their advantage if they want to export wheat flour as the freight of Sh. 1/60 per 200 lbs. as against Sh. 12 for imported wheat, and furthermore wheat can only be grown at certain altitudes. In other words, the wheat can only be grown in the Highlands and if the Highlands are reserved for a particular community the taxing of bread to 60 and 100% is not justified at all and in fact there is no justification for this protective tariff, and I beg to suggest that the protective tariff should be abolished everywhere.

MR. HON. LORD DELAMERE: Your Excellency, I am afraid I cannot agree with the Honourable Mr. Kassim, and I think his figures were misleading. I congratulate the Government on having stuck to their guns in this matter. What it really means is whether you are going to pay the farmer or the importer. Everybody knows in this country that the moment we get short of wheat what happens? Up goes the price. Everybody knows that it was proved conclusively by the

figures put before the Committee that although the world prices of wheat did alter up to over 50% (I cannot remember the figures) at different times, yet the local price of flour had never altered except in the last two or three months and then only to the extent of Sh. 1 a bag and that the imported flour had undoubtedly been kept down to that price by the wheat grown in the country. There can be no doubt about that whatever. To-day, owing to the shortage of wheat and owing to the increased number of mills that want wheat and owing to the fact that as the Honourable Director of Agriculture has said the mills of the country can deal with 120,000 bags a year, the position is different. They are certainly not getting more than half of that and the result is they compete for the wheat and just lately the price has gone up. I will give you an instance of the kind of thing which happens in these matters. The Honourable Member for Plateau South said something about speculation. We tried to keep down the price because we believed if the price went up it would bring about the natural expression of opinion in favour of doing away with the duty and without any benefit to us we tried to keep the price where it has always been. We sent down a truckload of flour to Nairobi. It was bought up at our price and within five minutes of our arrival it was resold at the higher price. Our profit was a comparatively small one and the result was we thought there was no object in allowing the speculator Sh. 5 a bag profit, so we put up our price. There is only one way of dealing with that matter, and that is to get enough wheat. The whole of this question goes by the board then, and it has been the greatest possible disappointment to me that the acreage in wheat has increased so comparatively slowly. There are large areas in this country which are almost entirely dependent on the wheat crop and it is most disappointing that the amount of wheat required is not coming forward. I do think that I agree with the Honourable Member for Plateau North that the matter of allowing the free importation of wheat under licences up to the amount required by the country to fill the demands of the three Colonies should be very seriously considered by Government, and I would like to propose an amendment to this motion which perhaps Government might be able to accept, that the matter of the prohibition of export of wheat and the matter of the allowing of the import of wheat up to the extent that is required under licence and also I think, another matter, the question of the improvement in the methods of breeding wheat in this country should be referred to the Economic and Finance Committee and that they be asked to go into this matter and the mover of this motion should be added to that Committee for the time being. I think if you can do that that is the solution of this thing. You do not interfere

with the growing of wheat because people know that as amounts in the country get more the number of licences for the importation will be decreased and it does not interfere with the miller because they can build up ready for the time when they are going to mill the wheat of the country alone, and I think it is a most important thing with regard to Uganda and Tanganyika. I do not think for one moment the consumer in this country has been prejudiced by the duty. The average price of the miller for flour for the whole of 1924, was Sh. 24. The price of Bombay atta and superfine taken together has an average of somewhere about Sh. 62. It is quite evident the farmer and the miller are not sheltering themselves behind the duty. The trouble is there is not enough wheat and the man who wants wheat has got to pay these imported prices but if wheat was there and if it was averaged down to having enough of your own wheat to fill the greater part of the requirements you could allow the importation of wheat under licence and it would clear up this matter. With regard to Uganda it is prejudiced at the present moment to the extent of the duty and high railway freight. I cannot remember the original Committee which sat on this duty but it was decided the railway rate should be what it is for the protection of this industry so that it is not a matter which can be put down to the railway in any way. In regard to Uganda, it is very much interested in this matter because it is such a long way up the line and it is always going to be expensive, but if you have got a good wheat industry in this country then she can buy her requirements from places just across the border. With regard to Tanganyika the matter is different, but the figures laid before that Committee which sat the other day came to the conclusion I think that owing to the export rate for different things it was possible to find certain commodities in Dar es Salaam cheaper than in parts of this country owing to the export rates given by the railway on certain things. I do not know whether that affects this particular community. The fact remains that something of the sort might be done to ease the situation for East Africa. Anybody can refuse to put money in the pockets of the importer and speculator, and so put it in the pockets of the people living in this country. It is a very serious question, this question of wheat and the duty. If you take the duty off wheat the effect would be to break the wheat industry here. The high parts of this country are going to be the large wheat growing areas. There was one figure the Honourable Director of Agriculture gave yesterday which may have misled people. In the big mills of the world in certain places up to 70% of flour is got out of wheat. In the sort of mills you have got in this country where you have to put your wheat through a quicker process you do not

get anything like that. You get about 65%. There is no doubt, as the Honourable Member for Plateau South said, that milling is expensive, that the difference between the price of wheat and flour is high and entirely owing to the small output. If you have an output of 100 or 250 bags per month the overhead charges have to be spread over that small number. If we had big mills the overhead charges would be infinitesimal. If the importation of wheat under licence can be arranged the matter would disappear from this house altogether. When there is a shortage in this country the consumer does, then, have to pay the difference. Not otherwise. I therefore beg to propose the following amendment:—

“ That the matter of the control of wheat and the question of the possible free import of wheat to the extent required to make up the demands of the three countries, and the question of the improvement of the wheats grown in this country should be referred to the Economic and Finance Committee for consideration, and that the Honourable the Mover of this motion, if he is not already a member of that Committee, should be added to that Committee.”

I should like to move it as an amendment, or I leave it to Government as a suggestion. Perhaps Government might accept it. I put the amendment in very broad terms because everybody knows what has been said and what the purpose of the amendment is.

HON. COLONIAL SECRETARY: Your Excellency, on behalf of Government I may say that Government will be prepared to accept the reference as suggested by the last speaker, and I only regret that the reports of the Economic and Finance Committee on protective duties have not yet been published. I suggest now that this might be done so that the data and particulars regarding the production of wheat can be used for subsequent enquiry.

With reference to the suggestion now made by the Noble Lord, I do not know whether the Mover of the motion would agree to this, but it appears to me to be really what his resolution is aiming at, that is to say, that further enquiry should be made with regard to the position of wheat and flour in this country.

HON. SHAMS-UD-DEEN: I am afraid I cannot accept the amendment in its present form. I am in favour of an enquiry, but not for the purpose of the prohibition of the export of wheat from this country, nor in favour of the import of wheat. If an amendment is brought proposing that an enquiry be made on the question of protective duty, I should certainly

accept it, but I cannot possibly be a party to any amendment which aims at the prohibition of the export of wheat or the import of wheat.

HIS EXCELLENCY : I should explain that there is no amendment at the moment before Council. A suggestion has been put by the Noble Lord with regard to the action which might be taken, and that suggestion has been accepted by Government, but the substantive motion remains before Council, and it is for the Honourable Gentleman who moved the motion to press his motion for a division or to say whether he is satisfied with the suggestion made.

HON. SHAMS-UD-DEEN : I should like my motion to be postponed—discussion to be postponed—until after the result of the enquiry has been made known to this Honourable House. But I would point out that a great many statements have been made yesterday to which I did not hear any answers.

HIS EXCELLENCY : I do not think it is possible, in accordance with the rules, to postpone a motion once it has been debated, but of course the Honourable Member can withdraw his motion and put it up again if he is not satisfied. It serves the purpose. He can bring it forward in six months' time.

HON. GENERAL MANAGER, UGANDA RAILWAY : Your Excellency, I did not intend to intervene in this debate, but I now feel I must do so. First of all, if Government introduces a protective policy it would be quite wrong for the Railway to manipulate rates in such a way as to interfere with that policy. I think there can be no two minds about that. (Laughter).

The Honourable Member for Plateau South has referred to profiteering. He said that the General Manager profiteers. Of course that is quite wrong. The Railway, as Honourable Members are fully aware, is a transport institution belonging to the State, which returns to the country every penny it earns, and I cannot therefore understand quite how the question of profiteering comes in. The Honourable Member unfortunately tacked on to his suggestion of profiteering an insinuation that the Uganda people were rather badly treated in the matter of these rates, and that, Sir, is the sort of thing which is apt to do a lot of harm on the other side of the Lake, and I do deprecate those suggestions.

What is the actual position with regard to Uganda? Uganda of course will never get away from the disadvantages of its geographical position so far as the railway rates are concerned. That is clear. But as a matter of fact Uganda has been favoured in the matter of railway rates, as the rail-

way rate reduces as the distance increases. They have also been further favoured by the non-inclusion of any charge for the transshipment on Lake Victoria. I consider that Uganda is very fairly treated in the fixing of the rates. They work out in ten tons of flour to ten cents per ton per mile, and no charge is made for transshipment. That rate is very slightly indeed over the bare cost, and at the time it was imposed it was below cost. It cannot therefore be thought that Uganda is unfairly treated in this matter.

HON. E. M. V. KENEALY : In my opinion it is necessary to protect infant industries. In this instance the policy of protection of the wheat industry is bound up with the policy of rail and rate transportation, and I submit that in three years it is impossible for us to have evolved fully that system of transportation which is absolutely essential and is part of the policy of protectionists. This policy of protection is bound up with construction of railways and rates. If we do not protect ourselves in effect we are protecting our competitors and ensuring ourselves. I think it is absolutely inadvisable to alter the present system in any way at all—by enquiry or otherwise.

The essential point is that until we have carried out the policy of railway and rate construction which is bound up with the policy of protection it is premature to change the policy now.

(Portion of speech inaudible owing to bad acoustics).

HON. J. B. PANDYA : From what I have heard in this debate I am not convinced in any way as to whether this protective duty is really a protective duty or whether it is a protective measure or not. I explain myself in this way: that from what I have heard in this House I am convinced that no protection is necessary at this stage, but that the duty which is now levied serves the purpose of revenue, and that the revenue is guarded by the cost practically between Mombasa and Voi.

The country has not yet been able to produce a sufficient quantity of wheat to meet the needs of the country.

The figure is quoted here: that is 22/- or 24/- per bag of wheat. Now this compares very favourably with the price of wheat ruling in the world's markets, and therefore I do not see what justification there could be for protection, particularly so when the local wheat growers have the protection of 10% duty, as suggested by the Honourable Shams-ud-Deen, and the protection of the railway freight. When we compare the prices, even taking the figures which are quoted and with the reduction of 20% which has been suggested by Mr. Shams-ud-Deen, the wheat flour which costs now 62/- in Nairobi would cost 52/-.

It has been suggested that these prices are likely to come down to a certain extent if the new crop is favourable, and if the prices are regulated at 22/- or 24/-. If that is so, it is proved that even with the reduction which is suggested wheat flour should not be imported in Nairobi at the price at which the lower flour could be got, and I do not see what the argument is in favour of keeping this 30% prohibition duty at present.

I do not agree with the suggestion that the industry is still in its infancy. It has been stated by the Honourable Director of Agriculture that in 1921, we had only 7,858 acres under wheat, whereas in 1925 we had 75,000 acres, and the difference is very big; and if this protective duty has materialised then I think it cannot be argued that the wheat industry is still in its infancy in this country. In fact, the figures demonstrate that the wheat industry has already acquired a stage and it is only the certain failure of the crop or the demand that has made the difference. I think the time has arrived at least to show that there is no enquiry essential to reduce this percentage, but from all points of view I cannot understand the opposition which has been put up by the elected members on this side of the House that an enquiry should be made. I think a very strong case has been made out not only by the Honourable Mover, but even by the members who have made speeches on the other side. I think that it proves that it is absolutely essential that the thing should be considered in a fresh light.

It has been stated that some time ago the Economic and Finance Committee did advise, after going into the question very carefully. I submit that the protective duty was imposed on the advice of the Economic and Finance Committee, and although I do not say that this is not the proper body to look into the matter, I submit that if the enquiry had been conducted by an Enquiry Committee which would not look at this question from the point of view of protection only, but from the point of view of the consumers and the point of view of the general taxpayers, it would have an entirely different result, or perhaps the result would have been the other way about.

I say that a case has been made out for the enquiry which is now suggested.

It has been suggested by the Honourable Member for Plateau South that in certain instances he thought that the price of wheat which was offered by the Indian buyers is higher than the other buyers' price. I do not understand the contention at all. If the amount paid is the world's price, how is a case made out?

I should like to say in conclusion that I am opposed to the suggestions now made because they are going to upset things. In my opinion if the suggestions are put into force it will increase the price of the commodity in a way which would be injurious to the benefit of the country or to the benefit of the consumers. I suggest, therefore, that the suggestion now made should not be agreed to.

HON. LORD FRANCIS SCOTT: The last speaker said that he did not agree that the wheat industry was still in a stage of infancy. Even if it has got beyond the stage of infancy, certainly it has not got beyond that of adolescence, and I submit that it would be an absolute calamity if this protective tariff were taken away before the wheat industry has reached full manhood.

Your Excellency, the wheat growers of this country have had very great difficulties to combat with. They have had a great deal of experimental work done; they have had great losses from rust and disease, and are only now beginning to get at all anything like a sound position. There are now new acres being opened up for wheat growing, and if at this stage when we are getting along, you are going to take off this protective tariff it would be nothing short of a calamity.

With regard to the consumer, there is no question in my mind that the way in which the consumer is going to be protected and looked after is by having a sufficient supply of wheat in order to keep the mills in this country going to their fullest capacity. That is the object we have got to work up to—by having sufficient wheat grown in this country to keep the mills supplied to their fullest capacity. Until there is enough wheat for that purpose, I do hope that the suggestion of the Honourable Member for Plateau North and the Noble Lord—member of the Rift Valley—will be supported for imported wheat under licence.

There is no question that the overhead charges of the mills do depend on the quantity of flour produced. I believe at present there is a certain amount of criticism of the local flour from the mills at certain times of the year owing to the fact that they cannot buy sufficient wheat to keep the mills going altogether and therefore, they have to send out somewhat immature flour which is not as good as it is at other times of the year.

I further do very much support the suggestion that there should be no export of wheat or flour from this country until such time as we are able to fully supply our own requirements.

HON. SHAMS-UD-DEEN: I think this debate has given us a very good example of showing how dangerous it is for this

Honourable House to be unrepresented as far as the Indian interests are concerned. I have listened very carefully indeed to the speeches of Honourable Members who have at great length shown that the consumer is not in any way affected by the increase in the price of flour. But I have not listened to a single member who has taken the point of the Indian consumer. The whole debate is now concentrated on the price of the loaf, which it has been stated in this House is 44 cents for local flour and 48 cents for imported flour. An Indian consumer does not use the loaf as the European does. He makes his own bread in his own house, and the increase in price of every pound makes a great difference to him. It has been stated here that an enquiry has been made, but I think that even if the recommendation of that enquiry was to be taken into consideration there are further grounds why a fresh enquiry should be made.

Since the enquiry which I understand was held about six months ago, the price of flour has risen by 10/- per bag. That in itself means 5 cents per pound of flour to the consumer.

The reason why I did not agree with the other motion for an enquiry being made into the circumstances is that I have never hoped to carry in this Honourable House any motion no matter how strong the arguments have been that have been made. I know that this motion has been defeated, but I think I have served the purpose. I have done a service to my own community, and I am going to take my cue from the Honourable and Gallant Member for Kenya, who has suggested that the Indians should buy their wheat from the wheat grower himself and do their own grinding. I have taken great pains to go very thoroughly into the question of wheat flour, and the industry in this country, and even although this motion is going to be defeated, I feel I have my duty by my community, and that I have done them a great service in ventilating the matter.

I think the sum total of the whole debate is this: it is perfectly clear that the name of the wheat grower is being exploited for the benefit of English millers. It has been shown conclusively that it is owing to unhealthy competition that these high prices prevail. It is after all human nature to sell your produce to the best market. When there were only one or two mills the price of flour was high. It is the unhealthy competition of the millers that has sent the price up, and I think those people were the speculators.

It has been stated here that better rates could be given, but I submit that the wheat grower and the bakeries are the only people who should be applauded for their very patriotic conduct in this connection. If I was satisfied that the pro-

tection tariff was a very temporary one I should certainly not have put this motion before the House, but it has steadily increased from 40/- to 58/-.

It has been stated in this Honourable House that we rely upon the patience and forbearance of Uganda and Tanganyika. Well, I think we have also taxed the patience of the baker. But how long is he going to stand it? The baker has not increased the price of the bread in spite of the increased price of flour. He has suffered and the wheat grower is now being made to suffer. What does the argument amount to? Honourable Members have said "do not allow the export of produce to other countries; do not allow them to sell."

HIS EXCELLENCY: No!

HON. SHAMS-UD-DEEN: Millers have gathered together and have made the wheat growers pay an artificial rate of 22/- and 24/- per bag. They are trying to fight the economic law and these artificial means. We have had trouble in the past through these artificial methods.

I am willing to go to the extent of saying that a case has been made out, that as far as the European consumer is concerned—as far as the household and the baked loaf of bread is concerned, there is no necessity for the removal of the protective duty. But the Indian does not use that kind of flour, and I would be perfectly satisfied if my motion would be accepted and the import duty on atta—a commodity which is not used by Europeans and only Indians—should be removed. Why should the Indians suffer? I have shown conclusively I hope that he has suffered by reason of this. Although the baker has not raised the price of the loaf in the past I think it is going to be raised before long, but the Indian consumer does not benefit by that. He suffers by it. Therefore, I submit that a very good case has been made out and no grounds have been shown why the import duty on atta should not be taken away.

I think that the statement which has been made that the wheat growing industry is in its infancy and in its experimental stage is rather inconsistent with the statement or the suggestion that the export of wheat should be prohibited. I say that it is a great credit to the wheat growers that even in their experimental stages, even in the infancy of the industry, they have been able to compete with the wheat markets of the world. I think it is a great credit to them and I have seen correspondence in the papers about this, too. The wheat growers do not want the protective duty; it is the miller who wants it. It has been admitted that even in England the difference between the price of the wheat and the price of

flour is 12/-. It shows quite clearly that the consumer has got to pay for a very large staff and overhead charges for keeping the mills idle, and I can see that the whole argument is really that protection is necessary to the millers and not to the wheat growers.

I think I have put it clearly that even if the wheat was imported into the country it cannot possibly compete with the local wheat, and that the local wheat would stand no danger at all.

As I have no hopes of carrying this motion, I do not think I need go on with it any more, but I hope I have perhaps at any rate to most of the Honourable Members put forward a clear instance that a case does exist for the reconsideration of the protective duty being removed—at any rate from atta.

HIS EXCELLENCY: The question is:—

"That this Honourable Council is of opinion that there no longer exists any justification for a Protective Tariff on Imported Wheat and Wheat Flour, and that this should be removed and a *status quo* established; and also, that these commodities should be rated as foodstuffs on the Uganda Railway, and charged accordingly." Motion put and lost.

On a Division.

Ayes.	Noes.
4	25

HON. TREASURER: Your Excellency, I beg to move:—

"In view of Chief Warder Hira Nand's 21 years, 10 months and 23 days satisfactory service in the Prisons Department of this Colony, this Honourable Council is pleased to award him a pension of £63 a year from the date of his retirement, viz., the 24th March, 1926, instead of a gratuity of £96-18-6 to which he is strictly entitled under the Regulations."

The motion is self-explanatory. The Commissioner of Prisons has written in to say that this man's services are regarded as being very meritorious, and the matter has been referred to the Secretary of State who has expressed his willingness to the course proposed if this Honourable Council agrees to it.

HON. COLONIAL SECRETARY: I beg to second the motion. The motion was put and carried. (No count).

PAPERS LAID ON THE TABLE.

HON. COLONIAL SECRETARY: With the permission of this Honourable House I beg to lay on the Table the Report of the Select Committee of Legislative Council on Loan Proposals.

HON. TREASURER: Your Excellency, I beg to move:

"That this Honourable Council approves the grant of a gratuity of £153, equal to six months' salary at the rate last drawn to the widow of Mr. V. C. Dias, late Sub-Telegraph Inspector, Post and Telegraphs Department."

In this case the petitioner is the widow of an officer, a Sub-Telegraph Inspector, who died two months after he went on pension. In submitting the petition the Honourable Postmaster General paid a great tribute to the services of this Sub-Inspector. The Secretary of State has expressed his agreement with the proposal subject to the voting of this Honourable Council.

HON. COLONIAL SECRETARY: I beg to second the motion. The motion was put and carried. (No count).

HON. TREASURER: Your Excellency, according to the Colonial Regulations excesses on sub-heads require the approval of the Legislative Council. If the excess causes an excess on the whole head and cannot be met from savings on the sub-heads the excesses are approved by Supplementary Estimates. If the excess can be met from savings on sub-heads the procedure is to lay a statement on the table. I therefore beg to move that Council resolves itself into Committee to consider the statement item by item. The statement as printed has been changed since the passing of the third Supplementary Estimates as yesterday the first three items of the statement were included in the Supplementary Estimates and need not be put again to the Council. I do not know if it is the wish of Honourable Members to go into Committee? They are very small excesses and unless they wish to go into Committee I will move the motion as it stands. As Council does not wish to go into Committee I therefore beg to move:

"Whereas it was found necessary during the quarter ended the 30th June, 1925, to incur expenditure amounting to £5,052-17-93 for which no provision was made in the approved Estimates for the year 1925, as more particularly set forth in the statement laid on the table of the Council, this Honourable Council hereby approves that part of such expenditure which has not already been approved in the 1925 Supplementary Estimates."

HON. COLONIAL SECRETARY: I beg to second the motion. The motion was put and carried. (No count).

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) ORDINANCE, 1926.

HON. GENERAL MANAGER, UGANDA RAILWAY: I beg leave to move that a Bill intituled "An Ordinance to Supply a further Sum of Money for the Service of the period from January 1st, 1926, to 31st December, 1926," be read a third time and passed.

HON. TREASURER: I beg to second.

The question was put and carried.

The Bill was read a third time and passed.

THE TRADERS LICENSING (AMENDMENT) ORDINANCE, 1925.

HON. TREASURER: Your Excellency, I am directed to say it is not the wish of the Government to proceed with the consideration of this Bill in Committee until Your Excellency has had further time to consider the whole position.

HON. W. C. MITCHELL: Your Excellency, in connection with this Traders Licensing measure I should, on behalf of the commercial community, like to say that Government would seriously consider the possibility of removing the Traders Licences entirely. I believe that the very heavy tariff under which we all have to conduct business in this country was levied in 1922 during the period of considerable depression. At the present time the position is entirely changed, and I believe we can well afford to dispense with the small amount derived from these licences and remove at the same time what appears to be an imposition of direct taxation on a small section of the community.

HON. J. B. PANDYA: Your Excellency, I associate myself with the remarks of the Honourable Member for Nairobi South because I think that the commercial community should not be taxed further and that the schedule proposed is not equitable. The commercial community pays as much taxation as the rest of the community and if the principle of direct taxation has got to be recognised, all the communities should be taxed in an equitable manner. I feel that the Government should consider the doing away with the traders licences.

HIS EXCELLENCY: I understand neither member wishes to oppose the Government's proposal to withdraw the Bill?

HON. W. A. SIM: I also wish to associate myself with the remarks made. With the comparatively small revenue it brings in, it is a pity we have such an Ordinance, and I hope Government will take into consideration the views which have been expressed.

HIS EXCELLENCY: The Bill is withdrawn for further consideration by Government.

THE PATENTS AND DESIGNS (AMENDMENT) ORDINANCE, 1925.

HON. ACTING ATTORNEY GENERAL: I beg to move that a Bill intituled "An Ordinance to Amend the Patents and Designs Ordinance, 1919," be read a second time.

The objects and reasons for this Bill are stated at the head of the draft Bill before Honourable Members but it might assist if I amplified that statement a little by just stating shortly what is the law at the present moment and state, in short, the history which led up to the enactment of this Bill. At present letters patent for any invention may be granted in the Colony to any person holding in the United Kingdom a valid patent which is registered there. The position is similar with regard to designs. A person who holds a certificate here has the same protection as the holder has under the Patents and Designs Act in England. The Court here has the same powers of enforcing the provisions of the Bill as a Court has at home. It is essential not only here, but in other places, that in the case of the registration of patents and designs to have an English registration at home. The present Bill does not alter in any way the existing legislation in that respect. In 1922 there was held in London a British Empire Patent Conference the object of which was to bring into line in the Dominions and Colonies and Protectorates the registration of patent laws and designs as far as possible. Following on that Conference there was submitted two schemes one called the 'preferred' scheme and a second scheme called the 'provisional' scheme. The 'provisional' scheme was very carefully considered by the Secretary of State for the Colonies and the Dominions were asked to consider that scheme and submit to the Secretary of State for his approval the necessary amending legislation. In response to that invitation it was found that the draft legislation showed the very widest divergence possible. It was not so in the case of this Colony because it so happened that our local law was taken from the Patents and Designs Act at home. In order to preserve uniformity as far as possible the Board of Trade drafted model legislation which was submitted to this Colony and to other Colonies and Protectorates and we were directed so far as it was possible to follow that legislation and adopt the clauses to local conditions and legislate here. We submitted a draft to the Secretary of State which has had his due approval and he has now sent it back here for the necessary legislative sanction of this Honourable Council.

HON. ACTING SOLICITOR GENERAL: I beg to second.

HON. E. M. V. KENYALY: May we have a little more information about the provisions of this Bill? At home one can get provisional protection for a year while attempts are being made to develop the design or patent. Will it be possible to do so in this country?

HON. ACTING ATTORNEY GENERAL: There has never been any provision for such a thing here. As it is necessary to register initially in the United Kingdom advantage will be taken of all the provisions there to give the necessary protection.

Question put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that Council resolves itself into a Committee of the whole Council to consider the provisions of this Bill.

HON. ACTING SOLICITOR GENERAL: I beg to second.

The Council resolved itself into a Committee of the whole House, His Excellency the Governor presiding.

In Committee.

HON. ACTING ATTORNEY GENERAL: I beg leave to move that the Bill unamended be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intituled "An Ordinance to Amend the Patents and Designs Ordinance, 1913," has passed through Committee stage unamended.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

**THE NOTARIES PUBLIC (AMENDMENT)
ORDINANCE, 1925.**

HON. ACTING ATTORNEY GENERAL: Your Excellency, I beg leave to move that a Bill intituled "An Ordinance to Amend the Notaries Public Ordinance, 1906," be read a second time.

In addition to lawyers of the class mentioned in section 2 of the existing Ordinance—Notaries Public Ordinance—printed on the left page of the draft Bill it is proposed to give lawyers who have practised here in the courts and who have come from the Dominions and South Africa and India, the right to become notaries public here, which has not been the case hitherto. The only people able to take out licences are those set out on the left-hand side of the page. The qualification

asked in this Bill is that they shall have had five years' practice in this country, as opposed to five years' qualification. I think I ought to say in this connection that this is not a Bill that I had anything to do with; it only came to my knowledge at a late stage, and I notice it has not been submitted to the local Law Society, and I would suggest, if it goes through the second reading, that the Law Society should have an opportunity of considering its provisions before the third reading.

HON. ACTING SOLICITOR GENERAL: I beg to second.

HON. W. C. MITCHELL: Your Excellency, as this Ordinance has not been submitted to the Law Society, I suggest it would be preferable to submit it to them before we proceed through the Committee stage or the third reading.

HON. ACTING ATTORNEY GENERAL: I am quite willing to follow that course. I therefore beg that progress on this Bill be reported to Council.

Question that progress be reported put and carried.

**THE WIRELESS TELEGRAPHY (AMENDMENT)
ORDINANCE, 1925.**

HON. ACTING ATTORNEY GENERAL: Your Excellency, in the absence of the Honourable Postmaster General, I beg to move that a Bill intituled "An Ordinance to amend the Wireless Telegraphy Ordinance, 1925," be read a second time.

Under the Wireless Telegraphy Ordinance of 1913, the Governor has power to make regulations for regulating the manner in which apparatus for wireless telegraphy on board a merchant ship, whether British or foreign, in the waters of the Protectorate shall be worked. At home they have amended similar legislation and made it applicable to warships and aircraft services, and we have been asked to come into line and to make the necessary amendments to our existing Ordinance, which are quite small.

HON. COLONIAL SECRETARY: I beg to second.

The question was put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that Council resolve itself into a Committee to consider the provisions of this Bill.

HON. COLONIAL SECRETARY: I beg to second.

Council resolved itself into a Committee of the whole Council, His Excellency the Governor presiding.

In Committee:

No amendments were made.

HON. ACTING ATTORNEY GENERAL: I beg to move that the Bill, unamended, be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to amend the Wireless Telegraphy Ordinance, 1913," has passed through Committee without amendment, and is reported to Council.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

THE ARBITRATION (AMENDMENT)

ORDNANCE, 1925.

HON. ACTING ATTORNEY GENERAL: I beg leave to move that a Bill intitled "An Ordinance to amend the Arbitration Ordinance, 1913," be read a second time.

The object of this Bill, Your Excellency, is similar to the preceding one, to bring legislation into line with Imperial legislation. At a conference of the League of Nations in September, 1923, a Protocol was signed by the British Government as set out in the Schedule to the Bill. The Arbitration Ordinance here only applies to persons subject to the jurisdiction of the local courts. The Secretary of State suggested that similar legislation should be adopted here, and our Ordinance amended on the same lines as the Arbitration Act at home, to give the courts here power to arbitrate as between parties of whatever nationality they may be so long as they are signatories to the Protocol. That is to say, take the case of a man who is supplying goods to a firm in Mombasa, and it is agreed in case of dispute to arbitrate in Switzerland. A dispute then arises between A's agent in Mombasa and B's firm, and A's agent in Mombasa files an action in the local court. B can go to the court and say we agreed to arbitrate this matter in Switzerland, and if the court is satisfied it stays the proceedings here and the matter is settled by arbitration in Switzerland.

HON. ACTING SOLICITOR GENERAL: I beg to second.

The question was put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that Council resolves itself into a Committee to consider the provisions of this Bill.

HON. ACTING SOLICITOR GENERAL: I beg to second.

The Council resolved itself into a Committee of the whole Council, His Excellency the Governor presiding.

In Committee:

HON. SHAMS-UD-DEEN: Your Excellency, is it not possible to consider the question of returning to the practice we had in this House by which it should not be necessary for Your Excellency to change seats when the House is in Committee? The procedure is irksome and there is a certain amount of lack of dignity in it. I think the old practice would be better.

HIS EXCELLENCY: I am quite prepared to take the Honourable Member's suggestion into consideration. It is the practice in the House of Commons for the Speaker to leave the Chair, but the Speaker does not take the Chair in Committee but the Chairman of Committees. There is a good deal in what the Honourable Member says, and I am very glad to take his suggestion into consideration.

No amendments were made.

HON. ACTING ATTORNEY GENERAL: I beg to move that the Bill, unamended, be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to amend the Arbitration Ordinance, 1913," has passed through Committee stage without amendment and is reported to Council.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

THE CORYNDON TRUST ORDINANCE, 1925.

HON. COLONIAL SECRETARY: I beg leave to move that a Bill intitled "An Ordinance to make provision for the payment of Annual Allowances to the Widow and Children of the late Sir Robert Thorne Coryndon, and to establish a Trust for the Administration of the Allowances to the Children," be read a second time.

I do not think it is really necessary for me, Your Excellency, to say anything further to commend this Bill to the House. The principle has already been accepted, and Council, I know, are anxious to put this Bill into effect. Their resolution has already been given practical effect to and it is necessary to have the Bill to form a trust. This trust will secure to Sir Robert Coryndon's widow an income of £300 per annum and £200 to each of the three sons and £100 to the daughter, free of income tax. I do not think there is anything further to say except to mention clause 10 to the House which lays down the trustees shall be the Governor for the time being of the Colony of Kenya and such person or persons as

the Governor may from time to time appoint. The second trustee, at the express wish of Lady Coryndon and with the approval of the Governor is Lord Delamere. I know it is the great desire of Lady Coryndon that the Governor and Lord Delamere shall be the trustees. I therefore beg to move the second reading of the Bill.

HON. ACTING ATTORNEY GENERAL: I beg to second.

The question was put and carried.

HON. COLONIAL SECRETARY: I beg to move that Council resolves itself into a Committee to consider the provisions of this Bill.

HON. ACTING ATTORNEY GENERAL: I beg to second.

Council resolved itself into a Committee of the whole House, His Excellency the Governor presiding.

In Committee:

HON. M. A. DESAI: Your Excellency, with regard to clause 10, I beg to suggest provision might be made for the appointment of one Indian gentleman and that the Indian Member appointed to Executive Council, be the member appointed for this purpose.

HON. J. E. CONEY: Your Excellency, I do not think that arises on this. The Governor has power under this clause to appoint anybody, whether Indian or otherwise.

HIS EXCELLENCY: The Honourable Member is entitled to make the suggestion, and I will consult Lady Coryndon in the matter.

No amendments made in Committee.

HON. COLONIAL SECRETARY: I beg to move that the Bill, unamended, be reported to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intituled "An Ordinance to make provision for the payment of Annual Allowances to the Widow and Children of the late Sir Robert Thorne Coryndon, and to establish a Trust for the Administration of the Allowances to the Children," has passed through Committee stage without amendment.

HON. COLONIAL SECRETARY: I beg to give notice that I will move the third reading of this Bill at a later stage of the Session.

HON. ACTING ATTORNEY GENERAL: Your Excellency, I beg to move the second reading of a Bill intituled "An Ordinance to amend the Civil Procedure Ordinance, 1924."

It will be within the recollection of many members of this Honourable House that under the Civil Procedure Ordinance power was given to two judges, I think, two lawyers of each of the Law Societies, to make Rules under the Principal Ordinance. In framing Rules it has been found that these amendments are necessary in order that the rules and provisions of the Ordinance dovetail properly. The amendments which are set out in this Bill are therefore purely consequential and are not contentious.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that this Honourable Council resolve itself into a Committee of the whole Council to consider the provisions of the Bill.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried.

In Committee:

HON. ACTING ATTORNEY GENERAL: I beg to move that the Bill be reported, without amendment, to Council.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intituled "An Ordinance to amend the Civil Procedure Ordinance, 1924," has been considered in a Committee of the whole Council and has been reported without amendment to Council.

HON. ACTING ATTORNEY GENERAL: I beg to give notice that I will move the third reading of this Bill at a later stage of the session.

HON. ACTING ATTORNEY GENERAL: I beg to move the second reading of a Bill intituled "An Ordinance relating to the Custody of Children."

The reasons for this Bill are shortly set out at the head of the Bill, but it is due really to representations made by the League of Mercy, the Lady Northey Home, the East Africa Women's League, and the Salvation Army, who approached the Government and represented that these charitable societies often take children into their care, and after they have educated them up to a certain stage and incurred a great deal of expense the parents or the guardians come forward and

claim to take the children away. The object of this Bill is to leave the decision with the Court as to whether children should be taken away if in the opinion of the Court the parents or guardians are not desirable.

It has been represented that very often these children are taken away and the parents are not people who can properly look after them. The Government has added some further clauses—7 and 8—which are taken from home legislation; one is from the Custody of Children Act, 1908, and the other is from the Criminal Law Amendment Act, 1885.

One section provides for the care of children where the parent has been convicted of criminal offences, and the other for the custody of girls under the age of sixteen. The whole Bill follows home legislation with the necessary alterations.

HON. ACTING SOLICITOR GENERAL: I beg to second.

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

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that this Council resolve itself into a Committee to consider the provisions of the Bill.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried.

In Committee:

HON. J. E. CONEY: I do rather hope that the Honourable Acting Attorney General will agree to this Bill being referred to some Select Committee to consider, because it is rather an important matter. There are different communities in this country whose interests, religious and otherwise, must be considered, and I think some evidence ought to be taken before this Bill is passed.

HIS EXCELLENCY: The House has resolved itself into a Committee.

HON. SHAMS-ED-DEEN: I think the Honourable Member for Plateau North has taken the words out of my mouth, because I was going to suggest the same procedure.

I think it is not a very late stage to do that even although the House has resolved itself into a Committee.

HON. ACTING ATTORNEY GENERAL: With Your Excellency's permission, in that case I should like to move that progress be reported, and Council might then appoint a Select Committee.

HIS EXCELLENCY: The question is that progress be reported.

Motion put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I think it would be convenient to move that the Bill be committed to a Select Committee to-morrow when there has been time to consider the membership of such Committee.

HON. ACTING ATTORNEY GENERAL: In view of the desire of Honourable Members to have a Select Committee on this Bill, I think it would equally meet the case if I do the same with the following Bill, and nominate the Members to act as Select Committees to consider the provisions of both Bills.

In the meantime I beg to move that a Bill intitled "An Ordinance to make Provision for the Punishment of Incest," be read a second time.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried.

HON. COLONIAL SECRETARY: I beg to move the second reading of a Bill intitled "An Ordinance to make Provision for taking a Census of Kenya as and when may be required."

This is a Bill really to make provision for the carrying out of a Census which has already been approved by the Council.

It follows the ordinary procedure which is usually adopted in taking a census, and provides for the proper filling in of forms.

HON. ACTING ATTORNEY GENERAL: I beg to second.

Motion put and carried.

HON. COLONIAL SECRETARY: I beg to move that the Council go into Committee to consider this Bill clause by clause.

HON. ACTING ATTORNEY GENERAL: I beg to second.

Motion put and carried.

In Committee:

HON. COLONIAL SECRETARY: I beg to move that this Bill be reported to Council, it having been through Committee without amendment.

HIS EXCELLENCY: The question is that the Bill be reported without amendment to Council.

Motion put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled "An Ordinance to make provision for taking the Census of Kenya, as and when may be required," has been considered in Committee of the whole Council and has been reported without amendment to Council.

HON. COLONIAL SECRETARY: I beg to give notice that I will move the third-reading of this Bill at a later stage of the Session.

HIS EXCELLENCY: It is just possible that the business put down for this afternoon may not take up the whole time of Council this afternoon, and if it would meet the convenience of Honourable Members—I am in their hands—I am prepared to take the first motion on the paper for to-morrow (Friday) this afternoon, if time should serve. I shall be glad to know what the convenience of Members may be. It is Mr. Desai's motion:—

"That this Honourable Council is of opinion that there is practically no Lowlands in the Colony and Protectorate of Kenya with water and labour facilities which could be reserved for Indian settlement as desired by His Majesty's Government in the White Paper of July, 1923."

RT. HON. LORD DELAMERE: I hope, if the Honourable Mover wishes to move his motion this afternoon, we will take it.

HIS EXCELLENCY: If time serves, we will take that motion this afternoon.

Council adjourned to 2.15 p.m.

On resuming:

THE CORPORAL PUNISHMENTS ORDINANCE, 1925.

HON. ACTING ATTORNEY GENERAL: Your Excellency, I beg leave to move that a Bill intitled "An Ordinance to consolidate and amend the Law relating to Corporal Punishments" be read a second time.

This Bill is purely the result of the recommendations of the Native Punishments Commission. Under the Indian Whipping Act which is applied here, a great many more

offences are included in that Act for which corporal punishment can be administered. In 1909, a Bill was passed in India which amended the Act, but that Act has never been applied to this Colony. This present Bill brings more into line the offences for which whipping can be inflicted and it also gives power to administer whipping for certain offences under local Ordinances, as the Governor may, by proclamation, apply.

HON. W. MACLELLAN WILSON: Your Excellency, I understood the Honourable Mover of this Bill said that it was based on the recommendations of a Commission; I presume he means the Native Punishments Commission. The majority of the recommendations of that Native Punishments Commission were that for certain offences, apart from brutal and indecent offences, it would be perhaps better that whipping should be administered rather than sending the offender to prison. This Bill deals with the repeal of a good many laws which it is impossible for one to retain in mind which are repealed. It is a big subject, and I would suggest before it is considered by this Council in Committee it might be referred to a Select Committee to go into the details of it.

HON. COLONIAL SECRETARY: I am authorised by Your Excellency to say this Bill will be put before a Select Committee of the House.

The question was put and carried.

THE CRIMINAL PROCEDURE (AMENDMENT) (No. 2) ORDINANCE, 1925.

HON. ACTING ATTORNEY GENERAL: As the Corporal Punishments Ordinance is going to a Select Committee and as the Criminal Procedure Amendment Bill is one purely consequential on the passing of the former, I move that the second reading of a Bill intitled "An Ordinance to amend the Criminal Procedure Ordinance, 1913," be now taken.

HON. ACTING SOLICITOR GENERAL: I beg to second.

The question was put and carried.

HIS EXCELLENCY: We will now take the first motion standing in the name of the Honourable Mr. Desai in the Order of the Day for to-morrow.

HON. M. A. DESAI: Your Excellency, I beg leave to move:—

"That this Honourable Council is of opinion that there is practically no Lowlands in the Colony and Protectorate of Kenya, with water and labour facilities, which

can be reserved for Indian settlement as desired by His Majesty's Government in the White Paper of July, 1923."

A great misunderstanding prevails on the question of Lowlands in Kenya, the United Kingdom, and in India. The Government of India wanted to send an official to investigate the Lowlands to be reserved for an Indian Colony, but owing to opposition in India the idea was abandoned. We want to know definitely if there are any Lowlands which will be reserved for the Indian community. It is a question of fact whether there are any Lowlands or not, and I should like to quote two or three paragraphs from a pamphlet the Land Office issued in 1922:—

"An Ex-Soldier Settlement Scheme in 1919 included practically the whole of the available land in the country (apart from little-known areas) and about 1,000 farms were allotted.

"Apart from the little-known areas of Tanaland and Jubaland, the area of Crown land available for alienation is very small. Certain areas at the Coast are open for allotment under the conditions described in para. (3) of this section. Elsewhere, with the possible exception of a few isolated farms, available Crown land is practically nil.

"The public are particularly warned that they should not make applications unless they are in each case satisfied that, taking into account local difficulties as regards labour, etc., they will be in a position to fulfil the conditions under which leases are granted."

On this, Your Excellency, I submit there is no Lowlands in Kenya which can be reserved for the Indian community as stated in the White Paper of 1923.

HON. SHAMS-UD-DEEN: Your Excellency, I rise to second this motion, and in doing so I must say that not only a great deal of misunderstanding prevails in this Colony as regards the Lowlands area intended for Indians, but there is a complete absence of any kind of understanding as to what is meant by Lowlands and by Highlands. I put a question in this House, and the Honourable Commissioner of Lands was unable to make any definite statement as to the Lowlands in this Colony. If people were guided in talking of the Lowlands and Highlands by any principle such as situation, altitude or the climate or temperature, then there is no reason why there should not be a statement made so that both the European and the Indian community would know where they are. It is now more than two years since the Command Paper was published and since then practically no grants have been made to the Indian community, either in the Lowlands or

the Highlands. The Indian community is very desirous of taking their share in the development and cultivation of the land they have adopted, and I think it is only fair that a public statement should be made as to whether there is or is not land available for allotment to Indians. As far as my information goes the area of Lowlands which has in a way been thrown open for alienation to Indians is such that the nature of the soil and the lack of facilities for water and other difficulties in cultivation and development are such that they amounted practically to an impossibility to enable the Indians to take any part in the development of this country, and I think it is high time the Government should make a definite statement on the subject.

HON. COMMISSIONER OF LANDS: Your Excellency, I am in some difficulty in answering this motion because while the Honourable Mover expresses an opinion which in some way hangs in the air if the Council adopted that opinion, the seconder of the motion asks a question. I think I had better begin by answering the question first and then comment on the opinion expressed by the Honourable Mover.

Now, as regards the facts of the case, as to whether there are lands in the Lowlands which are available for the type of settlement which is under consideration, I think I can quite safely make the following statement. It was only shortly after 1922 that this decision was made by His Majesty's Government that some sort of area should be made available for extensive Indian settlement. There are many areas which might be set apart and the Government, naturally, before it made any move in the matter, had to satisfy itself, at any rate *prima facie*, that preliminary inspections of areas were neither limited to single inspection, nor were they done without great care. They were not all done by my Department, but by the Agricultural Department as well. The two areas set apart for consideration by the Indian community were roughly a million acres in that angle of the Voi and Moshi Railway and the main Uganda Railway line, and another area on the Tana River. The general reports were favourable, and there were a variety of crops to be grown there. You cannot take the million acres and say every acre is going to be of the same quality and facilities as every other acre. On the whole the report showed that if there was a genuine desire for settlement by any race, Indian or other, these areas would provide very reasonable facilities and probabilities of success. Two particular points have been mentioned, those of water and labour. Labour, of course, is a problem throughout this Colony, and while at the Coast there may be difficulties owing to the lack of local population, up-country in that particular angle of the Railway I do not think the difficulties could be said to be any

worse than anywhere else in the country, and the vicinity of a certain tribe, the Wataka, is quite favourable in many ways. If it was just a simple matter expressing an opinion on the areas, I think somehow that motion would not have been brought up. I ask myself, and every Honourable Member will ask himself, what is the particular thought at the back of the mind of the Mover of this motion? The motion, as it stands, Your Excellency, is rather difficult to describe. Is it an expression of opinion intimating what that opinion will lead to? It is in a way a hypothesis with no feasible pothesis. The Honourable Mover of the motion mentioned that there was a certain amount of opposition in India or difficulty in India of getting an inspection of these areas or any other particular areas for Indian settlement.

HON. M. A. DESAI: Your Excellency, on a point of explanation. What I meant to suggest is that according to this Land Office pamphlet there is no Lowland.

HON. COMMISSIONER OF LANDS: I will come to that pamphlet later. I would like to avoid talking at any undue length. I would like to ask for an assurance from the Honourable Mr. Desai—which I am sure he will give me; we might all be wrong in interpreting the thought at the back of his mind—if there is any sort of idea of challenging or upsetting the ruling we have all agreed to in the White Paper?

HIS EXCELLENCY: Will the Honourable Member speak up, please, as I cannot hear.

HON. COMMISSIONER OF LANDS: One difficulty I am in the terms of the motion is that it leads, as far as I can see, nowhere. This House should ask itself if they agree to an expression of opinion such as this, what is the result of that opinion? What is the object of it? And what action this Government should be asked to take? The opinion which we are asked to express is that it is impossible to fulfil the terms of the White Paper in respect of Indian settlement, because there is no land suitable and sufficiently good to grant to Indians. Well, Your Excellency, I should like to ask for an assurance from the Honourable Mover that that is not his motive, that he does not mean to challenge the terms of the White Paper, that all that he is concerned with is the question of the Government finding suitable land, sufficient for settlement of their own communities. As regards the particular terms of that pamphlet which was issued by the Land Office some years ago. The purpose of that was to inform intending settlers of the conditions in the Highlands and what land was available. I do not think there is anything in that pamphlet which is incorrect; there were certain areas which

were not inspected at that time, but have since been inspected. I think I may also say quite safely that available land in the terms of that pamphlet is land which the Government could safely say at that time was available for settlement. I can safely say Government would not adhere in any way on the side of including areas the future of which they were unaware at that time and in regard to which Government intentions could not be formed. A particular statement at any one time on what lands were available for alienation must be interpreted in the conditions at that particular time.

Your Excellency, I do not wish to labour my opposition to this particular motion. I had expected from this motion at least some form of suggestion, some sort of help from the community which this Government is trying to help in respect of land settlement in this country. What are the actual facts? As soon as the White Paper was promulgated this Government made the necessary representations to the Indian Association, the public representatives of this community, and we made suggestions—tentative suggestions as to what areas they might like to take up, and we asked them to give us their comments. We tried, to thrust nothing down their throats—we simply made suggestions. From that day to this we have had no answer whatsoever or indication that the Indian community in this country wants one acre of land! Time after time this Government has made representations and asked that an inspection should be made, that the Indian community should satisfy themselves about the areas the Government suggests should be made available, and so it has gone on, month after month, and year after year. It is for that reason that I asked the Honourable Mover of the motion to give me an assurance that the object of this motion is not to challenge the principles of the White Paper, but in some way to assist in the selection of areas which might be suitable to the Indian community. The motion as it stands I think cannot possibly be accepted, quite apart from the fact I think that it is an expression of opinion which is rather a hypothetical matter altogether, but I think also that, and the lack of arguments and data which have been introduced by the Mover and Seconder make it quite impossible for this Government to accept an opinion on a considerable area of land in regard to which my Department has expressed the opinion from time to time that it is quite suitable.

HON. SHAMS-UD-DEEN: Your Excellency, on a point of explanation. I want to illustrate, by giving one example, the difficulties of the Indian community at the present time. Only a few weeks ago I bought a farm near Kibigori, which is considered a Lowlands area. I was desirous of buying another

farm next to that one, which is owned by a European. The European is willing to sell it to me, and I am willing to buy it. The Land Office stated it was in the Highlands. Another Indian has purchased a farm at a distance of about five miles from Kibigori, and it is accepted as being in the Lowlands. It is to clear up that point of knowing where the Highlands and where the Lowlands were. It is not only a question of Indian grants but to clearly mark where Indians can purchase land or where they cannot.

HON. COMMISSIONER OF LANDS: May I explain, Your Excellency? The Secunder of the motion is confusing two different issues. The first is what lands can be made available for exclusive Indian settlement, and the other is what lands can be considered Lowlands, and available for settlement by any race whatsoever. The particular case which the Secunder just brought up, belongs to the second category, and I think there are bound to be difficulties in regard to the second.

HON. M. A. DESAI: Your Excellency, I am in a very difficult position. The Honourable Commissioner of Lands has asked what is at the back of my mind in moving this motion. As I said at the beginning of my speech we want to decide, once and for all, whether there are Lowlands which will be reserved for Indians, or not. If there are no Lowlands, there are none. I want the Honourable Commissioner of Lands to point out where there is so much Lowlands for alienation. The Honourable Commissioner of Lands is trying to obscure these clear issues, and I want a clear explanation from him. With regard to the question of an investigation by a representative from the Government of India. In my opinion, according to this pamphlet, and in the opinion of the Indian community, there is no Lowland, and that is why I do not want anybody to come from India on a wild-goose chase. It is up to the Honourable Commissioner of Lands to point out there are so many acres of land, labour and so on available. He did not send representatives of the Ex-Soldier Settlement Scheme to go and work it out and find the land. It was the business of his Department to place such information at the disposal of the Government. Yet he wants me or my representatives to go and inquire about land for Indian settlement. He wants my representatives to go on a wild-goose chase, according to his own pamphlet. If, since the publication of this pamphlet, he has found out some other areas, then I welcome them. He states the Government wants to help the Indian community, but that they do not want to help the Government. We want to help the Government, but there is no better proof than his own speech he does not want to help the Indians. I do not want to challenge the White Paper

decisions; I want to establish the question whether there are Lowlands or not, and I hope a clear explanation will be given.

HON. COLONIAL SECRETARY: Your Excellency, may I state it is difficult to follow what has been said in view of the fact that a report was sent to the Indian Congress in regard to land which was available in the Lowlands for Indian settlement. The Indian Government contemplated sending someone here to visit and report on these lands, therefore the whole position is not so nebulous as is supposed.

RT. HON. LORD DELAMER: Your Excellency, I should like to refer to one remark made by the Honourable Mr. Desai. I have some experience of land in this country. He appeared to think it was the business of the Land Department to find out what grew on the land and what labour there was on the land. I have had a good deal of experience, and I have never got that information from anybody except myself. I took the trouble to find out these things myself. I can hardly imagine the community which the Honourable Gentleman represents expect to get greater facilities than anybody else? They may want to get the same certainly.

The motion was put and lost by 24 votes to 4.

HON. M. A. DESAI: Your Excellency, I beg to move:—

“That this Honourable Council is of opinion that 99 years' leases be issued to all present holders of temporary business plots, and that the annual ground rent thereof be reduced to Sh. 72.”

In support of my motion, I beg to state that some 17 years ago, the Government had not a sufficient number of surveyors and the Government only surveyed plots at very important centres, but at the same time the Government granted business plots on Temporary Occupation Licences on a yearly rental of Rs. 36, and according to my information the Government also gave promises to the holders of these plots that as soon as there was a sufficiency of surveyors the plots would be surveyed and 99 years' leases granted to them. The Government obtained surveyors, but these holders of temporary business plots were forgotten. Instead of giving them some fixity of their tenure, so that they could put up substantial buildings and be free from the charge of occupying tin shanties, the Land Office increased the rent from Rs. 36 to Rs. 144 per annum, that is Sh. 288. Representations were made to Sir Edward Northey, who was then Governor of Kenya, and after consideration he reduced the rent to Sh. 3 per month instead of Sh. 24, and he also promised to look into the question of getting these plots surveyed and placed on

99 years' leases. Since then we made repeated representations, but no relief was granted in the reduction of the rates concerned. Another point is that at certain centres there are railway plots as well as Government plots, but the Railway did not increase the rents as Government did. The holders of these railway leases are only paying the original rent of Sh. 72 per annum, but those who hold the Land Office leases pay more. These people have rendered very good service in the past, and the policy in the old days of this Government was to issue 10, 20 and 99 years' leases for temporary buildings and the Land Office has even gone further in some cases to increase the grant from 99 to 999 years, and I submit that by issuing leases of 99 years' duration and reducing the rent to Sh. 72 you will be doing a long delayed justice to the holders of these temporary plots.

HON. J. B. PAKOTA : Your Excellency, I beg to second this motion. It is generally felt that the absence of this fixity of tenure in regard to these plots is a great inconvenience to the traders in these areas. It has been pointed out that the increase of rent on these temporary plots which has been added by the Land Office about four years ago cannot be substantiated, and that a reduction to Sh. 72 is quite justified in view of the fact that the 999 years' lease has been consented to by the Land Department. I think that these temporary plot-holders are in great difficulty, as they are unable to transfer to some other site, and I hope Government will seriously consider this resolution.

HON. SHAMS-UD-DEEN : In supporting this motion, Your Excellency, I wish to say it has now been shown it is the decided policy of His Majesty's Government, as embodied in the White Paper, and the upholding of which I see the Government and others concerned are so keen, that Indians should have every opportunity of holding commercial plots in townships. Now that part of the policy, Your Excellency, has not been as vigorously enforced as other portions of the same policy. As a consequence of that the progress of the country is being hampered. There are Indian traders and merchants in important centres like Nyeri and Fort Hall, where they intended to put up substantial stone buildings, but owing to the insecurity of the tenure of their plots they have not put up anything except a few tin shanties. I think it is only fair the Government should come forward on an occasion like this and make a definite statement in accordance with the policy I have just stated that the plots will be auctioned at an early date and 99 years' leases granted to Indian traders in commercial centres. That would surely be a right step in the right direction, and go a long way to assisting the trade of this country.

HON. COMMISSIONER OF LANDS : Your Excellency, I should like to say at once not only am I at the moment sympathetic to the general terms of the motion, but for some years past have been trying to give that sympathy some practical effect. The position of the Temporary Occupation Licences is not wholly inaccurately described by the Mover of the motion, but it is not wholly correctly described. A great many years ago, up to the time I was first concerned in these things, there were various causes which made it very difficult for Government to grant permanent leases, i.e., small shop leases and so on. The reasons were, I think, partly as the Mover suggests, that permanent leases involved survey, but also, I think, it was very difficult in the early stages of this country to make sure where a permanent township would be. In the last seven years as far as possible we have been trying to replan or plan these small townships, and we have not altogether been helped by the various political troubles happening in this country. I hope these have now come to an end which will enable us to put up a general plan for all the townships. These potential townships are not the only category in which these Temporary Occupation Licences referred to exist. There is also a small trading centre in the northern reserve. I doubt whether it would be politic for Government to give permanent leases in trading centres which may have to be shifted and small centres like that for which the need arises one day and disappears the next. I think there are a great many places in this country suitable for small trading which must be looked upon as temporary, and cannot be made the subject of permanent title. I think if the supporters of this motion will think this thing out they will agree to that. As regards the fees charged, well, the question as to how far they are reasonable or not is a debatable point. There is one considerable difference between a temporary occupation licence and a lease, and that is that only a rent is charged and no stand premia. If the land were to be auctioned there would, of course, be a stand premia as well as the rent. There is also another point which is known to everybody, that quite apart from the goodwill, the trade of many of these small *dukas*, although they are subject to a yearly licence, changes hands for very large sums of money, so I think probably the consequence of security of that title as well is worth money. It has been suggested by the Honourable Mr. Shams-ud-Deen that we should auction a lot of these township plots and give permanent titles. What the policy is now I am not quite sure, but I should like to say this that a decision was come to a year or two ago authorising me not to do anything to sell these plots over the heads of these traders who had been there for many years, and who should be given the reward of their pioneering and should be allowed to buy the plots

direct. That, Your Excellency, I think was a most reasonable decision, and I think there is no reason why it should not be used at the present moment the difficulty is we must decide not only what are to be permanent townships, but how they are to be cut up, and it is only in the last year or so we have been in the position to do so. If I might suggest to the Mover, I would ask him to so amend his motion as to favour the general principle of the conversion of township temporary occupation licences into permanent leases in townships where township considerations, such as town planning and so on, permit, and I am sure that such a motion as that will have the support of the whole House. I do not know whether the following motion would commend itself to the Honourable Mover:—

"That this Council is in favour of the conversion of temporary occupation licences into township and special purpose or milling plot leases wherever town planning and other considerations allow."

HON. M. A. DESAI: I am in agreement with the amendment proposed by the Honourable Commissioner of Lands.

HON. SHAMS-UD-DERN: On a point of explanation, I wish to say that I inadvertently mentioned the possibility of auction. I am entirely in agreement with the principle as stated by the Honourable Commissioner of Lands to give the 99 years' titles to the old traders.

HON. M. KASSIM: There are certain plots of land with temporary occupation licences on which buildings costing at least £20,000 and £40,000 have been erected.

RT. HON. LORD DELAMERE: May we hear the amendment read?

HIS EXCELLENCY: The proposed motion is:—

"That this Honourable Council is in favour of the conversion of temporary occupation licences into township and special purpose or milling plot leases wherever town planning and other considerations allow."

I think it is desirable that this motion should not be discussed this afternoon. I think notice should be given of it. No substantive motion can be introduced without notice, but if the Honourable Gentleman who moved the motion now before the Council is prepared to withdraw his motion he will have an opportunity of moving that when due notice has been given.

HON. M. A. DESAI: Yes, Your Excellency.

HIS EXCELLENCY: I understand this motion has been withdrawn?

HON. M. A. DESAI: Yes, Your Excellency.

RT. HON. LORD DELAMERE: On a point of order, is this going to be put forward by the Honourable Commissioner of Lands?

HIS EXCELLENCY: I am not prepared to accept the motion without consideration.

Council adjourned to 10 a.m. on Friday,
11th December, 1925.

FRIDAY, 11th DECEMBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Friday, the 11th day of December, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

ABSENT.

The Honourable Commissioner of Customs.

The Honourable T. Fitzgerald.

The Right Honourable Lord Delamere.

The Honourable Lieut.-Colonel Lord Francis Scott.

The Honourable Conway Harvey.

The Honourable Shams-ud-Deen.

The Honourable R. S. Nehra.

The Honourable Mohamed bin Issa.

His Excellency opened the Council with prayer.

Minutes confirmed.

MOTIONS.

The Treasurer: Your Excellency, I beg to move:—

“That the Report of the Select Committee of Legislative Council appointed to consider the recommendations in respect of grants-in-aid for Education in Kenya be adopted.”

The Select Committee was appointed to consider recommendations put forward by a Committee previously appointed by His Excellency the Acting Governor to report on the question of grants-in-aid to schools in Kenya.

The report of the original Committee has been in the hands of Honourable Members for several months and I do not propose therefore to weary Honourable Members by going through its contents in detail now but will confine myself to mentioning its most important recommendations, which are:—

- (1) For the early levy of local elementary education cesses on the different races in the Colony separately in their own schools (para. 8).
- (2) For the proper grading of schools (para. 15).
- (3) For a new schedule of grants to aided African schools (paras. 22/31).
- (4) As to the best method of determining what grants, if any, should be given to private European and Indian schools (para. 33).

- (5) For the appointment of an adequate staff of inspecting officers (para. 35).
- (6) For the establishment of State Scholarships for a limited number of students of all races for the purpose of affording them the opportunity of obtaining an University education (para. 37).

The Select Committee in their report approve with a few amendments the original Committee's recommendations and urge that the principles and conditions for grants-in-aid as therein set forth shall be put into force in 1926. With this recommendation they couple the further recommendation that the new grants shall only be paid on the clear understanding that the necessary new technical instructors shall be brought out to the Colony as quickly as possible and in any case within the ensuing year.

The Select Committee also recommend that during the coming year the whole question of increasing revenue from all possible sources and reducing expenditure, for example under boarding costs, shall be examined with a view to formulating suitable regulations on the subject.

Mr. Shams-ud-Deen, a member of the Committee, is in entire disagreement with the giving of grants-in-aid in respect of technical education. The other members of this Committee in this connection have made the important recommendation that grants-in-aid in respect of vocational training for male pupils in Junior High Schools shall be limited to a period of three years and shall be conditional on their indenture for five years, terminable at the discretion of Government at the end of three years and containing a clause allowing Government to send selected pupils on to the Native Industrial Depot at Kabete, or to any other similar institution, for the last two years; and also that grants-in-aid for vocational training for female pupils in Junior High Schools should be limited to a maximum period of three years.

The Committee in the 1925 draft Estimates was given to understand by the Honourable Director of Education that as regards grants to aided African schools the grants provided in the 1925 Estimates are based on the recommendations of the original Committee, but that as regards Indian schools it has not been possible to apply these regulations to these Estimates.

I now beg to move the motion standing in my name.

HON. J. E. CONY: May I be allowed to second the motion moved by the Honourable Treasurer? I do not propose to go into the report which, as he has said, has been

before Members for so long. It has been described by one Honourable Gentleman on this side of the House as a good report. There is one thing in the report which I think the attention of this Honourable Council should be drawn to, and that is this: that it is a recommendation of this Committee that the principle of a cess for educational purposes be accepted. It is not laid down how that cess should be worked, but the principle that a cess should be levied for educational purposes is a recommendation of that Committee.

I have very great pleasure in seconding the proposal:

HIS EXCELLENCY: The question is:—

“That the report of the Select Committee of Legislative Council appointed to consider the recommendations in respect of grants-in-aid for Education in Kenya be adopted.”

Motion put and carried.

HON. J. W. ARTHUR: Your Excellency, I beg to move the motion standing in my name on the Order of the Day:—

“That a representative Committee be immediately appointed by Government to go into the question of the utilization of the services of Medical Missions and report to this Honourable Council their recommendations.”

I propose this motion because of the discussions which have taken place recently in regard to the very important matters dealing with the health of the native peoples of the Colony. There is to-day an organization already in being—that of the Medical Missions, and I feel very strongly that that organization should be used by Government to its utmost capacity, for the reason that I believe that organization provides the Government with an instrument for doing a great piece of work.

I put up some time ago, before the Estimates were finally framed, a draft scheme for the medical treatment of the natives in the Kikuyu Reserve as being the Reserve with which I was specially acquainted, and in doing so I made suggestions with regard to the utilization of five Mission units in the Kikuyu Native Reserve, and in making calculations as to the expenditure that would be incurred in connection with these units and also in connection with suggested Government units, I came to the conclusion that the Government would make a very considerable saving by using the Mission units that were already in being. It does seem to me in this connection that the Missions with their excellent organization and with the doctors, medical men and women which they have can efficiently carry out the work in the Native Reserves.

provided a sufficient number are forthcoming. There is in addition the personal touch that these doctors and nurses have obtained through many years' experience with the native peoples. They have built up their medical work as the result of that personal touch. That does not mean that one does not realise that Government themselves will be able, and have been able in certain cases, to get in personal touch with the natives, but I hold that the Missions, through their many years' experience in the Native Reserves, have been able to do much for the natives, and it would not be wise to make a change at once. Further, I would point out that this very continuity of work has meant that the men and women working in the Mission hospitals have learned the language of the people among whom they work, which must always be an advantage in dealing with the natives in connection with their medical work.

I would also like to point out that in the treatment that is now taking place along the lines of curing those diseases such as Yaws and allied diseases, the work was started in the original instance to a great extent and in a large measure at Tumu Tumu, where the special drugs were used and special treatment took place, and it was as a result of that, that the Honourable Principal Medical Officer himself sent one of his own men to Kavirondo in order to inspect the work and to see for himself what has been done in that connection.

Although I do not want to quote statistics now, I would just point out how the work in connection with the medical treatment of natives is growing. In 1908 in Kikuyu there were only 108 in-patients treated. In 1912, 222; 1918, 337; 1924, 1,104. That shows how in the first instance the treatment of natives was slow; it is a measure of slowness, but once the confidence of the natives has been won the work continues and grows.

I would further point out in this connection that in one Mission alone, in the Kikuyu country, during a period of eighteen years at Kikuyu and fourteen years at Tumu Tumu a total number of over 21,000 in-patients were treated; a total of 591,112 out-patients were treated; and in Kikuyu alone 6,000 operations were performed. At two stations £30,000 has been expended on the medical treatment of natives.

Because of all this I feel that now the Government are undertaking a large share of the medical treatment of the native peoples in this country that they should utilise the forces which are already there and which are doing good work, and have already won the confidence of the native people of the Colony.

I now pass on to another point, and that is the question of child welfare and medical attention.

The training of dressers and the training of nurses I have always maintained must necessarily go hand in hand with a certain amount of literary education, and because of that where a hospital is attached to a school, such as for instance at Kikuyu, it is possible not only to carry on the medical training of dressers but also to give students the necessary literary education that must go hand in hand with their training. We have not yet reached the stage when we can take on raw lads who are educated and who do not need further literary education; in order that they may learn and have a proper training their literary education must be continued.

Again, in connection with the training of nurses: in the hospital at Kikuyu the girls spend at least one year in the hospital as the final course of their training, and during that time they get not only the ordinary nurses' training but in addition they are given a training in maternity work. Two Kikuyu girls have actually passed through a complete period of three years' training, and at the end of that time these girls are able to undertake the normal maternity cases.

I would point out that it is desired to establish a child welfare centre with the idea of helping the maternity work in this country, and we are not at the stage at which Uganda is at the moment, and therefore it must be a more difficult task that faces us in maternity work. Uganda has got the educated women; Kenya at the moment has not yet got them, and I am sure it will be admitted that in the early stages there will be a far greater wastage of the women that are trained for this work unless they are kept on because after a time they get married and settle down in their villages. But the training has not been lost to them, as they are bound, even as wives in the Native Reserves, to use the medical training that has been given them in the hospitals.

There has been established recently at Maseno, and also at Tumu Tumu, as well as Kikuyu, the desire for these special training centres, and I am sure that that deserves, and will receive, the greatest consideration. I think we all agree that this work is very necessary in this country. I think every one of us who has had any experience of the native women and of children must have seen how the babies up till nine months are most splendid babies. They thrive splendidly, but the period between one and three years in almost all cases is the period during which the children go back, and you see these little mites deteriorate through ill-nourishment. The reason is obvious: it is because the mothers do not know during that intermediate period how to look after their children.

Now with regard to the necessity for a Committee of this kind, I would urge upon Government that they accept this motion for the following reasons: at the moment it is not known where these Mission hospitals are or how they are distributed. It is now known how they can fit into a Government scheme, and it must be admitted that in any scheme for the medical treatment of the native peoples, that before a full scheme can be formed which will satisfy everybody, all these Mission hospitals will have to be considered.

Again, I would urge that this Committee be formed because of the necessity that Government money should not be wasted. As the Honourable Colonial Secretary pointed out the other day, he did not think that the subsidy would meet the situation. I am sure that I agree entirely that these hospitals must be inspected and controlled by Government, and that the very fact of their being inspected and controlled by Government will make them more efficient.

Then again I think there is the possibility of Government utilising Missions where there are not fully qualified nurses or doctors, but where there are dispensers and women with a certain amount of training and capable of doing a great deal of routine work, and these dispensers and women should be considered in connection with any scheme that might be formulated. We all know that at this stage the African cannot yet be trusted to continue his work in a proper manner and he needs some supervision. In my opinion he ought to be under the direct supervision of some such lady as I have described rather than a separate dispensary should be set up, which has been done in the past.

Further, I am not content with the way in which the money for this year has been distributed; it has not been distributed on any line of policy, because no policy has been laid down. I feel that this Honourable Council when it votes the sum of £1,000 intended that that sum should be spent. As far as I understand practically only £656 of that money actually will be expended this year. The balance of £344 is needed, and desperately needed, just now.

I would pay a tribute to the Grants-in-Aid Committee. I think that that Committee, which the Honourable Colonial Secretary when Acting Governor appointed, is a Committee that has done splendid work in bringing men of different points of view together to consider the whole question of Mission education. If the Committee which is proposed is set up it may be possible to find in the report of the Grants-in-Aid Committee a foundation upon which they can work in regard to the Mission hospitals. It was on that basis that I proposed the other day an increased grant which would finance

something like five hospitals. The total figure I worked out in connection with this matter was something like £6,000 on the grant-in-aid basis.

Further, I would like to request that this Committee be appointed for another reason also, the co-ordination of the medical and educational work of the Government in relation to Missions. Lord Delamere speaking the other day with regard to this matter said something about child welfare, and that he was under the impression that possibly the Missions doing that work could do the best work. I do not think, however, that the Honourable Director of Medical and Sanitary Services can divest himself of the responsibility of medical education in this country. He must himself control that medical education, and it seems to me that there is necessity for co-ordination between the medical education and medical treatment votes that this Honourable Council is passing.

Again, I believe that the Medical Department in its control of that education must see that the medical education is on the right lines and that it is being properly carried out.

As regards the composition of this Committee, I do not suggest to Government more than that it should be a representative Committee. I think that in many ways it may be helpful to get the help and aid of outside practitioners who are interested in this subject.

I agree with my Honourable Friend Mr. MacLellan Wilson with regard to the representation of non-medical men in order to lend tone to the Committee. (Laughter.)

I would just mention again what has been said in the report of the East African Commission with regard to the fact that Mission hospitals must be helped.

I will just quote a passage from their report:—

“ At nearly all Christian Mission stations there are dispensaries which have been conducted without any Government assistance whatever, although £1,000 is provided in this year's Estimates for a subsidy to Mission medical work. In addition there are several large Mission hospitals with doctors and nurses attached. We visited those at Maseno in Kavirondo and that near Dagoretti in Kikuyu and were impressed by the work which is being done and, above all, by the devotion to duty of the staffs. A few people have misgivings regarding the grant of public funds to denominational institutions, but the need for extending any effort aiming at the prevention and cure of disease among the natives is so urgent, and of such vital importance, that we feel the Government should

assist far more liberally any institution which is capable and willing to undertake these responsibilities. If the patients at the same time substitute the Christian ethic—whatever its doctrinal shade—for some of their crude and beastly superstitious beliefs, so much the better for the natives. £1,000 is a paltry sum to provide out of a total medical vote of £133,000, and we recommend that it be supplemented immediately out of revenue. Every Mission hospital is creating an asset of great importance to the Colony, viz.: a class of men and women capable of taking charge of dispensaries and maternity centres, both for the Government and for employers of labour on a large scale. It must be borne in mind, moreover, that the Mission doctors, remaining as they do in one district for a number of years, accumulate much information about the peoples, which in itself is of the greatest importance to the Government."

Your Excellency, I shall now move the motion standing in my name, and trust that Government will accept it.

HON. W. MACLELLAN WILSON: I beg to second the Motion.

HON. J. E. CONEY: Your Excellency, I think that everybody in this Honourable Council must agree with almost every work which my friend Dr. Arthur has said here. What Missions are doing is well-known, what they have done in the past, and the endeavours they are making now we all know. The Honourable Colonial Secretary paid a tribute on behalf of Government to them the other day. But I have listened with great care to the reasons which the Honourable Gentleman has put up in asking for this Committee and as far as I understand they were these. He said it was not known where the existing hospitals were and how they could work in with Government. Your Excellency, we have heard in this Council and it is known quite well throughout this Colony that the Honourable Director of Medical and Sanitary Services has for a very long time been overworked. The whole of his staff have been doing work which was far too much for them. I believe it is right to say they have done it without complaint. We have heard of the necessity for the increase of this staff and the vote is being passed through Council and I think it was the Right Honourable Member for the Rift Valley who said: "Give the man time to think." The Honourable Director of Medical and Sanitary Services has not had time to think. The new scheme of re-organisation of the Medical Department has been put and will come into force. I understand some of the staff have now been appointed and are on their way here. I am sorry the Honourable Dr. Arthur has moved this Motion to-day and I hope Government will not

accept it. I believe it will only hamper the Honourable Director of Medical and Sanitary Services in the work of reorganisation which he has undertaken. I do not think it requires a Committee of Inquiry to find out where the existing hospitals are and how they can work in with the Government. I think the Honourable Director of Medical and Sanitary Services can get down to that. Another reason given was that it would be necessary that these hospitals and institutions of the Missions should be inspected. I hold no brief for the Honourable Director of Medical and Sanitary Services and I have not discussed this matter with him, but I cannot help thinking that he would be the first man to admit that inspection is required, and if he has the staff and the duty is taken on by his Department, he would be the first man to supply staff for that inspection. Let us wait till the men are here and the Honourable Director of Medical and Sanitary Services has had an opportunity of getting down to it and thinking. Some complaint has been made with regard to the £1,000 put in last year as grants-in-aid to Missions—and that the whole of that money has not been expended. If it has not been expended it is entirely because the Honourable Director of Medical and Sanitary Services has not had time to organise that vote. (We have heard that some new method of co-operation with Missions has been established at Maseno and I suggest that is an earnest that the Honourable Director of Medical and Sanitary Services has this matter under attention and is working with Missions. I appeal to the Honourable and Reverend Gentleman to give the Honourable Director time. I do not think it is right to hamper the Department at the present time. With regard to the remarks of the grants-in-aid Committee. I have the honour to be a member of that Committee and it showed me what the Missions did and I think the Honourable Director of Medical and Sanitary Services knows quite well what they have done and what excellent work they are doing. Give him time to co-operate with them and I do suggest to the Honourable Dr. Arthur that it is rather a mistake at this moment to press for a Committee of this nature.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, in speaking to the Motion which has been introduced by my half-section the Honourable Dr. Arthur, I should like to say I have not had an opportunity of discussing it either with the Government or with my Honourable Friend on my right and the opinions I am expressing are my own opinions. It seems to me in this matter the principles are exactly the same as the principles that were before us when we were considering Education. We first of all have to ask we ourselves whether the medical treatment is or is not the duty of the Government. If we admit, as I think we all do, that

it is the duty of the Government we at once admit that when we talk about grants-in-aid to Missions we are really talking about grants-in-aid by Missions because it is the Mission which is helping Government to perform one of its functions. The next point is can Missions really perform this function? There cannot be very much doubt about that; you have an existing organisation and it is merely a question of putting it on a basis that can be regarded as efficient. That is the point to find out—how the Missions can get to such a standard of efficiency that they can be included in the scheme of Government medical treatment. I have assumed there will be a Government scheme for medical treatment and I consider undoubtedly the Mission undertakings can be absorbed into that scheme. It seems to me a Commission or a Committee such as this really cannot do any harm nor is it premature at this moment because if the Honourable Director of Medical and Sanitary Services has not got the staff I think we can do a great deal of good in laying down the principles and the manner in which efficiency can be secured and we will have a lot of information for the use of the Honourable Director which he will be able to use when the staff comes along. It is not, as might have been gathered from the remarks of the last speaker, a Committee of Inquiry into the working of the Department in any way; it is merely a question as to how can we secure efficiency in medical hospitals and how can we make sure that the existing grant is expended in the best possible way. We have either got to give sufficient grants or no grants at all. You must either give enough money to make the thing a success or you have got to give nothing at all. For that reason I do think that a Committee like this can lay down certain important principles on which the Department can work when it gets into full swing and I have much pleasure in supporting the Motion.

HON. E. M. V. KENEALY: Your Excellency, it has been suggested that the Honourable Director of Medical and Sanitary Services should be given time to think. Rome is burning, natives are dying. The Missions have the necessary staff and are willing to provide the attention that is urgently required. I hope Government will recognise the urgency of the matter and that it is essential to get down to work now. Thought can come later. Make use of the Missions and if we can criticise them adversely and show they are incompetent or expensive we can refuse to vote money for them. They are anxious to be given an opportunity of proving further to any doubters that they are desirous of dealing with the matter and I appeal to Government to accept this Motion. It is a national matter and it is a matter which deals on a very large scale and should be given immediate consideration.

HON. COLONIAL SECRETARY: I am authorised by Your Excellency to say that Government is prepared to accept this Motion. Government is anxious to appoint a thoroughly representative Committee to inquire into these various questions raised. Not necessarily a Select Committee of this Honourable Council but a general Committee which can take in somebody outside the Council who may be able to assist Government with their advice in this matter. I should like to make it quite clear that Government is perfectly certain this Motion is not intended to suggest an inquiry into the Medical Department but into Medical Missions and that is what the Medical Missions desire and that is the desire which should be met and with the views expressed in the Council this morning there are many points of view which would be brought out by the inquiry and useful recommendations will be made which will help the Honourable Director of Medical and Sanitary Services and his Department in their work. For these reasons Government is prepared to accept this Motion and will appoint a general representative Committee which I hope will meet the views of the Honourable Mover of this Motion.

HON. W. MACLELLAN WILSON: Your Excellency, I understand from the Honourable Colonial Secretary that Government has decided to accept this Motion. I should like to make an appeal that this Motion might be accepted unanimously. It has been made perfectly clear that in no sense is it a reflection upon the work of the Medical Department. It is with the pure and simple intention of trying, if possible, to achieve greater efforts for the better medical facilities for the native population. Particularly I do hope my Honourable Friend from Plateau North will consider it from this point of view. There are many Missions throughout the country, but it has always been the object of Medical Missions to go to the most populated parts of the country. Why I think there is a necessity for the appointment of a Committee to see what more can be done to increase these facilities is for these reasons which I trust the Committee will find out. We had figures the other day from the Honourable Dr. Arthur showing the enormous increase in the actual work done amongst natives while they were in receipt of the subsidy which enabled them to have more dispensaries throughout the district. To-day the Honourable Dr. Arthur has shown us what little attention was given to medical services by the natives in the early days. In these Estimates there are a number of additional sanitation officers for this country. I am not quite sure whether the Honourable Director of Medical and Sanitary Services has decided where to put all these men, but I presume some of them will be in the Native Reserves. There is no place where a sanitation officer can do so much good as in conjunction

with the Missions. A few years ago a sanitation officer came out to Kyambu. Now Kyambu is only ten miles from Nairobi. He happened to start at my own place. I think the outbreak at that time was plague and he came out to inoculate the natives against plague. He did a few of the neighbours boys too. He wanted to inoculate in the Reserve but they would not have it. We suggested that he should go to a Mission school across the river and we informed the teacher that this gentleman wanted to inoculate them against plague as it was a good thing. The teacher got one hundred of them to be inoculated. That is the principle such a Committee should work on, to see where the utilisation of Missions can come in. If it is possible by hook or by crook for some more money to be spent in an organisation whereby Missions may increase their field these sanitary inspectors will have a better chance of success in working. There is the question of medical welfare and child welfare. As we heard from the Honourable Dr. Arthur the staff which they have had to keep on since the grants-in-aid were taken away are doing the work which should be done by natives. In saying these things I am not asking for a subsidy to Medical Missions; I am against the principle. I am asking the Committee should go into the details I have mentioned. I am sure we are all in sympathy with the Honourable Director of Medical and Sanitary Services; I was one of the first, I hope Honourable Members will remember, in the Select Committee to vote he should have an assistant in his office to carry on his work. The trouble is Heads of Departments are not able to do their work. I hope it will be realised that if such a Committee sits many avenues may be found by which the work of the Department can be greatly assisted.

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES: Your Excellency, I have not much to say. One or two things have been said which I think are not entirely true, but that has nothing to do with the main point. In justice to the Medical Department I cannot help but refer to one extract which was read out by the Honourable Dr. Arthur from the report of the Commissions. Of course, Your Excellency, the Commission saw nothing of the Government medical work; they went through the Reserves and passed everything that had to do with Government at all. There is only one other thing I have to say and I do not know whether I am in order in saying it as I understand Government has accepted the Motion, but there is one thing the Honourable Colonial Secretary said. He said this Committee would not necessarily consist of Members of this Council. I would remind Your Excellency there is a very virile and active body in existence at the present time that is a statutory body and charged by law with inquiry into these very subjects and advising Your

Excellency. I would suggest, if only perhaps in compliment to the Committee, that the question might be referred to them. It is not a Committee of officials nor medical men. The Board I am talking about is the Central Board of Health. Its duties as laid down are to advise the Government on all matters affecting the public health and particularly in all matters in connection with section 11 (2) of the Public Health Ordinance. That, I do suggest, is exactly what the Committee as suggested would be required to inquire into, and I do think the matter should be referred to the Board I have mentioned.

HON. T. J. O'SHEA: Your Excellency, the fact that the Honourable Member for Kikuyu asks for unanimity makes it necessary for me to voice my opinions. I am very loath to object to the co-operation of information on any desirable subject. For that reason I had intended to vote against this motion, but on the other hand I should not like it to be thought because I had no objection to the Committee I had no objection to the making of grants to Missions for medical work. I am not at all satisfied that it is a sound national policy of subsidising Missions. If you analyse it there is no question that the very good work of the Missions is the window-dressing of the Missions' work and a difference of opinion as to whether *bona fide* Mission work is a unanimous blessing in this country and for my part I am not at all satisfied at the present stage Government should definitely commit itself to a policy of subsidising Mission efforts. There was a lot to be said in the past for the grant of subsidies to Missions because the Missions were spending a great deal of money direct on medical services in the Reserves, but during the past few years very substantial increases have been made in the amount of money spent in the Reserves on medical work, and in the forthcoming year a very substantial increase indeed is made. That being the case I do not see why I should commit myself to granting money to Missions for this class of work and while raising no objection to the Commission of Inquiry, I should like it to be clearly understood I am not in any way committing myself as to my attitude on the other question.

HON. H. F. WARD: Your Excellency, I must rise with a sense of very deep regret at this resolution being accepted by Government. It seems to me a very bad business after the Government has voted large increases in the medical programme running to over £70,000. That programme has hardly started in the country when it is actually suggested and approved by Government that something in addition to that should be considered by a Committee which incidentally is going to take up a large amount of time. The Honourable

Reverend Gentleman has suggested in his Motion two things : an increase of the amounts paid by Government to the medical missions over that which has been paid since 1923 and, secondly, an increase in activity in the Reserves on behalf of child welfare, and while we all must be in absolute sympathy with what the Honourable Dr. Arthur wants us to do in the Reserves it does seem hopeless to try and start other things before the Honourable Director of Medical and Sanitary Services gets his programme into full swing.

HON. M. A. DESAI : I think it is the primary duty of the Government to provide medical attendance for the natives. Does not the Government want the confidence of the natives? I think it is very necessary that Government should have the confidence of the natives and that every effort should be made to secure that confidence.

In course of time the Government will be able to provide proper schools and medical colleges for the training of natives. At the same time, so long as Government is not in a position to provide these, I think it is wise that they should take advantage of the Missions. But you must bear in mind that the primary duty of the Government is to provide these facilities, and I hope that the Committee to be appointed will also bear that in mind.

I must vote against the Motion in this instance, but I want to say, since the Government has accepted the principle of appointing a Committee, that I will impress my views upon the Committee once it is appointed.

HON. DIRECTOR OF EDUCATION : I would like to draw the attention of Honourable Members to the fact that this question is part very largely of a much bigger question. It is not a question so much of the relation of the Medical Department to Missions, but of Government Department to Government Department, as concerned with education and specialised training in various directions—industrial and so forth. I find my own work continually overlapping with other Departments of Government, and *vice versa*. I think there is great need for careful definition of the spheres of various Departments.

I do not understand the question of the Honourable Member for Plateau North, because I find that in this report which we have just adopted for grants-in-aid, my Department is to encourage in the schools the teaching of medical dressing, nursing, midwifery, domestic training and other things, and all that has been the subject of discussion between myself and the Honourable Director of Medical and Sanitary Services lately. We are endeavouring to model our schools not on

English public school lines, but on the lines of social service centres, catering for the needs of the community, training the people in the industries so that they can take their place in the service, training them in hygiene so that they may live more healthily. What is laid down with regard to the training of medical dressers? You cannot train medical dressers without a hospital and under the scheme put forward by the Select Committee provision has been made towards the salaries of doctors and nurses. Now, although that might be paid by the Education Department, it must come under the supervision of the Honourable Director of Medical and Sanitary Services. In the training of native girls in child welfare and in midwifery there is need of his services. Here again I have to refer to the Honourable Director of Medical and Sanitary Services. I do suggest that in the Government service there is this constant overlapping.

I asked the Honourable Chief Native Commissioner some eight months ago if he would appoint a Committee to go carefully into the question, but so far such a Committee has not yet been appointed. It is for that reason that I regret I cannot accept the suggestion of the Honourable Director of Medical and Sanitary Service that a Board of Health should deal with this question. It is a question not so much of public health as of administration, and the whole thing should come up later for a careful definition of the spheres of the various departments.

This Honourable Council is not asked to agree to any Subsidies Committee; it is merely asked to appoint a Committee to enquire into what should be the actual relation of the Education Department—which is using the medical services of the Missions—with that of the actual Government Medical Department, and I would very strongly ask Honourable Members to support this motion in order that we may have less confusion upon this matter. I might say that an enquiry has already been held, because the Honourable Acting Chief Native Commissioner is conferring with the Honourable Director of Medical and Sanitary Services and myself, with regard to a memorandum which is being submitted to Government on this very question, and therefore the acceptance by Government of this proposal of the Honourable Rev. Dr. Arthur is only a continuance of those previous proposals.

HON. W. C. MITCHELL : It seems to me, Your Excellency that most of those who have spoken against the motion have based their opposition largely on a pre-judgment of the finding of the Committee. I feel that in the Medical Department and in the Missions we have two bodies doing very valuable work, and anxious to do very valuable work in the medical field, and I think it would be a calamity if

there were any misunderstanding on the part of either of those bodies, if lack of efficiency or lack of economy was to be the result.

The Honourable Member for Plateau North regretted that since we were already committed to a heavy expenditure on medical services any proposal which might involve still further expenditure should not be considered. I do not understand the suggestion to appoint a Committee which could possibly have such an effect. I feel rather that we are committed to very heavy expenditure on medical services and for that very reason we should certainly do everything we possibly can to see that that expenditure is carried out to obtain the most efficient and the most economic service. I feel quite sure that both these bodies have exactly the same object in view, and that is to render the best medical service—let it be economic and let it be efficient, and if the appointment of a Committee can possibly make for efficiency or economy then let us have the Committee; if the Committee cannot make for efficiency or economy we at least know where we are, and that the existing organisation is expending Government money to the best possible advantage.

HON. J. W. ARTHUR: Your Excellency, I do not want to say very much, except to explain that I had no other intention in my mind but simply a desire to investigate further, and to the advantage of this country, the possibilities that lie in this co-operation between Government and the Medical Missions.

With regard to the Committee, the Board that has been suggested by the Honourable Director of Medical and Sanitary Services, as far as this is concerned my own feeling is that I agree with the Honourable Director of Education, and I do not think it is wide enough in its representation to deal with this very important matter.

Further, I regret, as I have always regretted, that on that Board there never has been one of the Medical Mission doctors who might help very considerably with the work of the Board of Health. Still, I think if we had a Committee such as has been suggested in this connection the work would be done and it would more effectively get at what we want.

Finally, I desire to thank the Government for accepting this motion.

HIS EXCELLENCY: The question is:—

"That a representative Committee be immediately appointed by Government to go into the question of the utilization of the services of Medical Missions and report to this Honourable Council their recommendations."

Motion put and carried.

Motion of HON. M. A. DESAI:—

"That this Honourable Council is of opinion that Indians of position and standing should be appointed as Honorary Magistrates and Visiting Justices to His Majesty's Prisons in the Colony and Protectorate of Kenya."

HON. M. A. DESAI: Your Excellency, before I speak on this motion, I would request Your Excellency to give me permission to amend my motion by deleting the word "magistrates" and substituting therefor the word "justices," because I understand there is no provision for the appointment of Honorary Magistrates.

HIS EXCELLENCY: I cannot accept that amendment of the motion, because it is made without notice, but since the Honourable Member has made the explanation and it comes to the same thing, Council understands he is speaking of the justices of the peace.

HON. M. A. DESAI: Your Excellency, this is a very simple motion, and I hope to secure the support of both sides of the House.

Your Excellency, the appointment of justices of the peace and visiting justices serve two purposes. It serves the community to which the gentlemen belong, and at the same time it serves His Majesty the King. Justices of the peace do many minor things. In the case of prisons one would otherwise be required to go to the lawyers, and if Indians are appointed as justices of the peace it will be a great relief to people who cannot afford to pay the fees of lawyers.

As far as the appointment of visiting justices is concerned, Your Excellency, there are not many Indian prisoners; still there are some, and here the Indians are not understood by the visiting justices because most of them cannot speak English, and the visiting justices are not fully acquainted with the requirements of the Indian community and of the prisoners. This disability of being of the Indian or Asiatic community was pointed out by a member of the Mombasa District Committee some time back and that Committee unanimously resolved that there should be one established visiting justice at Mombasa.

With these few remarks I commend my motion to the attention of this Honourable House.

HON. J. B. PANDYA: I beg to second the motion.

HON. ACTING ATTORNEY GENERAL: Your Excellency, I desire to oppose this motion. In the first place Your Excellency has no power to appoint persons as justices of the

peace other than British subjects of European extraction, and should justices of the peace in the future, or even in the near future, be given magisterial powers, as suggested by a motion which is coming up at a later stage, that is an additional reason why this motion should be opposed.

Magistrates are all Crown Servants and all magistrates, with the exception of resident magistrates, are administrative officers of the Crown. The resident magistrates are all very highly trained lawyers and the magistrates of the second and third class, in any case in the large majority of cases, are very well and thoroughly acquainted with our local laws. The powers given to magistrates under the Courts Ordinance and under the Criminal Procedure Ordinance are such that I could not recommend Government to accept this motion unless the people who performed duties under those two Ordinances had a skilled, or at any-rate a fairly extensive knowledge of law.

Your Excellency, as regards the visiting justices, this has from time to time been brought up, and at times I might say when the reasons for appointing visiting justices was more apparent than it is at present.

For instance, in 1918 when there were no less than 68 Indian prisoners in the Nairobi Gaol, and in all prisons during 1914, 141 prisoners, it was represented to Government that it was necessary to have visiting justices, but as a matter of fact it was not considered necessary, and they were not appointed.

The East African Indian National Congress represented the matter again to Government in 1921. In 1918/19 there were in all prisons 183 Indians and in 1919/20 172. It was found after due enquiry that complaints which were made by Indians were so small and trivial in their nature that the Government did not think it was necessary in 1921 to make these appointments. In December, 1921, the Indian Association also had an interview with the then Acting Governor, and they were told that His Excellency could not accede to the appointment of visiting justices at that time.

It so happened at this particular time that Mr. Andrews was on a visit to this country; he was representative of the Indians' interests at an interview with His Excellency, and he agreed with His Excellency's ruling in the matter. That has been the position over this period of years. The position now is even less favourable for appointing visiting justices.

In 1923 there were only 20 Indian prisoners in the Colony. In 1924 there were the same number. For the first ten months of this year there were only 25, and I submit that on these figures there has not been made out a case for the appointment of visiting justices.

Before concluding, I may point out that Members of Executive Council are visiting justices of the peace, and in that case Mr. Phadke, an Indian Member of that Council, is a visiting justice.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, I should just like to say a few words, because both these appointments largely concern natives, or rather it seems to me that they do. Justices of the peace have a very great concern with the relations of labour. While in principle I should see no objection whatever to the appointment of a justice of the peace who had the necessary qualifications, whatever his race, quite frankly I should say to Mr. Desai that there are within my knowledge no Indians in this country at present whom I should be able to recommend Your Excellency to appoint as justices of the peace. The question, therefore, as far as I am concerned, seems largely academic.

With regard to visiting justices, I must say I am very much inclined to support the motion. I think there ought to be Indian visiting justices, and I do not necessarily feel that their functions are necessarily confined to those of their own race. Any man who is prepared to take an interest in the duties before him is always a welcome assistant, and the criticisms of Government methods in a question like the treatment of prisoners is a thing one ought to welcome, no matter from what source it comes. Personally I should be inclined to vote for the motion simply on those grounds.

HON. M. A. DESAI: I know that Your Excellency has no power to make the appointments of Indians as justices of the peace as the law stands to-day, but I wanted to keep out the racial question from this debate, and brought this motion in with the object of amending legislation.

Your Excellency, it is clear something ought to be done for His Majesty's Indian subjects. As the law stands to-day none of them can be appointed to these posts, and that is an injustice in itself, and I do hope Your Excellency will take that into consideration.

The Honourable Acting Attorney General has said how many times the Indian community has represented to the Governor for the appointment of justices of the peace and visiting justices from amongst the Indian community. Your Excellency, I think he has made out a very good case for the appointment of such people, because the Indian community does not ask for these appointments as a mere plaything. They are satisfied and convinced of the necessity for such appointments, and that is why they have made repeated representations to an unsympathetic Government, and instead of taking that as evidence for the necessity of these appoint-

ments, I am surprised that the Honourable Acting Attorney General says so many representations were made but the Government did not accept the representations.

I say that the Government is unsympathetic and that is why these recommendations of the Indian community were not accepted, and I think it is high time that Your Excellency's Government will be pleased to give consideration to the matter.

I am told that there are no deserving Indians in this country for such a course to be taken. It is a great credit to us who are members in this Honourable House to be appointed members, and I respectfully submit that if we are deserving of this honour we are also deserving of the honour to be appointed as justices of the peace and visiting justices. There are many Indians who have sat in this Honourable House who deserve to be in this House, and who also deserve to be appointed visiting justices and justices of the peace.

Your Excellency, the Honourable Acting Attorney General has told this House that Mr. Andrews, our friend, came here and thought that such appointments were not necessary. Mr. Andrews is a very good gentleman; he is one of the greatest humanitarians that exist in the world today, but I do not accept his statements always; sometimes he is not correct in them. If Mr. Andrews did make the statements mentioned by the Honourable Acting Attorney General, then all I can say is that I am surprised.

Your Excellency, the resolution of the Mombasa District Committee is also evidence that sooner or later these appointments will have to be made.

I appeal to members of this Honourable House to support this motion, and as a result that Government will be pleased to introduce amending legislation.

HIS EXCELLENCY: I should like to say a word upon this motion, particularly with the object of making it perfectly clear that I do not regard the matter in any way as a racial matter. It is a question of administering the law efficiently and to see that prisoners who are in prison for breaches of the law are properly looked after; and that is not a racial matter in any sense.

I am going to instruct the representatives of Government in this Honourable Council to vote against this motion, for the following reasons.

The first part of the question raises a point of great importance to the natives of this country—not on racial grounds at all, but because of the qualifications of the resident

magistrates and the men who have to deal with these matters are of the utmost importance. As at present advised, I am not prepared to give any opinion on that question; it requires much further investigation on my part, but as far as I understand it at present I am satisfied that the resident magistrates as at present appointed are doing their work adequately and that no change is called for in the interests of the natives of the country, who are particularly concerned.

With regard to the second part of the question, I am satisfied that Mr. Phadke, as a member of the Executive Council, adequately meets the need for the representation of all communities in the inspection of prisons. He adequately meets that, and I therefore see no need to add to the number of Indian visiting justices.

Indians
On those grounds I shall instruct the representatives of Government to vote against the motion. The motion is—

"That this Honourable Council is of opinion that Indians of position and standing should be appointed as Honorary Magistrates and Visiting Justices to His Majesty's Prisons in the Colony and Protectorate of Kenya."

Motion put and lost.

On a division—Ayes: 3; Noes: 25.

HON. ACTING ATTORNEY GENERAL: I beg to move that the following members serve on the Committee on the Custody of Children Bill:—

The Honourable Acting Attorney General (Chairman).
The Honourable Acting Chief Native Commissioner.
The Honourable Director of Education.
The Honourable Member for Plateau North.
The Honourable Member for Kikuyu.
The Honourable Rev. Dr. J. W. Arthur.
The Honourable Mr. Shams-ud-Deen.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that the following members serve on the Committee on the Punishments of Incest Bill:—

The Honourable Acting Attorney General (Chairman).
The Honourable Chief Native Commissioner.

The Honourable Director of Education.
 The Honourable Member for Nairobi South.
 The Honourable Member for Kikuyu.
 The Honourable Rev. Dr. J. W. Arthur.
 The Honourable Shamis-ud-Deen.

Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that the following members serve on the Committee on the Corporal Punishments Bill:—

The Honourable Acting Attorney General (*Chairman*).
 The Honourable Chief Native Commissioner.
 The Honourable Director of Medical and Sanitary Services.

The Honourable Member for Plateau North.
 The Honourable Member for Kikuyu.
 The Honourable Member for the Coast.
 The Honourable Rev. Dr. J. W. Arthur.
 The Honourable Mr. M. A. Desai.

(Council adjourned to 10 a.m. on Tuesday,
 December 15th, 1925.)

TUESDAY, 15th DECEMBER, 1925.

The Council assembled at 10 a.m., at the Memorial Hall, Nairobi, on Tuesday, the 15th day of December, 1925, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

ABSENT.

The Hon. Commissioner of Customs.
 The Hon. Mr. T. Fitzgerald.
 The Hon. Mr. T. J. O'Shea.
 The Hon. Mr. R. S. Nehra.
 The Hon. Mr. Mahamed Kassim.
 The Hon. Mr. Hamed Mohamed bin Issa.

His Excellency opened the Council with prayer.
 Minutes confirmed.

PAPERS LAID ON THE TABLE.

Papers regarding the Removal of Native Residents from Mr. A. C. Hoey's Farm, L.O. Nos. 2203 and 2213, Trans Nzoia District, on June 14th, 1925.

QUESTIONS.

HON. M. A. DESAI: I beg leave to ask the first question standing in my name on the Order of the Day:—

"What amount has the Government realised by sale of cattle taken from the Masai as punishment and damages and the nature of the disposal of the money realised?"

HON. COLONIAL SECRETARY: A total sum of Sh. 93,762/03 was realised by the sale of the cattle taken as a punishment and damages from the Masai by Government in respect of the 1923 disturbances.

The nature of the disposal of this money has been as follows:—

	Sh.	Cts.
Compensation to certain claimants	13,720	00
Payment of Military Expenses	12,874	00
Construction of Dams (approximate)	97,168	03
Construction of Dams, Ngong-Narok road (approximate)	0,000	00
Inoculation of Masai Stock (approximate)	20,000	00

HON. M. A. DESAI : I beg leave to ask the second question standing in my name on the Order of the Day :—

" Is it the policy of Government to turn farms in the Highlands into trading centres? "

HON. COMMISSIONER OF LANDS : The desire of the Government is to see farms in the Highlands developed as farms. Applications for trading licences to shops on farms are considered on their merits from this standpoint. No member of the community can apply for a trading licence on some other member's land except with the permission of the owner of that land.

HON. M. A. DESAI : I beg leave to ask the third question standing in my name on the Order of the Day :—

" Will the Government issue instructions to the Licensing Officer at Kitale to renew trading licences to Mr. Ali Kassum of Eldoret in connection with his shop on Mr. Murphy's farm in the Kitale District? "

HON. COMMISSIONER OF LANDS : The answer is in the negative. The terms under which shops owned by non-Europeans may be allowed on European farms in the Highlands are at present under consideration by Government and it is open to Mr. Ali Kassum to apply—with the concurrence of the owner of the farm—for permission to open a shop on this farm in due course.

HON. M. A. DESAI : I beg leave to ask the fourth question standing in my name on the Order of the Day :—

" Is the Government aware that an official in the Machakos District instituted a police trap at Kiu and other places to catch Indian traders selling sugar to natives—prosecuted some for alleged selling of sugar, acquitted some, convicted some and afterwards the Appeal Court quashed the convictions? "

HON. COLONIAL SECRETARY : The answer to the hon. Member's question is that no trap was laid.

HON. J. B. PANDYA : I beg leave to ask the question standing in my name on the Order of the Day :—

" 1. Has the attention of the Hon. Director of Medical Services been drawn to the importation of an article called " vegetable ghee? "

2. Will the Hon. the Director of Medical Services state if this vegetable ghee has the same substance as clarified butter (ghee) imported from India?

3. And will the Director of Medical Services introduce legislation to prohibit importation of such vegetable ghee or mixing of same with clarified butter local or imported? "

HON. DIRECTOR OF MEDICAL AND SANITARY SERVICES :

1. The attention of the Medical Department has been drawn to the importation of " vegetable ghee. "

2. " Vegetable ghee " has not the same composition as clarified butter.

3. There is no reason to suppose that vegetable ghee has properties which render it harmful to be no necessity to prohibit its importation.

HON. M. A. DESAI : On behalf of the Hon. Mr. Shamsud-Deen, I beg leave to ask the first question standing in his name on the Order of the Day :—

" Will the Hon. the General Manager of Uganda Railway state definitely as to what is the status of Asian employees on the Establishment Roll of Uganda Railway who are made to sign a three years' agreement at the end of each tour of service, whether their engagements are temporary, " quasi-permanent " , or permanent? "

Should there be any permanent employees on the Uganda Railway, will the Railway Administration abolish the system of three years' agreements being signed by such employees at the end of each tour of service and place them on permanent establishment, subject to general rules and regulations in force on the Railway as regards scales of salaries, leave and passage, etc? "

HON. GENERAL MANAGER, UGANDA RAILWAY : The reply to the first part of the question is that men on agreement are subject to the conditions set out in agreement. Agreements are usually renewed from tour to tour for satisfactory employees, but employees on agreement cannot be regarded as permanent employees.

The reply to the second part of the question is that no change in the system of agreements applicable to European, Asian or African staff is at present contemplated.

HON. M. A. DESAI : On behalf of the Hon. Mr. Shamsud-Deen, I beg leave to ask the second question standing in his name on the Order of the Day :—

" Will the Honourable the General Manager of Uganda Railway state if all the 368 Asian employees who were retrenched in 1923 were temporary hands, and if none of them were on the Establishment Roll of the Railway? "

HON. GENERAL MANAGER, UGANDA RAILWAY : The difference between the number of Asians employed at the commencement and end of 1923 was 368. This number included

the expired men, men not employed after expiry of contract, and men discharged because their services were no longer required. Most of the men discharged were not on the Establishment Roll, but in all cases the action taken was in strict accord with the conditions contained in the contracts of service.

RT. HON. LORD DELAMERE: I beg leave to ask the question standing in my name on the Order of the Day:—

"Who was responsible for the sale of the cattle taken under the Mohamed Zubeir Stock Fine, and whether Government can give any explanation of the prices obtained which work out at 16,985 shillings for 2,430 head of cattle."

HON. COLONIAL SECRETARY: These bullocks were sold at Kisumu on the advice of the Acting Senior Commissioner and other persons in the best position to advise Government. The alternative of despatching the cattle to Archer's Post for sale up-country was rejected after full consideration, on account of the expense and risk of that course. A drought prevailed at the time and losses were expected to be very heavy. For a while there was an expectation of a reasonable offer being made at Kisumu, but this did not materialise. The Acting Senior Commissioner's advice that he should sell at discretion was received from the Acting Senior Commissioner:—

"No. 349. Reference my telegram 13th April, in view of the fact that large numbers of bullocks dying propose to sell by auction commencing on the 12th of May, but do not anticipate that the average prices higher than ten shillings. I think terms of purchase should be half cash payments of half credit for one month secured by telegraph on local firms."

In reply to which he was authorised to make such arrangements in regard to the disposal of the cattle as seemed advisable to him. The cattle were sold by auction on 23rd May. The reasons for the very low prices obtained appear to be:—

- (a) The market was necessarily a limited one;
- (b) The cattle were in poor condition and already suffering heavy losses;
- (c) The sale was to a great extent a forced sale, more particularly in view of the knowledge that thecession of Jubaland impended;
- (d) The cattle consisted of bullocks only and may be assumed to have been bought largely for export to external meat markets, such as Zanzibar.

RT. HON. LORD DELAMERE: Arising out of that question and answer, why is it that it is always the cattle which are

captured by Government that seem to be just the very ones that die on these occasions. I have never heard of anybody else losing cattle. Is it not possible that when these sales are made for anybody to know about them? Is it not possible to advertise them in some way? Of course, if they are taken through a fly-belt. . . .

HON. COLONIAL SECRETARY: I can prove the sale was advertised, but owing to the conditions at Kisumu at the time it was impossible to give the full advertisement to the sale that would otherwise be the case.

RT. HON. LORD DELAMERE: I did not exactly mean that. Would it not be possible for Government to advertise, when the Mohamed Zubeir are being fined so many head of cattle in Nairobi and elsewhere, where you can get people to come to the sales who will buy cattle?

HON. COLONIAL SECRETARY: I think the difficulty arose because of the fact that there were two suggestions: first of sending the cattle to the Coast, and secondly, of sending them to Kisumu.

HON. E. E. CONY: I beg leave to ask the question standing in my name on the Order of the Day:—

"Whether Government will consider taking steps to protect the few remaining Uganda kob in certain districts of the Colony under the Game Ordinance?"

HON. COLONIAL SECRETARY: Government has this matter under present consideration.

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

"That the Report of the Select Committee on Loan Proposals be adopted."

This Report was tabled a few days ago, and is now in the hands of all hon. Members. I trust that the recommendations which are made in the Report are explicitly set out, but there are certain points on which no doubt the Council will need further elucidation.

This may perhaps seem a somewhat ambitious programme. Council is asked to approve of loans being raised to cover an expenditure which amounts to £1,712,410. It will be found, however, that the whole of the sum is not really to be provided out of the Loan. It will also be found that many of the services are in themselves directly remunerative. Take, for example, the expenditure on housing for Government servants of the sum of £56,430 provided under this head. £421,338 is covered by savings on account of rent and house

allowances at present paid by Government at the rate of £27,387 per annum which represents 6½ per cent. on a capital investment of £421,338.

The excuse, if one was needed, for putting proposals forward of this kind at the present time is that I think the Colony has now reached a stage when it is absolutely necessary and essential for its development that it should spend money not only to the advantage of the present generation, but of those to follow and who will, of course, have to bear the cost in interest and sinking fund on the money which has to be raised to-day. I do not propose to discuss now the present financial position of the Colony—it has been clearly put before you in the financial statements furnished by the Treasurer and he will deal with any point which may be raised in this connection. I know there are great difficulties before us. It is very unlikely that we shall be able to spend the sum of money now asked for until a very considerable time has passed. There are difficulties of labour, of supervision and of staff, there are also difficulties in regard to the supply of materials. Government realises this, and does not desire in any way to minimise the difficulties which do exist. But, at the same time, I would ask hon. Members to consider whether these difficulties are likely to be removed in a year or even in two years! Consideration of these proposals must not be postponed. The whole Colony has in any event to face this question of labour; it has to face the question of staff, the need for supervision, the supply of materials.

As regards the question of labour, I do not propose to deal with that at length to-day, because all we can now do is to consider first our own labour supply here, second, the sources from outside which labour can be recruited.

We have been in correspondence with adjoining territories; we have been in correspondence with the Secretary of State, and we are endeavouring to obtain particulars as to the rate of wages and the numbers of labourers—skilled and unskilled—that it might be possible to secure and utilise for special works of this kind. But it would be premature to make suggestions until we have before us detailed recommendations. The forthcoming Governor's Conference will give Your Excellency an opportunity of discussing with the Governors of the different territories who will be represented here the chances of obtaining labour from these countries.

Skilled labour—skilled artisan and trained labour is what is required, and it must be realised that the works on which we are embarking afford one of the biggest opportunities ever afforded for the education of African labour. Occasion will be given for the natives to learn their work on actual opera-

tions, and a good training school will be provided for the African artisan, whom this Government is most anxious to encourage.

As regards the supply of materials, there is a Committee now sitting for the consideration of this question. A sub-committee is going into facts and figures, and I believe a very great deal of valuable information has already been collected. At the present moment we have in our midst one of the most distinguished architects in the British Empire—I may perhaps say in the world—Mr. Herbert Baker. We have also his assistant, Mr. Hoogterp, and we have others in the country who are able to give valuable advice. As Mr. Baker informed me recently we have in this country—at Naivasha, Mr. Dunn, a very able architect, who thoroughly understands the conditions of this country. So it will be seen that we now have in Kenya skilled advisers who will all be most useful to us in considering the important question of materials, buildings and designs most suitable to the climate of Kenya.

As regards staff, any programme of this kind must necessarily involve the recruitment of a considerably augmented staff, but it does not necessarily mean that that staff will always be with us, but at the present time if the Director of Public Works is to get that full support and measure of assistance for large works in this country he should have a very considerably increased staff of draughtsmen, quantity surveyors and overseers who will be required to assist in the works.

Now, to deal with the various items that are contained in this Report; I do not propose to refer to those which appear under Head V—Expenditure, which the Select Committee consider will be necessary in the near future, but which is not before Council to-day. The items with which we are dealing are those which the committee recommend as being essential and which must be carried out as early as possible.

First of all, I will refer to the expenditure which has already been sanctioned—Head II—because there are one or two points in connection with these items which need to be made clear to the Council. It is stated in the Report that the lump sums appearing under this Head have already been sanctioned. Well, as lump sums they have been sanctioned, but with certain provisos in some cases that further information should be supplied to Council before actual expenditure was incurred and in the cases I shall specially mention, where the sanction of Council has not already been obtained, its approval is now sought. I refer first to Item (1)—Erection of Schools. A sum of £125,000 has been allocated under four different items: £80,000 for European School; £20,000 for

a new Indian School for Nairobi; £13,000 for Arab Schools at Mombasa, and £12,000 to be spent on the Technical Training Depot at Kabete.

The Council has already voted the sum of £80,000 for the European School, and with regard to the balance it desired a further report from the Committee as to how that sum should be allocated. That report has been made by the same Committee which has now put before you these Loan recommendations, and I would ask you to approve of the allocations as here suggested, which are that £20,000 be spent on a new school for Indians in Nairobi, £13,000 be spent on Arab Schools at Mombasa, and that £12,000 be expended on the Industrial Technical Depot at Kabete.

This expenditure will, I am sure, commend itself to hon. Members, who will also agree that all these works are absolutely urgent and necessary.

It will be seen on reference to item 11 (g)—on page 5 of the Report, that £10,000 has been provided from Loan funds for an Indian Hostel to be attached to the Indian School at Nairobi. It is felt that if we are going to provide a first-class school for Indian boys at Nairobi it is very desirable that those Indians who are scattered about the country should have an opportunity of sending their children to this school at Nairobi, and to enable them to do so, proper boarding accommodation should be provided.

The hostel system generally commends itself in all parts of the world, and undoubtedly these boys will have a very good opportunity of getting the best education available if they are brought into a central school and hostel where proper accommodation is provided for them.

As regards the provision for the Arab Schools, which are still awaiting the recommendations of the Committee on Arab Education and the Committee on Coast Education, which hold their meetings at Mombasa, there is undoubted need for better accommodation for the Arab boys in Mombasa. When I say better accommodation, I do not mean the renting of another building as I do not think this meets the needs of the Arabs of Mombasa. What we want is a central building with playgrounds and every educational facility. We have therefore allotted £13,000 for that purpose.

In respect of African education—£12,000 has been set aside for the Industrial Training Depot at Kabete. That school was started with the idea that African youths seeking employment in Nairobi should be given a sound technical education. They were recruited from those who were not employed, but were employable. The idea originally was that

these lads should be employed on putting up buildings of the type that they might hope someday to erect for themselves in their own villages—that they should be taught the simplest form of construction and that they should not be put on to more difficult work until they had mastered the different stages. The time has now arrived when more permanent buildings are necessary as workshops and dormitories. It is intended that these buildings should be put up by the boys who are learning their work at this Depot, so that this expenditure will be for materials and other charges exclusive of labour.

The next item under Head II is "Quarters for the African Employees of Government"—first instalment £10,000 and item 9 is a second instalment of £20,000 while there is further provision under Head III, item 11 (f) for a third instalment of £10,000. I regret to say that this money cannot be spent on these buildings for the African employees of Government, who have been promised the provision of houses, until you have approved the type of building, as Government has given an undertaking that houses will not be erected until this Honourable Council is satisfied that the type is such as is required by and suitable for the African employees. The Honorable Director of Public Works will shortly put before you further plans for these quarters and he will be guided largely in his recommendations no doubt by those of the Special Committee which has been appointed to investigate this question of buildings.

In regard to the other items under Head II, I do not think any of these require further explanation because they have all been approved and it only remains to ensure that the money provided will be spent as well and as early as possible.

I will now deal with the new items under Head III.

Turning to item 11—Housing for officials. The sum of £586,430 has been provided for this purpose. It will be seen that out of this £586,430 a sum representing £421,338 will be covered by the removal from the Estimates of that item, which is every year increasing—the expenditure on rents and house allowances. At the present time Government is faced with the position of paying very heavy rents for buildings and houses in Nairobi and Mombasa. By so doing, it does not really satisfy the needs of those who are housed in these buildings and it does not benefit, but rather prejudices the general community because the tendency is to increase rents elsewhere. I find a good many landlords consider Government is a good payer and that the high rents asked for from Government will be paid; unfortunately, Government is often in the position of having to pay the rent which is demanded

on account of the lack of accommodation. I do not intend to say that rents are paid by Government without some preliminary arguments, but renting of houses by Government is apt to be an extravagant policy and does lead to high rentals elsewhere. If you once adopt a building programme under which more houses will be provided I am sure you will find the result will be that rents will fall in Nairobi and Mombasa because there will be more houses on the market and because a large number of persons who to-day are being supplied with rented houses or house allowances will occupy Government houses. Apart from this consideration it is extremely important that Government should house its officers properly. If the scheme is adopted I think it should be clearly and definitely laid down as a condition that expenditure should begin with the worst paid officers. It is not proposed that Government should put up houses first of all for its higher paid officers and then go down the scale of emoluments and that those who have least should come last. I think that would be a very wrong standard to work on. What is proposed is—that the provision of houses should be made on a proportionate basis. We should take so many of the lowest paid officers and a smaller number of the higher paid officers and the proportion of Government houses erected should be much larger in respect of the needs of the lower paid than the higher paid. That is only reasonable and fair because I think it is the former whose need is greatest, but throughout all grades of the service, European and Asiatic, there is the same necessity for the provision of proper and suitable housing accommodation. Government officers should not be in a position to feel that they are merely occupying a house temporarily and that when they come back from leave there is the possibility that Government will not be able to find houses for them. There should be some feeling of permanency in the mind of the official. He should be given a house of the type which is suitable, a type which will not in any case be extravagant, but which will afford an officer a residence with which he can reasonably be satisfied and which will meet the needs of the married man. It is obviously in the interests of the Government that its employees should be well and suitably housed. Now there is one item of this expenditure which may be regarded as unremunerative and that is expenditure on houses of officers in out-stations, because they do not pay house rents at present as houses cannot be rented for them. They are either provided with an inadequate structure or else have to depend upon "station hands" to put up temporary huts for them to live in. Those who have travelled in these out-districts will, I am sure, recognise how bad the conditions are in many parts of the country; and that officers are really most inadequately housed and unfortunately so in stations

where the climate is most unfavourable to the European. It is in these very stations that officers must be best housed, and their interests properly safeguarded by Government. This can be done by giving them good houses and healthy surroundings.

Under this Head appears an item of £80,000 for increased accommodation at Government House. Now, I need not emphasise perhaps, at this stage, in the history of the Colony, the importance of this item to Kenya. It is on account of the importance of the provision of a Government House worthy of this country that this provision is made. All Eastern Africa does, must, and should look towards Nairobi, and what we so strongly feel in Kenya is that the Government House in Nairobi—the house of its Governors—should be a residence worthy of the country; a house of which the Colony may well be proud. In the history of all countries you will find that pride in buildings in the large centres of the life of the people has played a very considerable part. This feeling has had its effect on all classes in the country, it has set a standard of habits, a standard of life, and it has been a serious, even a determining factor in the history of the country. I know, Sir, that as far as you are concerned, you desire nothing more than what is in full conformity with the ideas, the wishes, and feelings of the elected representatives of the Colony. In approving this expenditure I trust that the Council will be guided by the general desire of the Colony, which, I am sure, is in favour of this proposal. Whatever is done should be done for the Colony, in the interests of Kenya. Kenya should recognise and accept its responsibilities and duties in housing its Governor and in offering the hospitality. Government House should afford to visitors who come here from all parts of the world in a manner befitting the dignity of the Governor and the position of the Colony. You are all aware that the Governors' Conference will be held early next year and it is to be hoped in years to come the Governor will be in a position to offer that accommodation at the Conference, which it is hoped will continue to be held here, that this Colony would wish to see provided for its distinguished visitors.

There is provision in these Loan proposals for £79,667 for medical buildings. The Select Committee on the Estimates was asked only recently to reduce the provision for medical services which had already received the approval of the Secretary of State, who attaches, as does Your Excellency, the greatest importance to the fullest provision being made. The Committee was asked to reduce that provision because it was found absolutely impossible to provide the necessary housing accommodation for the medical officers and for the treatment of the sick until houses and hospitals could be

provided at the out-stations for new medical officers who are to be stationed there for the first time. It is not intended to reduce by one jot or tittle the programme of medical services which has already had your approval, but until we can provide the necessary accommodation in outstations it will be worse than useless and in fact dangerous to life to put into these stations medical officers without proper accommodation for themselves and their patients.

There is an item of £80,000 provided for new quarters and lines for the King's African Rifles. I am sure the Hon. Officer Commanding Troops can, if so desired, make a moving appeal to this Honourable Council on behalf of his men who are so inadequately and improperly housed to-day as are the King's African Rifles in this town, who are at present lodged in quarters which are really quite unfit for occupation. The need has long been felt in this Honourable Council and provision was made in this year's Estimates for temporary improvements, but that provision has not been spent. It has not been spent because it has been felt that any half and half measures of this kind would only be money wasted and that we should adopt a complete scheme for the housing of the King's African Rifles. There are other advantages too, to be derived from the erection of new quarters of the King's African Rifles. At present they occupy a site which is extremely well-situated for European occupation on the Hill. They are spread over a large extent of land there which will be utilised for other purposes—for building houses for Government officers. It is suggested in the report that the removal of these quarters from the present situation will set free one of the best residential quarters of the town for the erection of Government houses. I have seen some criticism in the Press and suggestions that Government officers should not be concentrated and put in one area. Government officers are, in fact, scattered all over the town though what is proposed now is that where there is a large area of land available that houses should be erected there for Government officers, which will mean economy in transport, economy in ground, and economy in cost of erection of buildings. Further, in looking to the future we feel that the Government Service in this Colony will be more and more recruited locally. I do not suppose that Government officers more than any other kind of men are likely to be a class apart or suffer from the fact that the members of different Government Departments, are living in close juxtaposition. No fear on that account need be felt and I am sure it will be found that the site which it is now proposed to set apart for this purpose is an admirable one, provided you can find a good site for the King's African Rifles. A Committee has been appointed and is at present investigat-

ing the possibilities of such a site and they will shortly put their proposals before Government. I understand they have found land which appears to be suitable.

The next item is for a Customs House, Mombasa, £40,000. The Council will not be asked to vote £40,000 from Kenya funds for a Customs House at Mombasa. In any case any building erected for this purpose would be at the expense of Kenya and Uganda so that only a proportion of the cost will be borne by Kenya. The erection of a Customs House is almost become a hardy annual. This item has been a source of saving to the Government, it has come to be looked upon as an item which can be drawn upon to cover expenditure in other directions, it has appeared three times in our Estimates and the money has not been spent. I may add that the Port Commission has been considering this question and will, I believe, advise the erection of a Customs House in Mombasa rather than at Kilindini and apart from accommodation for the Port and Railway, so that this item will require further consideration and further proposals will be put before you in this connection.

I now come to an item of £145,000 for the Education Department buildings. The considerations governing all these recommendations are improved educational facilities and better provision for housing and medical services; and the Committee put education and medical services combined as first in the public works to be undertaken. We feel that a priority should be given to these proposals. We have heard a good deal about remunerative expenditure. I do not agree that any proposal for expenditure can be judged solely on the ground that it is directly remunerative. Expenditure on educational and medical services, especially if you can combine the two, is bound to be remunerative and in the best interests of the country. The first item is one in which Your Excellency has, I know, taken the very greatest interest—Excellency has, I know, taken the very greatest interest—the erection of the Nairobi School, £35,000. This is an entirely different item to the Kabete School and hon. Members should regard the two schools as entirely separate proposals. The school for which this provision is asked for is the elementary school. This will be a school for young children who will not in the ordinary course go out to Kabete and it is necessary to-day to find immediate accommodation for the children now being educated at the European School. We heard last night at the Prize Giving of the European School that the reason the children are frequently ill is because they are unable to work under present conditions. The sooner these children are removed from the present buildings the better and it is the desire of Government, if these proposals are approved, to erect this school as early as

possible and to put up a two-storied building with adequate verandah space and shade from the sun to which the younger children, the children from the elementary school, can be sent and where they will be able to get their education under conditions which are both suitable and healthy and which will be a much needed relief to the strain which these children are now suffering. For a long time past the needs of the Nakuru, Eldoret, and Kitale schools have been pressed. It was agreed that further expenditure on these schools should not be undertaken until Council was in possession of such facts as are now available in regard to the number of children of school-going age in these districts for whom accommodation was needed. The Hon. Director of Education put forward proposals and he obtained the advice of the District Committees as to the educational buildings required, but the proposals as framed are not definite and concrete as to the exact amount which will be required for additional boarding and accommodation for these three schools. I will, however, ask you to agree to the inclusion of £40,000 for Nakuru, £40,000 for Eldoret, and £20,000 for Kitale as I am certain that you are all convinced of the necessity for the provision of further instruction and buildings at these three schools.

Under Roads and Bridges £125,000 is provided. One of the items is £50,000 for Main Roads and Bridges, but it is not stated definitely how that £50,000 is to be spent, but as you will see in Annexure 2, a list of roads is given which includes roads in various parts of the country. Many of these roads would cost the full amount that is provided under this head; for instance the road from Nairobi to Mombasa obviously could not be constructed for £50,000 and the sum of £87,000 on account of this road has been inserted. If this sum of £50,000 is, however, set aside for this purpose certain roads can be proceeded with as rapidly as possible in addition to roads for which provision is made in the Estimates of the Colony. The Government attaches the very greatest importance to the road from Malindi to Lamu. We hear constantly in this Council that the Coast is neglected. It is an old complaint and I am afraid that there is much truth in it. The Coast is, I think, progressing and it behoves Government to give it the incentive which has been needed for a long time. Now is the time to invest money in the Coast, to do more for the development of the coastal area, and one of the best means is by a provision of better roads and the opening up of the wide areas between Malindi and Lamu, and the extension of the road from Mombasa to Malindi, for the first part of which to Takaungu, special provision of £25,000 has been made in the Estimates for 1926. The road must now be carried further and bridges erected across two rivers and I trust this Honourable Council will give its approval for further

expenditure on a line of communication which will open up large areas in which cotton can be grown and in which there are considerable openings for other crops.

£25,000 is included for a road survey of the Colony. This has long been needed and it is essential, if money is spent on roads, that there should be a definite and complete survey of the line of roads. The Public Works Department has pressed for a road survey for some years and it has never hitherto been possible to provide for it.

There is further provision in the nature of Advances to the Nairobi Municipal Corporation. This advance is essential for improving the distribution of water in Nairobi. I need not deal with any of these advances here as Council is aware we get the Interest and Sinking Fund provided for us by the Municipality.

I will not go into details in regard to the expenditure which is recommended for the near future, but I will only touch on two items under this head to which I think every hon. Member attaches great importance and which I am sure every hon. Member will agree it is very necessary should be undertaken as early as possible. I refer to the central block of Government offices and the Supreme Court. The Government offices in Nairobi are indeed a disgrace to the country, but the Committee were of opinion that it was necessary first of all to deal with the living conditions of officers and that we should put education and medical requirements and housing in the forefront of our proposals and that offices and buildings of this kind, no matter how desirable they may be, should come afterwards. The necessity for them is undoubted and we have taken advantage of the presence of Mr. Herbert Baker to advise us in regard to the plans for these buildings, so that when the time comes that the Colony will be in the position to give effect to these proposals, the designs will add greatly to the beauty and dignity of the capital of the country. I earnestly hope that it will be possible to give effect to these suggestions in a comparatively short time.

In putting these Loan proposals before this hon. Council I should like to make it quite clear that Government is not putting them before Council as the only work which Government considers should be carried out during the next two years. We are well aware that branch railway lines are a very important matter to Kenya and that our transport system must develop further and that considerable additional expenditure must be incurred on account of the railway. This hon. Council is aware that the £10,000,000 loan of which we heard from the East African Parliamentary Commission, is likely now to become a definite proposition and we hope that

Kenya may be a participant in that loan. Part of the railway development can be met from this Imperial Loan, but in any case the branch lines and development of the Port must be met from Transport Loans. We have in the Railway a very valuable commercial asset and I do not think there can be any doubt that future transport development and transport services can be met from this great source of wealth to Kenya and Uganda, the Uganda Railway.

I would add, in conclusion, that this hon. Council will not be asked to increase the expenditure already approved in the Estimates for 1926. The provision made under the head of Interest amounts to £150,000, of which sum £20,000 was included to cover interest and sinking fund on the Loan expenditure already approved and referred to in the report of the Committee. A further sum of £20,000 was added in Select Committee so that altogether £40,000 appears in the Estimates as provision for the interest on the Loan expenditure. £40,000 will cover an expenditure of £1,000,000 spent month by month throughout the year. It is doubtful whether we will be able to spend more than £400,000 in the first year. Our fear is that expenditure will be very much smaller than we hope will be the case. I am sure that the whole Council will approve these proposals and desire that they should be carried out as rapidly as possible. These recommendations will, I am certain, prove to be of the greatest benefit to the whole Colony of Kenya. They are based on the legitimate needs of all communities in this country. There is provision for all in these Loan proposals. The opportunity is here, the occasion has arisen, and in the opinion of Government the moment has come when we should adopt the programme I have outlined to you in the interests of the country. There is a time in every business when a wise man decides to spend money—it is impossible to develop the enterprise, to expand its activities without raising more capital, without spending more in opening new branches, in increasing the stock, in securing new frontage and generally in incurring new liabilities in order to obtain more business. The Colony has reached this stage and it behoves us to go forward with confidence in the future welfare of this Colony and its peoples.

Hon. J. E. CONRY: The Hon. Colonial Secretary in the speech that he has made to this hon. Council referred to the financial burdens which these loan proposals would throw upon this Colony. We have got into the habit now of talking in tens of thousands and hundreds of thousands of pounds. The time was when we were almost afraid to speak of pounds at all. But I think the Hon. Colonial Secretary is quite right when he says that the time is now here and we should use the opportunity. I have not personally the slightest doubt

that this Colony is in a position to expend the sums of money which are suggested under the proposals before this hon. Council, and the further sums of money which the Hon. Colonial Secretary has foreshadowed, provided that they are as wisely thought out as the majority of the proposals in this report which this hon. Council is now considering. Your Excellency, I hope you will allow me to say this: I believe that it is only possible to advance on a programme such as is outlined in this Committee's report if this country has a definite forward policy with regard to settlement. (Hear, hear): I congratulate Government most sincerely upon the statement made by my hon. friend the Commissioner of Lands in the Select Committee that the Government were putting up a large area of land—or several small areas of land making up a large area for public auction in the near future, and I trust the Government will extend that policy, because it is the number of settlers in this country who are going to back this loan financially. Your Excellency, I would ask Government seriously to consider whether they cannot help us in doing something to attract people to remain in this country—to help us to foot the bill, and I would also ask Government seriously to consider whether proposals can be put before the Government officials who are retiring, and who in the course of time will retire, from Government Service, to make this country their home and to settle here. We do want their money and we want them to help us see this country through. Seriously we also badly want their advice, and I wish the Government could consider the granting of land to ex-officials on most favourable terms, so that we not only can have their financial backing, but also their valuable experience in the development of this country. (Hear, hear).

Many of these proposals will pay for themselves, as the Hon. Colonial Secretary has said. The first of these that he referred to, and which will pay for itself to a great extent, is for houses for Government officials. For my part even if the Hon. Colonial Secretary had had to say that he was putting forward a programme for houses and was sorry to say that the cost could not be met on the other side of the account I would still vote for it, because I do believe that there are a large number of officials, particularly in the out-stations, who are disgracefully housed—if I may use the expression—and I think it is time this Colony recognises that it has to do something for these officials, many of whom are very senior men and have served this Colony very faithfully.

The Hon. Colonial Secretary referred to the three principal services which are served by the proposals for this loan, and first he put education. Your Excellency, I am quite certain that everybody in this hon. Council will agree that any

money we expend on education is nothing but an investment for the future good government of this country. I think the same also applies to the Medical Department. I am very glad that the Hon. Colonial Secretary before he closed referred to branch railways, because if we do not talk too much in this hon. Council to-day, and Your Excellency is relieved from having to be here, I understand that it is Your Excellency's intention to go up to a part of the country which has recently been served by railways, and I think you will see there what railway communication can do and has done. I am quite sure that there are other districts in this country which equally want railways and equally want communications, and I am glad that the Government, as the Hon. Colonial Secretary has said, are considering and will consider those, and that the present loan proposal does not in any way interfere with those matters.

There is one other matter which I want to refer to, and to which the Hon. Colonial Secretary referred, and that is the question of Government House. I am very glad indeed, and I am quite sure the Hon. Colonial Secretary will not mind my saying so, that a sum of money is being expended for this purpose and that the suggestion came from this side of the House, for this reason, that it does show that we look at things in the right spirit, and that we are always prepared to help in matters provided it is for the good of the Colony. I would also like to say this. I read in a local paper there has been some criticism with regard to the money proposed for this purpose. I am perfectly prepared to justify the expenditure of the sum of money voted for this particular purpose if it is necessary to do so; but I do not think it is necessary in this hon. Council to do so. I think that it is perfectly well known that if, as the Hon. Colonial Secretary has said, you are having seven Governors or the representatives of seven Governments of Africa honouring this Colony with their presence, not for the purpose of a social function, but for the purpose of holding a conference on Eastern Africa—if these gentlemen are coming to this country—at least this country should endeavour to provide suitable accommodation for them; and I do not think that the suggested sum of £80,000 will provide anything more than the minimum suitable accommodation.

I would also remind hon. Members—perhaps I am wrong, but the Hon. Colonial Secretary will correct me if I am wrong—that I understand that the proposal also is that out of the sum of £80,000, or £100,000, it is proposed also to erect a Council Chamber and suitable offices, which are very, very badly required, and I think that we can quite say, with due modesty, that more proper accommodation is due even

to this hon. Council. I understand that the whole of that is also included in the sum of £100,000 or £80,000, in the loan proposals.

Your Excellency, I do not know if I shall have an opportunity of moving an amendment to the proposal of the Hon. Colonial Secretary, but there are two items in this Report which, although I signed the Report, I think the Hon. Colonial Secretary will agree with me I did object at the time. The one is that a sum of £50,000 should be expended on Macupa Causeway, and the other is that the Supreme Court should be considered later. I ask that these two items should be reversed, and the Supreme Court should be included in the first schedule and the Macupa Bridge considered later on. I do not propose to state a case for the Supreme Court; that has been mentioned in this hon. Council before, and I understand the proposal was accepted by Government more than once in the past. I think that anybody who arrives in this country and passes that tin building which they are told is the Supreme Court of Eastern Africa must get a very nasty shock, and I do suggest that is one of the first buildings that must be erected in this Colony.

Now, with regard to the Macupa Causeway: I have heard no adequate reason why we should spend the sum of £50,000 on this causeway immediately. I am told that the reason is that the Uganda Railway have to rebuild their bridge, and we should take advantage of this opportunity to do this, and that we shall save money eventually. A further reason given for the necessity of this causeway is that it will send land values down in Mombasa—that it will relieve the congestion in Mombasa—that it will help agriculture at the Coast. Well, Your Excellency, the Hon. Colonial Secretary to-day in referring to the Coast talked of road communication along the Coast. If it is suggested that that is required—and I quite agree it is required—and if the Government can find the money to build communications between the mainland and the Island then I suggest Macupa is not the place to build at, but somewhere further along the mainland, so that there can be further communications along the Coast.

We are told, and it is a fact I suppose, that the Island of Mombasa is overcrowded, and that you have got to move that population elsewhere. Well, I say you are not going to relieve this congestion by building the Macupa Causeway. The area which is very thickly populated is a very small one, I believe. It is a fact, too, I understand that the natives in that particular area have in the past had many opportunities of getting out into other parts of the Island, and they have not done so. Unless you are going to use force, which I do suggest you cannot do, to move them from the Island, I do

not think building the causeway on to the mainland will encourage them to go. There is plenty of room to-day in the Island for these people if there is any inclination on their part to go and live outside that thickly populated area, but I suggest there is no such desire on their part, and unless you use force you are wasting all that money on the causeway.

With regard to agriculture, I suggest the reason given is not a good one. If you want to help agriculture at the Coast I think the only way to do so is by making communications along the Coast and not by building the causeway. I shall vote against this, if I am in order in doing so. I did protest at the time, and I would ask Government to accept my suggestion that the £50,000 be taken away from the Mucupa Causeway and expended instead on the erection, or the part erection, of a suitable Supreme Court in Nairobi.

With the exception of the two objections I have just mentioned, I must sincerely support the proposals of this Committee, and in my own opinion I am quite sure that they are sound and that the Colony is able to bear these and other additions which are bound to follow. (Hear, hear).

HON. H. F. WARD: I find myself in entire sympathy with the recommendations of this Committee as shown in the Second Schedule, with one exception, but I want to qualify this later by making suggestions to the Hon. Colonial Secretary on the lines on which these proposals should be presented to the country. The objection that I have is that an item—or rather two items, D. and E. in Section 5, have been omitted. If you are going to require the country to pay the maximum amount of money you must give the community the utmost chance to get rid of the market produce of the land and I should have thought that the question of telephonic communication was such an essential one that rather than omit it from the previous schedule it ought to have been carried out right away.

With regard to the linking up of Nairobi with the Port of Mombasa—this is a service which, apart from its being highly essential, would largely pay for the very start. I do not pretend to suggest that that service would be profitable from the start, but I do submit that considerable revenue would be obtained from that service as soon as it was instituted.

Another small criticism of the Report is as to whether the facilities and requirements for the marketing of the produce of this country have been as fully considered as they might be. Granted that a Transportation Loan is foreshadowed for a branch railway programme of about a million sterling, does that cover the whole factor? I do not pretend to be an expert on the subject, but I have found, and have also been told,

that marketing details sent by cables and telegrams from the Coast take longer to reach their destinations and are subject to more delays than anywhere else, and that is because sufficient facilities are not available, and I do submit that if the country is going to be asked to meet these very heavy charges that this is a point which the Government should explain in the fullest detail.

But the main point which I wish to put to the Hon. Colonial Secretary, and on which I wish later to move a resolution, is that surely it is now time to call a halt and give the people of this country who have to pay all these charges, one clear financial picture as far as it is possible to do so. During the last few sessions of this hon. Council there have been a number of what I will call piece-meal financial proposals. We first of all passed the First Schedule amounting to £500,000. Now we have to pass additions totalling £1,712,000. We have heard to-day of a transportation programme and a Transportation Loan, which is foreshadowed, and we have just dealt with the Budget and with the enormous sums to be spent on current works commencing with the year 1926, but never as yet have all these proposals and all the details ever been put in one complete picture to the man who has got to pay. Not from the point of view of this side of the House, but from the Government's point of view I do submit that that is the one thing which is going to make the people, the taxpayers of this country carry the burden when it comes down on them in the next few years.

I would like to move the following resolution at this stage:—

“That under the Standing Rules and Orders of this Honourable Council—No. 26 (2), I beg to move the adjournment of this debate in order that Government may appoint a strong Financial Committee to consider these proposals. . . .”

My reasons for putting that resolution are these: it is scarcely more than three years since this Colony, its Government and its people were rubbing shoulders with bankruptcy. It seems impossible that to-day people can have forgotten the depression in the country at that time. Not only did we all have to examine our own private affairs with the utmost care, but we insisted on Government doing the same. Every Head of Department was closely examined and his staff and office expenses were cut down to the last possible cent. Agreements were scrutinised with a view to seeing who could be retrenched without inflicting any hardship. (Motion handed in writing to His Excellency).

HIS EXCELLENCY : Does the hon. Member desire to move this motion? If so, perhaps I had better give him a ruling, immediately. Under the Standing Rules and Orders of this hon. House a Member is in order in moving the adjournment of a debate without notice, but it must be a motion simply for the adjournment. He is not entitled to put into the adjournment motion further observations which amount to a new motion requiring notice. What he has put forward really contains a new motion, and I am afraid for that reason I cannot accept it. But the hon. Member is perfectly entitled simply to move the adjournment of the debate.

HON. H. F. WARD : I bow to Your Excellency's ruling, and my remarks I will save up until the resolution is before this Honourable Council, and at the end perhaps Government will consider my suggestion and move the adjournment of the debate.

As I was saying just now it is only three years ago that we had this awful depression, and it takes one aback that people can have already forgotten. We have scarcely recovered from that depression. We have had a period of twelve months during which we have had fair average conditions in which progress has been made, but can anybody say that we have gone further than that during the last three years? On top of that we have not yet faced, and have still got to face next year, the results of what might be called a very moderate harvest. In many of the districts in this country the rainfall has been badly distributed and production is much below that which everybody expected several months ago. Besides that we are not quite sure how long the present period of badly distributed rainfall is going to last, and nobody can say with any certainty that the rains next year will be better than this year.

At Home things are far from satisfactory. As far as the ordinary man like myself can judge it looks as if we are working towards an industrial crisis the beginning of next year, and nothing is more delicate than the produce market on which this Colony depends.

As regards our Budget, I submit that we have no margin at all. We have balanced the Budget in that we have largely accepted increased Revenue Estimates in return for increased Expenditure Estimates, but I think there is very little margin in that Budget for any setback in the conditions that have ruled during the last growing season in this Colony. That is quite sufficient to make the taxpayer who is going to bear the charges, such as interest and sinking funds on these loans and the current expenditure, nervous to start with, and it is an additional argument for giving a clear financial picture of it.

We know to-day the following: We have included in our Budget this year—I accept the figure quoted by the Hon. Colonial Secretary—something like £100,000 in interest and sinking fund, made up of the sums originally included according to the Hon. Colonial Secretary. We shall, I presume, have interest charges to bear on advances made by the Crown Agents on current account or on loan expenditure before the loan is raised. We have got a branch railway programme for which I cannot think for one moment the Railway will be content to bear all the liability on interest and sinking fund, and if that programme is a million then there is a further sum of £65,000 to be borne in interest and sinking fund in that direction. We are told that all capital sums have got to be spent beforehand. There must be a contingent liability on the Colony even if there is not an actual liability, and with regard to the current expenditure by Government we have a medical programme which it is said is going to cost £80,000 a year when it is in full swing, and that does not include the buildings, equipment and accessories of the full programme.

I am only giving instances so as not to take up the time of the House.

We have a little item every year in the Budget—normal increments. These I believe on the present staff list will amount in the next five years to £70,000 a year, and will be an added expense to this Colony's current expenditure.

We are told that the present proposals before this Hon. Council are only a beginning, and it is actually recommended in paragraph 5 of this Report that considerably more expenditure should be taken on as soon as possible. The expenditure put down at present is really only a beginning, because we have still got to find the staff, etc., when these buildings are put up.

I submit that I have put before the Government good grounds at this stage, before it goes any further, for giving the Colony one financial picture, and that this should be as clearly put as possible. I do submit to Government that they should, for that purpose, appoint the strongest Financial Committee that they can get together in this Colony, so that the various commitments and proposals mentioned and unmentioned should be related to one financial whole, and for that reason I beg formally to move the adjournment of the debate.

HIS EXCELLENCY : Does any hon. Member rise to second that motion?

HON. M. A. DESAI : I beg to second that motion.

HIS EXCELLENCY : The motion is that this debate be now adjourned.

RT. HON. LORD DELAMERE : Is one in order in speaking to it now? I am not quite clear what I am speaking to, because we have not had this sort of thing happen before, but I would just like to ask my hon. friend. . . .

HIS EXCELLENCY : Would the Noble Lord prefer to speak after the break?

RT. HON. LORD DELAMERE : Yes, Your Excellency.

(Council adjourned for fifteen minutes).

RT. HON. LORD DELAMERE : Your Excellency : All I was going to do was to ask my hon. friend whether he would not withdraw his motion for these reasons. First of all this hon. Council had voted this Committee to go into these proposals and I suggest that the time when the whole financial position of the Colony should have been asked for would have been at that time, and I also suggest to him that I, and I am sure every hon. Member on this side of the House, if he withdraws his proposal now, will join with him in asking Government that before any further loan proposals are made, a Committee of the whole House should be asked to consider the financial position of the Colony.

HON. H. F. WARD : Your Excellency, as I understand the position the Noble Lord will move a resolution in this hon. Council to the effect that before anything is done in these loan proposals a Committee should be appointed to consider the financial position.

RT. HON. LORD DELAMERE : Indeed no, Sir. I said any further proposals. It is only a suggestion to the hon. Member. I suggested the hon. Member should withdraw his proposal now and that I was sure if that was done every Member on this side of the House would join in asking Government that, before any further proposals were put before the House, Government should put the financial position of the Colony as a whole before a Committee of the whole House so that it will be understood by everybody in this House as a whole.

HON. TREASURER : Your Excellency, I intended to speak on the motion itself to explain one point of the Committee's Report. . . .

HIS EXCELLENCY : The hon. Member is entitled to speak again on the amendment.

HON. TREASURER : Your Excellency, I have been asked to draw the attention of the Council to the filling in of the real hiatus which has existed in the past and exists at the moment in our financial system and which will be rectified by the raising, if the proposal of the Committee is adopted, of short loans. That proposal has been made possible by the system of direct domestic loans which is explained in paragraph 8 of the Report. It must frequently happen, and there are instances referred to on page 8 of this Report, that certain public works which are considered very desirable are yet beyond the means of the Colony to be met from the revenue of any one year. On the other hand their nature is such that it is scarcely possible to include such items in long term loans and what we have felt the need of in this Colony in the past is a system of short term loans which would enable the cost of such buildings to be spread over a short period of years so that they need neither be met from the revenue of one year or be included in a schedule of long term loans. The possibility of short term loans has been brought about by the proposals referred to on page 8 of the Committee's Report.

HON. J. B. PANDYA : Your Excellency, in regard to these loan proposals, particularly the loan which is earmarked for the Mombasa Town Planning. It seems to me a very important item from the conditions existing at present at the Coast. . . .

HIS EXCELLENCY : Does the hon. Member wish to speak for the amendment for adjournment or the main motion?

HON. J. B. PANDYA : Shall I be entitled to speak on the main motion later, Your Excellency?

HIS EXCELLENCY : Yes.

HON. J. B. PANDYA : I wish to support the remarks made by the hon. Member for Nairobi North and I think this loan should be further considered by the Finance Committee or a Select Committee of this hon. House and should be reviewed from the point of view of the finances of the whole Colony. I feel that such a big item to be spent should be explored properly and as the Colony as a whole has got to pay a very high rate of interest I support the adjournment resolution which is before the House.

HON. CONWAY HARVEY : Your Excellency, I find myself in complete opposition to the amended motion, in other words, to the motion that the House adjourns. Never since I came to Kenya have I been able to see at a glance the financial position of the Colony as I can to-day, thanks to the most

lucid possible budget statements and clear expressions from the Hon. Treasurer on every financial transaction on which the Colony embarks. I do think it would be a thousand pities to break off a debate which has gone so far and to which finicity can be attained.

HON. TREASURER: Your Excellency, it is very difficult for me to do more than what I have done in my various statements of the Colony's financial position, to make that position clear to hon. Members. It seems to me impossible to visualise what is going to be the position years ahead, I think we must move step by step in a matter of this sort. With regard to the question of interest which has been referred to; interest provision was made to the extent of £20,000—in the original Budget in respect of expenditure under the proposed Colonial Loan. In the Budget Committee the amount was increased by a further £20,000 and this provision, as my hon. friend the Colonial Secretary pointed out, will allow a very large expenditure indeed in 1926 on loan works. If such expenditure is spread out month by month it will cover something like a million pounds. Reference was made by the mover of this amendment to the normal increments which I think he said would eventually increase the Government's expenditure by £70,000. Normal increments cut both ways. If officers get increments to their salaries on the other hand vacancies arise from time to time and new appointments are made and the persons appointed start from the bottom, such decreases may not correspond with the increases of increment, but they do mean a saving and I suggest you cannot take the increment in the way the hon. Member took it and suggest it is going to be an increase of £70,000 eventually on the Budget. My own feeling in regard to the financial position of this Colony, if I may be allowed to express it, is that for some time to come we should endeavour to make our Budgets not only balance, but show very considerable surpluses in order that we may build up what I would term a "Reserve Fund". It seems to me that to proceed on small surpluses as we are inclined to do, is too much of a hand to mouth financial policy and I think the country will be well advised in the future to endeavour to build up a reserve fund in the neighbourhood of three or four hundred thousand pounds. Our surplus is increasing and I am very pleased to be able to state to this hon. Council that since my financial statement was made I have been informed by my hon. friend the Commissioner of Customs that he expects the Customs Revenue for 1925 to be £22,000 more than I had hoped, which will take the estimated surplus of £109,000 to over £130,000. Reference was also made by the hon. Mover of this statement to the fact that we should have to provide interest on advances on general accounts. If my

anticipations of the surplus are fulfilled I do not think that we shall have to provide for any such interest. I think reference was also made to the fact we should shortly have to launch on a Port Loan. I do not wish to anticipate the Report of the Port Commission, but I think we may reasonably expect that any loan which may have to be raised for the carrying out of Port Works will be met by revenues raised in respect of the Port.

HON. W. C. MITCHELL: Your Excellency, I am going to vote against the motion for adjournment on the grounds that I think the financial statement, no matter how complete it may be, can do nothing more than reflect the position as it is to-day in the Colony. If we like to delve into financial statements issued by the Hon. Treasurer we can find out for ourselves the present position of this Colony. The whole crux of the question whether this loan expenditure is justified I think depends upon its effect in the future. If I thought that a few years hence Kenya Colony was going to be the same as it is to-day in regard to population and development and agriculture I should be absolutely against this loan expenditure; but I believe that in our combination of soil and climate and geographical position we have a wonderful asset which is the property of the Empire as a whole and we are justified in putting a little more capital into development. Reference has been made to the somewhat dangerous conditions existing at Home and I believe one of the most effective cures for dangerous conditions at home is the development of the Crown Colonies. We want more population and one has only to go round the agricultural districts of this Colony to come back an absolute optimist as to what the future of the country will be. I do not think it is an exaggeration to say in a few years hence we may possibly have multiplied our population ten times!

HON. SHAMS-UD-DEEN: Your Excellency, in supporting the hon. Mover of this amendment I wish to express my feelings on the subject. I think that all the arguments advanced against this motion so far are the arguments of someone looking for financial trouble. I think the mover of the amendment has really discharged his duty at a very critical moment. It is a time when we are going to commit ourselves irrevocably to raise these large sums of money and I think this is the moment we can describe as the moment of peace when we have the opportunity still to review further the whole position. What is the position? It is like that of an individual who for the last three years has not shown any proof that his income is likely to exceed his expenditure. It is with the greatest difficulty we have been able to budget our balance this year. We should reconsider the position before it is too late. I think the only time we should ask for a loan is when we can show our income exceeds our expenditure.

Hon. GUYONDA SUNDARAN : On a point of explanation, Your Excellency. The hon. Member is addressing the House as one of the members of the committee and certainly signed the Report.

Hon. SIRARS-UD-DIN : My only difficulty, Your Excellency, is that the present is not an opportune time. I will go one step further and not only suggest the postponement of this motion for our month, but even to next year in December so that we shall know how our Budget stands.

Hon. SIRARS-UD-DIN : Your Excellency, I rise in order to speak regarding the proposed road from Malindi to Lamu. . .

Hon. SIRARS-UD-DIN : Is the hon. Member speaking to the motion and not the amendment to adjourn?

Hon. SIRARS-UD-DIN : I am speaking to the motion.

Hon. SIRARS-UD-DIN : The hon. Member can now speak to the motion for adjournment, but he cannot speak now to the motion itself.

Hon. W. MACLEOD WILSON : Your Excellency, I am going to vote against this amendment. A great deal has been said about three years ago. Why, the country has only been there for a miserable thirty years and one has only got to consider the conditions thirty years ago and consider the position of this country now to say that one is fully justified in considering loan proposals. A great many arguments have been put up in suggesting this motion for adjournment. One of them dealt with branch railways on which we may have an expenditure of a million pounds and possibly an expenditure annually of £65,000 in interest and sinking fund, and it was suggested that the railway cannot carry that expenditure. It is a very poor argument. I consider most of the arguments put up by the Hon. Member for Nairobi North are built up on false arguments. We have got to look to the future. There have been shortages of rain in this country for the past quarter of a century and we have always come through them. We cannot progress unless we take our courage in our two hands and go ahead. There may be details we can deal with later and I suggest if we go into Committee we can consider them more elaborately. We must have loan funds and the sooner we get them the better.

Hon. H. F. WARD : Your Excellency, I allowed this debate to go on because I wished to see what support I would get. I remain absolutely unconvinced by any argument offered against my amendment, but as I have not received the support of my colleagues I beg to withdraw the motion.

HIS EXCELLENCY : The motion for adjournment is withdrawn.

HON. ALI BIN SALIM : Your Excellency, I rise in order to speak regarding this proposed road from Malindi to Lamu. This road is one of the most important to the people of the Coast and to the people from the north as well. These people only travel by the sea and have asked for this road for many years and I am very glad indeed to see this question brought up. I was in charge of Mamburui for many years and I know how important it is to the Government to have this road made. For a distance of from 30 to 70 miles from the Tana River the people in that area have no road whatsoever. The country is very bushy and in the old days all sorts of things went on there including slave traffic, corruption in matters of Customs duties and I had a lot of trouble in those days. Sometimes I received a letter from the Administrator of British East Africa asking me to do my best to stop these things and to catch those engaged in these illicit pursuits. I also received communications on the same subject from the Consul General at Zanzibar and the Admiral in charge of the Coast at the time. It was extremely difficult for me to try and stop these practices. The only time I could hope to succeed was when the people were embarking. The country in that area is now exactly the same as it was in the old days except that perhaps the bush is much thicker. There is no road and the Government cannot control that area and has no one there. I know for a fact that to this day smuggling of ivory is still going on from that part. I do not say that slavery is still going on, but who can say it is not? I think this road is most important not only for the public, but equally to the Government. I should like on behalf of these people at the Coast to thank the Government for considering this question and I shall be very glad too if we can get an assurance from Government that this road will be built. I do not think Government has ever done anything at the Coast as good as this proposed road. I should also like to say something about the Makupa Causeway. Your Excellency, when I heard that this Causeway was going to be built at Makupa I spent a lot of time in endeavouring to get at the number who would be likely to use it and what the inhabitants had to say in regard to it. I wanted to find out how many people would be likely to cross it from the mainland to the Island and vice versa. I went there myself at 6 o'clock in the morning and stayed till 6 o'clock the evening and I found the number of people who crossed there numbered only 365. Most of these people were Kikuyu who had been engaged to go to the mainland to look after cattle. There were a few Giriama and Lamu people. In the old days

about 1,200 people used to cross on that ferry. Most of these people now bring their produce to sell and then buy a ticket and go back by train. I would like this hon. Council to consider this. If this causeway is going to be built it will be confined to these people only. No other people will use it. If the country to Mazeras is unoccupied it is out of the question that people from there will walk to Makupa to enjoy the walk over the bridge. I have heard it said that this causeway will help agriculture. I cannot see how it will help agriculture. The main Changamwe crop is the banana and I know this fruit is brought to Mombasa by train and not carried by the people. I do not think for one moment people will walk five miles instead of going by the train in order to use this causeway. I heard it said that if there is any congestion on the Island then the causeway will be very useful in allowing people to leave the island to go to Changamwe. Well, Your Excellency, I tried to find out if any people were leaving the Island to settle in the country on the mainland, but I was unsuccessful. If a bridge is going to be built the right place for it is Kisauni. If it is built at Makupa it is not going to be used. I went to the ferry to count the people who went to Kisauni and from 5.30 a.m. to 8 p.m. 1,630 people used it. This, Your Excellency, is only the one ferry which runs to English point. I sent a friend of mine to another ferry and he counted 445 persons crossing. That gives a total of over 2,000 people going across that way every day as against 365 at Makupa. The trouble with regard to these ferries is this. The Government has supplied some boats to carry the people over, but they are not enough and the people have had to ask owners of other boats to come and assist to carry this large number of people over. The Government forbade these private people to do this work, as they might lose the ferry charge of 6 cents. The people said they would pay the Government their 6 cents and the private boatmen also 6 cents so long as they can get across quickly. This ferry is a very important one. I do think the time has come to build a bridge at Frere Town. It must come some time in the future and if there is money it should be built at the place I have suggested. Why is the Railway not good enough to carry the produce from Changamwe to Mombasa? Why spend £50,000 there? The people are not going to walk five miles to enjoy going over the proposed causeway. I am against spending this amount on Makupa.

HON. J. B. PANDYA: With regard to these loan proposals I think that the proposal with regard to the Mombasa Town Planning Scheme—£129,000, and a further sum of £50,000 for the Old Town scheme, are very important items, and I should like to ask the Government whether they think, in view of the report which has been submitted, or which should

be submitted by Mr. Jameson, that these amounts will be sufficient, and if they are not sufficient, whether they will inform us as to whether these amounts could be increased at a future date. I believe, whatever the reasons are for this town planning scheme—whether they are entirely favourable or not—we have reached a stage when this town planning scheme should reach finality, and I think it is most important.

With regard to the housing problem, I am glad to see that the Government has recognised the necessity of housing their Asian staff, but I believe that unless proper ventilation is provided for these houses the present type of building is going to be inadequate. At present there is only one type of building admitted for the Asian staff, and no differentiation whatever has been made with regard to the number of children each man has. Some difference should have been made where a man has a large family.

With regard to the type of buildings, at the Coast particularly, I see that a building for an Asian is going to cost £500, and a building for a European on the lowest grade is £1,200. The argument put forward for increasing the cost of the buildings at Mombasa in comparison to the buildings at Nairobi in regard to Europeans is this, that more verandah space is necessary. I fail to understand that more verandah space is necessary for the Asian staff to have why it is not considered necessary for the Asian staff to have this as well, because they are living in the tropics also, and in making comparisons I do suggest to Government that they should increase the figure they have allowed to £600, because especially in Nairobi, the figure allowed there for Asian quarters is exactly fifty per cent. less than that allowed for Europeans. I do hope Government will favourably consider this proposition.

With regard to the medical provisions throughout the Loan Proposals, I am very sorry to note that no adequate provision has been made for the Asians, with one exception, and that is at Voi, where only £335 has been put aside for an Asiatic Hospital, as against £1,635 for a European hospital. All the rest of the money is to be spent on native hospitals.

There is one item of £14,000 for a general hospital at Mombasa. I should like to know whether this £14,000 for a general hospital will include accommodation for the Asians as well, and also whether hospitals will be provided for Asians in other centres in the Colony.

I am very much surprised at the opposition raised by the Honourable Member for Plateau North and the Honourable Liwali in regard to the Makupa Causeway. The Honourable Member for Plateau North has stated that the Makupa Causeway is not essential at the present moment, and that

this sum of money should be used for a Supreme Court building at Nairobi. My Honourable Friend the Liwali has not made it clear whether he does or whether he does not support that proposition. I believe, however that he advocates a bridge at the Kisauni Ferry, and I am absolutely in sympathy with that, and I think he has made out a very good case for that bridge at Kisauni Ferry, but I cannot understand the opposition in regard to the bridge at Makupa Causeway. This proposition was brought forward by the District Committee of Mombasa about three or four years ago, and it was wholeheartedly supported by the population at that time. I have not before now heard or seen anything against the necessity of the Makupa Causeway, and I do not understand the opposition to this scheme at this juncture. I support the Government in this connection, and consider that the Makupa Causeway is absolutely essential at the present juncture, and also in the future in view of the fact that the Government is considering a road scheme leading from Mombasa to Nairobi. Even at the present moment, I do not agree with the statement which has been made by the Honourable Member that the people of Changamwe would not benefit. I think that if this bridge is there, there will be a road system which will lead to Mazeras and other places, and will also lead from there to Malindi. I also think that perhaps this would in a certain way help in establishing communication from the Coast to Malindi and thence to Lamu. That road will not be so useful unless the bridge is at Kisauni Ferry, but I think both the questions of the Makupa Bridge and the bridge at Kisauni Ferry should be taken into consideration.

HON. W. B. ROBERTSON-EUSTACE: I am now, as I have always been for many years past, in favour of the causeway being made at Makupa Bridge. It has been the general desire, as I have always understood it, of the residents in Mombasa, that a causeway should be made joining on to the mainland. For that reason I take it it has been put in by Government. This is the first occasion in this Honourable House that I have heard any real opposition, except from the Honourable Member for Plateau North—(laughter)—on the ground that the necessity did not exist for it, but I think there has not been taken into consideration the fact that now we have an opportunity of building the causeway at considerably lesser cost than the amount it would otherwise cost, because it is now necessary for the Railway to rebuild that particular bridge at Makupa. What they can do now is to make a general causeway which will take both the railway and the road, thereby reducing the cost enormously. There is also no doubt whatever that at some future time this causeway will have to be built if it is not built now. *(Rest of speech inaudible owing to bad acoustics.)*

HON. W. A. SIM: The storm centre seems to have been round Makupa Bridge. I was not aware, however, that there was so much to be said for and against it. I am very pleased indeed to see the interest taken in the Coast by the Honourable Member for Plateau North, but I certainly was not aware that the Honourable Member had had actual experience of that part of the country. He says the Makupa Causeway will be practically of no use. I contend that it will do good. It will give road access to a very considerable area. There is no question about it that the land in Mombasa for residential purposes is absurdly high, and I feel that if we have access to the mainland it will relieve the congestion to a certain extent in certain areas of Mombasa. At the same time I should like to say that there is a good deal to be said for the Honourable Member's contention that a bridge might be built elsewhere. The Honourable Liwali suggested one at Kisauni. After all said and done, though the Makupa Bridge is desirable, there is no doubt about it a bridge at Kisauni will link up all the Coast. The Makupa Causeway will give access to a comparatively small part of the agricultural country; beyond that we have a desert. But at the present juncture we seem to have a Makupa Bridge within our grasp. The other is rather far away, and as far as I am concerned I am going to vote for the Makupa Bridge.

I was rather disappointed that the Honourable Mover of this motion made no mention of the town planning scheme, Item No. 12, Improvements to Mombasa Old Town. For some time we have had an expert on town planning at Mombasa. I presume he has submitted a report, and I should have thought this opportunity might have been taken to report to this Honourable Council the gist of that report. Perhaps the Honourable Colonial Secretary will take that opportunity later on in the day.

HON. M. A. DESAI: With regard to the housing of Asian members of the staff, I am not satisfied that they are immune from the tropical diseases of Kenya. The medical statistics will show that they also suffer very much from the tropical diseases of Kenya, and I would recommend that houses to the value of £1,200 be provided for them. Sometimes the Asians also get friends or relatives or guests who may want to stay with them on short visits, and as I pointed out to the Select Committee the Asians are accustomed to sleeping on verandahs, and they should therefore also be supplied with wide verandahs to their houses.

I will not accept the statement made by the Honourable Member for Plateau North that the settlers are to pay the interest on the loan and sinking fund. I am quite satisfied that the natives of the Colony are going to pay the interest and sinking fund to a very large extent.

With regard to the High Court, I support the Honourable Member in his contention that the erection of the Supreme Court building should take precedence. I am satisfied that the requirements of the Supreme Court are great. Certainly the dignity of the Supreme Court will be enhanced by the erection of a new building.

With regard to Government House, I have not had the good fortune of enjoying the hospitality of Government House—(laughter)—and so I am not in a position to know the extent of the present requirements of Government House, but I know that some money was voted for the extension of Government House when their Royal Highnesses visited the country. Now I understand the Governors of the neighbouring territories are to pay us a visit in connection with a conference, and that the time has come when the dignity of Kenya Colony requires additions to Government House. Well, Sir, if we can afford to have these extensions I have no objection, but I know the condition of the country is such that we cannot afford to have a new Government House. I do not see any reason why this Colony should be taxed in order to put up a Government House for the entertainment of Governors of neighbouring territories. If it is the wish of the British Government that Your Excellency should hold annual conferences with the Governors of the neighbouring territories then I would like to see the Imperial Government present an adequate Government House to the Colony for this purpose. If the Conference is for the benefit of the whole of Eastern Africa then I do not see why the neighbouring territories should not contribute towards a Government House. I also submit that if a more dignified site is selected for the future Government House, that the present site should be utilised for a Central Hospital.

With these few remarks I support the motion with the exception of Government House, and I do hope this matter will be taken into consideration by Government.

HON. ALI BIN SALIM: On a point of explanation, Your Excellency. What the Honourable Members for Mombasa and the Coast have said and what I have said are two entirely different things. I have said here what is the good of talking about the future. Your Excellency, I have no concern with what is going to happen in the future; I am concerned with the present. (Laughter.)

HON. J. E. CONEY: I think it will save the time of the House if I move the resolution, and that is:—

“ That the following words be added at the end of the motion: ‘ but that a sum for the erection of a Supreme Court in Nairobi be substituted for Item 13 (c), Makupa Causeway ’ ”

In support of this motion I have very little to say. I am sorry that the Honourable Members for Mombasa and the Coast should think that I am opposed to development at the Coast, and that they should not get anything which is sound and is required. I think the Honourable Member for Mombasa himself gave his own case away when he said that “ we seemed to have the Makupa Bridge within our grasp and that we should take it. The other bridge may be better, but we can get this with the help of the Honourable General Manager and so let us take it.”

I appeal to the Government and to this Honourable House to consider this proposal on its merits. I consider that there is absolutely no justification for the expenditure of £50,000 at this time on the Causeway at Makupa. The only real excuse that has been put up by the Government—and after all it is only an excuse—is that the Railway Administration have to go to some big expense at the moment, and therefore let us do it at the same time. There is a great deal of railway development required in this country, and we might as well say, “ You have the staff now—let us go on with that development from time to time up-country.” But we do not say so. I consider that this matter should be considered entirely on its own merits. I think I am right in saying that this case has not been considered sufficiently, but if you are going to put a bridge up—which is a very good thing, really—I think that the site of the bridge should not be at Makupa but at Freretown.

With regard to the Supreme Court at Nairobi, I do not think it is necessary for me to say much more; I have already spoken about it, and I am quite certain that this Honourable Council must be in favour of that also.

HIS EXCELLENCY: The Honourable Member's motion is:

“ That the following words be added at the end of the motion: ‘ but that a sum for the erection of a Supreme Court in Nairobi be substituted for Item 13 (c), Makupa Causeway ’ ”

HON. ALI BIN SALIM: I beg to second the motion.

HON. GENERAL MANAGOR: I would like to appeal to Honourable Members opposite to take a broad view of the

loan proposals, and particularly in regard to the Makupa Causeway. I suggest that this fear of authorising money for permanent structures in this Colony is the worst possible advertisement for Kenya. Three years ago the Colony was in a very bad way financially. That applied to the Railway just as much as to any other public institution and the general community. Yet look at the difference in three years. Surely the improvement shown in the railway earning capacity is enough proof of the potentialities of these territories. If three years ago I had taken the same pessimistic view that the Honourable Member for Nairobi North has taken to-day, what would have been the Railway position? It could not possibly have carried the railway traffic. While reducing the costs of working, I took the opportunity of going into the working expenses, and that is the only thing that has pulled us through. I suggest that we cannot possibly tell people that we have faith in the future of the country—tell them we are satisfied that it is going to be a permanent home for the European; endeavour to attract settlers, endeavour to attract capital, and at the same time say that we are afraid to incur a little expenditure on development. I suggest it is entirely wrong.

That is all I have to say on the general proposals.

With regard to Makupa Bridge, the position is this: the Railway has offered to strengthen the present bridge, or build a new bridge, or even build a new causeway, and they have suggested to the Government that the opportunity should be taken to provide a roadway at the same time. I have the highest respect for the shrewdness and the judgment of the Honourable Liwali for the Coast, but I do suggest that the matter should not be looked at from quite the point of view that he has taken. I suggest that the future of Mombasa Island is such that you should try and get every road to the mainland that you can get, and I think we should take this opportunity of starting with at least one. I do not say that a roadway across to Freretown is not equally important. I do not say it is not more important, but here is an opportunity of getting at least one at a reasonable expenditure, and I think it would be bad policy not to take that opportunity. I cannot say anything definite with regard to the cost, as the details are not yet complete, but as far as I understand the position at the moment the cost to the Colony will be less than the £50,000 asked for.

There is one aspect which must not be overlooked. You have got to develop a port—probably the largest port on the East African coast, certainly north of Durban. You will have a very large labour force and a very large staff of Africans to

think of. You will not be able to keep these people on the Island indefinitely, and the best possible thing for them to do is to go opposite on to the mainland, and the best way to do that is by road as well as railway.

The question of branch lines has been referred to. Well, all I can say is that the more branch lines we have the better it will be for the development of the country, and I suggest that we should not hesitate to develop in this direction. (Hear, hear.) The Railway Council may ask the Government to give certain guarantees. I see no reason whatever why the Government should not be prepared to give those guarantees. They will in all probability not be called upon for the money if these lines pay, and I do not for one moment see why we should not take that question into consideration when considering development. From the point of view of the Railway I can guarantee that the earnings from these branch lines will be calculated on the clearest possible basis.

The Railway cannot undertake further construction until 1927, but in the meantime I suggest that a policy should be decided upon, and I suggest that the Government should consider what it will add to future loans, provided that money from the ten million loan proposals cannot be obtained or is not accepted by Kenya. I suggest that the Inter-Colonial Railway Council be asked for expressions of opinion upon these specific matters.

There is, however, one matter I would like to refer to in connection with branch lines.

I consider it is my duty to refer to it again. I do not want the Colony to make a mistake as to what it is possible to obtain from the Railway in these matters. I would say this: Branch lines must be built on the cheapest possible standard, that is to say, the facilities should never be beyond what is absolutely necessary. The tendency is to ask for cheap facilities as soon as the branch lines are there. There is always pressure from members of the community, as soon as the lines are authorised, to ask for stations to be fully staffed, for the best of handling facilities, for taking away owner's risk conditions, etc., etc. It is a tremendous mistake. We cannot do in this Colony what cannot be done on other railways in other countries, and if only the people in this country will accept the position that we must not go in for luxuries, and that a Ford car will do their work just as well as a more expensive car, then there is no reason whatsoever why we should not go ahead with a sound branch line policy. I do appeal to the people of this country always to bear in mind—this question of further development. (Hear, hear.)

Council adjourned to 2.15 p.m.

HON. ACTING CHIEF NATIVE COMMISSIONER: Your Excellency, speaking to the amendment to do away with the item of the Makupa Causeway and to replace it with the Supreme Court, I am sorry to find myself on the opposite side to my Honourable Friend Liwali Ali bin Salim, who was rendering distinguished services to the Colony long before I ever came to it, but I have been stationed in every station on the Coast, and I know those districts fairly well, and I really cannot agree with the argument that has been put up for a bridge at Freretown as opposed to the bridge at Makupa. Supposing that you were anxious, if there were no water round Mombasa, to bring in your roads to one point in the defences. Would you bring in your southern roads right round to a point on the north or your northern roads to a point on the south, or would you just converge your roads to a centre point? It seems to me the obvious point is the point on the west of the Island, the point on which the Railway takes off from the Island to the mainland. Your whole road formation down there seems to show that the deduction that the Honourable Liwali draws from his figures is quite wrong. It is true that only a few people now come across the ferry at Makupa and that the majority are using the roads. It is perfectly true that a very much larger number are using the other side. The reason for that is simply that at present the whole of the coast traffic is coming down across the Freretown ferry, whereas the traffic which came across the Changamwe ferry now, as has been pointed out, comes by train. But we are going to build a great road which is going to run from Lamu to Mombasa and there is one point at which that road has to go at least 15 miles inland, and that is at Kilifi. There is a big creek there running 15 miles inland. Kilifi Creek is an excellent harbour into which we could get quite a large navy. It is very wide at the mouth and it is impossible to build a bridge over, and your Coast road has got to go right round the creek. It has got to go up by the foothills fifteen miles from Mombasa. The point is, how are you going to get up there? Your main road is going to run right along the heights round the Kilifi creeks, round the township of Mtanganyiko, past the creek of Shime-la-Tewa, and then it will go along presumably past the heights of Port Tudor and will have to go down one side or the other of Port Tudor. There seems to my mind no question whatever that the western side of Port Tudor is the side which will be convenient for the three roads from up the coast and from Mariakani to meet the road that I consider will one day be built which will open up the Duruma country down to Tanganyika Territory. That will go down the western side of Port Reitz. I think the formation of the creek must point out to everybody who is going to build a road out of Mombasa

to serve the whole country that that is the only spot. It was the conviction that was apparently borne in upon the minds of the people who originally surveyed the Railway, and the same argument applies exactly to what will be the main bridge of a system of roads connecting the whole Colony with the Island of Mombasa. I think even in the immediate present there is quite a strong case for opening up that Changamwe area. The present ferry at Freretown has a sufficiency of water, and is doing a good service and all that is required of it for the present. At Changamwe, there is nothing at all for a foot passenger unless he is prepared to wade. The ferry there is an ordinary passenger boat. We do want some kind of a bridge at that point for foot passengers. If you have in addition a bridge which will take a motor car there will be a very rapid development of the Changamwe area and you will see quite a rapid development of good houses along there before many years have passed. You may say this is all very well as an argument for leaving Makupa Bridge in, but when the proposal is to replace it with the High Court, I must confess myself completely puzzled. To use the metaphor of the Honourable General Manager—it is all very well to use a Ford car when you can afford a Ford car, but you may also go on using a Ford car for some time, although you can afford something better, and spend your money on a road which is needed. I still think that we should not afford that Supreme Court building till we have got the whole of such schemes as roads on a sound basis. A Coast road is very badly needed, and till we get a system of roads which will link up our Coast towns with that central part I do not see any hope of restoring the prosperity of the Coast. I do hope, whatever happens, this scheme for the causeway at Makupa, which we now have an opportunity of getting at a much lower expense than in future years, will not be allowed to fall through.

HON. ALI BIN SALIM: Your Excellency, I am very sorry to hear what the Honourable Acting Chief Native Commissioner has said. He said there ought to be a road running from Freretown to Malindi. There are two roads. There is from Freretown to Malindi, and there is another running from Mariakani to Kilifi on which cars can go. As regards Freretown, there are over three hundred number of people there already, there are over three hundred people who have moved from Mombasa and have built houses at Freretown and the road to the north is the only road they can use. It is up to the Government to say whether this town is to be closed down if they build the bridge at Makupa.

HIS EXCELLENCY: The question is that the sum for the erection of a Supreme Court at Nairobi be substituted for Item 3, Causeway at Makupa.

mately productive. If you also take the Railway offices—which I presume the Railway will pay the interest on—and the Port and Customs, part of which Uganda will pay, I imagine that will bring the amount up to somewhere about £840,000 which is productive. As regards the rest I do not think the Honourable Member for Nairobi North can say that you can do what someone very well-known in the country once said you cannot do—you cannot put children in cold storage, they have got to be educated. It is perfectly evident you cannot have schools, the buildings of which are to be done out of the ordinary revenue of the country. A permanent school is a thing very largely for the future and I think it is quite right the future should carry a portion of the expenditure. That accounts for a very large sum. There is £145,000 and £125,000. The next thing on the list is the housing of the African employees of Government. I cannot imagine that anybody would dispute if you are going to improve your African Civil Service that you should have those people properly housed. I have always been a little nervous that they will be a little bit too well housed to allow the ordinary natives of the country to live on anything like the same lines. I think that is an important point and though I should like to see Government African Civil Servants better housed than the ordinary native it should not be out of proportion to the other native housing. The next thing is the improvement of the old Town of Mombasa. I know very little about that. Of the houses to be built at a cost of £420,000 a large proportion of this expenditure—£166,000, is not covered by rents. You have got medical buildings and other buildings which come to about £90,000 between them and then there is the King's African Rifles Lines which come to £80,000—I do not know how far that is covered by the site—but I think everybody must admit if you are going to have a smart force and have the Headquarters in Nairobi and train that force as a battalion you have got to have the personnel properly housed and that incidentally the officers also have got to have better houses than they have to-day. With regard to the Port offices and Customs everybody must admit we must have these offices as soon as possible. In regard to roads I have always been nervous. I have great doubts to-day whether we should in the future extend the policy of loans to any great extent for earth roads. After all the principle of a loan is either that it should be directly reproductive or that it should be used for building something which will last for a great many years, in which case you have the right to ask posterity to pay a part of the interest. In this particular case you have not got either. Plan for building roads in another thing. In regard to the survey. Before we can build any roads we must have a survey of the possible roads in the country so that when we do build roads we do

not waste money. I hope Government will think very seriously over this road programme. As far as I am concerned I see nothing in this loan that can very easily be cut out. We have had an undertaking from the Government and the Honourable General Manager that the branch line programme is going to be continued. We have had an undertaking from the Honourable Colonial Secretary that the educational buildings will not be put off for any other purpose. We have also heard that nothing will delay any proper increase in Port facilities. Under these circumstances I cannot imagine anybody objecting to voting this comparatively small sum for the betterment of conditions in this country. With regard to Government House. I have very little more to say except I entirely agree with every word that has been said. This Government House is not for the glorification of any individual but entirely for the country and for the good of East Africa as a whole. We have taken a long time over these things. I have not yet heard anybody in this debate say that any of these things put forward by the Committee and Government are unnecessary—with the sole exception of Makupa and I shall not give an opinion on that. I am like another Gentleman—I know nothing about it. That Gentleman might even speak again, and I do not wish to encourage him to break the rules of this House. I am going to vote for this programme as it stands, Your Excellency.

HIS EXCELLENCY: I do not wish in any way to protract this debate which has been very interesting, but before it is concluded and I call upon the Honourable Colonial Secretary to reply, I should like to make one or two remarks, not so much for the benefit of this Council as for the benefit of quarters in the outside world, particularly beyond the confines of this Colony, which sometimes find a good deal to criticise in our affairs. I have often seen criticism of that kind which was obviously uninformed, and it is incumbent upon us to state our case clearly.

Before I come to that, let me say in passing that I listened with particular satisfaction to what the Honourable and Gallant Member for Plateau North said about the encouragement of officials to settle in this country after retirement. That is a very important matter and I shall give it my close attention. I should like to add, without prejudice to the question of the Makupa Causeway, that I was also very glad to hear what was said about the necessity for a Supreme Court.

Now, hon. Members of Council, let me come to the criticism from which we are apt to suffer from the outside world. I have seen signs of criticism to the effect that in balancing the Estimates this year some of the expenditure which should have been charged against revenue has been

charged against loan. That is not the case, and since it is very bad for the credit and the reputation of the Colony that such impressions should gain currency, I think it may be just as well to correct these impressions at once. The principle on which we charge expenditure to loan funds or to revenue is perfectly clear. Like all young countries this Colony needs a great expansion of its public services, especially of the educational and medical services and of public works. It is, of course, essential that all such recurrent expenditure should be met from revenue; and every kind of recurrent expenditure in the 1926 Estimates has been met from revenue, and it ought to be. But part of the new expenditure is non-recurrent. It goes to provide permanent buildings, and equipment which will last a very long time, and it is quite proper that such expenditure should be met from loan and spread over what is with our annual payments to sinking fund a comparatively small term of years.

I listened with interest and approval to what the Noble Lord just said on the question of public works, and in particular of roads. It is very important that expenditure on roads should go into the making of permanent roads and not into temporary roads. In the loan proposals as they have been before Council the last few days, I am satisfied that a wise discretion has been used in what charges should be against revenue, what charges should be made against long term loans, and what charges should be made against short term loans, and it is necessary I think, that it should be understood inside and outside the Colony that there has been no departure from rigid financial principle in that matter. The adjustment in our Estimates and the fact that some of our expenditure was slightly reduced was absolutely necessitated by the present state of housing. I called for a private report from the Director of Medical and Sanitary Services upon this subject. I could read you very impressive examples which he gave, not only of officers suffering in health and nerves, and of the loss of many days of work in a station due to the sickness of the European staff caused entirely by the intolerable conditions in which they live, I will not keep Council by giving all those examples now, but I think it essential to emphasise the fact that officers required for the proposed expansion of Government services should not be engaged unless and until they can be housed adequately on, or soon after their arrival.

There is one criticism of our loan expenditure to which some weight is due. I have heard people say "If so much is required in the way of ordinary housing, is it wise to launch on other public buildings at the same time?" I quite understand that objection and I think it should be taken into consideration,

but to my mind the answer is perfectly clear. You cannot get the necessary housing done in this country unless the building operations are large enough to attract fresh enterprise. Furthermore, building operations will only put up prices against Government unless they are large enough to enable contractors to bring in large plant; to maintain an adequate supply of skilled supervisors, and to work on narrower margins of profit.

There is only one other consideration I should like to make a brief reference to before I close. It is perfectly true that a large building programme is required for individual officers, and for this or that section of the community in this Colony. But in addition to the needs of individuals and of the Colony, every community should think needs of this or that section, every community should think of those buildings that represent the life and the aspirations of the community as a whole. Westminster Abbey rose on the marshes of the Thames to represent the higher aspirations of the English people long before the organisation and equipment of the country were in other respects complete. In Kenya, you, hon. Members of Council, represent the public life, the common aspirations, the higher and the longer vision of the community, and I am glad that you have decided that these posts and services which stand for the Colony as a whole shall be housed in buildings worthy of the ideals and responsibilities of this, the keystone Colony of the British Empire in Eastern Africa.

The forces of destruction in the world have shown a great deal of faith in the last few years. Half a dozen men have met in a Swiss hotel with faith in their destructive ideals and in a few years a mighty Empire has fallen to the ground.

The constructive forces in the world must show an equal faith if they are to hold their own against the forces of destruction. We are set upon a great enterprise, a constructive enterprise, here. If we, the forces of construction in this Colony, do not hold firm our faith in the future of our handwork, history will show that, like all builders without faith, we built too weakly and therefore in vain.

HON. COLONIAL SECRETARY: Your Excellency, I do not propose to detain the House much longer in replying to this debate. I think the points raised have also been replied to by other speakers, and there is very little I can now add to this discussion. I will only deal with one or two points which have been made by individual members. I do not consider it necessary further to examine the argument for optimism versus pessimism. I should, however, like to say something in regard to the remarks made by the Hon. Member for Nairobi North. He stated that he believed that staff had not been

provided for in the proposals before Council. The staff is provided for in these Estimates and the cost does allow for the supervision and the employment of staff on the different works. The Hon. Member for Mombasa and the Hon. Mr. Pandya said that reference had not been made to the Mombasa Town Planning Scheme and thought that Government might make a statement in that regard. The Report from the expert, Mr. Jamieson, has only just been received, it was put before the Mombasa District Committee, but has not been seen by all members of that Committee and Government desires to have a full report before making any statement or before putting proposals before this hon. Council. A question was raised with regard to the telephone trunk route. I think we are all agreed that that is a most desirable work and of great importance to this Colony. We all hope that it may soon be possible to undertake the scheme, but it is not possible to carry out all these works however desirable at once, and such work as this is included in the fifth schedule of Expenditure which the Select Committee consider will be necessary in the near future. We are not discussing these proposals. The Hon. Member for West Kenya in his speech referred to another item under that head. These items, as I explained in my speech in moving the adoption of this Report, are not now under discussion. The Government realises the importance of these schemes, but Government is not asking this Council at the present time to commit itself to the approval of these schemes as they stand. They will have to be worked out further. These remarks apply also to the question of future expenditure in connection with Indian schools which was raised by the Honourable Mr. Shams-ud-Deen. He asked whether this hon. Council will agree to further provision being made. The answer is that until this hon. Council has concrete and definite proposals before it, it cannot pledge itself. We are quite in sympathy with the proposals; we realise there is a great deal more to be done for education, but if further proposals of this nature are brought forward they must be considered in conjunction with such educational schemes and policy as may be put later before this hon. Council. It has already been suggested that Council should consider an educational cess and in connection with that suggestion proposals for further expenditure can be considered. I think these are the principal points that were raised by hon. Members in the discussion of these proposals. There was one other point raised by the Hon. Mr. Pandya who asked whether the £14,000 for the Mombasa Hospital was intended for provision of medical services for other than natives. That provision is intended for a General Hospital for all communities. I will only conclude by saying that I think Government fully appreciates and shares the spirit of optimism which

has been referred to by several hon. Members. These proposals have been put forward by the Select Committee in no spirit of enthusiastic enterprise based on the fact that we have had one or two good years. They are founded on a healthy optimism and a healthy optimism which justifies such expenditure in the best interests of the future of this country. We all believe we have reached a stage where we can spend money to advantage, and to the benefit not only of those who are here to-day, but also of future generations. We have put before Council a definite working programme, and I believe the Council has long asked for such a programme. I must add in reply to the Hon. Member for Nairobi North that Government is using every effort to put before this hon. Council progress statements showing clearly the financial position of the Colony. We propose to go forward accompanied by financial statements, and we are satisfied that these financial statements justify the expenditure you are now asked to approve. I now move the adoption of the motion before the Council.

Motion put and carried. (No count.)

HIS EXCELLENCY: The question is:—

“That the Report of the Select Committee on Loan Proposals be adopted.”

Motion put and carried.

HON. E. M. V. KENKALY: I beg to move:—

“That before any alteration in the prevailing quarantine regulations in Northern Frontier District be made, a Committee be appointed to report on the way in which the interests of stock-owners can best be safeguarded against the introduction or spread of disease, and generally.”

I do not propose to go into the merits or demerits of this question. I merely wish to point out that the question involves a good many principles and requires a good deal of elucidation. The danger was that the Quarantine Regulations could be removed without reference to the country, and if that had been done it would have endangered a very large portion of my constituency. There are cattle from the north at present in the country which were brought into the country on the definite understanding that they would be sold in the country and then taken out of the country; but that has not been done, and those cattle are still in the country, and the traders are squatting on land which should be used for other purposes.

It is suggested that cattle which have been brought into those districts would be used either by the European or the Native community. We have been told on many occasions

that the native reserves are over-stocked, so obviously it would be impossible for the natives to buy that stock. If they did, I submit that most of the cattle would die. Nearly all the diseases come from the North. Rinderpest is at present exceedingly rampant in that area, buffalo and eland are dying from rinderpest there, and it is essential that we should have something more than the assurance of the Veterinary Department so that it would be possible to safeguard us. If the suggestion is that this should be done; it is essential that we be furnished with a guarantee against possible losses.

In that area there are vested interests involving very large sums. In the past when the Northern Frontier district was first opened up there was no high grade cattle.

I merely wish to show that there are many questions to be considered, and therefore I hope Government will consider this motion, and if possible appoint a Select Committee to go into it, instead of allowing the present quarantine restrictions to remain, which may be detrimental to the country.

I sincerely trust this motion will be accepted.

HON. W. MACLELLAN WILSON: I beg to second the motion.

HON. DIRECTOR OF AGRICULTURE: I beg to move the following amendment to the motion:—

"To leave out from the word 'on' to the end of the motion and substitute the following:—

"Upon the advisability, both from the standpoint of stock-owners and in the public interest, of permitting the movement of stock from the Northern Frontier District to other parts of the Colony."

The view is held that it is not necessary to appoint a Committee to do the things which the motion asks that a Committee should do. Government does not consider it necessary to appoint a Committee to report on the way in which interests of stock-owners can best be safeguarded against the introduction of disease. The methods which should be adopted in that connection are well known to the professional and administrative officers, but I think Honourable Members will realise that that is not the gist of the Motion. The gist of the Motion is contained in the words "generally", and I submit that the use of the word "generally", having regard to the importance which would be attached to it, is both ambiguous in the motion and not sufficiently explicit. That is why I am desired on behalf of Government to put the amendment before the House.

I do not propose to traverse the merits of the case nor to prejudice what might be the findings of this Committee, but the reasons why Government are prepared to agree to the appointment of a Committee and the position with regard thereto are broadly as follows:—Pleuro-pneumonia has existed in this area for some considerable time, and a quarantine has been imposed since 1922. There is reason, however, to believe that the stock in that area is now free from pleuro-pneumonia. The Senior Administrative Officer of the District has advised that there is a very considerable quantity of stock available for disposal from that area. At the same time, other parts of the country are crying out for more stock.—Stock on the hoof and stock for slaughter purposes. Every section of the community in Nairobi is feeling the pinch at the moment, because of the shortage of meat of different kinds. It will be admitted that meat is far too high in price at the present time, having regard to the large numbers of stock that are moving about the country. But it will also be admitted that other kinds of stock, both breeding cattle and slaughter stock, are too dear. This Committee which the amendment proposes is for the purpose of examining all these questions and to advise Your Excellency's Government thereon. In addition it should look into the question of controlling the trade in stock in this particular part of the country and in some directions the stock traders also, again whether there should be some restriction put on the movement of certain kinds of stock from that part of the country without adversely affecting certain sections of the community.

Consideration would be given by the Committee to the interests of Native and European stock-owners, not only with regard to protecting them from disease which may be introduced from this part of the country, but for economic reasons. All these matters should be well considered and examined by this Committee, and I think it would be helpful to Government if a Committee were appointed to submit a report on the matter before any step is actually taken to open the Quarantine Station at Isiolo and to permit the movement of stock.

RT. HON. LORD DELAMERE: Your Excellency, I would like to second that motion, for two reasons. First of all because I think it is important that the terms of reference of a Committee of this sort are perfectly clear. Secondly, in the hon. Member's motion he does prejudice the issue. He gives the idea it is already settled there is going to be an alteration in the prevailing quarantine. Though I feel this matter should be gone into very carefully for many reasons yet I think it has got to be very carefully gone into because you have to deal with the most infectious diseases—pleuro pneumonia—and one on which this quarantining was put because of the danger

of introducing that disease and I do think it has got to be carefully gone into and for that reason I beg to second the motion.

HON. E. M. V. KENEALY: Your Excellency, in this amendment suggested by the Hon. Director of Agriculture I smell "fish". It is dangerous. It embraces a far wider question. It is a real herring. I want the interests of farmers who have grade stock in this country considered. They are the persons we have got to protect against this menace and I think it is essential the motion should be worded as I have put it. I could talk you into submission if I talk for a wider days and I could talk for three days if it is got on a wider basis. The amendment is an exceedingly bad one. Several matters have been mentioned to show the necessity of having this quarantine. Surely the needs of the stock-owners and generally embraces the same thing—both the public and the stock-owners? We merely wish to have our side of the question heard.

Amendment of Director of Agriculture put and carried.

The following Committee was appointed:—

The Director of Agriculture (Chairman).

The Senior Commissioner, Kikuyu.

The Chief Veterinary Officer.

The Right Hon. Lord Delamere.

The Hon. Capt. J. E. Coney.

The Hon. Major H. F. Ward.

The Hon. E. M. V. Kenealy.

The Hon. M. A. Desai.

Motion by the Hon. M. A. Desai:

"That this hon. Council is of opinion that the colour bar existing in the services of the Uganda Railway and those of the Colony and Protectorate of Kenya be forthwith removed."

HON. M. A. DESAI: I understand Government has appointed some committee to consider the Terms of Service. If that Committee is going to consider the Terms of Service of the Asiatic and African members of the staff, I would apply for the postponement of this motion, and I would ask the Government to appoint two Indian members on that committee.

HON. COLONIAL SECRETARY: I am not aware that such a committee has been appointed, as the Economic and Finance Committee has looked into various questions with regard to

anomalies in the Service and other matters. There is no suggestion, as far as I am aware, of appointing a Terms of Service Committee.

HON. TREASURER: The Hon. Member asked me something about pensions, and why certain other officers were on the pensionable establishment and certain other officers were not. I informed him that the question of pensions was one that was under the consideration of the committee, and the information I gave him had nothing to do with the question now raised.

HON. M. A. DESAI: I understood him to say it was considering the question of Terms of Service.

My motion is that a man should be paid according to his merits, and not according to the colour of his skin. To-day in the services of the Uganda Railway and the Protectorate of Kenya there are officers who should have been on the European Clerks' grade, but because they are Asiatics they are not on that grade. I understand that the Terms of Service of the Colony are only accepted by the Hon. General Manager as far as the European Staff is concerned, but that the terms governing the salaries of Asiatics and African members of the staff of the Colony and Protectorate are not accepted by him. My information is that before the appointment of the Hon. General Manager of the Uganda Railway no distinction was made—that is, no rigid distinction was made—between the European and Asiatic clerks. The Hon. General Manager has assured us on more than one occasion he is a great believer in that policy, even if he is not a politician. The first step that he took was to make a substantial cut in the salaries of the Asiatic staff by one-sixth, while the European staff only had a cut of 20 per cent. in their allowances—and not in their salaries. It is a principle recognised throughout the world that a man should be paid according to his merits. I understand that before the present scale was fixed some of the Asian members—some of the Indian drivers on the Uganda Railway—were drawing the maximum salary which was being drawn by the Indian and European Members. These Indian drivers are discharging their duties, which are very responsible, in an excellent manner. My information is that the Asiatic-Indian drivers drove the train in which Their Royal Highnesses were brought from Mombasa and were taken from Nairobi to the Kisumu. Now if these engine-drivers are responsible for the accidents, and if they are brought into Law Courts, the magistrates or the judges are not going to make any distinction, and as my experience shows unfortunately the Asian Members, when they are brought before the Courts, get much of law and little of justice! So, in the interests of all con-

cerned, if the European and Asian members of the staff are going to be held equally responsible then we must treat them alike. My information is, further, that at the desire of the European public the Hon. General Manager appointed European station masters on the new lines on the Usin Gishu. I am also informed that he put seven European station masters—I am speaking subject to correction, of course, on different stations, and because they were found unsuitable they have had to be replaced by Asian station masters. My further information is that these Asian station masters are not drawing the salaries that were drawn by their predecessors.

Many posts were filled by Asiatics with great credit in the Chief Accountant's Office and other places, but I understand that their posts have been taken up now by European lads who have not had much experience, and who are not efficient. These same remarks apply to some of the posts in the Government Departments also. I understand that when the adoption of the Asiatic Civil Service was instituted by the Hon. Colonial Secretary—and here I also speak subject to correction—he stated that they could look upon him as the President of their Association, and my further information is that afterwards the same gentleman wrote to the Colonial Office stating that he would replace the present members of the Asiatic Civil Service by Europeans and natives within the next ten years. Well, I submit if this is true it is not playing the game. I do not think that if Asiatics are employed in the services of the Uganda Railway and Government that they should be treated differently from others; they should be paid according to their merits.

The chief grievance of the Asian and African members of the staff is that they do not get their due promotions; they are not well treated in the matter of pensions. The Asiatic members complain that they are not drawing proper allowances; they do not get family passages; they have no Widows' and Orphans' Pension Fund, and they do not get proper hospital facilities. Although the Asians do not aspire to be 1st grade officials, they consider they can very well fill such posts as Office Superintendents and Assistant Accountants, as well as Senior Clerks.

Up till 1920 they did not have much to complain about, but in 1921 the Official Members of this House pressed for the appointment of Europeans and for the retrenchment of Asiatics.

Your Excellency, I hope this time that I will not be told by the Government spokesmen that the Indians or the Asians are not efficient, because I think I have here sufficient authorities to satisfy them on that question, and with Your Excellency's permission I beg to quote a few.

The following extracts are taken from the speeches (as reported in the local "Leader" issues of 18th and 19th October, 1921), delivered in the course of a debate in the Local Legislative Council on the subjects of reduction of Asian salaries and replacement of Asians by Europeans:—

"The Treasurer (Mr. W. A. Kemp):

From his own experience in the Treasury he could say he had clerks with many years' experience who were certainly more useful and more competent than would be an European clerk on a higher rate of pay."

"The Treasurer maintained that if senior grade clerks retired as suggested, it would result in disorganisation. His own department would be thrown into confusion if Europeans were substituted."

"The Colonial Secretary (Lt.-Col. W. K. Notley) pointed out that Asiatic allowances were smaller than those of the Europeans and, from figures compiled by him, he asserted that, on the basis of the same qualifications, an European in the first ten years cost the Government £3,023 as against £2,246 for the non-European. He pointed out, as an example of the efficiency of these Head Clerks, that in the Customs Department it would be necessary in a short time owing to the retirement of an Asiatic drawing £312, to replace him by an European on the scale of pay of an Office Superintendent to have the work carried on, if the suggestion of the Elected Members was agreed to."

"The Director of Public Works (Mr. W. McGregor Ross) also eulogised Asiatic Head Clerks and declared in many cases they were practically accountants and would be difficult and expensive to replace by Europeans."

"His Excellency the Governor (Sir Edward Northey) said he had examined the question of Asiatic salaries right through the country and did not think they were out of the way in view of the fact that they were extraordinarily efficient and earned their pay all the time."

Well, Your Excellency, I cannot believe that this efficiency can all of a sudden disappear. The Colonial Secretary has provided for the retrenchment of six Asian members of his staff, and for eight Europeans to be employed in 1926, and he stated in a Select Committee that he was guided by the sole question of efficiency. In this connection I beg to state that if the question of examinations were brought up the question of efficiency could be decided, but otherwise the mere statement that this retrenchment is on

account of inefficiency does not satisfy me. Provision has been made for the examination of Asiatic and African members of the staff. I submit that there should be examinations for Europeans, Asians and Africans alike. I do maintain that we should have one standard for all servants—whether first class, second class, third class, fourth class, and so on, and that people should be paid according to the posts they hold and not according to the colour of their skins. On this question I see some members smile. I want to mention climatic allowance. I submit that it remains on the part of those who oppose this to prove that the Asiatics do not suffer from tropical diseases. Statistics will show that Asiatics do suffer from tropical diseases in this country, even although they do come from India. I have got figures here which will prove that, and which do show that the climate of this country does tell upon the Asian members of the staff also, and it is just as well that the Asian members of the staff should be paid climatic allowances.

In conclusion, I would like to say, for the information of hon. Members, that the following privileges are enjoyed by the European members of the staff but not by the Asian members:—

Furniture Allowance: It will be conceded that some sort of furniture is required by the Asian members of the staff also, and even if they are not going to receive furniture according to the European scale, they should be considered on this point.

Travelling Allowance.

Privilege Leave.

Travelling Expenses.

Family Passages: I understand that half the cost of the passages of the wives and families of the European members is allowed, but nothing is allowed in the case of Asian members. There is also a scheme for Widows' and Orphans' Pensions for Europeans, but nothing for Asians.

Hospital Facilities: There are no adequate facilities provided for the Asian Staff. At Nairobi 10 beds are reserved for Asians in general at the K.A.R. Native Hospital. The rooms are of corrugated iron without wood lining and ceiling. These are in such a bad condition that none of us would like to live in them in ordinary circumstances and much less housed when ill. The food provided is entirely unsuitable and patients have therefore to make their own arrangements in this respect. There are about 350 Government Asian officials alone in Nairobi.

At Mombasa about 8 beds are available for the Asian community at the Native Civil Hospital, and although the quality of the accommodation provided is far better than at Nairobi, it is not sufficient for the needs of the station, where there are about 200 Asian Government officials. The same remarks about food arrangements apply.

No sort of hospital arrangements exist at Kisumu, where there is a good number of officials. Provision for this was inserted in the 1925 Estimates, but has been subsequently deleted.

Now, Sir, I do not want to take up very much more of the time of this hon. House, and I do hope that this time the Government spokesman will not tell me that repeated representations have been received by the Hon. General Manager of the Uganda Railway and by the Colonial Secretary, and that they have been accepted by the Secretary of State for the Colonies, and that is why the present state of affairs is satisfactory.

I beg to submit that there are no Asian officials to fight the case of the Asian subordinates in the Government, and I also hope that the Government spokesman will not inflict such an injury by endeavouring to impair efficiency.

When there was a war the Asian members of the Uganda Railway were also declared to be under the Martial Law Service, and I know that many European officers who did not go out of their offices in Nairobi got farms under the Soldier Settlement and Pensions Scheme. The Asian members, however, had to go to the front, and were not given anything by the Empire.

The Rt. Hon. H. H. Asquith, the British Premier at the time, on the 4th September, 1914, at the Guildhall, in a speech said:—

“ We welcome with appreciation and affection their (Indians) Aid; and, in an Empire which knows no distinction of race, colour, or class, where all alike, as subjects of the King Emperor, are joint and equal custodians of our common interest and fortunes, we here hail with profound and heartfelt gratitude their association with side and shoulder to shoulder with our Home and Dominion troops, under the flag which is a symbol to all of a unity that the world in arms cannot discover or dissolve.”

That word of the British Empire is binding. That is also the policy of His Majesty the King Emperor. Sir, you are representative. . . . (interruption).

It is quite possible that Asiatic Drivers took the train for the Duke of York on certain sections of the line; I would be the last man to exclude them just as much as I would be the last man to exclude the native drivers, as there have been one or two quite capable of doing this work.

The hon. Member has referred to European Station-masters: it is my intention to put European Station-masters wherever I think they are necessary, and if I find them unnecessary, I shall remove them and replace them by either Asiatics or Africans, according to circumstances. As the General Manager of Railways I must insist on that being left to my own discretion. It is the case that there have been European Station-masters on the Usin Gishu Railway; they were taken away from there not because they have been unsatisfactory, but because of the rate of pay of the station not being considered sufficient. I considered, too, that the size of the stations on the Usin Gishu did not warrant the higher rates of pay. The hon. Member has no right to challenge my statement when he happens to know nothing about the matter. I intend to put European Station-masters wherever I think it is necessary to do so, and if I find afterwards it is unnecessary to put them there and we can have an African or an Asiatic doing the work, I shall make the change.

With regard to the question of pensions, that does not really affect the Railway Service. Our Provident Pension conditions are very much the same for Asiatics as for Europeans.

I do not think I need say any more. I do not consider that the hon. Member has spoken to his motion as printed. I consider that he has taken this opportunity to make a general attack on certain differentiations in Conditions of Service. (Hear, hear).

HON. SHAMS-UD-DIEN: I think I have the reputation of being a short speaker, and I do not intend to make a long speech.

I support this motion. My intention is not to go into details, as the hon. Mover of the motion has done so, but to confine myself to the general principles. I think the principle of very great importance, and in this connection involves bigger matters than I think any of the hon. Members in this House realise. It is a great Imperial question. It is a question which has been the cause of the downfall of the strongest of nations and empires in the world. I am a very firm believer in the British Empire in India and the outside world being an act of Providence and not an accident, and I also firmly believe that the stability of the British Empire is entirely dependent

upon justice and not on any materialistic resources or powers other than those of justice, on which the Empire was originally built, and which will support that great structure as long as the fundamental principle is not affected. My ancestors also ruled India and countries abroad for about 900 years, and as long as they stuck to that principle of justice they remained in power, but the moment that principle was departed from very serious consequences resulted.

I think the hon. Mover has taken great pains to go into the details of the thing. I do not think there is any attempt on the part of the Government to conceal the fact that there is decidedly a colour bar in force in this country.

The disparity between the two branches of the Service is so remarkable that I think it is almost a waste of time to go into the matter. I only want to just illustrate one instance that was mentioned here. A few days ago when I attacked the policy of the Hon. General Manager as regards his false economy, he told me that he had not effected any economy which had resulted in any accidents. He stated that where there was only one driver driving a train there still remained only one driver there, and it was not the case that he refused two drivers.

Now an Asiatic Driver drives a train and brings it from one point to another, just the same as an European driver does, but the Regulations are that a second-class European Driver draws more allowance than a first-class Asiatic Driver does for doing exactly the same kind of work and taking the same responsibility.

As regards the prospects of a British Indian in this Colony rising to a higher position, I think it is only trying to get away from the position when it is said that there are no highly qualified Indians in this country, because the policy of the qualified country is known generally to the wide world, and no qualified Indian can possibly be attracted to join the Services of this Colony—either the Railway Service or the Government Service, for the simple reason that it is known there is no room for them.

I adopted this country as my country. I have lived here for over 25 years; I have two sons now receiving education, and my intention is to give them the best education I can afford, and it is also my intention to persuade them to settle down in this country; but I cannot possibly see where, after receiving the highest education and training in England, there is going to be any possibility of their being retained in either the Railway or Civil Service. It is true that at the present moment in the Government in this country as it exists

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the European element is such that it is in a position to brush aside all these arguments and to treat them with contempt, but that does not do away with the fact that this country has a colour bar.

I think I ought to say as a true friend of the British Empire, who really means to keep up the traditions of those Empire builders who always advocated that this colour bar should no longer exist, that as long as a man remains a British subject and is efficient he should be admitted to the higher posts in the Service, that he should really be taught to belong to the Empire, and that he should know that his future prospects are secured in the country and that he can share in its prosperity.

HON. COLONIAL SECRETARY: Your Excellency, I am very glad to meet the arguments that have been put forward by the hon. Mover of this motion—in the position of Colonial Secretary, and I hope also as President of the Asiatic Civil Service Association.

I shall be very glad indeed to be President of the Asiatic Civil Service Association, as I should be to be President of any Association of Civil Servants in this Colony. I believe that in the Asiatic Civil Service here we have many admirable men doing excellent work in the Colony, but that is not the question which has been brought before this hon. House this afternoon. We have heard of a colour bar. This suggestion of a colour bar has been deliberately brought into this debate without, as far as I can see, any justification whatsoever for the use of those words, or any attempt to justify that expression.

The hon. Mover suggested that when replying to this motion Government should leave out the question of inefficiency—that he would not be satisfied with any reply which dealt with this question on the grounds of efficiency or inefficiency. Now, that is one point which Government cannot leave out in any discussion of the questions raised, because it is the point on which the whole question hangs. We have heard nothing at all from the hon. Mover of this Motion of any cases of injustice, or any cases of officers who might be holding posts other than the posts that they hold at present. I have had considerable experience of Colonial Clerical Services, and of the pay, position and promotions of Asiatic staffs, and I can say without any fear of contradiction whatsoever that the Asiatic clerks in this Colony are extremely well paid. They have privileges and concessions which they do not get in any other country in which I have been. I am glad that they do get those privileges and concessions, if they deserve it, and many of them do deserve it, but we have to

consider this question from the point of view of what the labourer is worth. The labourer is worthy of his hire, and in these cases the question is are we paying a just wage or are we not paying a just wage.

The hon. Mover of this motion said that in the Secretariat it was proposed to substitute for six Asiatic clerks eight European Clerks, and he stated this was an injustice. It was explained by the Select Committee that there is no injustice whatsoever—it was purely a case of efficiency and getting the work of the Government done to the best advantage. I have in my office one or two excellent Goan clerks, and I am very glad to pay a tribute to their work. In other departments, too, there are good Goan clerks, but to-day we are not getting that type in the Government Service. We have decided to have an examination for African and other members of the Government Service and not for Asiatics. The Regulations governing these examinations were sent to the Asiatic Civil Service Association for their remarks and suggestions, and accepted their suggestions, when we could. We drew up a list of subjects, which were generally approved in toto, and an examination was held. It was suggested that a minimum should be allowed in English and other subjects, but I regret that in his report to me the Director of Education stated that it was quite impossible to pass anybody with the minima stipulated for. At one examination, at which the subjects were such simple ones as English, arithmetic, typewriting, accounts, Code of Regulations and General Knowledge, the number of marks required for a pass was thirty-three and a third per cent, but only nine Asiatic candidates out of twenty-two succeeded in passing. The Director of Education stated that Goans and Africans were very weak in arithmetic, and as this is a compulsory subject, a large number of them failed. Now, I think the hon. Mover would be doing a great service to this community if he encouraged them to improve their status and their standard of education, and to see that they improved their knowledge by studying such useful subjects as arithmetic, instead of raising this question in Council.

The hon. Mover stated that Asiatic Civil Servants have been deprived of privileges which they have earned. Now this is not so. On the other hand, I can quote instances to show the advantages derived by Asiatic clerks which have not been derived by Europeans. The local allowance was incorporated in the salary of the Asiatic clerks and not in the salary of the European clerks. I do not want to pursue this matter, but I maintain that everything goes to show that the Asiatic Members of the staff have been fairly and justly treated.

I have received representations on one or two occasions. The last representation was on the question of sick leave. They

made their point with regard to this matter, and stated they desired to enjoy the same privileges in this connection as the European members of the staff. In this regard they did make out a case, and their point was met.

Representations have also been made to the Secretary of State with regard to the scales of pay for the Asiatic Civil Servants. At an interview with the Asiatic Civil Servants the proposals were considered, which improved the conditions very much. Government is always prepared to listen to representations from all its servants. There is no question whatever of a colour bar, and the suggestion of a colour bar deprives this motion of any standing whatever, as it has attempted to introduce into the discussion a question which should be based on actual facts—a suggestion of prejudice. There is no prejudice in the mind of Government in regard to these matters, but the point is that we must have efficiency. We pay for efficiency and where officers have proved themselves they are welcomed and promotion is given to them. But they must prove themselves, and show that they are worthy of the promotions.

HIS EXCELLENCY: The question is:—

“That this hon. Council is of opinion that the colour bar existing in the Services of the Uganda Railway and those of the Colony and Protectorate of Kenya be forthwith removed.”

The motion was lost.

On a division: *Ayes:* 2. *Noes:* 26.

HON. E. M. V. KENEALY: Your Excellency, I beg to move:—

“That this hon. Council recognises the urgent need of water legislation being enacted forthwith.”

Your Excellency, the District Committees require guidance in the principles of Water Regulations, which guidance is not available at the present moment. For instance, they do not know whether water for irrigation or water for power purposes should have precedence. There is no general scheme laid down at present. There is a tremendous waste of water for power, and we are told that the Government's claim to possess all the water rights in the country cannot be demonstrated. Therefore, I think for these reasons alone the necessity for water legislation is demonstrated.

I will not elaborate on the subject, because I think it is generally accepted throughout the country that water legislation should be enacted forthwith.

RT. HON. LORD DELAMIER: I will second this motion, although for some time I have been in doubt about having immediate legislation for water. But I do think that the time has come for certain main principles to be laid down in the Water Law, in order to do away with the present elastic system, even although I think it is quite a good one.

With regard to the question as to whether water for irrigation or water for power purposes should come first, there is nothing to lay that down, and there really should be some legislation by which broad principles can be laid down. I should like to say quite a lot about this, but I think time is very short, and I shall simply second the motion.

HON. DIRECTOR OF PUBLIC WORKS: This motion is a very important one. The water resources of a country are one of the most important of its natural resources. I do not think the hon. Mover of the motion has stated the existing procedure quite rightly, and before we consider this question of new legislation, it is necessary to understand what the existing legislation is and how it can be improved. (Procedure explained by the Director of Public Works). I do not propose to go into the question of Water Law in other countries. I have made some study of the Water Law of other countries. I also studied the Water Laws of South Africa and Rhodesia when in those countries, and a short memorandum which I wrote at that time gives a good deal of information about Water Law.

I am authorised on behalf of Government to say that Government accepts this motion, but they will not be able to take action on it until the report of Mr. Lewis, the water expert, who recently visited this Colony has been received. This is a matter which has been referred to him, and is a subject on which he has considerable knowledge. (Hear, hear).

HIS EXCELLENCY: The question is:—

“That this hon. Council recognises the urgent need of water legislation being enacted forthwith.”

Motion put and carried.

HON. E. M. V. KENEALY: I beg to move:—

“That the order of priority in construction of branch lines should be decided upon and that the following lines should be considered in connection with this decision:—
Gilgil-Thomsons Palla, Nyeri-Nanyuki, Kericho-Sotik, Thika-Donyo Sabuk.”

The reasons for asking that an order of priority should be laid down are elementary and axiomatic, and it is therefore unnecessary for me to elaborate further.

RT. HON. LORD DELAMERE: I would like to second this motion. I am quite sure Government is going to accept it, and I hope they will accept it shortly. (Laughter). Otherwise I do think that we ought to have some warning, because I should like to say a good deal about it. I think the point really is that the Hon. General Manager has stated that the Railway will finish their present programme by 1927, and if that is the case it is important that people in districts where they are going to lay branch lines should know, so that they can get on with development.

HON. GENERAL MANAGER, UGANDA RAILWAY: I do not quite like the word "motion", but I would suggest that the Government accept it only inasmuch as it will give the matter consideration.

HIS EXCELLENCY: Is the hon. Mover of the motion prepared to go on with the motion?

HON. E. M. V. KENEALY: That is rather a challenge from the Hon. General Manager. It is really a challenge! It means that he is asking me to elaborate all the points.

HON. GENERAL MANAGER, UGANDA RAILWAY: The hon. Member has misunderstood the position. The motion says:—

"That the order of priority in construction of branch lines should be decided upon and that the following lines should be considered in connection with this decision:—

Gilgil-Thomsons Falls, Nyeri-Nanyuki, Kericho-Sotik, Machakos, Sergoit, Kavirondo, Solai, Thika-Donyo Sabuk."

I suggested this morning that the Government should adopt a branch line policy and that it should decide what amount should be added to some future loan to provide for future branch lines, and to ask the Inter-Colonial Council to report on the merits of individual lines. I do not like the way this motion is worded, because I do not think the Government ought to be called upon quite in this way to decide upon priority. I think what should happen is that the hon. Member should withdraw the motion on the promise from the Government that the whole question of branch line development will receive consideration on the lines as suggested this morning.

RT. HON. LORD DELAMERE: May I suggest to the hon. Mover that if Government will give an assurance that this

matter will be gone into before next session that he will withdraw the motion?

HON. E. M. V. KENEALY: With the permission of my colleague I withdraw it.

HIS EXCELLENCY: The motion is withdrawn.

BILLS.

HON. COLONIAL SECRETARY: I beg to move the third reading and passing of a Bill intitled an Ordinance to supply a sum of money for the service of the year ending the 31st day of December, 1926.

HON. TREASURER: I beg to second the motion.

Motion put and carried. Third reading passed.

HON. COLONIAL SECRETARY: I beg to move the third reading and passing of a Bill intitled an Ordinance to make provision for taking the Census of Kenya as and when may be required.

HON. ACTING ATTORNEY GENERAL: I beg to second.

HON. W. C. MITCHELL: I beg to move that this Bill may be re-committed, in order that I may have an opportunity of speaking on it and moving an amendment. The amendment is in Clause 13 that the words "liable to a fine of £5" be amended to read "liable to a fine not exceeding £5."

HIS EXCELLENCY: I am quite prepared to accept that amendment, and the hon. Member's motion that the Bill be re-committed in order that the amendment may be passed.

HON. ACTING ATTORNEY GENERAL: I beg to move that the Bill be recommended to a Committee of the whole Council to consider the amendment.

In Committee.

HIS EXCELLENCY: The question is:—

"That the word 'liable to a fine of £5' be amended to read 'liable to a fine not exceeding £5', in Clause 13." Motion put and carried.

HON. ACTING ATTORNEY GENERAL: I beg to move that the Bill as amended be reported to Council. Motion put and carried.

Council resumed its sitting.

HIS EXCELLENCY: I have to report that a Bill intitled an Ordinance to make provision for taking the Census of Kenya as and when may be required was recommitted to a Committee of the whole Council; that an amendment was made to Clause 12 and passed. The amendment is:—

“ That in Clause 12 the words ‘ liable to a fine of £5 ’ be amended to read ‘ liable to a fine not exceeding £5. ’ ”

HON. COLONIAL SECRETARY: I beg to move the third reading and passing of a Bill intitled an Ordinance to make provision for taking the Census of Kenya as and when may be required.

HON. ACTING ATTORNEY GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. ACTING ATTORNEY GENERAL: I beg to move that a Bill intitled an Ordinance to Amend the Patents and Designs Ordinance, 1913, be read a third time and passed.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. ACTING ATTORNEY GENERAL: I beg to move that a Bill intitled an Ordinance to amend the Wireless Telegraphy Ordinance, 1913, be read a third time and passed.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. ACTING ATTORNEY GENERAL: I beg to move that a Bill intitled an Ordinance to amend the Arbitration Ordinance, 1913, be read a third time and passed.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. COLONIAL SECRETARY: I beg to move that a Bill intitled an Ordinance to make provision for the payment of annual allowances to the widow and children of the late Sir Robert Thorne Coryndon and to establish a trust for the administration of the allowances to the children be read a third time and passed.

HON. ACTING ATTORNEY GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. ACTING ATTORNEY GENERAL: I beg to move the third reading and passing of a Bill intitled an Ordinance to amend the Civil Procedure Ordinance, 1924.

HON. ACTING SOLICITOR GENERAL: I beg to second.

Motion put and carried. Third reading passed.

HON. COLONIAL SECRETARY: In view of the fact that Council has completed its business to-day I should like to ask permission to lay on the table of the House papers with regard to the removal of Native Residents from Mr. A. G. Hoey's farm in the Trans Nzoia.

HIS EXCELLENCY: Council is adjourned *sine die*.

(Council adjourned *sine die*.)

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